

GLOBAL
PLURALISM
MONITOR

SRI LANKA

The background features a series of overlapping, thick-lined circles in various colors: teal, dark blue, white, light green, and yellow. The circles are arranged in a way that they appear to be layered, with some partially obscuring others, creating a dynamic and modern visual effect.

Global Pluralism Monitor: Sri Lanka

by Global Centre for Pluralism

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ABOUT THE SERIES

This report was developed using the Global Pluralism Monitor Assessment Framework. The Global Pluralism Monitor's country assessments are conducted by a team of experts on diversity issues who are either country nationals or have significant experience in the country.

The scores presented in this report should not be interpreted as part of a universal scale or ranking system that applies to all countries in the same way. Instead, scores should be understood as a context-specific indication of the country's progress toward (or away from) a pluralistic ideal. For example, a post-conflict society that still experiences violence – but comparatively less than at the height of conflict – might have a similar score to a society that has been peaceful but has recently experienced a surge in hate crimes. The Global Pluralism Monitor aims to assess countries on their own terms to reflect the highly contextual nature of pluralism: there is no single route to success that all societies must follow.

For more information on the Monitor and its methodology, visit our website at pluralism.ca/monitor.

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ABOUT THE GLOBAL PLURALISM MONITOR

What is pluralism?

Diversity in society is a universal fact; how societies respond to diversity is a choice. Pluralism is a positive response to diversity. Pluralism involves taking decisions and actions, as individuals and societies, which are grounded in respect for diversity.

MEASURING INCLUSION AND EXCLUSION IN DIVERSE SOCIETIES

Living and engaging with differences in society is a challenge all societies face. As inequality, marginalization and divisions rise, building peaceful and inclusive societies is ever more urgent.

Vulnerable groups, including religious and ethno-cultural minorities, Indigenous groups, and women and girls, face ongoing political, economic and social exclusion. To foster more just, peaceful and prosperous societies, these exclusions must be addressed. To take meaningful action, policy makers and practitioners need a holistic understanding of these issues.

Launched by the Global Centre for Pluralism, the Global Pluralism Monitor is a measurement tool that assesses the state of pluralism in countries around the world. Across political, economic, social and cultural domains, the Monitor informs decision-making to address root causes of exclusion and improve the prospects for pluralism.

Enhances existing efforts by governments, civil society and the private sector

The Monitor enables:

- Gap analysis: to assess the state of pluralism in societies and identify areas in which intervention is needed to address exclusion;
- Trends analysis: to track a country's trajectory over time, either towards greater inclusion or exclusion;
- Intersectional analysis: to assess the treatment of women in societies, accounting for intra-group dynamics of inclusion and exclusion;
- Conflict prevention: to identify signs of exclusion and marginalization before crisis becomes imminent;
- Good practices: to identify initiatives that are having a positive impact that could be further developed, or serve as lessons for other contexts.

Approach rooted in both institutional and cultural responses to diversity

The Centre's approach to pluralism focuses on institutions (hardware), cultural processes (software) and the complex interactions between the two. Institutional arrangements – such as constitutions, legislatures, courts, and systems of government – outline the legal and political spaces within which members of societies act. Cultural habits or mindsets shape our perceptions of *who belongs* and *who contributes*, and influence how we interact with one another every day.

The Monitor Assessment Framework is rooted in the interplay between institutional and cultural responses, and measures inclusions and exclusions across political, economic and social dimensions. Its 20 indicators cover the following:

1. Legal commitments in support of pluralism;
2. Practices by state institutions to realize commitments;
3. Leadership towards pluralism from societal actors;
4. State of group-based inequalities;
5. Intergroup relations and belonging.

Informed by expertise and data

A team of national experts on diversity and inclusion in the country uses the Monitor Assessment Framework to produce a country report, drawing on a range of qualitative and quantitative data. The reports offer recommendations for policymakers and practitioners on how to advance pluralism, and offer a basis for dialogue with stakeholders across the society.

Each team of experts is encouraged to define the story *they* want to tell about pluralism. In this way, the reports are grounded in the local realities and designed to have the most potential impact on policy and practice.

The Monitor is guided by an international Technical Advisory Group of leading experts on indices and diversity issues.

GLOBAL PLURALISM MONITOR ASSESSMENT FRAMEWORK

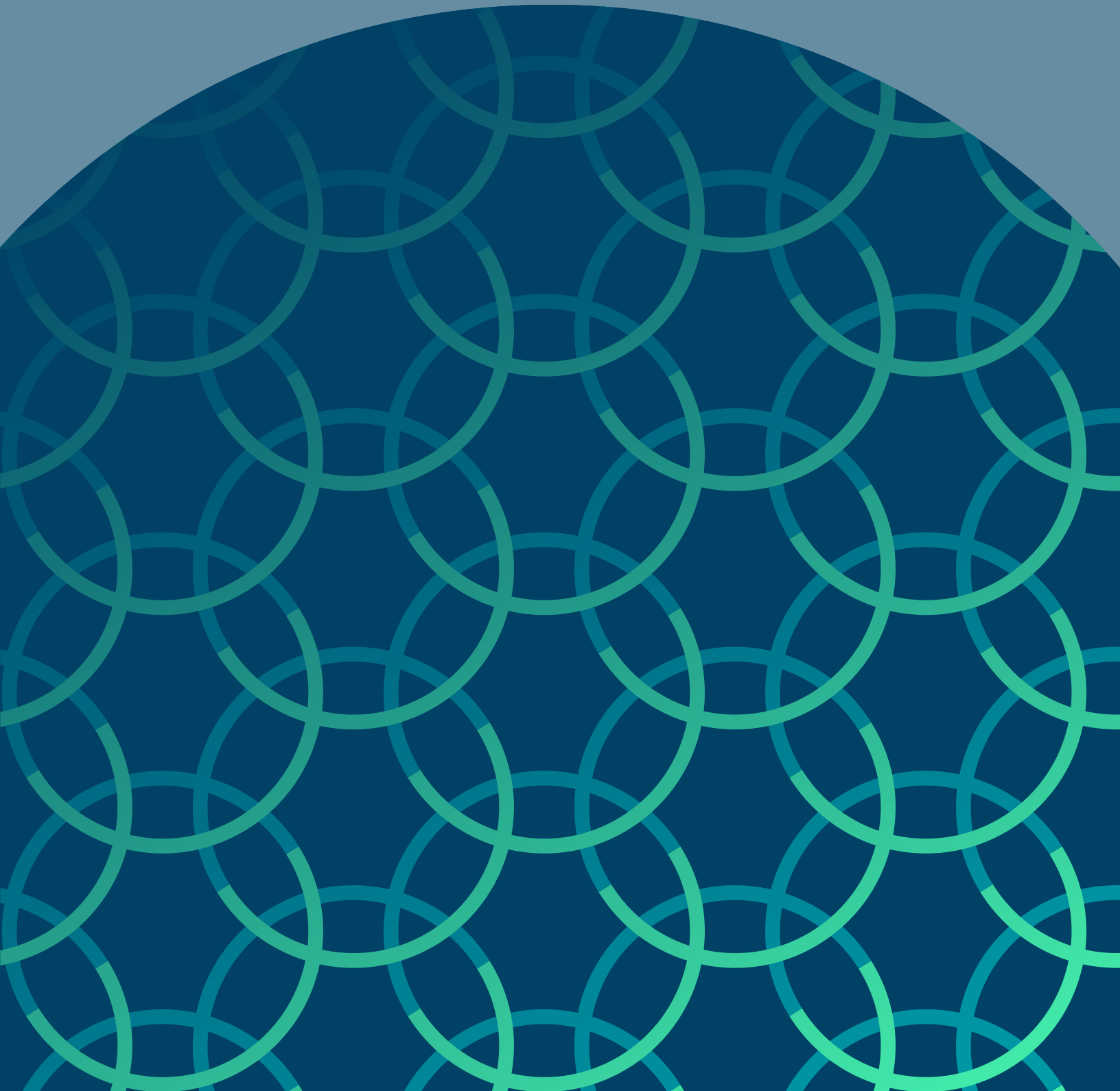
COUNTRY PROFILE

COMMITMENTS	PRACTICES	LEADERSHIP	GROUP BASED INEQUALITIES	INTERGROUP RELATIONS + BELONGING
International Commitments	Policy implementation	Political Parties	Political	Intergroup Violence
National Commitments	Data Collection	News Media	Economic	Intergroup Trust
Inclusive Citizenship	Claims-Making and Contestation	Civil Society	Social	Trust in Institutions
		Private Sector	Cultural	Inclusion and Acceptance
			Access to Justice	Shared Ownership of Society

RECOMMENDATIONS

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EXECUTIVE SUMMARY

OVERALL SCORE: 6

Thirteen years after the government declared military victory over resistance forces from the country's Tamil population, Sri Lanka's severe economic problems are revealing the full costs of group-based exclusions and inequalities. The Global Pluralism Monitor report for Sri Lanka concentrates on religious and ethnic lines of diversity with a sensitivity to socioeconomic cleavages. The report focusses on the possibilities for strengthening pluralism in meaningful ways to benefit all peoples.

Rooted in Sri Lanka's foundation are strong, group-based majoritarian tendencies that persist today and underpin deep inequalities and conflict. Political parties routinely undermine democracy by developing exclusionary policies to win elections. In turn, these policies contribute to deep group-based divisions. The resulting instability reproduces patterns of governance that maintain exclusion and sources of past conflicts. However, possibilities for change and progress are still present by focussing on genuine reconciliation and reversing the tendency of the government to impose a victor's peace.

LEGAL COMMITMENTS

Sri Lanka is a signatory to an array of international covenants and instruments that promote pluralism, though implementation lacks in critical respects such as justice for possible war crimes. The establishment of the Human Rights Commission of Sri Lanka (HRCSL) in 1997 served to strengthen the country's international and domestic commitments, which can play a role in the implementation of these commitments. However, the HRCSL is facing challenges to its independence because of recent constitutional reform.

There are many challenges to strengthening the legal foundations for a more pluralistic Sri Lanka. In particular, there is a lack of accountability for human rights violations over the course of the decades-long conflict. For example, the government has rejected individual complaint mechanisms for international commitments and challenges to the HRCSL's independence. This move directly impedes the process of seeking justice for enforced disappearances and alleged war crimes.

PRACTICES AND LEADERSHIP

A significant gap exists in the state's willingness to recruit people equally into the public service. It is estimated that demographic minorities such as Sri Lankan Tamils, Indian Tamils and Muslims constitute less than 10 percent of the civil service and less than 5 percent of the military. Analysts note, for example, that while public protest is a right held by all, the state is more responsive to claims made by the demographic majority. This reality is supported by language in the Constitution that accords privileged status to the Sinhalese Buddhist majority.

The multifaceted lived experiences of minority groups are often made invisible by government policies and data collection methods. For example, group-based social and economic data are not gathered. As a result, living conditions can only be loosely inferred from geographic data on gender equality. The data on experiences of ethnic and religious minority women are not gathered despite the increased vulnerability of these women to violence and abuse in militarized conditions, especially for female-headed households.

Personal laws provide for a wider array of rights for Sri Lankans of different faiths and beliefs. This can serve as the basis for building out measures to strengthen pluralism. Unfortunately, current efforts to take forward the 'One Country, One Law' policy, which intends to reduce the scope of current personal laws, places this opportunity for pluralism at significant risk.

GROUP-BASED INEQUALITIES AND INTER-GROUP RELATIONS AND BELONGING

Underrepresentation is severe, especially in national and state-level political leadership. None of the 32 government ministries at the national level were led by an individual from an ethnoreligious minority in 2021. Additionally, only one of the 42 state-level ministries, operating at the subnational level, was led by a member of a minority community. While the Monitor assessment was being conducted, only one of the 27 cabinet ministers was a woman and only 13 of the 225 seats in the national legislature were occupied by women.

There is an opportunity to further develop the contributions of women to all sectors of society in Sri Lanka. Free access to education underpins Sri Lanka's high literacy rate; and, in fact, female enrollment in secondary education is slightly higher than male enrollment. However, the disproportionate number of women in vulnerable economic sectors, such as those facing exploitative conditions on plantations and in the garment industry, cascades into wider group-based inequalities. Ensuring equitable access to high quality education along with efforts to better include women in the economy and government may help to expand the significant contributions women can make.

MONITOR TAKEAWAYS

High levels of voter participation exist in Sri Lanka, and yet notable challenges remain for fair and equal representation for all. This reality offers a point of reflection about how certain democratic norms, such as voter turnout, can actually inhibit and even possibly prevent efforts to strengthen pluralism. Sri Lanka's democratic system encourages strong majoritarianism and antagonism of ethnic groups for political gain. These tendencies stymie efforts to foster stronger pluralistic policies and practices.

In the decades following the defeat of the Liberation Tigers of Tamil Eelam (LTTE), the government has imposed a 'victor's peace', which diminishes the need for reconciliation. This trend maintains status quo policies and practices, as evidenced by the perpetuation of heightened militarization. However, there is an understanding emerging in the population that the hyper-majoritarian leanings of the state are entwined with the country's current socioeconomic struggles. The unsustainability of this situation

creates a potential window for change, especially given recent political will to achieve meaningful reconciliation.

A shift to meaningful reconciliation, that seeks justice for war crimes and disappearances, offers the possibility for shaping a more inclusive national narrative as well as more pluralistic policies and practices that will address the legacies of devastating conflict.

RECOMMENDATIONS

The Monitor's recommendations echo what experts, activists and stakeholders have long called for in Sri Lanka and provide several pathways to pluralism for the country.

- Codify the island as a multi-ethnic, multi-lingual, multi-religious and multi-cultural country in a new Constitution, the development of which was proposed during the 43rd session of the UNHRC in Geneva. This could play a pivotal role in diminishing the influence of preferential policies directed at some groups and could serve as the framework for laws and policies that espouse pluralism.
- Collaborate with non-governmental organizations to train civil servants on pluralism. This work could include further bilingualism training for higher level bureaucrats and public servants. Public services provided in both official languages will improve citizens' access.
- Revert to merit-based practices to promote equal representation of all ethnic and religious groups in the public service. In doing so, citizens are treated equally.
- Reactivate District Reconciliation Committees (DRCs) to help mitigate ethno-religious tensions and promote active engagement across communities. This work can support the country in its efforts for broader reconciliation by promoting conflict resolution at the local level.
- Establish a Pluralism and Equal Rights Commission that promotes pluralism in society. This Commission could work on issues identified in the fundamental rights chapter of the Constitution and could refer any proposed law to the Supreme Court with observations related to how such laws may promote or hinder pluralism.

COUNTRY PROFILE

Sri Lanka represents Asia's oldest democracy, having enjoyed universal franchise since 1931. The country's populace makes clear that they prefer democracy to any other form of government

Sri Lanka gained its independence from the British in February 1948 after nearly 450 years of colonial rule that included Portuguese and Dutch control. The country's colonial history and the influence of Indian civilization have contributed to a multi-ethnic and multi-religious society that currently numbers around 22 million people.

As per the last census, the Sinhalese are approximately 74.9 percent of the population, Sri Lankan Tamils 11.2 percent, Indian Tamils 4.2 percent and Moors (Muslims) 9.2 percent. From a religious standpoint, the island is 70.2 percent Buddhist, 12.6 percent Hindu, 7.4 percent Christian (with 6.1 percent of that Roman Catholic) and 9.7 percent Muslim.¹ Muslims primarily speak Tamil, while most younger Muslims now also speak Sinhala, though the community has long used Islam as its identity (thereby differentiating itself from the country's ethnic Tamils).

The country's ethno-religious diversity generates complex crosscutting cleavages. For instance, today, about 10 percent of Sinhalese and Tamils are Christian, and one rarely encounters Sinhalese Hindus or Tamil Buddhists, although, in ancient times, Buddhism enjoyed a strong presence in Tamil areas (in both India and Sri Lanka). The majoritarian milieu that has overtaken Sri Lanka, especially since independence, has unfortunately de-emphasized the common Buddhist link Sinhalese and Tamils share. It has instead emphasized ethno-religious divisions and insularity, thereby contributing to much violence. Religion and ethnicity thus get used as the main diversity types in this analysis, with identities and cleavages such as caste, gender and socio-economic inequalities factored in as necessary.

While caste operates as a major identity marker throughout South Asia, its manipulation has diminished in Sri Lanka since independence. Overall, caste divisions are more pronounced among Tamils. Among Sinhalese, most social interactions outside the private sphere occur without reference to the caste system. However, caste plays an important role in marriage and especially during local elections. The upshot is that while caste constitutes one among many identities, its salience among Sinhalese is less germane than in the past and is not used conspicuously as in neighbouring India.

Sri Lanka represents Asia's oldest democracy, having enjoyed universal franchise since 1931. The country's populace makes clear that they prefer democracy to any other form of government.² This is so across the board—among women, men, youth and non-youth.³ The protests in 2021 and 2022 against President Gotabaya Rajapaksa and his government, and the demand across ethno-religious lines that the Rajapaksa family quit politics, attest to how embedded freedom of expression is on the island.⁴ At the same time, the country has experienced serious democratic backsliding amidst destabilizing violence. Two left-wing insurrections—the first in 1971 and the second between 1988–89—saw thousands of Sinhalese youth killed. The most destructive violence, however, was due to the civil war between the Liberation Tigers of Tamil Eelam (LTTE)-led separatist Tamil rebels and the predominantly Sinhalese Buddhist government, that lasted nearly three decades.

The LTTE's defeat, rather than leading to reconciliation with Tamils over their legitimate grievances and encouraging the state to build a more pluralist post-war milieu, has instead contributed to Sinhalese Buddhist triumphalism.

The first anti-Tamil ethnic rioting took place in 1956 followed by more riots in 1958. This stemmed from the government superimposing Sinhala as the sole official language. More anti-Tamil violence took place in 1977, but the worst anti-Tamil rioting took place in July 1983 after Tamil rebels ambushed and killed 13 army soldiers. The year 1983 marks the beginning of the civil war; it lasted until May 2009, and over 100,000 people were killed. The defeat of the separatist LTTE may have ended the ethnic conflict, but the alleged war crimes perpetrated during that time have complicated Sri Lanka's diplomacy, especially with countries in the west. The LTTE's defeat, rather than leading to reconciliation with Tamils over their legitimate grievances and encouraging the state to build a more pluralist post-war milieu, has instead contributed to Sinhalese Buddhist triumphalism.

The civil war caused thousands of Tamils to flee the island, and they now constitute a potent diaspora that demands accountability for the atrocities committed against their families and community. While the Sri Lankan government has taken limited steps toward reconciling with Tamils, it denies being involved in war crimes. The anti-Tamil politics have also exercised those in the Indian state of Tamil Nadu, and this is a sentiment that the Indian government must consider when dealing with Sri Lanka. This, as well as China's expanding presence in the island, adds to Indian angst.



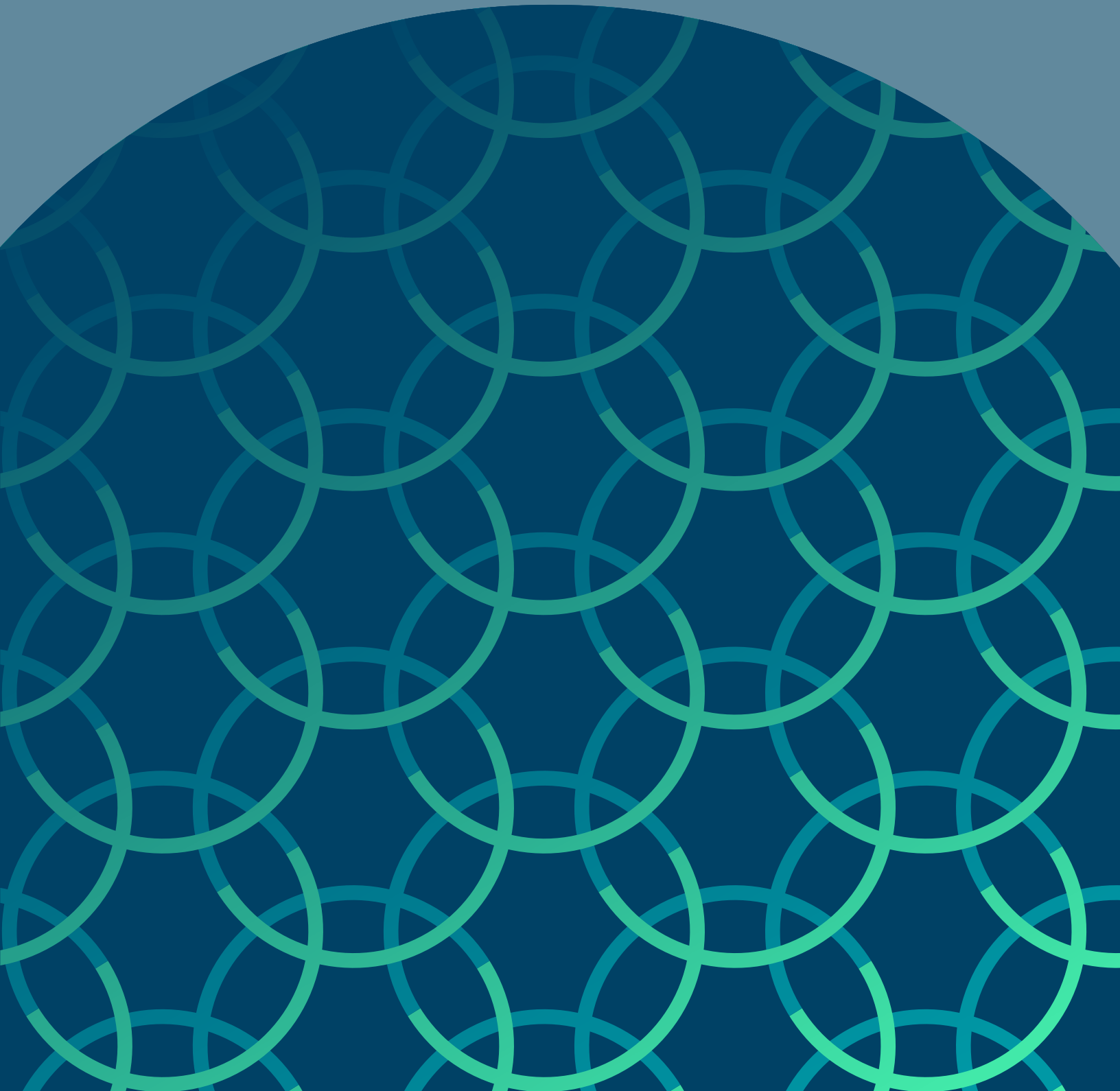
Photo: Shutterstock/SLSK Photography

While majoritarian, Sri Lanka has regressed democratically, many among its resilient people evidence the capacity to co-exist amidst pluralism.

Since the civil war ended, Sri Lanka has also witnessed anti-Muslim violence. The most serious such rioting took place in 2014, 2018 and 2019. The ethno-religious violence that has hitherto targeted Tamils and Muslims is directly related to attempts by successive Sri Lankan governments to empower Sinhalese Buddhists at the expense of all others; and this by disregarding a history of the communities co-existing amidst amity. The divisive attempts have led to Sri Lanka becoming a veritable ethnocracy even while the island contains numerous constituencies that promote ethno-religious tolerance. In short, while majoritarian, Sri Lanka has regressed democratically, many among its resilient people evidence the capacity to co-exist amidst pluralism. This was a sentiment expressed amidst the massive protests that ousted President Gotabaya Rajapaksa and Prime Minister Mahinda Rajapaksa in 2022.

The proximate cause for the protests was a balance of payments crisis—stemming from longstanding corruption, continuous budget deficits and bloated state enterprises—which was exacerbated by COVID-19's impact on tourism and remittances from Sri Lankans working abroad. It has led to post-independence Sri Lanka's worst economic crisis. The country was close to attaining upper-middle-income status but the balance of payments crisis has led to widespread hunger especially among rural and low-income communities. The international community will slowly come to Sri Lanka's aid, and the country will, over time, deal with the scarcity of essentials and its economic woes. Whether the collective trauma will encourage people to band together across ethno-religious lines and thereby strengthen pluralism, however, is yet to be seen.

**PART I.
COMMITMENTS**



1. INTERNATIONAL COMMITMENTS

AVERAGE SCORE: 6

RELIGION | SCORE: 6

ETHNICITY | SCORE: 6

The island's Constitution is positively orientated towards pluralism. For instance, the Constitution has a special fundamental rights chapter that is justiciable and influenced by international treaty obligations.

Overall, Sri Lanka acquits itself well when subscribing to international covenants promoting pluralism. For instance, the country is a party to the International Covenant on Civil and Political Rights (ICCPR), and the island's ICCPR Act prohibits and punishes the promotion of religious and racial discord. However, many politicians and extremist Buddhist clergy with powerful patrons violate such laws with impunity, which was especially evident post-2012 when a spate of anti-Muslim violence took place.⁵ Thus, while Sri Lanka evidences a commitment towards international legal standards, it also falls short in upholding standards.

The island's Constitution is positively orientated towards pluralism. For instance, the Constitution has a special fundamental rights chapter that is justiciable and influenced by international treaty obligations. With several exceptions, Sri Lanka has ratified all major international treaties, including the 27 agreements necessary to qualify for the European Union's (EU) Generalised Scheme of Privileges+ (GSP+) tariff privileges. However, the country has not ratified several individual complaint procedures associated with some of these treaties. These include individual complaints against enforced disappearances and persons with disabilities.

On the human rights front, Sri Lanka has ratified all major United Nations (UN) international human rights conventions and, in general, has a decent record engaging with and reporting to international human rights monitoring bodies.⁶ It has engaged with the UN to conduct periodic reviews, with rapporteurs visiting the island and submitting reports. Setting up the Human Rights Commission of Sri Lanka (HRCSL) in 1997 was among the positive developments associated with the country's commitment to human rights. For the most part, the HRCSL has utilized strong legal provisions to function independently. However, recent constitutional changes threaten this independence and stand to challenge the HRCSL's work in the future.

Overall, accountability for human rights violations are contentious. Successive governments' inability to deal with allegations of war crimes and the state's opposition to meaningfully reform or throw out the draconian Prevention of Terrorism Act (PTA) is one major reason for this. Approved by Parliament in 1979 as a temporary law, the PTA continues to operate. It allows for indefinite detention of suspects without bail for a potentially unlimited period. Authorities have used it to especially target minorities, with Tamils being its main target—although numerous Muslims were also charged under the PTA following the 2019 Easter Sunday bombings.

The arbitrary manner in which the PTA is applied and its tendency to be used as a cudgel against minorities is why the European Parliament adopted a resolution on June 10th, 2021, calling on the European Commission to consider temporarily withdrawing Sri Lanka's access to the GSP+ concession.⁷ The EU resolution also noted the continuing discrimination against and violence towards religious and ethnic minorities, while voicing

The government has also made it clear that it wants to investigate alleged war crimes using domestic mechanisms with little foreign oversight—a stance reiterated during the UNHRC meetings in September-October 2022.

serious concern about the 20th Amendment passed in 2020, and the “resulting decline in judiciary independence, the reduction of parliamentary control, and the excessive accumulation of power with the presidency.”⁸ International pressure amidst the island’s worsening financial crisis initially influenced the government to institute a moratorium on arresting individuals under the PTA.⁹ However, since Ranil Wickremasinghe became president in July 2022, the PTA has also been used against anti-regime protestors who are mainly Sinhalese. Consequently, activists from all ethnoreligious communities now want to see the PTA disbanded.

In recent times the extent to which Sri Lanka cooperates with international agencies in carrying out its commitments is dependent on the government in power. For instance, under the previous government Sri Lanka co-sponsored a UN Human Rights Council (UNHRC) Resolution in 2015 and tried to slowly create mechanisms to account for allegations stemming from the civil war. However, the current government, which came into power by appealing to Sinhalese Buddhist nationalist sentiment, withdrew from the resolution,¹⁰ and this has led to difficult relations with the UNHRC.¹¹ Under the previous government, 10 UN Human Rights Special Procedures Mandate holders were given standing invitations to visit Sri Lanka, and the vast majority of their 400 recommendations are related to the 25 key undertakings/commitments that were incorporated in the abovementioned 2015 UNHRC resolution.

The country’s dire economic situation makes GSP+ more important than ever, and in 2021, the EU’s GSP+ Concessions Monitoring Committee visited Sri Lanka, with a wide array of actors participating in the meetings.¹² The dismay EU experts expressed regarding the island’s democratic regression¹³ again points to how Sri Lanka’s commitment to honouring its international commitments hinges on the nature of the regime in power. But the country’s bankrupt status may be pressuring the government to more seriously adhere to its international commitments, if one is to go by the foreign minister’s statement to the UNHRC in June 2022.¹⁴ On the other hand, the government has also made it clear that it wants to investigate alleged war crimes using domestic mechanisms with little foreign oversight—a stance reiterated during the UNHRC meetings in September-October 2022.¹⁵

The enactment of the ICCPR Act in 2007, which makes hate speech a criminal offence, can be viewed as a positive move by the Sri Lankan state when seeking to fulfil its international covenants. Unfortunately, the implementation and application of the law has been uneven and has not achieved the desired results. At times, the stringent laws that are contained in the ICCPR Act are used against the very persons who campaign against hate speech, while no action is taken against those who engage in hate speech.¹⁶

The disingenuous way the previous and present governments have engaged with the Office on Missing Persons and Office of Reparations (two entities instituted to deal with issues stemming from the civil war) and attempts to institute One Country, One Law legislation—with the government picking a controversial Buddhist monk involved in anti-minority (particularly anti-Muslim) actions, to lead the task force drafting the law—highlight glaringly the gap between the international commitments the country commits to on paper and its actions.

Women constitute 52 percent of Sri Lanka’s population¹⁷ and contribute in major ways to the country’s economy. When it comes to generating foreign currency, tea production,

garment industries and foreign remittances play major roles. Women constitute the backbone of these industries. Most of these women also belong to the lower classes. Consequently, when Sri Lanka fails to uphold its international commitments, it inevitably affects the country's women in multiple ways. The gendered implications of the island's failure to fully embrace certain international commitments need to be more seriously addressed. For instance, while the Ministry of Women, Child Affairs and Social Empowerment is the lead institution for implementing policies associated with the UN Committee on the Elimination of Discrimination against Women, and the island has adopted a National Charter on Women, that enshrines locally the international commitments made (which, in turn, is overseen by a body called the National Committee of Women), this has not prevented wage inequality, street harassment, sexual and gender-based violence and harassment, domestic violence, rape and girl child abuse, among other issues.¹⁸

2. NATIONAL COMMITMENTS

AVERAGE SCORE: 5.5

RELIGION | SCORE: 6

ETHNICITY | SCORE: 5

The laws promoting pluralism in Sri Lanka are substantial and varied. Such laws are contained within both the Constitution and other legal statutes. For instance, the country ranks high when it comes to religious freedom, and since 1978, Sinhala and Tamil are considered official languages with English described as a link language. The various personal laws allow Tamils in the Jaffna Peninsula to deal with property, inheritance and marriage matters as per laws instituted under the Dutch, while Sinhalese in the former Kandyan Kingdom follow practices as per traditional practices and statutes. Similarly, Muslim personal law governs Muslim marriage and divorce, and the Muslim Wakf Act administers Muslim mosques and charitable trusts. The present government's attempts to create One Country, One Law appears designed to target Muslim personal law, in particular,¹⁹ and the nature of the supposed reforms could further vitiate pluralism in the country. Similarly, the Prevention of Terrorism Regulations No. 01 of 2021, which allows authorities to detain anyone for promoting communal disharmony appears to target Muslims as well.²⁰ The anti-Muslim sentiment has ebbed since the country began experiencing its financial crisis and massive protests forced the ouster of President Gotabaya Rajapaksa, but the Cabinet order banning the burqa (which requires parliamentary approval) is consistent with some politicians' anti-Muslim mindset.²¹

The Constitution explicitly recognizes the state's plural nature, and the courts have upheld a national legal framework in this regard. There are several legal provisions in the Sri Lankan legal system that are relevant to pluralism. Specifically, the Constitution recognizes freedom of religion (Article 10), and all individuals' right to openly practice their religion (Article 14(1)(e)). The Constitution also grants protection from "discrimination on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds" (Article 12(2)). Article 18 of the Constitution recognizes Sinhala and Tamil as Sri Lanka's official languages, with English as a link language.

The Constitution hints at a hierarchy when it comes to both language and religion. For instance, it says Sri Lanka’s official language is Sinhala. Then in a subsequent clause, it notes that Tamil shall also be an official language.

However, despite such provisions, the Constitution hints at a hierarchy when it comes to both language and religion. For instance, it says Sri Lanka’s official language is Sinhala. Then in a subsequent clause, it notes that Tamil shall also be an official language. When it comes to religion, it bluntly notes that Buddhism occupies the “foremost” place and that it is the duty of the state to promote and foster it.

The privileged position for Buddhism was introduced through the 1972 Constitution, which the 1978 Constitution maintained. The terminology associated with the official languages stems from the controversial way Sinhala alone was made the official language through a parliamentary act in 1956 and reinforced through the 1972 Constitution. The discriminatory language legislation was preceded by policies that barred Indian Tamils (who mainly work on tea plantations) from acquiring citizenship following independence, although now nearly all Indian Tamils in Sri Lanka have acquired citizenship.

3. INCLUSIVE CITIZENSHIP

AVERAGE SCORE: 8

RELIGION | SCORE: 8

ETHNICITY | SCORE: 8

Currently, all those born in Sri Lanka whose parents are Sri Lankan qualify to obtain citizenship. Constitutionally, citizenship cannot be denied based on race, religion, ethnicity or political affiliation. The Constitution states that “No distinction shall be drawn between citizens of Sri Lanka for any purpose by reference to the mode of acquisition of such status, as to whether acquired by descent or by virtue of registration.”

The latter refers to those who were allowed to obtain citizenship by registration even before the country became independent. The clause also refers to those who are dual citizens, which cash strapped governments have promoted in recent times. As per the 20th Amendment to the Constitution, passed in 2020, dual citizens can compete in parliamentary elections and even be appointed as cabinet ministers. The country is debating passage of the 21st Amendment, and one controversial issue is whether to do away with the clause that allows dual citizens the ability to become Members of Parliament and cabinet ministers.

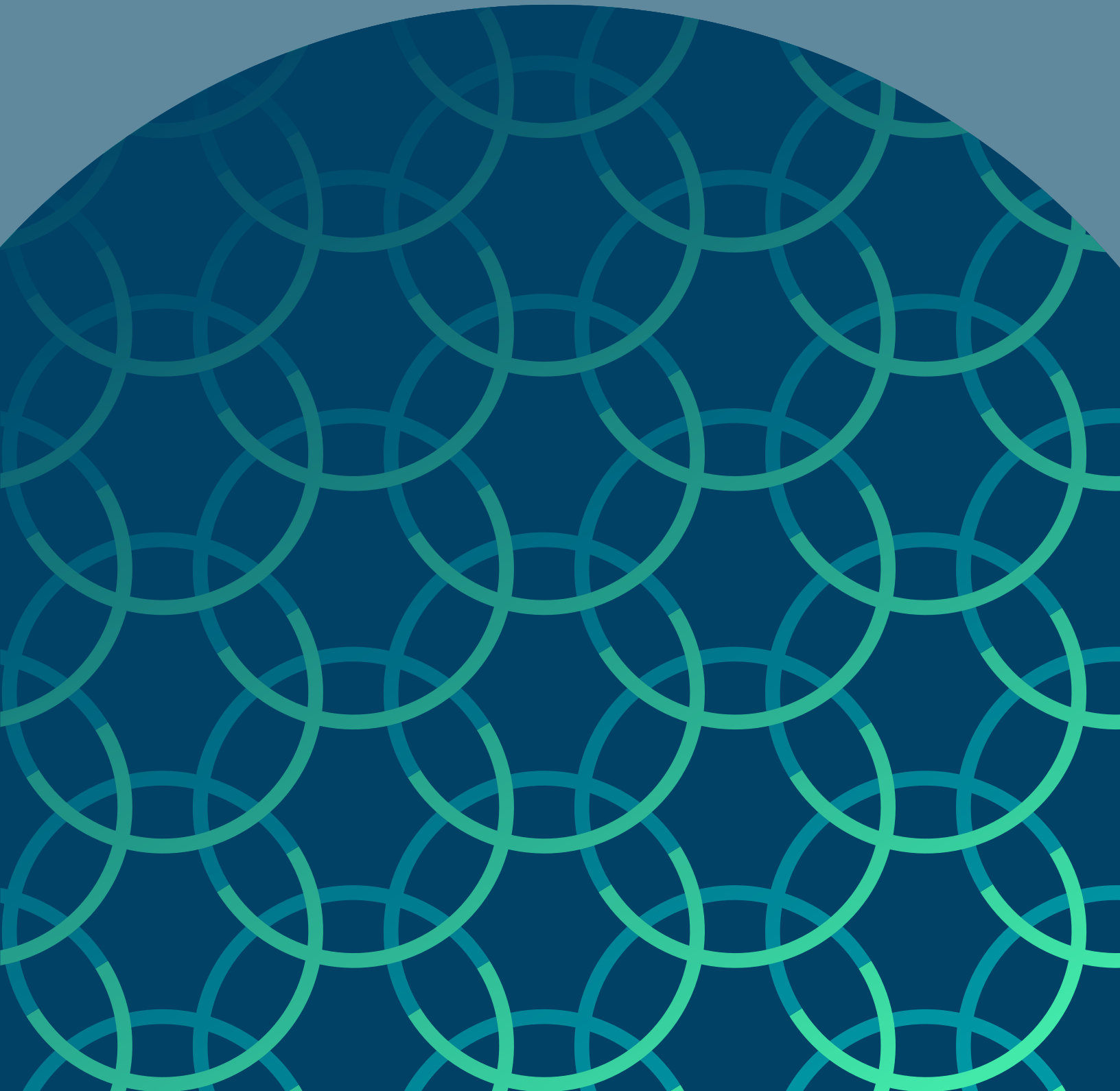
Regarding dual citizenship, it appears that Tamils who have taken on foreign citizenship are strongly vetted when applying to regain Sri Lankan citizenship.²² This is consistent with the sense among minorities that being Sinhalese Buddhist trumps being Sri Lankan—given how the state privileges those belonging to the majority community. This sentiment was glaringly reinforced when the government for a while barred those who were thought to have died from COVID-19 being buried, a policy that especially traumatized the island’s Muslims (and also bothered some Christians who preferred not to have relatives cremated).

In 1948, the government passed the Ceylon Citizenship Act in Parliament. The ostensible purpose of the law was to provide means of obtaining citizenship, but its real purpose was to deny citizenship rights to Tamils of recent Indian origin. This injustice was only reversed in 1988.

The distinction between citizenship by descent or by registration harkens back to a divisive political issue at the time of the country's birth as an independent state. Shortly after independence in 1948, the government passed the Ceylon Citizenship Act in Parliament. The ostensible purpose of the law was to provide means of obtaining citizenship, but its real purpose was to deny citizenship rights to Tamils of recent Indian origin. This injustice was only reversed in 1988.

During the period when they had no citizenship rights, Indian Tamils lacked access to social welfare programs. This legacy continues to negatively impact the group, with living conditions and educational opportunities remaining substandard.²³ In addition, these Tamils who mainly live on tea estates continue to remain tied to the plantation system, although in recent years youth who abhor plantation conditions have sought employment in the cities as waiters and shop assistants.

**PART II.
PRACTICES**



4. POLICY IMPLEMENTATION

AVERAGE SCORE: 5.5

RELIGION | SCORE: 6

ETHNICITY | SCORE: 5

While Sri Lanka scores high when it comes to codifying laws promoting pluralism, this legal framework is undermined by longstanding majoritarianism and politicians who appeal to ethno-nationalist populism.

While Sri Lanka scores high when it comes to codifying laws promoting pluralism, this legal framework is undermined by longstanding majoritarianism and politicians who appeal to ethno-nationalist populism. This process began in the mid-1950s, and it led to Sinhala being made the national language and Sinhala speakers blatantly favoured over others for government employment. Consequently, over 90 percent of state employees are Sinhalese, with the figure among military personnel likely to be over 95 percent.²⁴ Given that the island has over 1.5 million government employees (despite administrators saying the state only needs half this number to function),²⁵ such recruitment smacks more of an ethnocracy than a pluralistic polity.

The discrimination affecting minorities is greater the higher the bureaucratic post. For instance, a government administrative officer can rise as high as secretary to a ministry. In 2021, not one of the 32 secretaries to government ministries came from an ethno-religious minority. Additionally, of the 42 state ministries, which constitute second level ministries, only one secretary belonged to a minority community. And when President Gotabaya Rajapaksa appointed new ministerial secretaries in May 2022, not one was from an ethnic minority community. This is despite minorities comprising 25 percent of the population.

The gap between written policy and implementation was recently evidenced when the Tamil parliamentarian, M. A. Sumanthiran, highlighted how the Tamil version of the Presidential Commission of Inquiry into Political Victimization report tabled in Parliament left out large chunks of material. As per Sumanthiran, the entirety of volume II in this 2,043 page report was not produced in Tamil, while pages 160–554, 570–608, 667–1556 and 1565–2043 were among those left out.²⁶ This disregard to treat Tamil as an equal language within the government is a constant complaint among those who do not operate in Sinhala,²⁷ with the more mundane gripes having to do with government forms in Sinhala provided to Tamil speakers and those who do not read or write Sinhala being forced to sign statements in Sinhala at police stations.

This failure to ensure equal access to government services across linguistic lines especially affects those most marginalized. While the Sinhalese poor can navigate the state bureaucracy given their ability to operate in Sinhala, Tamil speakers who are socio-economically marginalized face additional hurdles when seeking to engage with the state. The militarization that has taken place in the northeast, a process that has not ceased despite the civil war ending in 2009, especially places Tamil female-headed households in a vulnerable position, as the women leading these homes must seek livelihoods among mainly Sinhalese soldiers who have no reason to operate in Tamil.²⁸

Thus, while one can argue that on paper Sri Lanka is more pluralist compared to the period between 1956 and 1977, reality on the ground challenges such an assertion. For on the one hand, Sri Lankans do practice their faiths freely and openly; on the other

While Sri Lanka does much better than fellow South Asian states when it comes to female education, it remains a patriarchal society. This patriarchy, when combined with religion, marginalizes some religious communities more than others.

hand, all non-Buddhists do so by showing conspicuous deference to Buddhism and its representatives. At various times, there have been attacks against Catholics, Christian evangelicals and, more recently, Muslims and their mosques. In rural areas, evangelicals have especially faced threats and blatant discrimination when seeking to rent living quarters and space to worship. Those responsible for such acts of discrimination are almost never prosecuted because police and state officials side with the Buddhist perpetrators who typically enjoy political patronage.²⁹

Separate schools along language and religious lines have also vitiated pluralism because this has prevented ethnic and religious communities intermingling with each other. The teaching of a third language at schools (Sinhala or Tamil in addition to English) has the potential to be a bridge builder, but this would not enhance intermingling since the island's students pursue their schooling within ethnoreligious silos.

While Sri Lanka does much better than fellow South Asian states when it comes to female education, it remains a patriarchal society. This patriarchy, when combined with religion, marginalizes some religious communities more than others. This is especially so when it comes to the island's Muslim women.³⁰ The civil war has also forced thousands of female-led households, especially in Northern Province, and many women in the area, to battle against predatory forces (both within and outside their Tamil community) with little to no help from state officials.³¹

The open market economy that was introduced in 1977 has exacerbated disparities along ethno-religious lines, especially for those who live in rural areas. The COVID-19 pandemic and attendant lockdowns have made this disparity starker. For instance, children with no access to the internet have been denied education, while day labourers have struggled to provide basics for their families—a situation made worse as a result of rampant inflation and food scarcities. A recent survey by the Centre for Policy Alternatives (CPA) reiterates this, with 75.1 percent saying their income has declined, with Indian (Estate) Tamils being the most disproportionately affected by the island's economic situation associated with COVID-19.³² As per a November 2021 survey by the Institute for Health Policy (IHP), 72 percent of adults expected the island's economy to worsen,³³ a situation now playing out.

5. DATA COLLECTION

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

Partly due to its limited size and high literacy rate, Sri Lanka's overall data collection is of a commendable quality. The Central Bank and Department of Census and Statistics are among the country's leading sources of economic and social data collection. The data by these departments get supplemented by varied data gathered by think tanks like Verité Research and the CPA and international bodies like the Asia Society, World Bank and International Monetary Fund.

Government-planning is based on provincial disparities as opposed to group inequalities. Even when government agencies have relatively good data, it appears policy gets made at the national level without regard to discrepancies affecting ethnoreligious groups.

The Department of Census and Statistics periodically gathers economic and social data. The Census Department's decennial Population and Housing Census generates the most used demographic data. The last Census of Population and Housing took place in 2012. It provides numbers on age-sex composition, dependency population, marital status, ethnicity and religion, literacy and education, labour force, occupation, migration and fertility of the population. The population and demographic statistics are enumerated at the national, provincial, district and village levels. The data also gets disaggregated according to urban, rural and estate sectors. The latter refers to the areas dominated by tea and rubber plantations.

These demographic data get combined with periodic household surveys dealing with health, income and expenditure, labour and women's well-being. The big lacuna is the absence of data collection specifically relating to group inequalities. Thus, when one wants to figure out group inequalities pertaining to religion and gender, it must be approximated using district level data. This means government-planning is based on provincial disparities as opposed to group inequalities. Even when government agencies have relatively good data, it appears policy gets made at the national level without regard to discrepancies affecting ethnoreligious groups.³⁴

This noted, many administrative divisions in the island tend to be mono-ethnic, so it is possible to collect information on inter-ethnic differences from certain areas. As per a 2015 World Bank Poverty Assessment, the Northern and Eastern provinces (where the civil war mainly took place,) areas surrounding plantation-based agriculture and the predominantly Sinhalese Monaragala District in the southeast tend to experience the highest levels of poverty.

Given the state's capacity to carry out data collection, its unwillingness to gather information denoting ethno-religious group disparities is problematic. At the least, it suggests that the state prefers to downplay the extent to which minority communities lag behind the majority community. In this regard, the plight of women-led households in the Northern Province are bound to especially lag all other households.

6. CLAIMS-MAKING AND CONTESTATION

AVERAGE SCORE: 6

RELIGION | SCORE: 6

ETHNICITY | SCORE: 6

While poorly governed, Sri Lanka remains a robust democracy, and this is especially so when it comes to individuals protesting the government. The right to do so is constitutionally protected, and the protests concerning the rising cost of living and scarcity of essential commodities under the Gotabaya Rajapaksa government are a case in point. The upshot is that diverse groups ranging from trade unions to ethno-religious communities have been able to generate and publicize claims against the government through civil society and the courts. Sometimes, claims and counterclaims may result

Sometimes, claims and counterclaims may result in violence, which tends to happen when rival unions associated with political parties confront each other.

in violence, which tends to happen when rival unions associated with political parties confront each other.

Ethno-religious nationalism has played a leading role in people's ability to mobilize, but this has been both boon and bane for Sri Lankan democracy. On the one hand, it empowers people to highlight grievances and legitimate concerns; on the other hand, it enables rank majoritarianism given that the island's demographics heavily favour the Sinhalese and Buddhists. Thus, beginning in 1956, claims by the majority Sinhalese Buddhists have gotten consolidated at the expense of minorities' legitimate concerns. What this means is that while nearly all Sri Lankans can make claims against the government on most issues, governments tend to mainly respond to those who belong to the majority community and favour a hawkish position on Sinhalese Buddhist preferences.

This is especially so when it comes to issues associated with the civil war. For instance, not only were political parties and civil society that lobbied for a peaceful resolution to the civil war harassed, post-war they have been monitored and forced to censor themselves regarding alleged war-related atrocities.³⁵ A narrative was whipped up during the final phase of the civil war around supposed patriots and traitors, with those supporting the military and its actions branded patriots while those who criticized military practices, no matter how corrupt and vile, considered traitors.³⁶

This atmosphere was especially rife whenever the Rajapaksa family was in power, but all realize that speaking ill of the military is forbidden irrespective of the government in power. This has especially affected Tamils who want to locate loved ones who disappeared during the war. It also affects Tamils and Muslims whose lands in the northeast are yet to be returned. While they and their representatives are typically free to make claims against the government, they tend to effectuate little change when the claims are associated with the military.

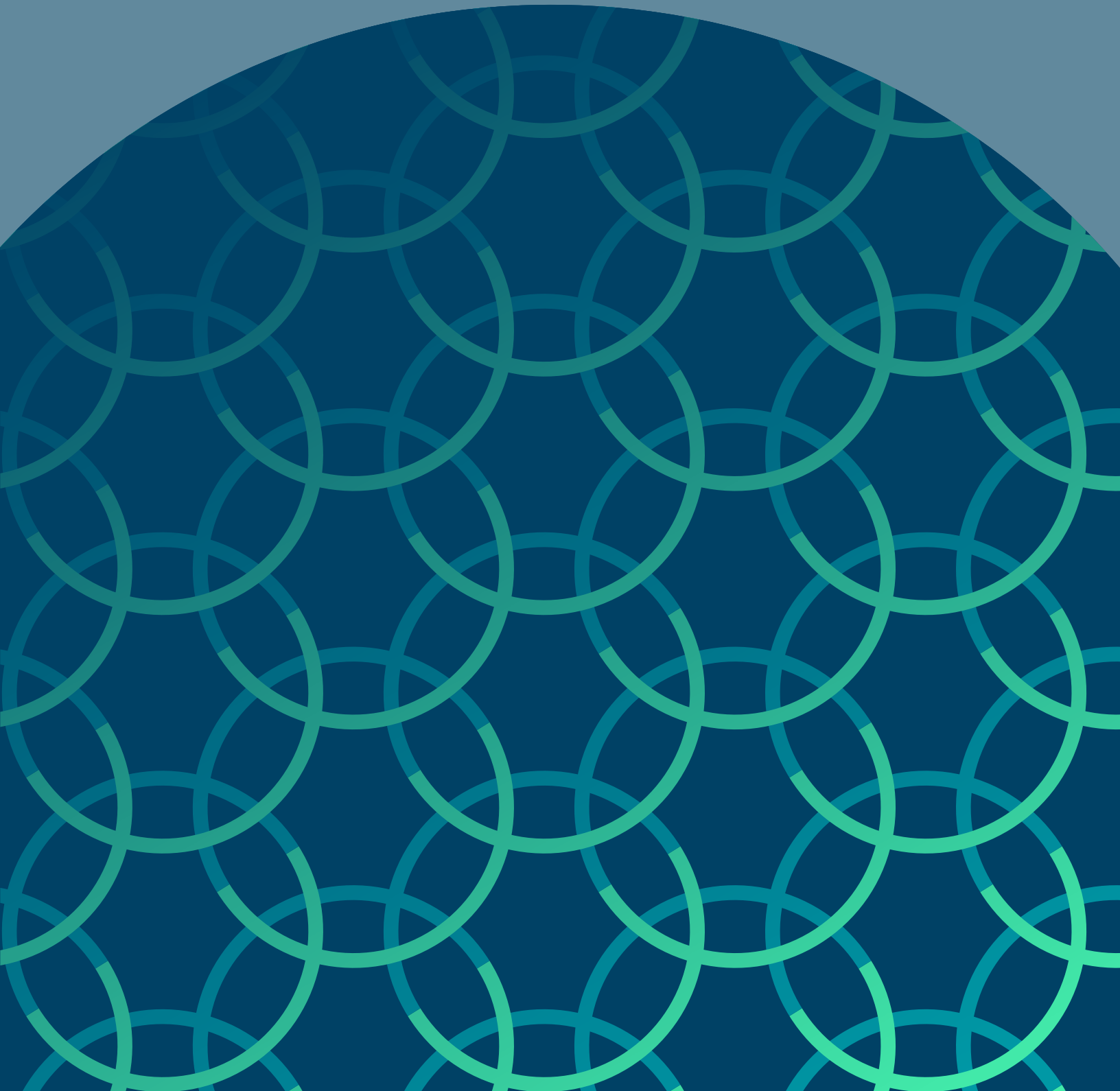
The HRCSL and courts of law are also venues for claims-making. While the HRCSL can entertain and hear group and community rights issues, claims-making via the Supreme Court and Court of Appeal tends to be more formal. Sri Lankan courts have long suffered from a "presidential mindset," given the numerous individuals who have worked in the Attorney General's office and have subsequently been appointed to the high courts.³⁷

This noted, there is freedom to make claims against the state via the courts and lawyers prepared to take up such cases. On occasion, the courts have declined to hear such cases. The Supreme Court, for instance, dismissed petitions filed by members of the Muslim community against the government's regulation that made cremations mandatory for COVID-related deaths. However, there were lower courts that sought to stall the government's decision to cremate by ordering that bodies should be kept in morgues until the countering claims could be reconciled. There are also several other cases where courts have upheld the religious rights of minorities.³⁸

As in most societies, those who are better off can afford more effective legal representation. Such individuals are also better connected to those in power and can leverage their influence to benefit their cases. Judicial corruption, which is more problematic within the lower courts, promotes such injustice.³⁹

Given that a disproportionate number of households are headed by women, especially in the Northern Province, due to so many men having perished during the civil war, Tamil women in particular tend to be disempowered in their ability and access to claims-making. The fact that many live in heavily militarized areas further diminishes their abilities to demand justice from state authorities.⁴⁰

**PART III.
LEADERSHIP FOR PLURALISM**



7. POLITICAL PARTIES

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

While local and provincial level politics have contributed to layers of corruption, the political contests that take place at these levels have enabled those from lower income backgrounds to make a name for themselves and eventually contest for political office at the national level.

From independence in 1948 to 1977, Sri Lanka's two main political parties—the United National Party and Sri Lanka Freedom Party (SFLP)—alternated in power. This has happened less since the presidential system was introduced in 1978. But even when parties alternated in power, they did so within a majoritarian context in that the two main parties, especially starting in the mid-1950s, resorted to ethnic outbidding⁴¹—competing to promote the majority's interest at the expense of the Tamil minority, in particular. Such outbidding paved the way for ethnocracy and civil war. The victory over the separatist LTTE has only emboldened majoritarian extremists who are more prevalent in some parties.

While all parties claim to embrace pluralism, some of their platforms espouse majoritarianism. The SFLP and the Sri Lanka Podujana Peramuna (SLPP), which includes many who broke away from the SFLP to support the Rajapaksa family, have resorted to Sinhalese Buddhist majoritarianism when governing the island. Consequently, while Sri Lanka in general harbours numerous champions of pluralism, its politics has long been ethnocentric. The civil war exacerbated this, although Tamil parties that promote nationalism (partly in reaction to Sinhalese Buddhist nationalism) and Muslim parties have pushed the country's political party system in a more communal direction.

This sense of communalism is most evident during parliamentary elections, when people vote for parties along ethno-national and religious lines. Post-election, however, parties who competed along ethno-religious lines may become coalition partners depending on the election results. Presidential contestants, with candidates from two dominant parties competing, tend to appeal to people from all ethnic groups, although the re-election of Mahinda Rajapaksa in 2010 and election of Gotabaya Rajapaksa in 2019 led to claims that they did not need the votes of minorities to attain power.⁴²

The spirit of noblesse oblige was common among some politicians who were associated with independence,⁴³ but over the past few decades, party politics are akin to get-rich-quick schemes. This has not only compromised the quality of governance, but it has also led to less effective and ill-disciplined parties. The lack of intra-party democracy is partly to blame.

While local and provincial level politics have contributed to layers of corruption, the political contests that take place at these levels have enabled those from lower income backgrounds to make a name for themselves and eventually contest for political office at the national level. This tends to happen with political aspirants appealing to relatively homogenous constituencies, so it does not necessarily mean that such political upward mobility enhances the quality of democracy or pluralism.

The world's first female prime minister was from Sri Lanka (then called Ceylon). Sirimavo Bandaranaike attained this position mainly because she was the widow of S. W. R. D.

Bandaranaike. Her daughter, Chandrika Kumaratunga, arguably became prime minister and president only due to this dynastic pedigree.⁴⁴ Dynastic politics is common throughout South Asia,⁴⁵ and what stands out is that most women in the region reach the most prominent positions in parties and government thanks to retired or deceased husbands and fathers. Gotabaya Rajapaksa's first Cabinet included just one woman, but when Prime Minister Mahinda Rajapaksa resigned in May 2022, the cabinet stood dissolved. As of early June 2022, no woman was among the new cabinet members nominated. The 225-member parliament is comprised of just 12 women, despite women being 52 percent of the country's population. More women representatives operate at the local level, albeit amidst greater harassment with "female councillors [. . .] not even allowed to exercise their constitutionally guaranteed freedom of expression."⁴⁶ For a country with more women than men and a literacy rate that is not second to men, this is an abysmal state of affairs.

8. NEWS MEDIA

AVERAGE SCORE: 4.5

A. Representation | Score: 5.5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 6

The vast majority of Sri Lankans, however, get their news via television and radio, and here the government-controlled channels command less influence than before thanks to many private outlets having proliferated.

The media operates in all three languages: Sinhala, Tamil and English. This is true for both print and television, and in recent years, all three languages are used to communicate via social media. It is now common to see social media posts combining languages, especially Sinhalese with English and Tamil with English. Sri Lankan media are thus diverse even as social media conflates languages when communicating. The vast majority of Sri Lankans, however, get their news via television and radio, and here the government-controlled channels command less influence than before thanks to many private outlets having proliferated.⁴⁷

This noted, the media, from linguistic and pluralism standpoints, tend to operate in silos. The Sinhala language media usually focusses on Sinhalese concerns, implying that issues pertaining to the majority community are of national importance while matters associated with minorities are relevant in their respective provinces. Consequently, Sinhala television news programs fail to feature Tamil perspectives adequately. The Tamil language media reports widely on national topics even as it provides more space for issues facing the Tamil-speaking minorities. While this includes both Tamils and Muslims, there is extra focus on issues pertaining to Tamils given post-civil war disputes and the community's continuing grievances. The English language media is arguably the most pluralist in outlook, but its reach is limited, and its coverage tends to tilt towards cosmopolitan and business interests (when compared to the media operating in the vernacular).

What ensues is a media that, in the main, seeks to cater to an ethno-religiously plural society without furthering a pluralist ethos. Indeed, media owners as well as journalists tend to take up narrow nationalist positions that fan communal prejudices and

existential fears.⁴⁸ Journalists fail to follow basic professional media ethics, which include verifying sources for authenticity and presenting alternative viewpoints. This issue is compounded by media emanating from the diaspora—and here it mainly concerns the Tamil diaspora—since its news items get recirculated within the island without being fact-checked. While the Sri Lanka Press Institute periodically carries items that highlight fake posts, their efforts can hardly keep up with the questionable and false offerings (especially via social media).

There are alternative media in the form of newspapers with limited circulation and podcasts that advocate ethno-religious co-existence. This means that alternative viewpoints exist for those who seek them. This takes time, and since much of this content is on social media, it will cost more as well (given that many have to pay for the bandwidth consumed, especially on phones). What this means is that only certain social strata are likely to access such alternative media.

Sri Lanka's main news programs tend to use male and female anchors, although it appears the male anchors tend to get more airtime. Women, however, tend to dominate media associated with human interest stories, features sections and fashion pages. Younger women are now increasingly seen reporting on political affairs and hosting television shows on politics. They remain a minority, but it is an important shift from a gender perspective. There appears to be more women hosting newspaper columns in the English media, which contrasts with the negligible number of women authoring columns in the vernacular media.

B. Prominence of Pluralistic Actors | Score: 3.5

RELIGION | SCORE: 4

ETHNICITY | SCORE: 3

With the coronavirus initially being detected within some congested Muslim communities, the media colluded with certain government officials to blame Muslims for the spread of COVID-19.

Most media promote the government narrative that minimizes minority grievances, and this is especially the case with state-owned media. Social media, as well, is rife with hate speech. The outcome hardly contributes to pluralism; instead, it reinforces communal prejudices and grievances. For instance, the anti-Muslim violence that has taken place since around 2012 is a stark example of how mainstream media failed to objectively discuss Islamophobia. On the contrary, by providing live coverage of hate speech and prominent platforms for extremist monks, Sri Lankan media have embraced sensationalism and contributed to recent communal tensions.

This was again evident when COVID-19 first reached Sri Lanka. With the coronavirus initially being detected within some congested Muslim communities, the media colluded with certain government officials to blame Muslims for the spread of COVID-19.⁴⁹ When the government decided to ban burials for those who died from COVID-19, a policy that especially traumatized Muslims, the Sinhala media almost unanimously supported the stance. The policy was partially reversed in February 2021 and fully reversed in March 2022—on both occasions just before the UN Commission on Human Rights met to discuss violations in Sri Lanka—which is evidence that the practice was hardly associated with scientific evidence. When the policy was reversed, there was hardly any mention of it on television media.

The government's unwillingness to deal squarely with the 2019 Easter Sunday bombings that killed 269 people has led the Catholic clergy and certain laymen to speak out forcefully and insist that the Easter Sunday bombings were orchestrated by Islamist extremists operating in concert with certain state intelligence personnel to promote Gotabaya Rajapaksa's presidential candidacy.⁵⁰ The media have reported on Catholic protests while also cavalierly airing commentary by some extremist Buddhists threatening Catholic clergy.

The media have, for fear or ideological reasons, also avoided airing wrongdoings associated with the military, ensuring the armed forces are portrayed favourably.⁵¹ This is despite Tamil lands falling prey to militarization and the military colluding with extremists to promote a Sinhalese Buddhist presence in hitherto Tamil and Muslim areas. It is no accident that minorities especially feel that they are not free to criticize those associated with the military.⁵² This noted, there is no support within Sri Lanka for a military-led government.⁵³

Sri Lankan media fall woefully short in promoting a pluralist ethos. The long-lasting civil war clearly contributed to this shortcoming, but so has democratic backsliding over the years, especially since the Rajapaksa family began dominating politics in 2005. The upshot is that corruption and intimidation have led to self-censorship on certain topics even as majoritarianism has reached new heights, and espousing pluralism is hardly trendy in this context. However, the ongoing economic crisis could lead to more consensual politics.

Minorities and the underclasses are more starkly impacted by whatever affects society negatively. So, women, and especially minority women, face extra hurdles whenever issues rooted in pluralism are concerned. A pluralist society provides those marginalized some protections amidst an ethos of individual rights. This is something the media can hammer away on. The failure to do so not only furthers majoritarianism, it also contributes to gender-based discrimination and marginalization.

9. CIVIL SOCIETY

AVERAGE SCORE: 6

RELIGION | SCORE: 6

ETHNICITY | SCORE: 6

Associational life in Sri Lanka predates colonialism and was mainly organized along religious lines. As the island's diversity expanded, associational life grew along ethnic lines, a phenomenon captured by the country's oldest cricket teams. Their names include, Sinhalese Sports Club, Tamil Union Cricket and Athletic Club, Moors Sports Club and Burgher Recreation Club, among others. Consequently, it is hardly surprising that post-independence, and especially post-civil war, Sri Lanka's civil society is polarized along ethno-religious lines as in the larger polity. This polarization, however, is not altogether extreme thanks to civil society's crosscutting influence. For instance, trade unions not associated with political parties, consumer associations and environmental groups tend

Sri Lanka has a small but influential group of civil society organizations (CSOs) devoted to peace and human rights, and these non-governmental organizations (NGOs) have consistently promoted pluralism and democracy and advocated for human rights.

to have diverse memberships.⁵⁴ This contrasts with political parties (and their unions) that exploit differences and may even resort to violence during election campaigns.⁵⁵

Overall, there remains considerable pluralism within this civil society. Those belonging to different ethnic, religious and interest-based groups tend to mix freely in social and economic enterprises especially in the private sector. The workforce in these establishments is multi-ethnic. Sports clubs and social clubs are likewise considerably mixed, especially in Colombo. However, the overrepresentation of Sinhalese Buddhists within the state sector has contributed to trade unions fanning ethnic polarization.⁵⁶

Overall, the software of pluralism is evident given how society's diversity is acknowledged and people generally lean towards accepting differences, which are at the core of pluralism.⁵⁷ The hardware of pluralism is also manifested in laws that protect equality and the freedoms of association and expression, which are constitutionally protected rights. However, despite the existence of both the software and hardware of pluralism, the practice of pluralism is deficient in several key areas.

The lack of pluralistic practice is evident in the current government's refusal to allow the national anthem to be sung in Tamil. This was also the case in the government headed by Mahinda Rajapaksa, although the regime that preceded the one led by Gotabaya Rajapaksa allowed the national anthem to be sung in both Sinhala and Tamil. Barring Tamils from singing the anthem in their language, especially at national functions like the celebration of Independence Day, further promotes the sense of majoritarianism that has plagued the country since the mid-1950s.

Sri Lanka has a small but influential group of civil society organizations (CSOs) devoted to peace and human rights, and these non-governmental organizations (NGOs) have consistently promoted pluralism and democracy and advocated for human rights. The influence they command is thanks to the donor community and foreign diplomatic corps that have consistently supported their agendas dealing with good governance. The education and advocacy programs that such groups have conducted have had a considerable impact on decision-makers at the political and administrative levels and civil society in general and vice versa.⁵⁸

Sri Lanka's civil war saw atrocities committed by both combatants. As the war intensified, the government became less and less tolerant of criticism. This was especially the case after Mahinda Rajapaksa became president in 2005. The systems of surveillance and monitoring that were put into place continued post-war, but they were employed in less conspicuous ways under the previous regime. The Gotabaya Rajapaksa government, however, ramped up the monitoring and surveillance of civil society so as to cause intimidation and keep organizations unbalanced. For instance, police and military personnel who claim to be from different intelligence branches conduct multiple visits to CSOs inquiring after funding sources and personnel employed. Multiple audits force CSOs to focus their energies on government inquiries as opposed to their work. The National Secretariat for Non-Governmental Organizations and NGOs have been placed under the Ministry of Defence from time to time, which creates the impression that the government views CSOs to be national security threats.⁵⁹

The island thus highlights how while pluralism contributes to democracy, there is no reason to expect democracy to similarly contribute to pluralism.

Lacking a supportive infrastructure to protect and nurture them, most Sri Lankan NGOs depend on foreign funding. They survive on a year-to-year basis unsure of future funding. The general climate within the country is not conducive to local funding, and no government has tried to support NGOs. Governments often consider NGOs to be rivals and opponents. Indeed, all governments have tried to restrict NGO space. When it comes to the bulk of the populace, grassroots-level initiatives generate suspicions and mistrust because CSOs are equated with activists who promote foreign values in return for dollars. The Rajapaksa governments especially, and Sinhalese Buddhist nationalists in general, have played a leading role in promoting this perception, partly by branding CSOs who focus on human rights and pro-minority issues “anti-national” and unpatriotic.⁶⁰ That said, it should be noted that this perception has been changing recently, especially in the context of the ongoing economic crisis and protest movement.

While the prominent CSOs in Sri Lanka located within and around Colombo can easily access the media’s attention and are therefore better known, the post-COVID-19 economic crises facing the country have highlighted the extent of associational life in rural areas. With the island’s population being predominantly Buddhist, with rural Buddhists also being strongly nationalist, and with successive governments catering to Sinhalese Buddhist preferences, there was previously not much reason for people in such groups to protest the government. But the economic crisis has changed their behaviour and in the process highlighted the richness of Sri Lanka’s civil society in rural areas. This perhaps ought not to surprise, given that throughout the country Buddhist and Hindu temples and mosques have combined religious activities with associational activities. It also makes clear that varied civil society exists within the country, irrespective of socio-economic conditions. This, however, does not mean that they all promote pluralism, given how ethno-religious nationalism pervades all parts of Sri Lanka.

Women have and continue to play an active role in civil society. However, their roles and functions are often fragmented, and a better coordinated approach is necessary. Women tend to work mainly on social issues and less in political activism. And women who engage in political activism mainly belong to elite circles than vernacular circles. This noted, the post-COVID economic crisis facing the country has pushed women to protest as well, and one is now getting a stronger indication of the extent to which women are associated with CSOs at the rural level.

Overall, Sri Lanka does not lack civil society, or CSOs that are pro-democracy. What it lacks is an appreciation of how pluralism is necessary for democracy and a more tolerant society. The island thus highlights how while pluralism contributes to democracy, there is no reason to expect democracy to similarly contribute to pluralism.

10. PRIVATE SECTOR

AVERAGE SCORE: 6

RELIGION | SCORE: 6

ETHNICITY | SCORE: 6

The large companies mainly operate on a meritocratic basis when it comes to hiring upper-level personnel, although generally those at the lower level tend to be represented by marginalized segments belonging to all communities.

Sri Lanka's private sector could claim to avoid ethno-religious discrimination compared to the Sri Lankan state, which clearly leans towards hiring those from the majority community. This noted, the private sector is hardly a vocal supporter of pluralism. While it recognizes that conflict is bad for business, it is generally averse to taking strong stands that promote a pluralist ethos.

Sri Lanka's private sector can be divided into two general groupings. Small traders and large companies. The small traders tend to hire family members or those known to their families, especially the more responsibilities the position holds. For instance, a Tamil eatery is likely to have only Tamils working there, while Sinhalese traders will often have fellow Sinhalese employed (and often from their own village, town or community). This is also true for Muslim establishments that prefer to hire fellow Muslims. Except for large trading houses, one common complaint among non-Muslims is that Muslim businesses not only hire their own co-religionists but also trade on more favourable terms with fellow Muslims.⁶¹

A survey conducted a few years back that focussed on retail shops, communication and video centres, jewelry shops, small restaurants, textile shops, manufacturing shops, small pharmacies, hardware stores and different informal services found that 68 percent of these small businesses employed only workers from their own ethnic community, while 25 percent had workers from two different ethnic communities and only 7 percent employed workers from all three major ethnic communities.⁶² In the past decade or so one sees more Estate Tamils (or Indian Tamils) being employed in small establishments owned by other groups, and this is a welcome development. One assumes that the Estate Tamils were considered as part of the Tamil category in the survey noted above. Overall, the tendency to hire those from one's community reinforces societal divisions along ethno-religious lines.

The large companies mainly operate on a meritocratic basis when it comes to hiring upper-level personnel, although generally those at the lower level—usually employed as cleaners, drivers and security guards—tend to be represented by marginalized segments belonging to all communities.

Numerous minorities operate at the apex of some of Sri Lanka's biggest companies. Many of these companies generate much-needed foreign currency at a disproportionate level. The tourism, tea and garment industry stand out in this regard.

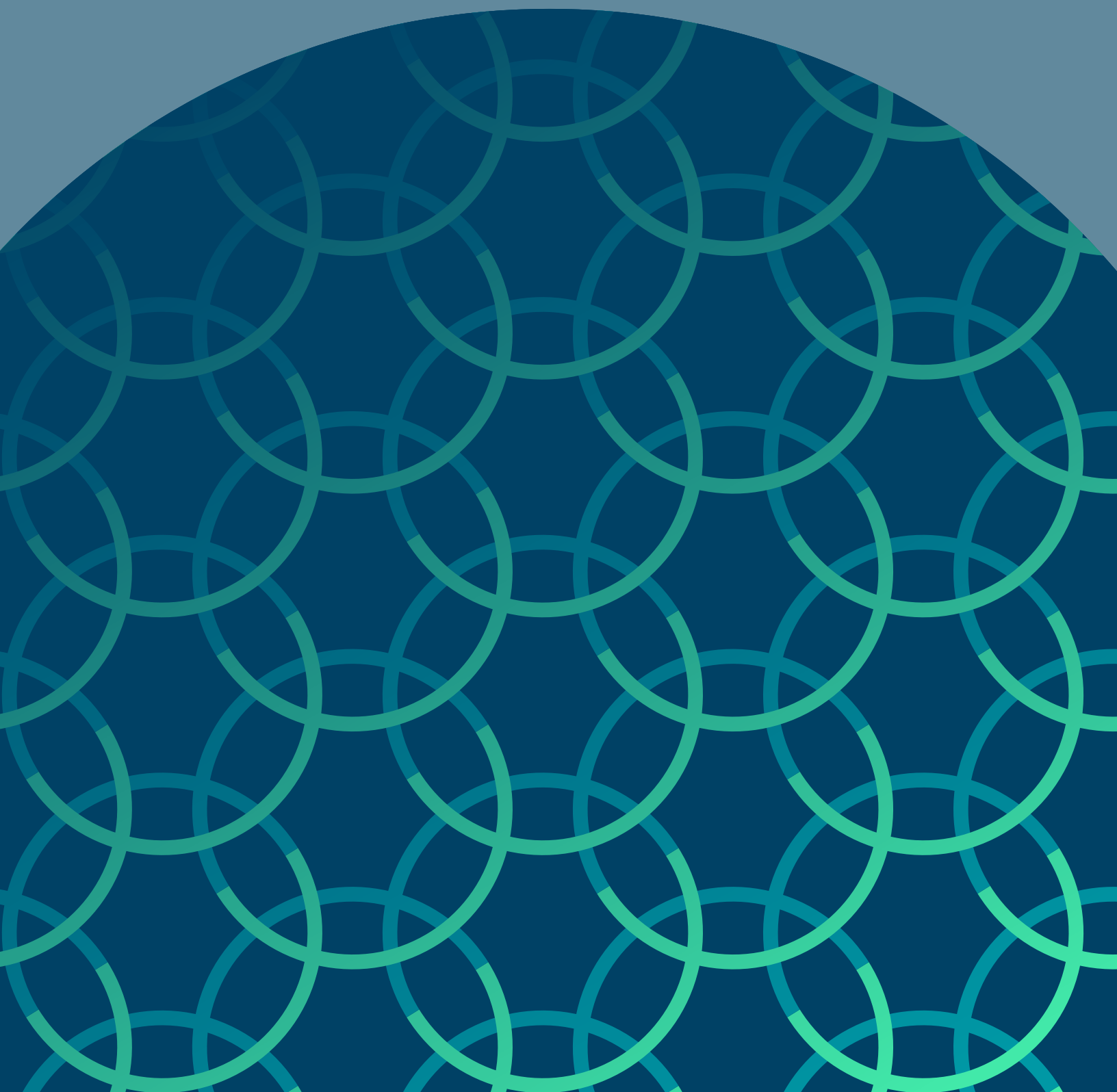
The tea and garment sectors employ a disproportionate number of women who tend to be paid less than what men working in the factories in these sectors make.⁶³ Women, however, are less represented at the higher levels of management, despite there being more women than men in Sri Lanka and women, on average, performing as well and often better than men on leading examinations.

In a country long infested with the communalism virus, the private sector has exemplified its share of nationalism within an economic context. Thus, petty jealousies have pushed Sinhalese small businessmen to tolerate and promote violence against non-Sinhalese competitors. The Buddhist Power Force (*Bodu Bala Sena*), which has recently taken the lead in whipping up Islamophobia, is supposedly associated with certain Sinhalese business interests and has encouraged consumers to avoid patronizing Muslim-owned establishments.⁶⁴ In the Eastern Province, Tamil small businesspersons pit themselves against Muslim small businesspersons and vice versa. In this context, it is hardly surprising that businesses become targets during communal violence.

In recent times, the government has used employee pension money to purchase shares in private companies (especially in the financial sector) and thereby superimposed its members on company boards. Many large private companies were long hesitant to speak out against ethnoreligious violence and the presence of government representatives on some of their boards has only increased their temerity.⁶⁵

Ultimately, if the large companies within the private sector have failed to be a force promoting pluralism, the small private businesses have contributed to weakening pluralism.

PART IV. GROUP-BASED INEQUALITIES



11. POLITICAL

AVERAGE SCORE: 6.5

RELIGION | SCORE: 7

ETHNICITY | SCORE: 6

In short, political participation and contestation within Sri Lanka's polity ensues amidst a well-entrenched Sinhalese Buddhist nationalist ideology that claims minorities live in Sri Lanka thanks to Sinhalese Buddhist sufferance.

Soon after Sri Lanka gained independence, the island's Sinhalese and some upper-caste Tamil leaders disenfranchised most of the island's Indian Tamils who worked on tea estates. Thus, while universal franchise was introduced in 1931, among the country's first non-democratic actions was the calibrated disenfranchisement of the country's most marginalized community. This was rectified later, but it impacted the ethno-religious trajectory the country would embark on in subsequent years.

This said, Sri Lankans value their vote and vote in high numbers (often approaching or exceeding 80 percent turnout, especially in presidential elections).⁶⁶ This voting takes place at the national, provincial and local levels (although the latter two polls have gotten postponed at various times for various reasons). There have been instances when those from opposing parties have been discouraged from voting through threats of violence. Ramped-up militarization may prevent some Tamils from exercising their franchise in the northeast. But overall, the country holds mainly free and fair polls with all communities voting with relative freedom.

Sri Lanka currently has over 100 political parties, though many are inactive and small. The ethnic outbidding that ensued beginning in the mid-1950s—whereby the two main parties sought to compete on who could provide the best programs for the majority Sinhalese Buddhists—led to Tamils mainly voting for Tamil candidates. This continues to be the case during parliamentary elections, while during presidential elections, Tamils typically vote for the candidate that least subscribes to Sinhalese Buddhist nationalism. With Muslim parties operating in the past four decades to cater specifically to the community's needs, Muslims too now vote for their co-religionists during parliamentary elections while voting for the least Sinhalese Buddhist nationalist candidate during presidential elections.

The ability to compete and contest are fundamental aspects of democracy, and, in this regard, Sri Lanka ranks highly. But one cannot envision a non-Buddhist becoming president of the country. Indeed, during Chandrika Kumaratunga's presidency, many Buddhist nationalists opposed the notion that Lakshman Kadirgamar—who as foreign minister played a leading role in galvanizing countries against the separatist LTTE—could become prime minister solely because he was Tamil.⁶⁷ In short, political participation and contestation within Sri Lanka's polity ensues amidst a well-entrenched Sinhalese Buddhist nationalist ideology that claims minorities live in Sri Lanka thanks to Sinhalese Buddhist sufferance and should not make undue demands that may challenge Sinhalese Buddhist supremacy.

This majoritarian ethos is obvious when one looks at the Sri Lankan bureaucracy, which is easily over 90 percent Sinhalese. The Sri Lankan military is likewise close to 96 percent Sinhalese.⁶⁸ There have been instances when Sinhalese civil servants have refused to work under Tamil superiors.⁶⁹ And when serving within the government, minorities

rarely enjoy the most important government portfolios. In this sense, decision-making within government is clearly dominated by the majority community. The increased militarization that has taken place, especially under the Rajapaksa regimes, has also led to the military commanding a greater say in how Northern and Eastern Provinces (the only two provinces where the Sinhalese are not a majority) get governed.⁷⁰ With minorities in these areas being among the more marginalized socio-economically, the disempowerment stemming from unequal representation in governance only compounds their extant inequality.

Notwithstanding having produced the world's first woman prime minister, electing a female president and having fielded numerous prominent women at various governmental levels from time-to-time, women remain underrepresented in political life. At the time of writing this report, the Parliament only contains 12 (out of the 225) women, which amounts to less than six percent. Only one out of the 27 Cabinet Ministers is a woman. While 25 percent of seats are to be reserved for women at the local governmental level, the Election Commission lacks any mechanisms to enforce this beyond the nomination process. Not only are those elected lacking in facilities and training so they can become more effective representatives, but men who are also political party leaders do not seek to use the quota in ways that may empower women (those elected and those in their constituencies). Indeed, the costs associated with running for office and gender discrimination—to the point where male politicians have demanded “sexual bribes” to nominate women—are among the barriers that women face.⁷¹

12. ECONOMIC

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

As per the World Bank, the value for Sri Lanka's Gini Index was 32.40 in 1990, while in 2016 it registered 39.80.⁷² This is the best indicator suggesting that economic disparities have widened, and a big reason for this was the open market policies that were introduced in 1977. While that move away from dirigisme and autarky increased the overall gross domestic product (GDP) and allowed the island to reach lower middle-income status (with a per capita GDP of US\$3,852 in 2019),⁷³ it has done so while contributing to widening economic disparity. The post-independence pro-socialist policies, however, have continued to pay some dividends, and the island's relatively high position in the Human Development Index (HDI) rankings is evidence of this. Sri Lanka's HDI value for 2019 is 0.782, which puts it in the high human development category, positioning it at 72 out of 189 countries and territories (as against a GDP rank of 113).

The COVID-19 pandemic and foreign currency crises that hit the island in 2021 and 2022 are bound to have further widened inequality,⁷⁴ although it is not clear how specific ethno-religious groups in Sri Lanka are differently affected by such inequality. The country lacked data along these lines even before the coronavirus pandemic, so unless specific surveys get conducted it will be challenging to fully determine the extent to

Inadequate educational, health and infrastructure facilities, and the attendant lack of opportunities in predominantly rural districts constitute the main reasons for economic inequality between Western and other provinces.

which economic inequalities among ethnoreligious communities have widened. Going by news commentaries and the observable general situation in the country, economic inequality has expanded in the post-COVID era, and those already marginalized socio-economically now face the brunt of such inequalities.⁷⁵

Indeed, a recent survey shows that a significant proportion of youth belonging to all communities want to emigrate if they could.⁷⁶ COVID-19 has negatively impacted the labour market in many ways. Hundreds of thousands within the informal sector immediately became unemployed or underemployed with the economic shutdown on March 20th, 2020. Private sector employees were hit by the unemployment/underemployment wave. In short, even without considering returning and aspiring migrant workers, the Sri Lankan labour market was already in turmoil from COVID-19.⁷⁷

From a class standpoint, the richest 20 percent enjoy more than half the total household income generated, while the poorest 20 percent take in only 5 percent. The poorest 10 percent of households fare worst, with their share amounting to less than 1.8 percent.⁷⁸ This in a labour force wherein 53 percent represent the informal sector, 29 percent the formal private sector and 18 percent the public sector—with the latter numbering around 1.5 million personnel.⁷⁹

There is stark regional/provincial variation as well. Western Province, in which Colombo is located, generates over 39 percent of the GDP while harbouring 29 percent of the country's population. Inadequate educational, health and infrastructure facilities, and the attendant lack of opportunities in predominantly rural districts constitute the main reasons for economic inequality between Western and other provinces. Generally, areas where minorities predominate fare less well from an overall economic standpoint, although predominantly Sinhalese areas in Uva Province also experience economically depressed conditions. This situation is made worse given successive governments' preference to cater to the majority community when it comes to state employment. This preference for hiring Sinhalese Buddhists is especially stark within the military.⁸⁰

The civil war was mainly fought in the predominantly Tamil northeast, and it is hardly surprising that the region's economy, arid to begin with, has suffered the most. The Northern Province's GDP ranks around 5 percent, with the highest percentage of Sri Lankan households falling into the poorest group residing in the northeastern districts of Mullaitivu (71 percent of the population), Kilinochchi (66 percent) and in Batticaloa (65 percent).

Post-war Sinhalese Buddhist triumphalism and militarization have led to military-run tourist facilities that have minimized entrepreneurial opportunities for minorities in the region. Successive Sinhalese-dominated governments have also focussed on the northeast less because most politicians' bases are in other parts of the island. This neglect, which the civil war enabled, has played no small role in Northern and Eastern Provinces lagging economically.

The tea estate workers, who, in the up country, are mainly Indian Tamils, live in poor conditions, and depressed salaries prevent them from accessing proper education or health facilities. It appears that some government authorities are determined to starve these areas of resources to ensure a steady pool of cheap labour, although many young Estate Tamils have succeeded in seeking employment in small shops and eateries in urban areas.

This notwithstanding, women are paid less and are less represented in the labour force, and this is despite men and women enjoying near similar literacy rates.

Indian Tamils and Sri Lankan Tamils have poverty rates that are 3.3 and 5.3 percentage points higher than the Sinhalese population, respectively. It is estimated that the poverty headcount for Indian Tamils is 46.3 percent and for Sri Lankan Tamils is 44.4 percent, compared to an overall poverty headcount of 32.1 percent.⁸¹

The large number of women-led households make Tamil women in the Northern Province especially vulnerable. The plantation sector also employs large numbers of Tamil women as tea pickers, and this community has long been among the most discriminated and marginalized in Sri Lanka. Most garment factory workers are also women—Sinhalese in the south and Tamils in some of the northern factories that were opened post-civil war—and they too are exploited,⁸² although they are more organized and empowered than most low-income women in other areas.⁸³ When combined with the remittances from women working mainly in the Middle East, it may be said that Sri Lanka's economy is in no small way run on the backs of women.

This notwithstanding, women are paid less and are less represented in the labour force, and this is despite men and women enjoying near similar literacy rates. The Labour Force Survey carried out by the Department of Census and Statistics shows that in 2019, only 35 percent of women participated in the labour force, compared to 73 percent of men. Women in managerial positions came out at 26 percent, making clear they ranked low in decision-making posts.⁸⁴ Moreover, a 2016 study conducted by the International Labour Organization in Sri Lanka for the private sector, female workers can earn anywhere between 30 and 36 percent less than their male counterparts for exactly the same job.

Sri Lankans across the country own properties and can buy and sell properties freely. This may not always be the case when it comes to the Muslim community, as there are those who prefer not to sell to Muslims or come under pressure from more nationalist types not to sell to Muslims. This means that often Muslims end up using middlemen and paying more to purchase properties. Continued militarization in the northeast has also prevented Tamils (and to some extent, Muslims) from accessing ancestral lands. Land grabbing, whereby those with political influence take over state lands, has become common, which in turn speaks to the decline in the rule of law on the island. Tamils, especially, have been victims of this practice since the civil war ended.⁸⁵

13. SOCIAL

AVERAGE SCORE: 7

RELIGION | SCORE: 7

ETHNICITY | SCORE: 7

Sri Lanka's comprehensive social welfare program—ranging from free health and educational facilities at state-run institutions that include dispensaries, hospitals, elder care homes, schools, universities and orphanages—has helped the country rank relatively high on the HDI. That the state took pains to fund institutions in rebel held areas during the civil war highlights the overarching commitment to social welfare programs (even as it legitimized the claim that the government was committed to Tamils in LTTE-controlled

Thus, the country continues to keep allocating more resources towards military spending than health and education, and this despite the COVID-19 pandemic.

areas as well). This commitment is now considered an entitlement among most in the population, which protests whenever someone seeks to cut back or privatize social programs.

This noted, the quality associated with such programs has suffered, partly due to shrinking resources, corruption and an inflated military budget, even post-war. For instance, Sri Lanka refused to demobilize its military after the civil war ended, and this may partly be because the armed services mainly employ Sinhalese Buddhists, and the military is now considered a sort of jobs program. Thus, the country continues to keep allocating more resources towards military spending than health and education, and this despite the COVID-19 pandemic.⁸⁶ The foreign currency crisis facing the island has forced the government to slash imports, and this includes essential medicines. The health sector is thus more likely to come out worse because of the country's ongoing economic problems.

The coronavirus pandemic has especially highlighted the urban–rural divide in education. Nearly all children in Sri Lanka attend primary schools even if schools in rural areas lack quality teachers and facilities. University education remains free and rural students are well represented in universities (partly due to a weightage system). But when all teaching was forced online, rural areas or poor families with no access to computers and smart phones faced harrowing challenges to ensure their children stayed current with lessons. The media consistently reported on students in rural areas climbing roofs, trees and rocks to obtain internet signals. Based on news reports, less than 50 percent of students have internet access, with only around eight percent of students in small schools being able to access online education. Even in larger, better endowed schools, only around 59 percent of students had ready access to the internet. It is estimated that 60 percent of students stand to drop out of school because of poorly planned online education in the country.⁸⁷

The urban–rural disparities impact not just education but also all factors including development. The Western Province, in which Colombo is located, generates over 40 percent of GDP. As per 2015 data, the Central and Southern provinces each contributed over 10 percent of GDP, while the Northern Province (which is predominantly Tamil) contributed 5.4 percent of GDP. The Eastern Province, where Tamils and Muslims outnumber Sinhalese, also contributed a mere 6 percent of GDP.⁸⁸ Going by population concentration, predominantly minority areas that are rural have less resources and suffer greater social inequalities.

Free access to education is why the island's high literacy rate is around 92 percent, but as noted above, this does not reflect the varied standards across provinces. Colombo and the big cities continue to harbour very good private and government schools. The international schools that have risen over the past four decades cater mainly to the upper-income classes in English, and their spread has highlighted the economic divide. In all these institutions, both female and male students have similar access to education. Indeed, female enrolment in secondary education ranks as good as male enrolment,⁸⁹ while female enrolment in tertiary enrolment outranks that of males.⁹⁰

Despite high enrolment, however, gender disparities remain with women ending up with lower skills and consequently doing low wage jobs. In line with the country's still mainly patriarchal society, men are considered the family's decision-makers.

Despite high enrolment, however, gender disparities remain with women ending up with lower skills and consequently doing low wage jobs. In line with the country's still mainly patriarchal society (although Sri Lanka ranks much better in this regard when compared to other South Asian states), men are considered the family's decision-makers. These norms shape familial relationships and contribute to the gendered division of labour and lower ranks for women employees, which contributes to social inequalities.

Sri Lanka's religious groups can oversee their own schools, and while this contributes to pluralism, it has also prevented the intermingling of students from differing religious backgrounds. Recently, the rise in madrassas (especially those unregistered) has been made an issue by those who want to whip up communal sentiment.

At the university level, most students end up in the arts stream, and this is especially true for students from rural areas. This is partly due to the more difficult curriculum associated with the science-based fields and the inadequate facilities that promote science-based education in rural areas. The result is that these students graduate without the requisite marketable skills and are typically at the forefront in demanding government employment. It is one major reason for Sri Lanka having a bloated state sector. The COVID-induced economic challenges together with poor governance in Sri Lanka has motivated large numbers of youth to try and seek employment overseas. This was especially made clear when the IHP released results from the Sri Lanka Opinion Tracker Survey that was launched to assess public opinion related to the pandemic. It evidences that about 27 percent of Sri Lankans would like to emigrate.⁹¹ Youth and the educated want to migrate the most, with around one in two saying they wanted to leave the country. The government does not seem concerned about this potential brain drain; instead, it seems to view this as a potential solution to generating much needed foreign currency. Indeed, the country's economic situation is so dire that the government is even encouraging public servants to take a leave of absence from their jobs and go abroad for employment,⁹² even as it is struggling to provide passports for all who apply.⁹³

14. CULTURAL

AVERAGE SCORE: 7

RELIGION | SCORE: 7

ETHNICITY | SCORE: 7

From an ethnic standpoint, Sri Lanka is predominantly Sinhalese (75 percent), and from a religious standpoint, it is predominantly Buddhist (70 percent). The country's Constitution provides Buddhism the "foremost place," which means those who belong to other religious communities rank lower. All this builds on the now embedded notion that Sri Lanka is *sinhadipa* (island of the Sinhalese) and *dhammadipa* (island that is a repository for Buddha's doctrine).⁹⁴ The resulting nationalist ideology claims that the Sinhalese Buddhists only have Sri Lanka, while religious minorities can locate themselves elsewhere (Hindus in India, Muslims in the Middle East and Catholics in the West), and that while non-Buddhists can live in the country, they should not make undue demands

All major religious festivals are national holidays, and it is common for prominent Buddhist political leaders to engage with Muslims, Hindus and Christians during religious celebrations.

that challenge the superordinate status of the Sinhalese Buddhists. In this context, it is hardly surprising that the island experiences more than its share of cultural inequalities.

On the one hand, Sri Lankans of all stripes celebrate their cultures openly. In short, non-Buddhists do not celebrate their unique identities in secret. All major religious festivals are national holidays, and it is common for prominent Buddhist political leaders to engage with Muslims, Hindus and Christians during religious celebrations. Personal laws specific to different communities, such as the Kandyan law, Thesavalamai and Muslim law, add to the sense of pluralism in the country. It is with good reason that a 2019 survey evidenced that nearly 90 percent of people felt they could practice their religion freely.⁹⁵ This has been reinforced by the multi-religious bonhomie evidenced at the rallies that demanded the ouster of President Gotabaya Rajapaksa.

That noted, nationalist elements have sought to periodically whip up communal sentiments for personal or political gain. During the civil war, and even more recently, some Sinhalese radicals attacked Hindu temples⁹⁶ even as the LTTE killed Buddhist monks on certain occasions and attacked the most sacred Buddhist temple in the country. This is despite the civil war mainly being an ethnic and not a religious conflict.⁹⁷ The LTTE also attacked mosques in Eastern Province and killed Muslim worshipers.⁹⁸ Radical Buddhist monks also targeted Catholic churches in the early 2000s,⁹⁹ and evangelical preachers have long been harassed, especially in rural areas of the country. All this undermined cultural tolerance given how religion is inextricably linked to people's identities.

Post-civil war, it is the Muslim community that has faced the brunt of culturally related discrimination. The rise in the number of women wearing the burqa and niqab has led to a sense that the predominant Buddhist culture is being transformed, and it has caused nationalists to ramp up anti-Muslim rhetoric.¹⁰⁰ This attire, considered foreign to South Asia, was not made an issue until after the civil war ended, and Sinhalese Buddhist nationalists chose to mobilize by claiming Muslims were a threat to the island's cultural heritage. In short, women's attire became especially weaponized for ethno-national purposes. The Easter Sunday bombings were a fillip that led to the Cabinet voting in April 2021 to draft legislation banning full-face coverings. Muslim elites have sought to get the more conservative and urge orthodox women to adopt coloured (as opposed to black) burqas, but thus far, most Muslim women who choose to wear the burqa or niqab resort to the black version.

In short, while Sri Lankans can enjoy fundamental cultures relatively freely, this is less because the state enthusiastically promotes diversity and more because minorities consider that their respective cultural celebrations are a fundamental right. At the same time, minorities know that they should celebrate their heritage without offending majority sentiment. This cautiousness points to the lack of equal respect for all cultures on the island.

15. ACCESS TO JUSTICE

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

Access to justice ranks among the weakest areas of governance in Sri Lanka. Exorbitant costs associated with litigation, legal delays due to case backlogs, political interference and corruption all contribute to this outcome. Sri Lanka's courts are especially compromised at the lower levels, partly due to the pressure to get promoted and such promotions having gotten politicized significantly over the past three decades.¹⁰¹ It has led to a rather uneven courts system, with bold and well-articulated opinions being often delivered by the higher courts, while some judges at the lower levels struggle to comprehend basic statutes.

The country's legal regime safeguards citizens' basic rights, with the fundamental rights chapter in the Constitution guaranteeing freedom of expression, freedom of assembly, prohibition against being discriminated on the grounds of race, religion and political opinion. It also ensures a well laid-out criminal justice system. This is in addition to institutions like the HRCSL, which provides avenues for victims of human rights violations to obtain relief at little or no cost and without being subject to the system's formal rigidities.

The application of the law, especially given the diverse ethno-religious nature of the country, contrasts starkly with its constitutional statutes. This is partly due to how courts have interpreted statutes over the years, cementing Buddhism's privileged position at the expense of other religions. For instance, in 2003, the Supreme Court ruled that the state was constitutionally only supposed to protect Buddhism, while, in 2017, the same court ruled that the Constitution did not protect the right to propagate one's religion.¹⁰²

There are also few Tamil-speaking judges appointed at the highest levels of the judiciary.¹⁰³ The police force, which initiates criminal proceedings, lacks adequate Tamil-speaking personnel. The more Sinhalese in the area, the more likely a Tamil-speaker will need to sign a police report/complaint/charge sheet written out in Sinhala. There are also few Tamil-speaking state counsels in the Attorneys General office. Another lacuna is the small number of women in the higher judiciary¹⁰⁴ and the way in which this may influence gender discrimination associated with the judiciary.¹⁰⁵ The necessary diversity decreases as one moves up the court system's hierarchy.

The expense and delay associated with seeking justice is why only a quarter of respondents to the Global Centre for Pluralism's *Pluralism Perceptions Survey* said they had confidence in the integrity of state institutions that mete out justice and law enforcement.¹⁰⁶ A separate survey conducted by the Centre for Policy Alternatives also made clear that nearly 60 percent of Sri Lankans are dissatisfied with the island's law and order situation.¹⁰⁷ In 2017, a special committee on amending the Penal Code and the Code of Criminal Procedure Act reported that on average it took 10.2 years to conclude a criminal trial and seven more years to conduct an appeal process.¹⁰⁸

The PTA, which permits indefinite detention without bail for those suspected of engaging in terrorist acts, is among the most draconian statutes that has affected minorities.

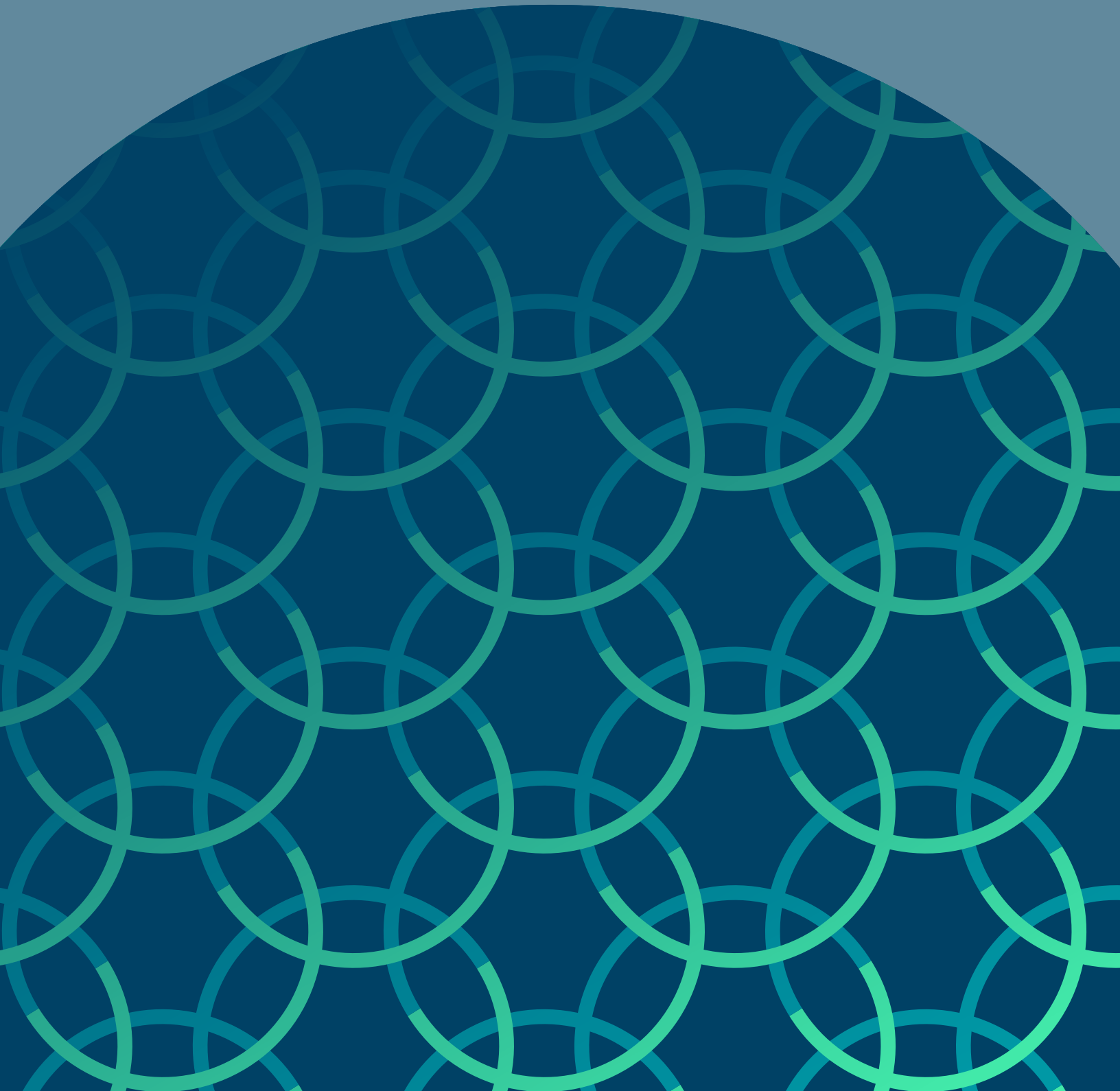
The independence of the judiciary has varied depending on the government in power. There have been attempts to solidify the judiciary's independence and related state institutions from undue political influence, and these were recently attempted through the 17th and 19th constitutional amendments of 2000 and 2015, respectively. However, the 20th Amendment (and 18th Amendment before that) allows the president to make unilateral appointments to the higher judiciary, state administration and even monitor institutions, such as the HRCSL. This is on top of the Attorney General's office operating as an appendage to the Executive Presidency (as opposed to operating independently in the people's interest). To make matters worse, many of those who worked at the Attorney General's office have been appointed to the higher courts, contributing to an executive mindset within the upper echelons of the courts.¹⁰⁹ Several decisions since the 20th Amendment was passed have vitiated public faith in the judiciary's independence in particular, given how they have discharged several members of the government from cases associated with bribery and corruption. Among the cases dismissed are those that implicated security personnel who allegedly committed criminal acts.¹¹⁰

The PTA, which permits indefinite detention without bail for those suspected of engaging in terrorist acts, is among the most draconian statutes that has affected minorities. The PTA was initially passed in reaction to Tamil separatism, but since then, over 300 Muslims have been taken into custody (following the 2019 Easter Sunday bombings) for the slightest suspicion.¹¹¹ Suspected LTTE members have been held for periods ranging from 10-to-20 years without charge or being brought before the courts. It is instructive that while Sinhalese arrested for committing anti-Muslim violence at various points were charged using statutes that allowed them to be released on bail, minorities get charged using the PTA, which prevents a judge from granting bail.¹¹²

The ICCPR Act is another law that has been utilized to target minority communities. The law, which deals specifically with hate speech, has been used punitively against those who have politically opposed the government. Here too it is ethnic and religious minorities that tend to be disproportionately targeted. And this even as the government disregards the vilest hate speech by those within the majority community.¹¹³

The international community has rightly called on the government to repeal the PTA. The government, however, prefers to leave some version of it on the books despite being repeatedly censured. This combined with the absence of meaningful ethnic reconciliation and accountability is why Tamils, and many within the international community, have called for a panel comprised of international judges to investigate war crimes allegedly perpetrated by the country's security forces. The longstanding demand itself highlights the lack of faith in the independence of Sri Lanka's judiciary system. Following the Easter Sunday bombings, Muslims too were victimized using the PTA, and this includes Muslim women who may have been innocently associated with the bombers.¹¹⁴

**PART V.
INTERGROUP RELATIONS
AND BELONGING**



16. INTERGROUP VIOLENCE

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

The violence against Muslims appears designed to target property, since in all instances, few Muslims have been killed but much damage has been done to homes, businesses, mosques and vehicles.

Sri Lanka's first eight years following independence were relatively tranquil. Thereafter, beginning with the anti-Tamil riots of 1956, the island has seen sporadic violence ranging from riots to pogroms and insurgencies. The latter was mainly Sinhalese-based and took place in 1971 and between 1988 and 1990 when the Janatha Vimukthi Peramuna, a Marxist-Leninist communist party and former militant organization, sought to overturn the government and capture power. The numbers killed range in the thousands, although the estimates vary. The rest of the violence has been mainly inter-ethnic between Sinhalese and Tamils and culminated in a nearly three decade-long civil war (1983–2009). When the rioting against Muslims and occasional threatening behaviour against Christians are included, every community in Sri Lanka has had to deal with violent threats and episodes in some manner during the past 60 years.

The first anti-Tamil riots resulted from Tamils peacefully opposing the government's attempt to make Sinhala the only official language in 1956. This was followed by more language related rioting between the two groups in 1958. Anti-Tamil violence erupted again in 1977 after the United National Party came to power, partly in reaction to Tamil youth in the Northern Province having mobilized into various groups seeking secession.¹¹⁵ The anti-Tamil violence that took place in 1983 was a veritable pogrom, with the police and military encouraging the rioters who targeted Tamil businesses and homes, and the government doing nothing to stop the violence for days. It led to thousands of Tamils fleeing the island and others joining various rebel groups to fight for a separate state. Sri Lanka continues to live with the consequences of the 1983 violence, which has affected all communities.

This includes the Muslim community throughout the island but especially in the north-east. The LTTE evicted all Muslims from the Northern Province in 1990, causing most to become refugees overnight. The group also attacked Muslims in the Eastern Province since Muslims were against the LTTE quest to create a separate state.¹¹⁶

Since the war ended in 2009, Buddhist nationalist groups have targeted Muslims, with rioting taking place in Dharga Town in 2014 and additional anti-Muslim violence taking place in 2018 and 2019. The violence against Muslims appears designed to target property, since in all instances, few Muslims have been killed but much damage has been done to homes, businesses, mosques and vehicles. Few have been arrested for such violence, and the leading Buddhist monk who promoted Islamophobia and justified the rioting has not been charged for fanning intergroup violence.

The 2019 Easter Sunday bombings targeted hotels, although most who died were in the three churches that were also attacked. Investigations associated with the bombings have led to speculation that certain intelligence personnel associated with the Rajapaksa family played a role in enabling the bombings so they could use the carnage to promote Gotabaya Rajapaksa's presidential candidacy.¹¹⁷

A recent national survey by the Department of Census and Statistics on violence against women found that one-in-five women has experienced physical and/or sexual violence by an intimate partner in their lifetime.

While Sri Lanka's intergroup violence has mainly been fanned by ethno-religious nationalism and political entrepreneurs who have sought to opportunistically use ethno-religious fissures to further their careers, unscrupulous business interests have played a role in such violence. This was most certainly the case during the 1983 anti-Tamil pogrom. And it also appears to be the case with much of the anti-Muslim violence that has taken place since 2012. In such instances, business groups may fund a nationalist group that fans hate speech as part of an agenda that claims to defend the nation while politicians profit from the violence. The Bodu Bala Sena is an example of a nationalist group led by Buddhist monks who appear to have been funded by business interests and operated with the connivance of politicians. None of its leaders have been prosecuted for fanning inter-ethnic violence.

Whenever violence is perpetrated, especially when it is carried out with impunity, the most marginalized tend to pay a greater price. This is the case in Sri Lanka as well. Poor minorities have less ability to draw on contacts that may be able to provide them some protection or to bribe rioters to end the violence, so there is a socio-economic dimension to the violence as well. It is instructive that during most anti-Tamil riots, hardly any Tamil jewelry shops in Colombo were targeted, and the common understanding is that this is because influential politicians and police personnel were bribed and provided these establishments necessary protection against the rioters.

Violence also tends to impact women in different ways, and this is especially so when sexual abuse is involved. The 1983 anti-Tamil riots evidenced some rapes, although almost no victims discussed their experience. The civil war is said to have led to numerous Tamil women being molested, although few sought to press charges. Those engaged in psycho-social counselling within Sri Lanka and especially abroad, however, have noted extensive sexual violence (often against men as well).¹¹⁸ There have also been reports that Muslim women taken into custody following the Easter Sunday bombings were sexually abused, but once again, the sense of shame associated with being violated has prevented individuals from coming forward.¹¹⁹

Sri Lanka comprises of numerous inter-religious groups that promote co-existence. They do yeomen service in preventing intergroup tensions from escalating into violence. Their success, however, depends on state authorities respecting the rule of law. Often, this is not the case when Buddhist clergy or leading politicians are involved. The country will continue to experience sporadic intergroup violence until this situation is reversed.

Many challenges also remain in addressing gender violence in general and ensuring that women and girls can have a life of dignity and respect. A recent national survey by the Department of Census and Statistics on violence against women found that one-in-five women has experienced physical and/or sexual violence by an intimate partner in their lifetime.

In analyzing women's coping strategies when living with such partners, the study found that nearly half (49.3 percent) who experienced sexual violence did not seek formal help anywhere due to reasons such as shame, embarrassment, fear of being blamed or not being believed and/or thinking the violence was normal or not serious enough to seek help. It said that almost half of all women who had been interviewed for the survey agreed that "a man should show he is the boss" (47.5 percent), and almost half agreed that "a good wife obeys her husband even if she disagrees." Two-in-five women agreed

with the statement that “women are obliged to have sex with their husbands when she does not feel like it.” As per the last Sri Lanka census, 40 percent of women in long-term relationships and/or marriages in the country experienced domestic violence.¹²⁰ There are no reasons to assume that domestic violence against women varies drastically among different ethno-religious communities.

17. INTERGROUP TRUST

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

This majoritarianism itself was justified using a mytho-history that Sri Lanka is the designated sanctuary for Buddha’s teachings, and the Sinhalese are the chosen people to protect Buddha’s legacy, which is now embraced as sacrosanct by most Sinhalese Buddhists.

A country that has experienced numerous ethno-religious riots and insurgencies, combined with state authorities acting (and being able to act) with impunity cannot expect to enjoy high levels of intergroup trust. The ethnocracy that Sri Lanka embarked on led to Sinhalese Buddhist ethnic status being more privileged than Sri Lankan citizenship, and this was evident by how majoritarianism came to dominate the socio-political scene. This majoritarianism itself was justified using a mytho-history that Sri Lanka is the designated sanctuary for Buddha’s teachings, and the Sinhalese are the chosen people to protect Buddha’s legacy, which is now embraced as sacrosanct by most Sinhalese Buddhists.¹²¹ Ethno-nationalism hardens identities, and that, in turn, encourages intra-group interaction and trust while minimizing intergroup interaction and trust. While the latter still takes place, the civil war between the predominantly Sinhalese Buddhist state and Tamil rebels and Islamophobia, which is rife among all communities, has vitiated trust among the island’s different groups.

For instance, while intergroup marriage still takes place, especially among the upper income and more educated classes, it is less common than before. Muslims in particular are vilified for insisting that non-Muslims convert to Islam when marrying a Muslim—a demand that is less strenuous among other communities. The Muslim preference may be in line with religious sanctions, but it hardly endears the community to Sinhalese Buddhist nationalists concerned about supposedly higher Muslim fertility rates amidst the spread of the more austere and uncompromising Wahabi Islam. The Centre’s *Pluralism Perceptions Survey* indicates that the Muslim community has a less trusting and less open attitude towards intergroup marriage compared to other groups in the island.¹²²

Sri Lanka remains a patriarchal society, albeit much less so than other South Asian countries, and this means that strictures associated with marrying outside one’s community inevitably take a higher toll on women.

Sri Lanka’s private sector comprises of executives of all ethnicities who superintend workers belonging to all ethnic groups. This is not necessarily the case when it comes to small businesses, which tend to hire relatives and those known to the proprietors. The situation is different in the state sector, partly because nearly 94 percent of government employees (this being an estimate) belong to the majority community.¹²³ There have been instances when Sinhalese in the state sector have bristled over having

In short, the basic creed undergirding Sinhalese Buddhist nationalism has gotten to be more exclusivist than before, which comes at the expense of pluralism.

to work under minority bosses. Tamils and Muslims often complain about having to fill out forms in Sinhala or speak in Sinhala when dealing with government officials, even when they do not fully comprehend the language. This especially affects those lower on the socio-economic ladder, as those who are more educated Tamil speakers are more likely to be able to operate in English. Minorities also often complain about belittling treatment at the hands of Sinhalese government officials.¹²⁴ This is all due to the majoritarian ethnocentric culture that has become embedded over the decades, which in turn undermines the inter-ethnic respect and trust necessary for pluralism.¹²⁵

Post-war, opportunistic elements have sought to use scarce resources and sow discord especially among Tamils and Muslims in the northeast. Given how some military figures fan such discord, the attempt to fan distrust and conflict between the island's two largest minorities may be more calibrated than it appears.¹²⁶ Since those being manipulated are often at the lower end of the socio-economic divide, there is a class element to this manufactured discord.

The Sinhalese Buddhist worldview is rooted in the notion that Sri Lanka is the only spot in the world where the Sinhala language is spoken and how Sinhala is derived from Pali (the language of the Buddhist scriptures) and merges with notions of *sinhadipa* and *dhammadipa*, which contribute to a powerful ideology. This combines with the fact that all religious minorities locate their religious pedigrees outside Sri Lanka—India for Hindus, Rome (specifically) for Catholics, the Middle East and West for Christians of other denominations, and Mecca, Medina and Jerusalem for Muslims. In short, the basic creed undergirding Sinhalese Buddhist nationalism has gotten to be more exclusivist than before, which comes at the expense of pluralism. The Sinhalese, though a majority in the nation, feel threatened by the large population of Tamils who surround them in the region. This “minority complex” of the Sinhalese is theorized to contribute to their need for political power.¹²⁷

This, however, is not to say that Sri Lanka is devoid of groups that believe the country can only reach its potential by building on its rich cultural diversity. Thus, members of all communities express a willingness to work together when provided with forums to do so.¹²⁸ CSOs also attempt to foster inter-community relations by forming inter-community groups at the district and subdistrict levels. Members from all communities have participated in these endeavours, especially during the COVID-19 pandemic. The manner in which inter-community groups mobilized to provide humanitarian supplies to those most affected by COVID-19 is indicative of the unrealized potential to overcome a divided past and move towards a shared future.

18. TRUST IN PUBLIC INSTITUTIONS

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

However, corruption, incompetence and ethnocracy have diminished the professional and efficient nature of Sri Lanka's public institutions.

The island's pre-colonial history was partly rooted in the notion that a good King was one who ensured the people were well provided for. The social welfare programs instituted in the post-independence era extended this notion with the state supplanting the King. These programs included free health, education, dry rations (up to the late 1970s) and various subsidized commodities ranging from petrol, cooking gas and fertilizer. The ongoing protests over the state's inability to ensure essential commodities and the promises made by opposition parties that this is precisely what they would do if in power highlight the extent to which the public well-being is linked to state performance.

However, corruption, incompetence and ethnocracy have diminished the professional and efficient nature of Sri Lanka's public institutions. The majoritarian quest pushed certain governments to weaken the civil service and instead empower government ministers.¹²⁹ The diminishing quality and capabilities of the country's politicians thereafter ensured public institutions were politicized and compromised. The politicians who oversaw ministries not only favoured their constituents and party members, but they also began operating within an ever-expanding culture of impunity. Police and village-level officers are least trusted owing to corruption while government departments that provide large scale public services, such as water, electricity and land registration, are also perceived to be slow and inefficient. The judiciary is notably slow in delivering justice, which is why the Centre's *Pluralism Perceptions Survey* shows that trust in law enforcement and justice is especially low.¹³⁰

People, however, clamour for jobs in public institutions. This partly has to do with the status and security associated with state sector employment. Despite relatively lower incomes (for those not part of the armed forces), government service ensures a pension, which adds to one's sense of security post-retirement. For some in the police service and other professions, public sector employment allows one to benefit from corruption and kickbacks.¹³¹ This too is a reason for people coveting public sector employment.

The 17th Amendment introduced mechanisms to select high-level state officials who could operate independently and dispassionately, but the 18th Amendment undermined this effort. The 19th Amendment basically revived the 17th Amendment only to be discarded by the 20th Amendment. Under the presidential system, the executive branch has sought to arrogate powers at the expense of Parliament, and this is especially the case with the 20th Amendment.¹³²

Combine cronyism and the rule of law being cavalierly undermined, and the ensuing climate of impunity especially affects society's least empowered. These include the poor, women and minorities. The casual sexism that takes place in less professional settings within the public sector impacts women at all levels. Militarization in the northeast and the predatory sexual relations Tamil women, in particular, are supposedly forced into, further tarnishes public institutions.

There is a conspicuous lack of minority representation in state institutions, especially in the police and military. This translates into shoddy treatment of minorities by officials who belong to the majority community. Additionally, with most politicians and officials belonging to the majority community, the patronage networks that enable government access and state resources benefit their constituents who in most cases are fellow ethnics. There is also the utter disregard of minority preferences in ways that occasionally humiliate and traumatize. For instance, when a public notice (October 2021) announced 26 persons appointed to high state posts, not a single Tamil or Muslim was part of the group. The disregard for minority sentiment was also evident when the Supreme Court responded to a fundamental rights petition by several Muslim organizations challenging the government's ban against burying those who were thought to have died from COVID-19 by denying it the right to proceed. Furthermore, when President Gotabaya Rajapaksa appointed 23 new ministerial secretaries in May 2022, all were Sinhalese.¹³³

The consequence is that the quest for majoritarianism has compromised Sri Lanka's democracy. The attendant decay in the island's public institutions has impacted all, with the island's minorities especially effected. Clearly, the country's democratic backsliding is directly connected to diminished pluralism.

19. INCLUSION AND ACCEPTANCE

AVERAGE SCORE: 5.5

RELIGION | SCORE: 6

ETHNICITY | SCORE: 5

The narratives that take hold in a society condition how relations between groups pan out, and unfortunately, for Sri Lanka various ethnic entrepreneurs have opportunistically fanned ethnic and communal tensions.

If one goes by Sri Lanka's Constitution, then the country represents ethno-religious diversity, notwithstanding Buddhism being provided the foremost place. After all, the Tamils in the Jaffna Peninsula can use Thesavalamai law, which regulates relations pertaining to marriage, property and inheritance. Similarly, those associated with the Kandyan Kingdom have their own customary law, while Muslim personal law applies to those practicing Islam. While there is now an attempt to create a common set of laws, which may affect Muslim personal law in particular, thus far, Sri Lanka's religious communities operate as they long have in a state of relative freedom. Therefore, nearly 75 percent of Sri Lankans (in a 2019 survey) said they lived peacefully with other communities.¹³⁴

Hindu deities and certain Hindu practices have seeped into Buddhism, and this syncretism enables the two religions to cohere. The last Kings associated with the Kandyan Kingdom were Tamils from South India, and prior to this, Sinhalese Kings sought wives from South India, which evidences that the Buddhists were not averse to other religious groups provided they did not seek to undermine the Buddhist faith. The Kandyan Kings also provided Catholics protection when the Dutch persecuted the group during colonial times, even as they similarly helped Muslims avoid colonial persecution. Additionally, there are several common places of worship that attract different religious groups, which highlights that Sri Lankans are comfortable in a multi-religious setting. The narratives that take hold in a society condition how relations between groups pan out,

and unfortunately, for Sri Lanka, various ethnic entrepreneurs have opportunistically fanned ethnic and communal tensions.

Thus, while pluralism is the island's living reality, the politicization of ethnic and religious identities for electoral gain has poisoned inter-ethnic and inter-religious relations. Individuals from different ethno-religious backgrounds who engage with each other amicably nevertheless embrace and privilege their group identity when socio-political issues intervene. The periodic ethno-religious rioting and civil war have contributed to group identities hardening in ways that weaken pluralism. Indeed, most Sinhalese (71.8 percent) feel it is fine for Buddhism to be provided the foremost place in the island's Constitution, while 77.2 percent of Estate Tamils and 76.3 percent of Muslims believe no religion ought to be given special consideration.¹³⁵

Sri Lanka operates within a majoritarian ethos. It is qualified to be called an ethnocracy given how Buddhism dictates government policy and legitimate minority grievances get disregarded. Consequently, most minorities oscillate between feeling accepted/included and rejected/excluded, depending on the setting. The individual who may feel as one with someone from a different group when engaged with a CSO, an alumni association or multi-confessional places of worship may nevertheless feel slighted when dealing with a bureaucrat who operates in Sinhala only. The more marginalized the individual, the more likely they are going to feel discriminated against due to being treated differently.

While Sri Lanka is a Sinhalese Buddhist majoritarian state, the fact remains that minority communities who constitute a provincial or district-level majority also embrace a majoritarian mindset. This may be in reaction to the Sinhalese Buddhists dominating the socio-political scene at the national level. Yet, the existence of insular domains outside Colombo was a fact of life before and during colonial times. What one can say is that various reasons intersect to divide the island's multi-ethnic and multi-religious polity that lives cheek by jowl.

20. SHARED OWNERSHIP OF SOCIETY

AVERAGE SCORE: 5

RELIGION | SCORE: 5

ETHNICITY | SCORE: 5

The nearly three decades long civil war would not have taken place if Tamils felt they could coalesce as equal citizens within the country. Following the civil war, the government allowed nationalist forces to target Muslims. Sinhalese Buddhist nationalism is premised on the notion that minorities live in the country thanks to the majority community's sufferance. One cannot expect minorities to feel that they are an equal part of society in such a milieu. The effect is that Sri Lanka has reached a point where ethnicity outranks citizenship, at least when it comes to interacting with the state. This may vary from place to place but is what majoritarianism and ethnocracy enables.

This noted, minorities also embrace a majoritarian mindset in areas where they predominate. Thus, Tamils in the Northern Province (and especially the Jaffna Peninsula) operate as if they have greater ownership of that area, while Muslims react likewise in enclaves within Colombo and parts of the Eastern Province. The town of Kattankudy in the Eastern Province is completely Muslim and ranks among the most densely populated spaces in South Asia. Outsiders are often made unwelcome.¹³⁶

There was an aversion to sell property to Muslims in non-Muslim areas even before the recent anti-Muslim agitation and propaganda took effect. This coincides with most Muslims preferring to live among themselves, as opposed to among other groups. In areas outside Colombo, Christian Evangelicals have also been denied the ability to rent homes or space for worship services, with Buddhist monks and police threatening their activities.

Parties that appeal to ethno-religious identities have helped fray the sense of collective ownership. The catering to Sinhalese Buddhist needs and demands helped the SLFP come to power in the mid-1950s and since then, many other parties (with the governing SLPP) have enthusiastically embraced majoritarianism. Indeed, the SLPP takes pride in having created a domineering government without any minority support.¹³⁷ Tamil and Muslim parties also embrace ethno-religious positions to win votes especially during local, provincial and parliamentary elections, and thereby help undermine the ability to craft a society conducive to shared ownership.

The school system has compounded the problem by mainly catering to students who belong to the same religion or ethnicity. On the one hand, allowing religious organizations to operate their own educational institutions is an important sign of pluralism. But, on the other hand, this also leads to a cloistered upbringing that reinforces society's separate existence. This sense of unequal citizenship impacts all, irrespective of class and gender. Consequently, most Sri Lankans co-exist without much co-mingling. It is a major reason why the island can maintain a veneer of pluralism amidst embedded majoritarianism.

RECOMMENDATIONS

- 1) A country's citizens may have conflicting preferences, but states exist to mediate such differences and thereby ensure predictable and peaceful relations. In short, the state and its institutions can play a pivotal role conditioning citizens towards embracing pluralism or majoritarianism. Sri Lanka's government wants to introduce a new Constitution, and it is imperative that the document specify the island is "multi-ethnic, multi-lingual, multi-religious and multi-cultural." This was noted by Foreign Minister Dinesh Gunawardena at the 43rd Session of the UNHRC in Geneva on February 20th, 2020. But mouthing this to appease an international audience is not the same as emphasizing it in the country's most important institution—the Constitution.
- 2) The state should reinforce the commitment by crafting specific laws and policies promoting pluralism within all public facilities interacting with citizens.
- 3) The government should conduct educational and training programs on pluralism for government servants and collaborate with NGOs and the international community to promote this agenda.
- 4) The government should incorporate pluralism within the school curriculum, which it controls, even as it encourages NGOs, including religious bodies, to respect and safeguard the island's pluralism.
- 5) The government should ensure that the national anthem is sung in both official languages and all public officials are fluent in both national languages. Bilingualism should be made compulsory for bureaucrats beyond a certain level even as the state works to improve citizens' bilingual abilities in all sectors of society.
- 6) The government's programs should link prosperity and security with pluralism and emphasize that many of Sri Lanka's problems stem from majoritarianism, and it cannot develop further until all citizens are treated equally.
- 7) The state should revert to more merit-based practices to avoid being a continued ethnocracy—where the country is mainly governed by and for the majority community.
- 8) To promote active engagement across communities, the government should reactivate District Reconciliation Committees (DRCs) and establish subdistrict-level DRCs to mitigate ethno-religious tensions and promote conflict resolution. The DRCs will have District (or Divisional) Secretaries as convenors and consist of religious clergy, police, schoolteachers and government officials—including retired judges—as mandated by the Cabinet in 2017.
- 9) Establish a Pluralism and Equal Rights Commission. The commission will work on issues that are identified in the fundamental rights chapter of the Constitution. The Pluralism and Equal Rights Commission will promote pluralism in society and have the power to conduct its own inquiries, give directives to be implemented and access the courts through the Attorney General. The Commission should be allowed to refer any proposed law to the Supreme Court with its observations on how such laws may promote or stymie pluralism in the country.

10) The international community should push the government to embrace pluralism in all its endeavours and hold it accountable when failing to do so.

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