

# MINORITIES ON SOCIAL MEDIA

NOVEMBER 2022 – AUGUST 2024





**Harmful Content against Religious Minorities on Social Media | November 2022 - August 2024**

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The study was authored by Uween Jayasinha. The findings, interpretations, and conclusions presented in this study are solely those of the author and may not reflect the official views of the NCEASL.

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**National Christian Evangelical Alliance of Sri Lanka  
2024**



# TABLE OF CONTENTS

<b>INTRODUCTION</b>	<b>01</b>
<b>1. THE LEGAL FRAMEWORK</b>	<b>03</b>
1.1 The interplay between the FoRB and the FoE	03
1.2 The Laws that safeguard against harmful speech and expressions	05
a. The International Covenant on Civil and Political Rights Act No. 56 of 2007	06
b. Online Safety Act No. 09 of 2024	07
c. The Penal Code	09
d. The Computer Crimes Act No. 24 of 2007	09
e. The Police Ordinance No. 16 of 1865	10
f. The Sri Lanka Telecommunications Act No. 25 of 1991	10
g. The Prevention of Terrorism Act No. 48 of 1979	10
<b>2. METHODOLOGY</b>	<b>12</b>
Data Collection	12
Verification	13
Identification	13
Categorisation	14
<b>3. FINDINGS AND TRENDS</b>	<b>16</b>
3.1. The Factual Context	16
a. Recurring contexts	17
b. Specific Contexts	17
3.2. Categorisation and Analysis of the Harmful Content	20
a. Content in Category 1	20
b. Content in Category 2	24
c. Content in Category 3	30
d. Content in Category 4	35
3.3. Trends on Harmful Content	39
a. Trends on Social Media Platform Use	39
b. Trends on Publishers of Harmful Content	39
c. Trends on Contexts of Harmful Content	40
d. Trends on Types of Harmful Content	40
e. Trends on Moderation	41
f. Trends in Evading Moderation	42
<b>4. RECOMMENDATIONS</b>	<b>43</b>
<b>List of Figures</b>	
Figure 1: Proportion of Posts targeting Religious Communities	16
Figure 2: Distribution of Harmful Content on Social Media Platforms	39
Figure 3: Publishers of Harmful Content	40
Figure 4: Categories of Harmful Content	41
Figure 5: Moderation of Harmful Content	41



## INTRODUCTION

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The multi-ethnic and multi-religious social fabric of Sri Lanka is marred by underlying ethno-religious tensions. While these tensions usually present themselves as polarising discourses that advocate hate against religious groups and their leaders, on several occasions such discourses have escalated to incitement to discrimination, hostility or violence towards religious groups. The years 2014, 2018, and 2019 each witnessed incidents of widespread violence against specific religious groups, and ethno-religious tensions flared up more recently in several contexts, including the 2022 political crisis and the disputed archaeological sites such as Kurundi Viharaya/Kurunthur Malai in Mullaithivu and Vedukkunari Malai in Vavuniya.

The impact that social media has on the proliferation of polarising and harmful discourse is now universally recognised. The model of social media platforms - using algorithms and technologies to drive user engagement - is attributed to polarising discourses being amplified, often resulting in such discourses gaining “viral” traction and leading to real world harm. In the international context, the attack on the United States Capitol in January 2021, the mob invasion of government buildings in Brazil following the 2022 Brazilian Parliamentary Election, and the attacks on the Rohingya in Rakhine, Myanmar are regarded to have been fueled by misinformation and polarising discourses published on social media platforms.<sup>1</sup> In the Sri Lankan context, social media - Facebook, in particular - was weaponised to perpetrate the 2018 anti-Muslim riots.<sup>2</sup> While social media platforms have repeatedly pledged to strengthen their content moderation mechanisms, a number of publications have documented the continuing flow of harmful content on Sri Lankan social media spaces.<sup>3</sup>

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<sup>1</sup> ProPublica, Facebook Hosted Surge of Misinformation and Insurrection Threats in Months Leading up to Jan. 6 Attack, Records Show, 04 January 2022, found at <https://www.propublica.org/article/facebook-hosted-surge-of-misinformation-and-insurrection-threats-in-months-leading-up-to-jan-6-attack-records-show> [last accessed on 19 September 2024]; Ng et. al, Cross-platform information spread during the January 6th Capitol Riots, 09 September 2022, found at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC9461432/> [last accessed on 19 September 2024]; Rossini et. al., Explaining Beliefs in electoral misinformation in the 2022 Brazilian election: The role of ideology, political trust, social media, and messaging apps, 16 May 2023, found at <https://misinforeview.hks.harvard.edu/article/explaining-beliefs-in-electoral-misinformation-in-the-2022-brazilian-election-the-role-of-ideology-political-trust-social-media-and-messaging-apps/> [last accessed on 19 September 2024]; M. Schissler, Beyond hate speech and misinformation: Facebook and the Rohingya Genocide in Myanmar, 22 January 2024, found at <https://www.tandfonline.com/doi/full/10.1080/14623528.2024.2375122> [last accessed on 19 September 2024].

<sup>2</sup> Article One, Assessing the Human Rights Impact of the Facebook Platform in Sri Lanka, 2018, found at <https://about.fb.com/wp-content/uploads/2020/05/Sri-Lanka-HRIA-Executive-Summary-v82.pdf> [last accessed on 19 September 2024].

<sup>3</sup> S. Hattotuwa and R. Wickremesinha, 'Hate Speech and Social Media in Sri Lanka', in Acts of Media: Law and Media in Contemporary India, Siddharth Narrain (ed.), found at [https://perspectivia.net/servlets/MCRFileNodeServlet/pnet\\_derivate\\_00006009/hattotuwa\\_wickremesinha\\_media.pdf](https://perspectivia.net/servlets/MCRFileNodeServlet/pnet_derivate_00006009/hattotuwa_wickremesinha_media.pdf) [last accessed on 19 September 2024]; MinorMatters, Hate Speech in Sri Lanka during the Pandemic (NCEASL, 2020) found at <https://www.minormatters.org/storage/app/uploads/public/5fc76b014/5fc76b014d43f554793096.pdf> [last accessed on 19 September 2024];

From November 2022 to August 2024, a significant amount of anti-religious content was published on Sri Lankan social media spaces. Most of such content was merely offensive - content that is insulting or shocking to religious groups and their beliefs. However, a significant volume of such content was potentially harmful - content that negatively stereotypes a religious group, disseminates disinformation that portray minority religions as a threat to society, celebrates the marginalisation of religious groups, and actively encourages violence against targeted religious groups. Some of this harmful content had high levels of engagement and gained significant traction. And while some of such harmful content was eventually taken down, much of it continues to be accessible online.

With an estimated internet penetration rate of approximately 56% in 2024, the majority of Sri Lankan society now has access to social media.<sup>4</sup> Thus, anti-religious discourses published and disseminated on Sri Lankan social media spaces can reach wide audiences and gain significant traction. In this context, the proliferation and amplification of harmful content on social media negatively impacts the Freedom of Religious Belief, which is enshrined in the Constitution of Sri Lanka and the International Covenant on Civil and Political Rights.

This Report analyses harmful content against religious groups that was published on Sri Lankan social media spaces during the period from November 2022 to August 2024, and provides insights on the potential real world consequences of such content. This Report is presented in four sections. First, the legal framework relevant to anti-religious social media content will be briefly discussed. Second, the methodology adopted to identify and categorise harmful content that was published on social media platforms will be set out. Third, the categories of harmful content will be analysed based on their potential harms and impact on the Freedom of Religious Belief and insights on the trends of such harmful content will be presented. Finally, actions to be taken by the relevant stakeholders to curb harmful content on social media spaces will be recommended.

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<sup>4</sup> DataReportal, Digital 2024: Sri Lanka, 23 February 2024, found at <https://datareportal.com/reports/digital-2024-sri-lanka> [last accessed on 19 September 2024].



Being a democratic republic, the Constitution of Sri Lanka enshrines the Freedom of Religious Belief ('FoRB') and the Freedom of Expression ('FoE'). While the FoE is essential for democratic governance and socio-political and economic development, speech and expression that is harmful to a specific community or group can have detrimental effects on society. Such harmful speech and expressions not only lead to the breakdown of social cohesion but also unduly restrict the rights and freedoms of the targeted community or group. Thus, anti-religious speech and expressions not only leads to the marginalisation of a targeted religious community and the dilution of social cohesion, but also restricts that religious community's capacity to practise and manifest its religious beliefs.

Thus, this section briefly discusses the interplay between the FoRB and the FoE, and is followed by a brief review of the laws that protect the FoRB from harmful speech and expressions.

## THE INTERPLAY BETWEEN THE FoRB AND THE FoE

1.1

The FoRB is enshrined in Article 10 of the Constitution, which reads as follows:

*"Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice."*

Article 10 of the Constitution is cast in the *"absolute, unfettered"* sense; meaning that the freedoms recognised in Article 10 cannot be restricted even by operation of law (except by laws that were in force prior to the Constitution).<sup>5</sup> Article 10 of the Constitution has been interpreted to encompass a wide ambit, with the Supreme Court having declared that all *"beliefs rooted in religion are protected"* and that *"a religious belief need not be logical, acceptable, consistent or comprehensible in order to be protected"* by the Constitution.<sup>6</sup> The FoRB is further fortified by Article 12 of the Constitution, which states that all persons shall be equal before the law and that no citizen shall be discriminated against on the basis of religion.<sup>7</sup>

<sup>5</sup> Premalal Perera v. Weerasuriya and Others [1985] 2 Sri.L.R. 177, 191

<sup>6</sup> Ibid, 192.

<sup>7</sup> Article 12(1) of the Constitution provides that all persons are equal before the law and are entitled to equal protection of the law, and Article 12(2) provides that no citizen shall be discriminated against on the grounds of race, religious, language, caste, sex, political opinion, place of birth or any one of such grounds.

As a party to the International Covenant on Civil and Political Rights ('ICCPR'), Sri Lanka also has an international obligation to uphold the FoRB, which is recognised in Article 18 of the ICCPR.<sup>8</sup>

The FoE is enshrined in Article 14(1)(a) of the Constitution, which reads as follows:

*“Every citizen is entitled to the freedom of speech and expression including publication.”*

Unlike Article 10, Article 14(1)(a) is subject to Article 15(2) of the Constitution, which states that the FoE, as declared and recognised by Article 14(1)(a), shall be subject to *“such restrictions as may be prescribed by law in the interest of racial and religious harmony...”* Thus, the Constitution expressly recognises the imposition of legal restrictions on speech and expressions that are harmful to religious harmony.

The Supreme Court has interpreted the relationship between Article 14(1)(a) and Article 15(2) of the Constitution as the balancing of enabling the individual right to expression with safeguarding the general welfare of the public:

*“A balance has to be struck between individual and social control... The guarantee of freedom of speech, spelt by Article 14(1)(a) of the Constitution, does not give an absolute protection for every utterance... That right is subject to the qualification that it should not violate or infringe the rights of others. Further the right of freedom of speech has to be subordinated to the obligation of the State and its agencies to maintain order and discipline. So long as society and civilization exist, it is difficult to conceive an absolute right. Every right has a corresponding duty limiting the exercise of that very right. This renders the 'right' to be reasonably exercised so as not to come into conflict with the rights of others. The exercise of any right must not lead to any wrong on individuals, institutions, society or State. Individual rights have therefore, necessarily to be restricted by certain limitations in the interests of decency, public order, morality, security of the State etc. Thus for instance, the right to free speech should not justify a man shouting fire in a crowded stadium or causing a panic or raising a false alarm that bombs are planted in various buildings and workplaces. Freedom of speech does not mean freedom to shout out needlessly or to communicate one's views at all times and places in any manner that may be desired ....”<sup>9</sup>*

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<sup>8</sup> Sri Lanka ratified the International Covenant on Civil and Political Rights on 11 June 1980.

<sup>9</sup> *Dissanayake v. University of Sri Jayawardenapura* [1986] 2 Sri.L.R. 254, 263-264.

The justification for restricting the FoE in instances where speech and expression is harmful to religious harmony was exceptionally articulated by the Supreme Court in its recent judgement on the the wrongful arrest of Ramzy Razik<sup>10</sup>, which is reproduced below:

*“In a multi-ethnic and multi-religious society such as that of Sri Lanka, particularly given historical, socio-economic and political factors, the maintenance of peace and tranquillity among communities, ensuring parity of status, affording equality to all citizens, maintaining public order, and facilitating cohesion between communities, are of utmost importance to national unity, recovery and reconciliation from conflict and tensions, and to achieve social progression and prosperity. Sovereignty of the people which is the key principle recognized by the Constitution cannot have any meaningful effect, unless these protective measures are found in society. **Permitting the sowing of hatred through rhetorical advocacy which is aimed at causing incitement to discrimination, hostility and violence, would seriously erode and impinge upon sovereignty of the people and in particular vulnerable and minority communities. The impact of such hate speech has on the exercise of fundamental rights and franchise (which are components of sovereignty that can be exercised individually) by members of vulnerable and minority groups can be very serious and have far reaching implications. Thus, quite rightly and justifiably, incitement to discrimination, hostility and violence must be prohibited and prevented. It is against public policy to permit such forms of incitement in the guise of the exercise of the fundamental right to free speech.**”* (Emphasis added)

Thus, the Constitution of Sri Lanka recognises that there is a legitimate interest in safeguarding the FoRB from speech and expression that is harmful; that is, speech that incites religious discrimination, hostility, and violence.

## THE LAWS THAT SAFEGUARD AGAINST HARMFUL SPEECH AND EXPRESSIONS—1.2

Sri Lanka has a number of laws that seek to safeguard against online speech and expressions that are harmful. The key features of these laws are briefly analysed in the context of their implementation and emerging trends in their enforcement.

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<sup>10</sup> Mohamed Razik Mohamed Ramzy v. B.M.A.S.K. Senaratne and 07 Others, S.C. (F.R.) Application No. 135/2020, S.C. Minutes of 14 November 2023, 37.

#### a. The International Covenant on Civil and Political Rights Act No. 56 of 2007 ('ICCPR Act')

The ICCPR Act was enacted to enable and give domestic effect to Article 20 of the ICCPR, which imposes an international obligation of state parties to prescribe and prohibit hate speech. Section 3(1) of the ICCPR Act states that *“no person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence”*. Thus, the ICCPR Act prescribes hate speech as an offence that is punishable with up to 10 years imprisonment. The scope of Section 3(1) of the ICCPR Act is wide enough to cover instances where the offence contemplated thereunder is perpetrated with the use of computer devices and social media.

The ICCPR Act has not been enforced to successfully prosecute and convict a perpetrator of hate speech or for inciting anti-religious violence. Instead, the ICCPR Act has often been misapplied to oppress minority expressions; for instance, in the case of the arrests of Ramzy Razik and Shakthika Sathkumara, or engage in moral policing; such as in the case of the arrest of the comic Natasha Edirisooriya for satirical comments made during a stand-up comedy performance.

However, two recent judicial decisions demonstrate a trend of applying the provisions of the ICCPR Act in line with internationally accepted standards, with a view to preventing misuse of the ICCPR Act.

The first of these judicial decisions was in respect of the bail application made by the aforementioned Natasha Edirisooriya in view of her arrest in terms of the ICCPR Act. In allowing the application, the High Court of Colombo interpreted Section 3(1) of the ICCPR Act as only applying to expressions that constitute incitement to discrimination, hostility and violence, while pointing out that expressions that were merely offensive, hurtful or irresponsible do not attract liability under the ICCPR Act. Notably, the High Court of Colombo made reference to the United Nations Strategy and Plan of Action on Hate Speech (2020) and the Rabat Plan of Action (2012) in arriving at its decision.<sup>11</sup>

The second judicial decision was the determination of the Fundamental Rights Application filed by Ramzy Razik against his wrongful arrest under the ICCPR Act. The scope and application of Section 3(1) of the ICCPR Act in the context of hate speech was set out by the Supreme Court in the following manner:

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<sup>11</sup> Edirisooriya Arachchige Jayani Nathasha Edirisooriya v Officer-in-Charge, Criminal Investigation Department and others (HCEBA/1335/2023). See also, S. Wickramasinghe, 'Sri Lankan High Court Delivers a Landmark Order as a Bulwark for Freedom of Expression' found at <https://ohrh.law.ox.ac.uk/sri-lankan-high-court-delivers-a-landmark-order-as-a-bulwark-for-freedom-of-expression/> [last accessed on 19 September 2024].

*“... it is worthwhile to note that not all forms of hate speech come within the purview of Section 3(1). **What has been prohibited is not mere advocacy which takes the form of national, racial or religious hatred or unacceptably harsh or derogatory rhetoric against groups of persons with distinct common identities, but advocacy which amounts to incitement to engage in discrimination, acts of hostility and perpetration of violence.**”<sup>12</sup> (Emphasis added)*

In its determination, the Supreme Court concurred with the guidelines issued by the Human Rights Commission of Sri Lanka (**‘HRCSL’**) on the interpretation and application of Section 3(1) of the ICCPR Act, which is based, to a significant degree, on the recommendations in the Rabat Plan of Action.

These judicial decisions can be considered as positive developments in as much as they clarify the scope of Section 3(1) of the ICCPR Act. However, it is yet to be seen if these decisions would influence the application of the ICCPR Act to instances of actual hate speech.

#### **b. Online Safety Act No. 09 of 2024 (‘OSA’)**

As set out in the Preamble, the OSA was enacted *“to provide safety from prohibited statements online”*. In this context, the OSA goes on to prescribe several categories of *“prohibited statements”* the publication of which are offences under the OSA. Section 16 of the OSA provides that any person with the deliberate and malicious intention to outrage the feelings of any class of persons by way of an online account or through an online location, insults or attempts to insult the religion or religious beliefs of that class of persons by communicating a false statement, commits an offence. Section 15 of the OSA also provides that disturbing any assembly lawfully engaged in performing religious worship or religious ceremonies by way of false statement commits an offence.

The key ingredient for this offence is that the statement that outrages the feelings of or insults a class of persons must be *“false”*. Thus, the OSA seeks to prohibit the intentional publication of false statements; for example, misinformation and disinformation, that outrages the feelings of or insults a class of persons must be false.

The OSA also provides for the establishment of the Online Safety Commission that is statutorily vested with a range of powers to give effect to the OSA. The functions and powers of the Online Safety Commission include:

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<sup>12</sup> Mohamed Razik Mohamed Ramzy v. B.M.A.S.K. Senaratne, supra note 10, 34.



- a. to issue notice on persons who communicate prohibited statements to stop the communication of such statements;
- b. to issue notice to any internet service provider or internet intermediary to disable access to an online location that contains a prohibited statement by a user in Sri Lanka or to remove such prohibited statement from such online location;
- c. to make recommendations to internet service providers and internet intermediaries to remove prohibited statements;
- d. to issue codes of practice by way of rules for internet service providers and internet intermediaries who provide internet bases services to users in Sri Lanka

The OSA also provides for mechanisms by which persons aggrieved by the communication of any prohibited statement to make an application to the Online Safety Commission,<sup>13</sup> which, upon carrying out an investigation, can issue notice to the user who communicated the prohibited statement to take measures to prevent the circulation of the prohibited statement.<sup>14</sup> If the user fails to comply with such notice, the Commission is empowered to issue notice on internet service providers and intermediaries to disable users in Sri Lanka from accessing the prohibited statement or to remove such prohibited statement.<sup>15</sup> Further, the OSA provides for any person aggrieved by the communication of a prohibited statement to make an application to the Magistrate's Court to obtain orders requiring the user who communicated the prohibited statement to stop communication of the same.<sup>16</sup>

In the lead up to and upon its enactment, several provisions of the OSA; particularly the provisions relating to the independence of the Online Safety Commission and the definitions of the prohibited statements, were heavily criticised.<sup>17</sup> The prominent theme of such criticism is that the prohibited statements are overly broad and vague and can possibly be improperly used to suppress the freedom of expression, which can be exacerbated by the politicisation of the Online Safety Commission. Considering that the OSA was enacted only this year, it remains to be seen how the OSA will be implemented and enforced.

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<sup>13</sup> Section 23(1), Online Safety Act No. 09 of 2024 ['OSA'].

<sup>14</sup> Section 23(5) and Section 23(6), OSA.

<sup>15</sup> Section 23(7), OSA.

<sup>16</sup> Section 24, OSA.

<sup>17</sup> Human Rights Commission of Sri Lanka, Press Notice on 08 February 2024 on Observations on the Online Safety Act No. 09 of 2024, 08 February 2024 [last accessed on <https://www.hrcsl.lk/hrcsl-press-notice-08-02-2024-on-observations-on-the-online-safety-act-no-9-of-2024/>]; Amnesty International, Sri Lanka: Online Safety Act major blow to freedom of expression, 24 January 2024, found at <https://www.amnesty.org/en/latest/news/2024/01/sri-lanka-online-safety-act-major-blow-to-freedom-of-expression/> [last accessed on 21 October 2024]; Article19, Sri Lanka: Withdraw the Online Safety Bill, 19 January 2024, found at <https://www.article19.org/resources/sri-lanka-withdraw-online-safety-bill/> [last accessed on 21 October 2024].

### c. The Penal Code

In terms of Section 120 of the Penal Code, expressions deliberately intended to promote feelings of ill-will and hostility between different classes of people (which would include classes of people based on religion), is an offence punishable with up to two years imprisonment. However, the Explanation provided to Section 120 of the Penal Code provides that it is not an offence to excite the people of Sri Lanka in the course of pointing out errors or defects in government of Sri Lanka or the administration of justice, which may produce or have the tendency to produce feelings of hatred or ill-will between different classes of people of Sri Lanka.

In interpreting the scope of Section 120 of the Penal Code together with the Explanation provided for therein, the Supreme Court has held that Section 120 of the Penal Code guarantees the freedom of expression and that *“comments and strongly used words ... which do not excite feelings and cause public disorder by acts of violence cannot be the basis to prosecute a person...”*<sup>18</sup> This position was recently reaffirmed by the Supreme Court in its determination of the Fundamental Rights Application in relation to the wrongful arrest of Ramzy Razik.

Section 291A of the Penal Code provides that the intentional wounding of religious feelings by the utterance of words is an offence. Section 291B of the Penal Code provides any person with the deliberate and malicious intention to outrage the feelings of any class of persons, insults or attempts to insult the religion or religious beliefs of that class of persons by communicating by words either spoken or written or by visible representations, commits an offence. It is to be noted that the elements of the Section 291B of the Penal Code are identical to Section 16 of the OSA, with the exception of the latter requiring the statement to be published using an online account or through an online location. There are, however, no reported judgements that analyse the scope of these provisions of the Penal Code in the context of statements published online or on social media.

### d. The Computer Crimes Act No. 24 of 2007

In terms of Section 6 of the Computer Crimes Act, it is a punishable offence for any person to cause a computer to perform any function that will result in danger or imminent danger to national security or public order. Thus, the posting of content that incites discrimination, hostility or violence on social media platforms, which involves the use of a computer device, may be an offence under the Computer Crimes Act. In interpreting Section 6 of the Computer Crimes Act, the Supreme Court recently held that a salient ingredient of this offence is that the function performed by the

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<sup>18</sup> Sisira Kumara Wahalathanthri and Another v. Jayathana Wickramaratne and 03 Others, S.C. (F.R.) Application No. 768/2009, S.C. Minutes of 05 November 2015, 19.

computer should be intended to result in “*danger or imminent danger*” to public order.<sup>19</sup> In doing so, the Supreme Court has implied that, in the context of anti-religious speech and expressions, a function performed by a computer would require some form of incitement to hostility or violence, in addition to advocacy of hatred against a religious group, to be considered an offence under the Computer Crimes Act. Similar to laws discussed above, there are no reported judgements upholding a prosecution under the Computer Crimes Act in the context of content that constitutes incitement of religious discrimination, hostility and violence.

#### e. The Police Ordinance No. 16 of 1865

Section 98 of the Police Ordinance provides that any person who spreads false reports with the intention of alarming and causing a panic among the inhabitants of any part of Sri Lanka will be guilty of an offence. Although reference to online reports is not specifically made, the language of Section 98 of the Police Ordinance is broad enough to encompass false online content, particularly disinformation intended to incite hostility or violence.

#### f. The Sri Lanka Telecommunications Act No. 25 of 1991

The Sri Lanka Telecommunication Act (**‘SLTA’**) established the Telecommunication Regulatory Commission of Sri Lanka, which is the principal telecommunications regulatory of Sri Lanka. Section 58 of the SLTA makes it an offence for any person, either by himself or through an agent, to transmit to a telecommunication office any message of an indecent, obscene, seditious, scurrilous, threatening or grossly offensive character. The SLTA also provides for the government to take measures to prohibit or restrict the transmission of communications in the event of any public emergency or in the interest of public safety and tranquillity.<sup>20</sup> These provisions of the SLTA, too, are broad enough to cover content that advocates hatred and constitutes incitement to discrimination, hostility or violence.

#### g. The Prevention of Terrorism Act No. 48 of 1979

Though widely criticised as being oppressive and disproportionately applied, the Prevention of Terrorism Act (**‘PTA’**) contains provisions that are applicable in the context of harmful content that is published online. Section 2(1)(h) of the PTA provides that any person who causes or intends to cause the “*commission of acts of violence or religious, racial or communal disharmony or feelings or ill-will or hostility between*

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<sup>19</sup> Mohamed Razik Mohamed Ramzy v. B.M.A.S.K. Senaratne and 07 Others, supra note 10, 39.

<sup>20</sup> Section 69, Sri Lanka Telecommunications Act No. 25 of 1991.

*different communities or racial or religious groups*” by using words, signs, visible representations or otherwise. Thus, Section 2(1)(h) of the PTA is relevant in the context of anti-religious content that is published on social media.

In addition to the aforesaid laws, the Public Security Ordinance No. 25 of 1947 [‘PSO’] is also of relevance. The PSO empowers the President of Sri Lanka to make Emergency Regulations where, in the opinion of the President, it becomes necessary in the interest of public security and the preservation of public order and the suppression of mutiny, riot or civil commotion, or for the maintenance of supplies and services essential to the life of the community.<sup>21</sup> In past states of emergency, such as during the violence against the Muslim community in Digana in 2018 and in the immediate aftermath of the Easter Sunday attacks in 2019, the President made Emergency Regulations that made it an offence to spread false communications that were likely to cause public alarm, disorder, and racial violence.<sup>22</sup>

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<sup>21</sup> Section 5, Public Security Ordinance No. 25 of 1947.

<sup>22</sup> See, Extraordinary Gazette No. 2061/21 dated 6 March 2018, found at [http://www.documents.gov.lk/files/egz/2018/3/2061-21\\_E.pdf](http://www.documents.gov.lk/files/egz/2018/3/2061-21_E.pdf) [last accessed on 19 September 2024] and Extraordinary Gazette No. 2120/5 dated 22 April 2019, found at [http://www.documents.gov.lk/files/egz/2019/4/2120-05\\_E.pdf](http://www.documents.gov.lk/files/egz/2019/4/2120-05_E.pdf) [last accessed on 19 September 2024].

The methodology adopted for analysing harmful content during the period under review was done in four stages: i) data collection; ii) verification; iii) analysis; and iv) categorisation.

## DATA COLLECTION

The data; that is, the social media content that forms the subject of this Report, was collected by Hashtag Generation, which is an independent Social Media Newsroom that continuously monitors and analyses harmful content on social media.

Hashtag Generation monitored three of the most commonly used social media platforms in Sri Lanka - Facebook, TikTok, and YouTube - during the period from November 2022 to August 2024. These three platforms were monitored by Hashtag Generation monitors using the social media monitoring tool CrowdTangle and the online listening tool SentiOne, which involved two (02) methods. The first method was using keyword searches to identify harmful content by using a lexicon or pre-identified keywords. The second method was through manual monitoring of content published by pre-identified actors; that is, accounts, pages, public groups, and channels that have been pre-identified as sources of problematic content on Sri Lankan social media spaces.

Three types of content were monitored: i) social media communications that attacked or negatively stereotyped individuals or groups based on their religion, race and ethnicity; ii) communications that encouraged the exclusion or marginalisation of individuals or groups based on their religion, race and ethnicity; and iii) communications that threatened or incited hostility or violence against individuals or groups based on their religion, race and ethnicity. The monitoring covered the main forms of content, including Facebook posts and comments, Facebook pages and groups, TikTok videos and comments, and YouTube videos and comments. For the ease of reference, all such forms of social media content (images, videos, comments, or any other communication) shall be referred to as “*post(s)*”.

At the conclusion of the period of review, over 700 posts in Sinhala, Tamil and English were identified as being problematic. A dataset of the identified content was created by: i) copying URLs; ii) taking screen-shots/recordings (for back-up purposes); and iii) recording meta-data (date, location, user identity, and engagement), of the identified content.



## VERIFICATION

The dataset created by Hashtag Generation was handed over to the National Christian Evangelical Alliance of Sri Lanka ('NCEASL') for independent verification. This verification process was done by, among other things, checking the integrity of URLs and links, confirming the accuracy of the recorded meta-data, reviewing the language and form of the content, and excluding content that fell beyond the scope of this Report (for instance, content involving doxxing or cyber-bullying was excluded from the dataset). The verification process was undertaken and concluded by the author of this report.

## IDENTIFICATION

The objectives of analysing the content for the purposes of the Report was twofold: i) identifying content that was potentially harmful; and ii) categorising the harmful content based on their degree of harm.

Completing the first objective of analysing the content was guided by the legal framework in Sri Lanka. As established in Section 1 of this Report, expressions that are merely offensive or shocking, or only advocate hate, are protected by the Constitution and the law. Only expressions that also incite discrimination, hostility, or violence - that is, expressions that will cause, or are likely to cause, real world danger - are prohibited by the law.

Thus, the analysis of the content primarily focused on identifying advocacy that amounted to incitement to engage in discrimination, acts of hostility and perpetration of violence. The danger that "advocacy that constitutes incitement" poses, particularly to vulnerable groups such as religious minorities, further justified the consideration of "incitement" as the primary consideration in identifying harmful content. Content that was merely offensive, abhorrent, or only advocated hate without also inciting discrimination, hostility, or violence, which are protected forms of expression, were excluded from the scope of the Report.

It was not possible to fully apply the six-part threshold test proposed by the Rabat Plan of Action to the content that was analysed for the purposes of this Report due to gaps in the dataset, which included:

- i. Insufficient data to determine the context of some of the content, which created challenges in ascertaining the intention of such content and/or the publisher;
- ii. The content being published by fake user accounts or social media pages/groups, making it impossible to determine the identity or level of influence enjoyed by the publisher;

- iii. Insufficient data to determine if the engagement with content was positive (up-voted or encouraged in the comments) or negative (down-voted or responded to with counter-narratives), which made it challenging to determine the extent of the content.

Nevertheless, the language and form (and, in most cases, the context) of the content was unequivocal. This allowed for ascertaining the intention of the publisher and determining the likelihood of the natural consequences of the messaging in the content. Thus, while it was not possible to comprehensively determine if the collected social media content constituted hate speech or was prohibited by law, it was possible to determine if such content was potentially harmful.

Upon analysing the messaging in the dataset of 700 posts, 395 posts were identified as being potentially harmful; that is, posts that advocate religious hate and potentially incite discrimination, hostility and violence.

## CATEGORISATION

To meet the second objective of analysing the content - identifying their degree of potential harm - the 395 posts were analysed in relation to the type of incitement it advocated and harm it could potentially cause. Accordingly, the messaging of each post was analysed to determine whether the post advocated hate with inflammatory rhetoric, whether such rhetoric was coupled with disinformation designed to instigate or provoke communal tensions, whether such content encouraged or celebrated the marginalisation or exclusion of religious communities, or whether such content constituted an active call to violence against a target religious community.

Based on their messaging, the harmful content was categorised into the four (04) categories. A description of each category, in relation to the type of advocacy and incitement it represents, is given below:

Category	Description
Category 1	Content in this category proliferates hateful narratives that portray the targeted religious community as disingenuous or unworthy of equal treatment, but stops short of portraying the targeted community as dangerous or a threat. Such content, in the least, incites discrimination against the targeted community.

Category 2	Content in this category proliferates hateful and inflammatory narratives that portray the targeted religious community as dangerous and a threat to society, but does not expressly call for the marginalisation or exclusion of the targeted community. Such content incites discrimination and, possibly, hostility against the targeted community.
Category 3	Content in this category contains similar narratives to the content in Category 1 and Category 2 and goes on to expressly call for the exclusion or marginalisation of a targeted religious community, but does not call for violence against the targeted community. Such content clearly incites discrimination and hostility against the targeted community.
Category 4	Content in this category also contains similar narratives to the content in Category 1 and Category 2 and directly calls for violence against the targeted religious community. Such content clearly incites hostility and violence against the targeted religious community.

This section contains the findings and trends on the harmful content that was analysed for the purposes of this Report. This section is presented in three parts. First, the factual circumstances that formed the context of the analysed harmful content is set out. Next, the analysis of the specific messaging, narratives, rhetoric, and likely consequences of the harmful content is presented. Finally, the trends that were observed during the analysis are discussed with a view to provide insights on how harmful content is published and proliferated on Sri Lankan social media spaces.

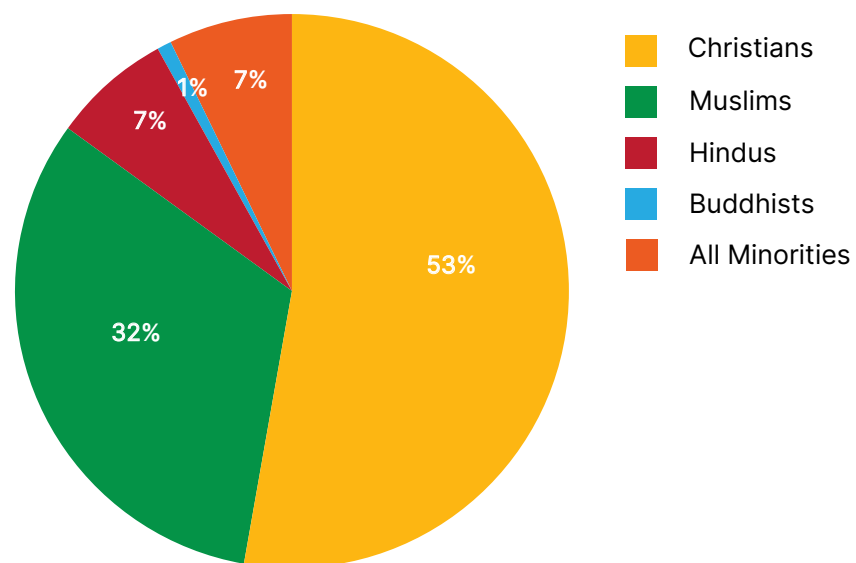


Figure 1: Proportion of Posts targeting Religious Communities

### THE FACTUAL CONTEXT

3.1

Context is critical in comprehending the meaning and effect of speech and expressions. Thus, understanding the factual context within which content is published is essential to determining if and how such content is harmful.

Much of the harmful content that was analysed for the purposes of this Report was published in the context of either historic incidents that form part of the collective conscience of Sri Lanka or specific recent incidents that polarised Sri Lankan religious communities. Thus, it was observed during the period under review that harmful content was generally proliferated as distinct clusters of content relating to specific incidents or events having ethno-religious undertones. The contexts of the clusters of content can broadly be classified as: i) recurring contexts, and ii) specific contexts.

### **a. Recurring contexts**

Recurring contexts encompass: i) historic incidents that are deeply ingrained in the psyche of the Sri Lankan community; ii) days of national or religious significance; or iii) anniversaries of incidents that polarised religious groups.

In terms of historic incidents, the armed conflict with the LTTE is a recurring context for harmful content published on Sri Lankan social media spaces. The brutality of the conflict, the ethno-religious and socio-political issues that arose from the conflict, and the Hindu and Christian faith of most communities in the North and East of Sri Lanka have served as the context for a large volume of harmful content. In particular, content that claims that Hindu and Christian groups allegedly continue to be linked to or are sympathetic to the LTTE and its cause was observed around content published in the context of the armed conflict. Similarly, the Easter Sunday terrorist attacks also served as the context for a substantial volume of harmful content targeting the Muslim community, with several posts that negatively stereotype the Muslim community as being violent or linked to terrorist activity being published sporadically during the period under review, as well as in the days leading up to and on the 21st of April in each year under review.

The lead up to days of national or religious significance also witnessed the publication of harmful content. Several social media posts that incite discrimination or hostility against minority religious groups were posted in the days leading to Sri Lanka's Independence Day. Similarly, in the days leading up to the 18th of May; the date on which the LTTE was defeated in 2009, extreme nationalistic posts that target and incite discrimination against ethnic and religious minorities were published on social media. The lead up to days of religious significance during the period under review also witnessed significant volumes of harmful speech against religious groups. For instance, in the lead up to Christmas, rhetoric that associates Christian churches with colonial atrocities and presents Christian traditions as being sinful and un-Sri Lankan was observed on Sri Lankan social media spaces. The same was observed in the days leading up to Muslim religious days, such as Hajj.

The anniversaries of certain incidents that polarised Sri Lankan society were also the context of harmful content that was analysed for the purposes of this Report. For instance, the death anniversary of Gangodawila Soma Thero in 2022 and 2023 witnessed a significant amount of harmful content against the Catholic Church.

### **b. Specific Contexts**

The majority of the harmful content that was analysed for the purposes of this Report was published on social media in the context of specific recent incidents that polarised society or escalated ethno-religious tensions. These incidents are briefly discussed in chronological order.



The year 2022 witnessed the *Aragalaya* and the resignation of President Gotabhaya Rajapaksa, leading to an unprecedented political crisis. The *Aragalaya* (which was notably inclusive of minority religions)<sup>23</sup> calling for the resignation of President Rajapaksa, who was largely viewed as a champion of Sinhala-Buddhists, was perceived as a set back to Sinhala-Buddhists nationalist groups. This perception was the context of a large amount of harmful content directed at the Muslim and Christian communities, including content that disseminated narratives that the *Aragalaya* was a Muslim or Christian sponsored conspiracy against a Sinhala-Buddhist leader. In the post-*Aragalaya* context, harmful content of this nature continued to be proliferated on social media. The ICC T20 World Cup and the religious beliefs of certain members of Sri Lanka Cricket was also the background for harmful content that was published against “Born Again” Christians in 2022.<sup>24</sup>

In 2023, a religious service led by Fr. Jeewantha Peiris in Borella to commemorate the Tamil lives lost during the armed conflict was abruptly brought to a halt by mobs that strongly opposed such a commemoration.<sup>25</sup> This incident served as the context for a large volume of harmful content directed at the Catholic clergy and members of the Christian community. The statements made by Pastor Jerome Fernando and comedian Natasha Edirisooriya that were allegedly insulting to the Buddhist community also served as the context for the publication of a large amount of reactionary content.<sup>26</sup> While much of this content merely scorned Pastor Fernando and Ms. Edirisooriya, some of the content sought to attribute their statements to an alleged conspiracy by the Christian community to tarnish Buddhism. The disputed archaeological site of Kurundiya Viharaya / Kurunthur Malai in Mullaitivu also became the focus of harmful content generated in 2023,<sup>27</sup> with disinformation intended to ignite Buddhist-Hindu

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<sup>23</sup> Centre for Policy Alternatives, A Brief Analysis of the Aragalaya, May 2023, found at [https://www.cpalanka.org/wp-content/uploads/2023/05/A-Brief-Analysis-of-the-Aragalaya\\_Final-Report.pdf](https://www.cpalanka.org/wp-content/uploads/2023/05/A-Brief-Analysis-of-the-Aragalaya_Final-Report.pdf) [last accessed on 19 September 2024] 13-15

<sup>24</sup> Daily Mirror, Influence of ‘Born Again’ sect in national team affairs under the scanner, 15 January 2023, found at <https://www.dailymirror.lk/breaking-news/Influence-of-Born-Again-sect-in-national-team-affairs-under-the-scanner/108-252221> [last accessed on 19 September 2024]; Ceylon Today, ‘Born Again’ cult possibly taking over SLC - probe committee, 13 January 2023, found at <https://ceylontoday.lk/2023/01/13/born-again-cult-possibly-taking-over-slc-probe-committee/> [last accessed on 19 September 2024].

<sup>25</sup> Asian Mirror, Disruption Erupts at Mullivaikkal Commemoration in Borella: Riot Police Called In, found at <https://asianmirror.lk/news/item/35125-disruption-erupts-at-mullivaikkal-commemoration-in-borella-riot-police-called-in> [last accessed on 19 September 2024].

<sup>26</sup> The Morning, Prophet Jerome compares Lord Buddha & Jesus in sermon, causes Social Media outrage, 13 May 2023, found at <https://www.themorning.lk/articles/ogf4s4G0UKJ9IGypyXdV> [last accessed on 19 September 2024]; Daily Mirror, Nathasha Edirisooriya arrested at airport over remarks on Buddhism, 28 May 2023, found at [https://www.dailymirror.lk/breaking\\_news/Nathasha-Edirisooriya-arrested-at-airport-over-remarks-on-Buddhism/108-259978](https://www.dailymirror.lk/breaking_news/Nathasha-Edirisooriya-arrested-at-airport-over-remarks-on-Buddhism/108-259978) [last accessed on 19 September 2024].

<sup>27</sup> The Economist, Sri Lankans are squabbling over monuments, 30 November 2023, found at <https://www.economist.com/asia/2023/11/30/sri-lankans-are-squabbling-over-monuments> [last accessed on 19 September 2024].

tensions. With the outbreak of the armed conflict in Gaza in October,<sup>28</sup> the latter part of 2023 witnessed a significant amount of harmful content against the Muslim community.

In the year 2024, much of the anti-religious rhetoric in the post-Aragalaya and Gaza conflict contexts continued. Additionally, the incident involving a questionable call by ICC umpire Lyndon Hannibal during a cricket match between Sri Lanka and Afghanistan<sup>29</sup> re-ignited inflammatory rhetoric against “Born Again” Christians, on the basis that Mr. Hannibal himself was a “Born Again” Christian. Around the same time, the “Life” and “Kandula” programmes conducted by Pastor Anton Charles Thomas were targeted on social media as being part of a conspiracy by the Christian community to deceptively target vulnerable Buddhists to convert to Christianity. Further, Buddhist-Hindu tension around the Vaddamana Parvatha (Pabbatha) Viharaya / Vedukkunaari Malai archaeological site in Vavuniya was also the context of harmful content,<sup>30</sup> which included disinformation and inflammatory rhetoric seeking to escalate Buddhist-Hindu tensions. The Presidential and Parliamentary Election scheduled in late 2024 also served as the context for highly divisive anti-religious rhetoric that sought to dissuade voters supporting certain members of Muslim and Christian faith.

While much of the harmful content that was analysed for the purposes of this Report falls within a distinct cluster of content related to a specific context, the remaining harmful content that was analysed was published either in the context of isolated incidents, such as, sporadic communal altercations, or without any discernible context other than to advocate hate and incite discrimination, hostility, and violence.

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<sup>28</sup> Crisis Group, A Second October War in Israel-Palestine, 09 October 2023, found at <https://www.crisisgroup.org/middle-east-north-africa/east-mediterranean-mena/israelpalestine/second-october-war-israel> [last accessed on 19 September 2024].

<sup>29</sup> DailyFT, Lankan umpires under the pump after controversial no-ball decision, 23 February 2024, found at <https://www.ft.lk/sports/Lankan-umpires-under-the-pump-after-controversial-no-ball-decision/23-758791> [last accessed on 19 September 2024].

<sup>30</sup> The Island, Statement by SBSL and GTF on recent events in Sri Lanka, 02 April 2024, found at <https://island.lk/statement-by-sbsl-and-gtf-on-recent-events-in-sri-lanka/> [last accessed on 19 September 2024].

As set out in Section 2, the harmful content that was analysed was categorised into four (04) categories based on the content's advocacy and potential to incite discrimination, hostility or violence. As such, the analysis will be presented on a category-by-category basis.

#### a) Content in Category 1

The key characteristic of content categorised into Category 1 is that such content proliferates hateful narratives that portray the targeted religious community as disingenuous or unworthy of equal treatment. During the period under review, a total of 134 posts were identified as Category 1 content. The majority of Category 1 content targeted the Muslim and Christian communities, with a few posts targeting the Hindu community.

#### *Narratives*

The most common narrative proliferated by Category 1 content is that the targeted religious community are "outsiders" who do not belong in Sri Lanka. Such narratives were common on or around Sri Lanka's Independence Day, which were proliferated through posts that claimed that Muslims do not have a sense of national unity as they are neither native to Sri Lanka nor contributed to Sri Lanka's independence struggle. Similar narratives about the Christian community were disseminated through posts claiming that Christians have no sense of national unity because they are descendants of British, Dutch, and Portuguese colonisers and missionaries, and continue to be loyal to colonialist and missionary agendas.

Narratives that denigrate and thereby seek to discriminate against religious communities were also observed in Category 1 content. Several posts targeted each of the three main minority religions - Hinduism, Christianity, and Islam - by claiming that the followers of these religions are "vile", "disgusting", "cancerous", "sinful", or the descendants of violent "outsiders". Specific narratives that targeted Muslim customs and beliefs were also observed. For instance, certain posts claim that Mosques and the Holy Quran manipulate Muslim men to kill themselves (in reference to suicide bombings) and Muslim women to be "baby factories". These claims were often accompanied with claims that the targeted religious community does not deserve any respect.

Category 1 content also disseminated narratives that the targeted religious communities are untrustworthy or devious. Such narratives include claims that the Christian community deceptively espouses secular values as a means of tarnishing and

eroding Buddhist values, and that the compassion of the Buddhist community is being exploited by Muslim and Christian communities to further the ulterior motives of such communities. In the post-*Argalaya* context, Category 1 content also proliferated narratives that the Christian clergy participated in the *Argalaya* as a means of seizing political power from Sinhala-Buddhists.

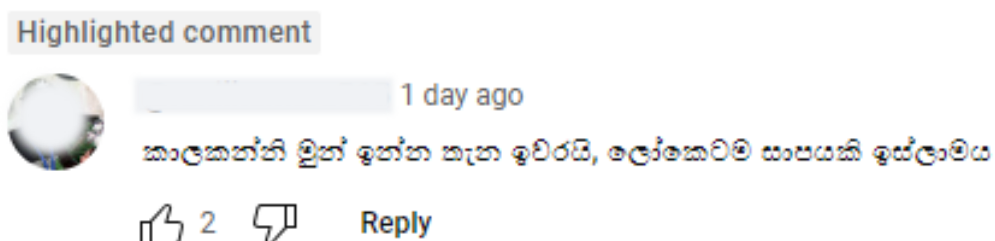
A number of posts also specifically targeted religious leaders by portraying them as being untrustworthy. In the post-*Argalaya* context, narratives that portrayed His Eminence Cardinal Malcolm Ranjith as a “fox” who is deceiving the Sri Lankan public were common on social media. Similarly, Fr. Jeewatha Peiris and the Catholic clergy were portrayed as traitors in the context of the commemoration of Tamil Christians on the 18th of May 2023.

### **Potential Harms**

The narratives of Category 1 content attempt to portray members of the targeted community as: i) persons who do not belong to the “Sri Lankan” identity; ii) persons who are deceptive and distrustful; or iii) vile or disgusting “others” who do not deserve to be respected. However, Category 1 content does not call on or request viewers to marginalise or exclude the targeted community. Thus, while the messaging of Category 1 content is arguably passive, its intention is to insidiously foment disrespect and intolerance towards targeted religious communities.

Content that foments distrust and intolerance can negatively change the social perceptions of the targeted religious community. Such negative changes in perception may drive society to, in the very least, discriminate against members of the targeted religious community, which can lead to negative consequences, such as, the social, economic, and political marginalisation of the targeted community and the build up of latent ethno-religious tensions. Therefore, while Category 1 content may not incite hostility and violence, such content advocates hatred to incite discrimination based on religious and spiritual beliefs.

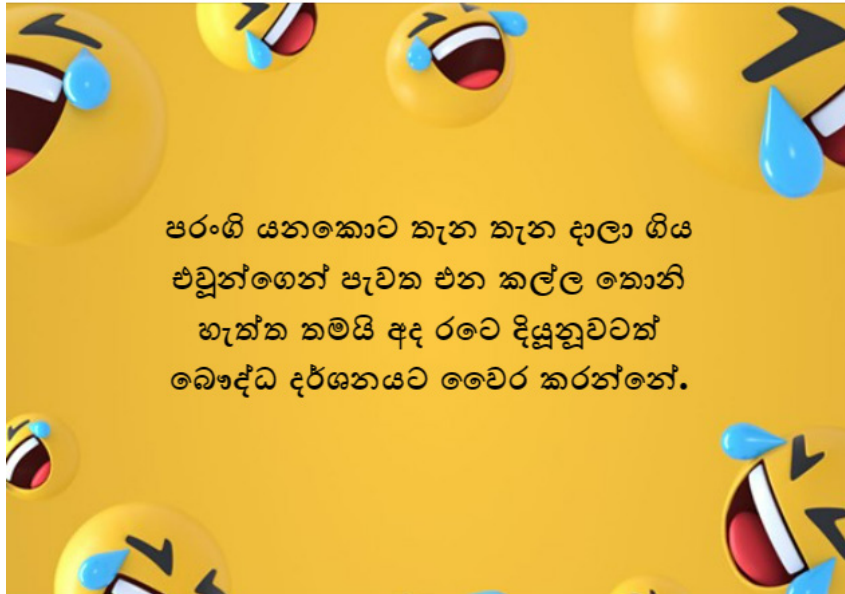
### **Examples of Category 1 content**





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මේ රටේ අපි තැමෝම දහමක් දර්ශනයක් කියලා දැක්කෙ බෞද්ධ දර්ශනය. ඒ මිනිඳු මහරහතන් වහන්සේ ලංකාවට වැඩම කිරීමෙන් අනතුරුවයි. ටික කාලෙකින් රටම බෞද්ධ දර්ශනය සරණ ගියා. ඊට කළින් අපිට තිබුණේ මිත්‍යාදෘශ්ඨික ඇදහිළි විතරයි. රාගම තේවත්ත දේවස්ථානය . දේවස්ථාන පිවිසුම් ද්වාරය දකුණු පස බිත්තියේ නිර්මාණය කරන ලද මේ නිර්මාණය දැක මට බොහෝ දේ සිතට නැඟුණා. අනුරාධපුර කුරුසිය ලෙස නම් තැබී මෙම නිර්මාණය තුළ වෙන්ය දෙකක්ද නිර්මාණය වී තිබුණා. මෙය ඉතිහාස විකුර්තියක් සහ ඊතියා ආගම් මතවාද ප්රකට කිරීමට ගත් කුඩා සියුම් උත්සාහයක් ලෙස මා දුටුවා. කුරුසිය විදේශීය ආක්රමණ සමග රට තුළට රිංගා තුවක්කුවෙන් බයිනෙක්තුවෙන් මරා බියවද්දා බලෙන් දුන් මතවාදයක් ලෙස නැණවත් සියල්ලෝ දන්නා කරුණක්. මින් අන් ආගමික මතයකට පතර ගැසීමක් අපහාසයක්, කිරීම මෙහි මගේ අදහස නොවේ. බෞද්ධ සංස්කෘතික අංග බොහොමයක් අන් ආගමික සංස්කෘතින්ට බොහොම සියුම්ව, උපක්රමයීව රිංගවන යුගයක මෙය පුද්ගලික කරුණක් නම් නෙවෙයි. කෙටියෙන්ම කීවොත් බෞද්ධ දර්ශනය ලොව අන් කිසිඳු දහමක් හා සමාන කළ නොහැක. එය මිනිස් සිතක උපදින සුවිශේෂී අති දුර්ලභවූ බුද්ධිමය විප්ලවයකි. කුරුසිය සහ මහ සෑ අනුරුව ගලපමින් කළ මෙම නිර්මානය ගැන ඔබේ අදහස යටින් ලියන්නට අමතක කරන්න එපා. විශේෂයෙන් කිසිදු දහමකට නින්දාවක්, අපහාසයක් මින් සිදු නොවිය යුතුය. වරද පෙන්වා දීමත් අපහාස කිරීමත් දෙකකි. වරද වරද ලෙස දැකීමට බෞද්ධයාට තහනමක් නැත.



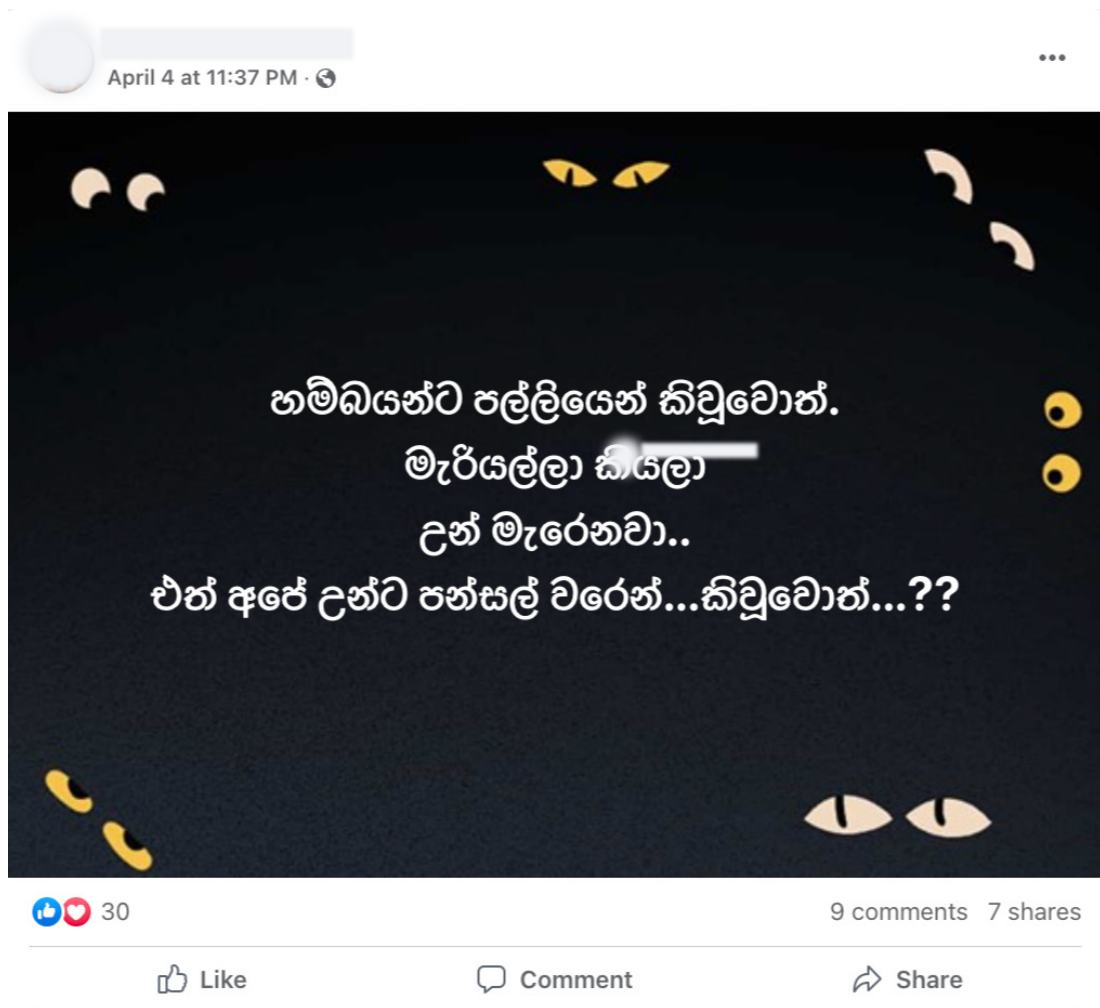
👍👎😂 15

23 comments 5 shares

👍 Like

💬 Comment

➦ Share



## b. Content in Category 2

Category 2 content proliferates hateful and inflammatory narratives that portray the targeted religious community as being dangerous, but stops short of expressly calling for the marginalisation or exclusion of the targeted community. With 219 posts, Category 2 content was the most common type of harmful content that was published on Sri Lankan social media spaces during the period under review. Similar to Category 1 content, the majority of Category 2 content targeted the Muslim and Christian communities, with some content targeting the Hindu community.

## **Narratives**

Perhaps the most inflammatory form of rhetoric is to portray a target as being an imminent threat. Thus, much of the Category 2 content proliferated narratives that targeted religious communities are hostile or violent. The Christian community was widely targeted with this form of rhetoric during the period under review. A significant number of posts in Category 2 contained narratives that vilified members of the Christian clergy and disseminated inflammatory narratives that the Catholic church and the Christian community are supporters of the LTTE. Such narratives were proliferated through highly misleading claims that the Catholic clergy is an arm of the LTTE, that the clergy and the Christian community supported the creation of a separate “Eelam” state, and that political activism by the Christian community (calling for independent investigations into allegations against Sinhala-Buddhist politicians and participation in the Aragalaya) are acts done to avenge the defeat of the LTTE.

In the context of the aftermath of the Easter Sunday attacks, Category 2 content heavily targeted the Muslim community, with several posts either reinforcing negative stereotypes that Muslims are terrorists or claiming that the Muslim community intends on violently attacking and eradicating non-Muslims from Sri Lanka. Narratives that the Muslim community is conspiring to perpetrate further attacks against non-Muslims were spread with references to reports of swords and knives being found in Mosques in the immediate aftermath of the Easter Sunday attacks. Category 2 content also included posts that perpetuated negative stereotypes about Muslims in the context of the war in Gaza. Such posts disseminated narratives that the conduct of Hamas was similar to Muslim groups in Sri Lanka, and that Muslims who protested against the atrocities being committed in Gaza are agents of Hamas and other extremist Islamic terrorist groups. Isolated acts of communal violence or hostility, such as a brawl in Mawathagama, Kurunegala in December 2023 and a tense situation that arose in relation a Muslim burial site in Puttalam in February 2024, both of which involved Muslim and Buddhist groups, also led to the publication of content with narratives that negatively stereotyped the Muslim community as being violent and hostile. In at least one instance, narratives claimed that voting for Muslim political candidates would amount to the destruction and downfall of a particular locality.

Category 2 content also disseminated narratives that targeted religious communities pose an existential threat to the majority Sinhala-Buddhist population of Sri Lanka. Such narratives are often coupled with disinformation that is designed to stoke fear and suspicion. A common narrative targeting the Muslim community is that the Muslim community has an expansionist agenda and intends to take control of Sri Lanka. These narratives are disseminated with disinformation claiming that the Muslim community is conspiring to seize political control of Sri Lanka by increasing their numbers and converting non-Muslims to Islam until the majority of the Sri Lankan population comprises of Muslims. Such claims are reinforced with further disinformation claiming that high birth rates and inter-faith marriages are methods currently used by the

Muslim community to increase its size and influence. Further, issues such as Muslim settlements in the Eastern Province of Sri Lanka have also been contextualised for the proliferation of narratives that claim that the Muslim community is engaged in illegal land grabbing to increase its influence in Sri Lanka.

Similar rhetoric was directed at the Christian community. Several posts contained narratives alluding to a conspiracy among the Catholic Church and the Christian community to build churches in Buddhist areas and manipulate vulnerable Buddhist communities to convert to Christianity. These narratives also make malicious or misleading claims that the Christian community is invading Buddhist cultural spaces and intends on plundering Sinhala-Buddhist culture and art. Such narratives were frequently proliferated in the context of inter-communal programmes, such as *“Kandula”* and *“Life”* organised by Brother Anton Charles Thomas, as well as Sinhala songs of praise performed by Brother Anton Charles Thomas. Even seemingly inter-communal acts, such as churches organising *dhansal* and hanging of lanterns during *Vesak* and churches using traditional Kandyan dancers for certain events, were portrayed as devious acts by the Christian community to infiltrate and plunder Sinhala-Buddhist culture.

In the context of Hindu-Buddhist tensions over disputed archaeological sites such as Kurundi Viharaya/Kurunthur Malai in Mullaithivu and the Kankesanthurai Tissa Raja Maha Viharaya, posts were published carrying disinformation that the Hindu community was forcibly removing Buddhist shrines or defiantly carrying out Hindu rituals on the sites. In at least one instance, these narratives were accompanied with the highly inflammatory claim that Hindu activity at such sites is evidence that another “Prabhakaran” can rise.

Further, in the context of the *Aragalaya*, several posts categorised as Category 2 content proliferated narratives that the *Aragalaya* was a conspiracy by minority religious groups and leaders to depose President Gotabhaya Rajapaksa, whose campaign largely ran on a Sinhala-Buddhist platform.

The “Born Again” sect of Christianity was particularly singled out in the context of Sri Lanka Cricket. Amidst reports that certain members of the national cricket squad are “Born Again” Christians, narratives that “Born Again” Christians had hatched a conspiracy to influence the management of Sri Lanka Cricket to exclude Buddhist players from national squads were widely disseminated on social media platforms. Further, inflammatory narratives that imply that the Catholic Church was responsible for the death of Gangodawila Soma Thero were disseminated in the days leading up to the death anniversary of Gangodawila Soma Thero.

Category 2 content also included posts that specifically targeted leaders of religious groups. In the context of their political and religious activism, several posts claimed that His Eminence Cardinal Malcolm Ranjith and Fr. Jeewantha Peiris are agents of the

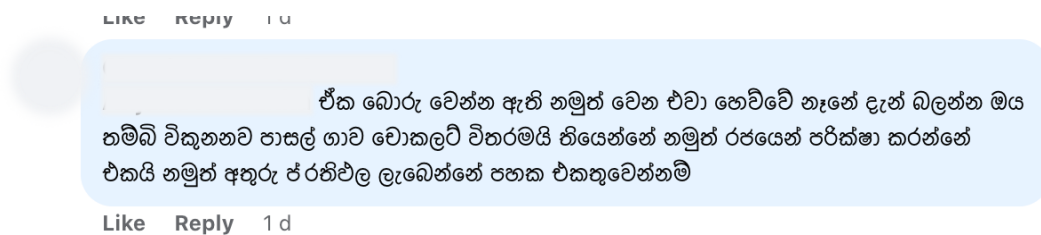
LTTE. Similarly, Mujibur Rahman MP was targeted in the context of his political activism and opposition to the atrocities being committed in Gaza by claiming that MP Rahman was acting on behalf of extremist Islamic groups.

### **Potential Harm**

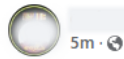
The messaging of Category 2 content evidently seeks to: i) disseminate disinformation or incendiary rhetoric that a targeted religious community is a grave threat to society; ii) reinforce negative stereotypes that the targeted community is violent and hostile; or iii) attribute violent/problematic behaviour of individual(s) of the targeted community to an alleged conspiracy involving the entire community. However, like Category 1 content, Category 2 content also stops short of expressly calling for attacking, marginalising, or excluding the targeted community. Nevertheless, the messaging of Category 2 content is highly inflammatory, incendiary, and instigative, particularly as such messaging is often mixed with disinformation and contextualised in past or recent incidents of terrorism, conflict, or violence.

Such messaging breeds fear and escalates tension between religious communities. Inter-communal tensions are likely to lead to targeted communities being viewed with suspicion and perceived as hostile. The existence of suspicion and tension between religious communities is likely to lead to the breakdown of social cohesion and communal relations and, consequently, to targeted communities being subjected to gross discrimination and treated with hostility. In conclusion, Category 2 content is very likely to incite discrimination and/or hostility.

### **Examples of Category 2 content**







5m · 🌐

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14

3 comments 7 shares



Yesterday at 15:13 · 🌐

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177

54 comments 39 shares

[illegible]

4 comments

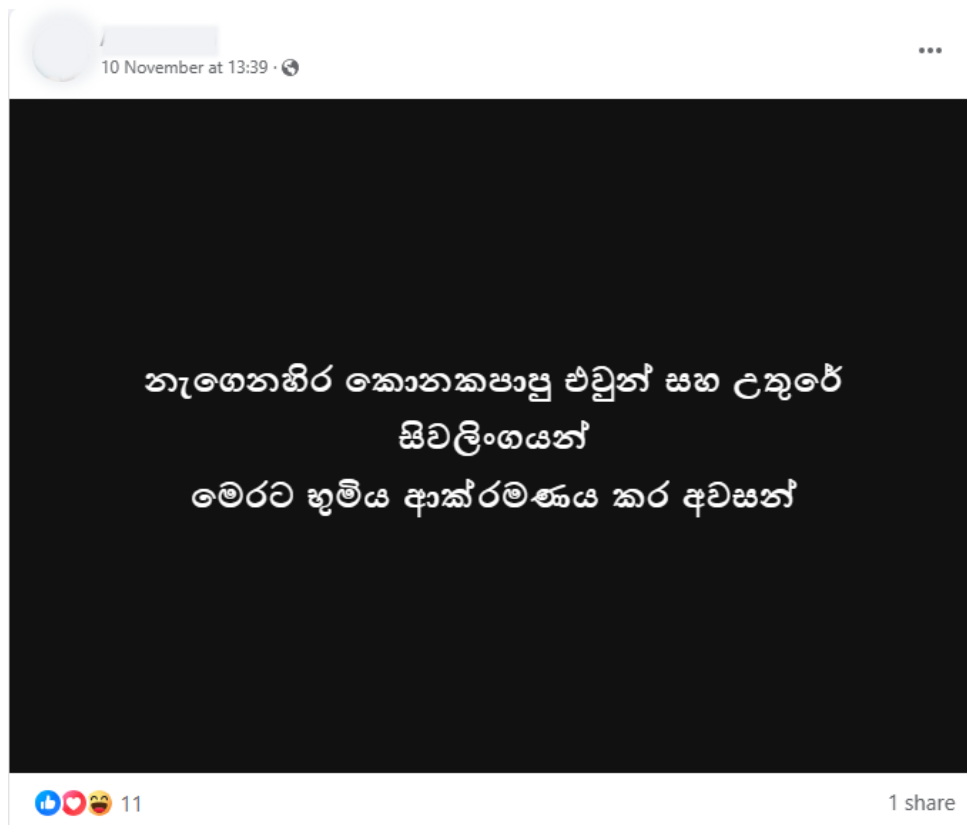
 Share

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29





### c. Content in Category 3

Category 3 content restates and reiterates the hateful and/or inflammatory narratives proliferated in Category 1 content and Category 2 content, and expressly encourages the exclusion and marginalisation of a targeted religious community. A total of 26 posts were categorised as Category 3 content.

#### **Narratives**

In addition to restating and reiterating hateful and/or inflammatory narratives against a targeted religious community, the content in Category 3 encouraged four (04) types of actions that have the effect of excluding and marginalising the targeted community: i) rallying against the targeted community; ii) supporting exclusionary policies and practices; iii) boycotting the targeted community; and iv) celebrating hostility and violence against the targeted community.

A call to rally or unite in the context of a grave and imminent threat is indicative of instigative rhetoric. Similarly, the calls to rally made in Category 3 content are also intended to provoke and instigate content viewers. Content 3 content included posts that contained calls to “come forward” to protect Sinhala-Buddhist culture from the

threat of Christianity and the Catholic Church, “rise up” against the Muslim community and prevent Sri Lanka from becoming an Islamic colony, “rally” at disputed archaeological sites to prevent Hindu encroachments, and to “correct” the alleged wrong of letting minority religious groups settle in Sri Lanka. Such calls to rally are not merely calls to unite for a specific cause, but rather calls to incite and instigate members of society against the targeted religious community.

Content 3 content also included posts that encouraged policies, practices, and actions that would exclude or marginalise the targeted religious group from society. One post called for the implementation of systems that regulated minority religions, including the charging of exorbitant licence fees to open places of worship. Certain posts called Muslims to “get out” of Sri Lanka as they were allegedly extremist, and for Muslims protesting the atrocities in Gaza to leave Sri Lanka. Another post called for all “Born Again” Christians to be investigated for fraudulent dealings. Other posts called for restrictions to be placed on the preaching of Pastor Jerome Fernando and Brother Anton Charles Thomas on the alleged basis that they were extremists.

Social media communications urging boycotts of businesses owned by targeted religious communities are not uncommon on Sri Lankan social media spaces. During the period of review, a widely shared video on YouTube and Facebook encouraged viewers to stop selling or leasing land to Muslims, while other posts encouraged viewers to avoid patronising Muslim owned restaurants and businesses.

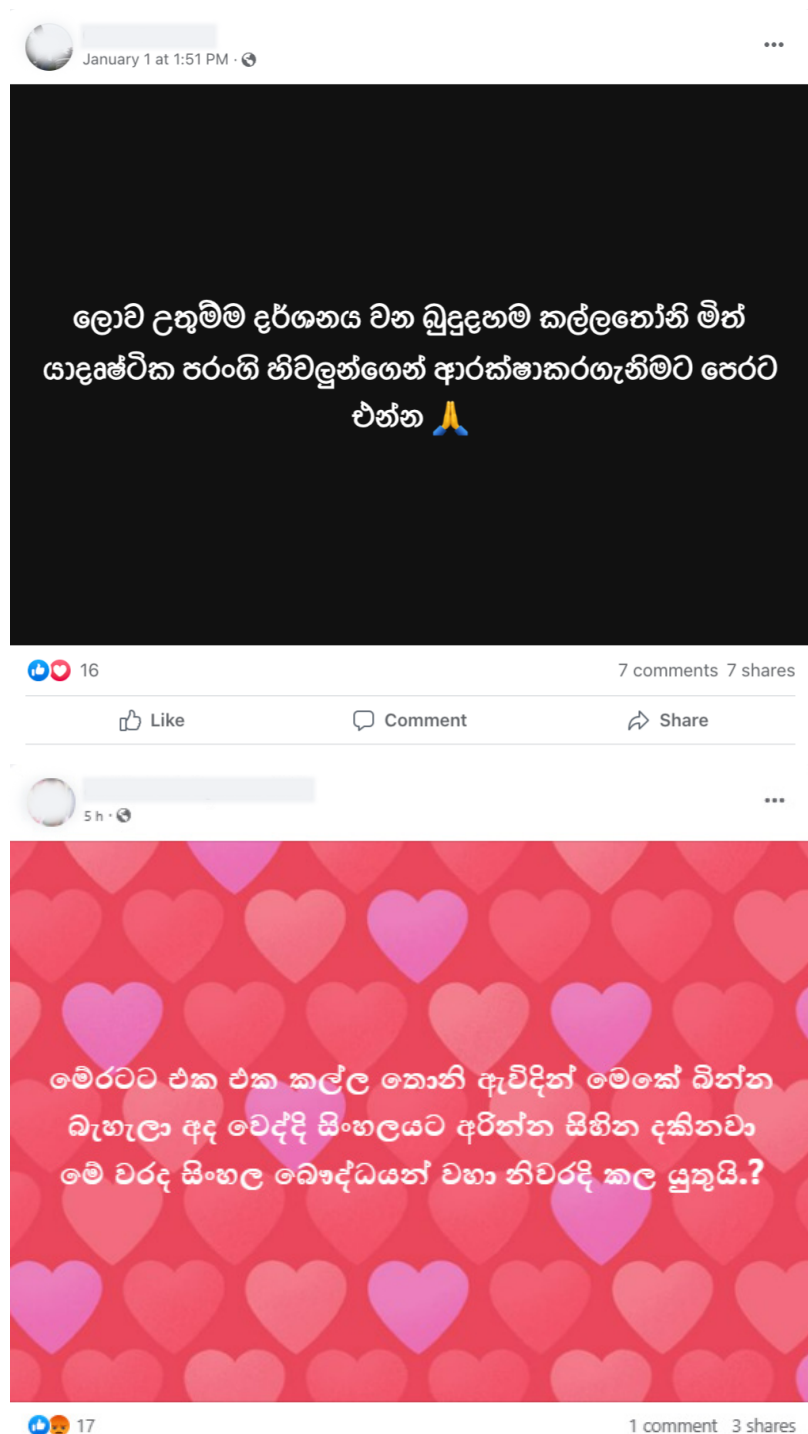
Category 3 content also included harmful posts that celebrated hostility or violence against a targeted religious community. These posts contained narratives that either celebrated or justified the violence being committed against the “cancerous” Muslim community in the content of the conflict of Gaza, the hostility shown towards the Catholic clergy by that mob that disrupted the commemoration of Tamil lives on the 18th of May 2023, and the violence that was unleashed on the Christian community during the Easter Sunday attacks.

### **Potential Harm**

The messaging in Category 3 content actively encourages viewers to engage in conduct that negatively impacts and harms the targeted religious community. While the types of conduct that is being encouraged differs from post to post, the intention of encouraging such conduct is to expressly instigate viewers to marginalise and be hostile towards the targeted community. Of note, however, is that Category 3 content does not expressly call for violence against the targeted community (although posts that celebrate violence are included). Nevertheless, the intended consequence of Category 3 content is to drive the fragmentation of society along ethno-religious lines.

Thus, while Category 3 content does not directly incite violence, such content certainly incites hostility and may even indirectly incite violence. Therefore, Content 3 content poses a greater potential harm than the content in Category 1 and Category 2.

### Examples of Category 3 content





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දැක්විය යුතුද නැත.**



50 comments 12 shares

[illegible]

Yesterday at 15:15 · 🌐

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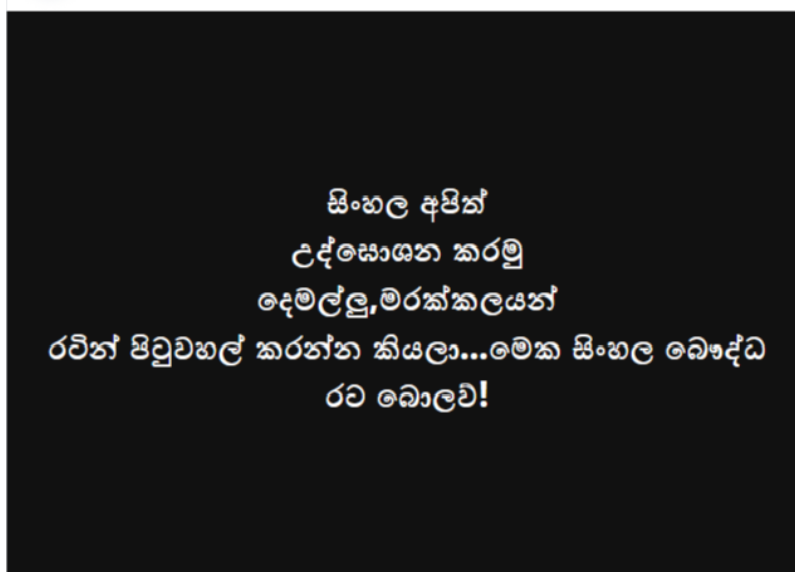


👍❤️ 71

6 comments 19 shares

🌐 2h · 🌐

and 2 others.



👍❤️ 25

16 comments 10 shares



#### **d. Content in Category 4**

Content 4 content also reiterates and restates the hateful and inflammatory narratives contained in Category 1 and Category 2, and goes on to expressly and directly call for violence against the targeted religious community. During the period of review, 16 posts with such messaging were identified.

#### ***Narratives***

The key characteristic of Category 4 content is that the inflammatory rhetoric and discriminatory narratives of such content are accompanied by messaging that directly calls for, or encourages, violence against members, leaders, or places of worship of the targeted religious community.

In the post-Aragalaya context, posts were published calling for members of the Aragalaya to be attacked as they were mostly Christians and Muslims. One post contained a narrative that the Christian clergy should be attacked for being the masterminds behind the Aragalaya as well as for the change of regime that introduced higher taxes. Category 4 content also included narratives that encouraged violence against Christian clergy on the alleged basis that they are supporters of the LTTE, as well as violence against Catholic churches if clergy members who sought to commemorate Thileepan's death anniversary were not arrested.

Category 4 content also specifically targeted the Muslim and Hindu communities. Posts were published calling for the eradication of Muslims as they are a "menace to the world" and for the destruction of Muslim Masjids for spreading the Islamic faith. At least one post advocated for sexual violence against Hindus in the context of Hindu-Buddhist tensions over disputed archaeological sites.

#### ***Potential Harm***

The messaging of Category 4 content is intended to call for and encourage acts of violence against targeted religious communities. Thus, Category 4 content advocates hatred to incite violence against religious communities, and poses a greater harm than Category 3 content. As almost all posts that were categorised into Category 4 were published in contexts of existing ethno-religious tensions, the messaging of Category 4 content is potentially the most harmful form of content on Sri Lankan social media spaces.

## Examples of Category 4 content


February 13 at 9:51 PM · 🌐
and 4 others.
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February 12, 2023 at 7:14 pm | by emanisa.lk



මහවැලි L කලාපයේ සිංහල ජනපදකරණය නිසා එම පළාත්වල දෙමළ ජනතාවට සිය වාසභූමි අහිමි වී ඇතැයි ජීවන්ත පීරිස් පියතුමා පවසයි.

ගාලු මුවදොර අරගලයේ ප්‍රධාන නියමුවෙකු වන ජීවන්ත පීරිස් මේ බව ප්‍රකාශ කළේ මහවැලි විරෝධී දෙමළ ජනතා සංසදය කැඳ වූ විරෝධතාවකට එකතු වෙමිනි.

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February 13 at 9:51 PM · 🌐

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👍 7
💬 1 comment
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ඕකුන්ගෙ ලිෆ්..ගෙ ගලවල ගහන්න ඕන කුඩුවෙන් , අර අලගල 🐕 නැද්ද මේ අසාධාරණ වලට කතා කරන්නෙ

Like Reply 2d



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👍 46

8 comments 5 shares



3 days ago

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Reply

▼ 1 reply



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Like Reply 7h



### *Slurs and offensive terms*

In addition to containing narratives that advocate hate and incite discrimination, hostility or violence, it was observed that religious slurs are pervasive on Sri Lankan social media spaces. A significant number of the 395 posts that were identified as harmful, as well as over 100 more posts, contained such anti-religious slurs targeting the Muslim and Christian communities.

The terms “තම්බි” (“thambi”), “හම්බයෝ” (“hambayo”), and “මරක්කලයෝ” (“marakkalayo”), were seen in several posts in reference to the Muslim community, while the terms “කල්ලනෝ නි” (“kallathoni”), “පරන්ගියෝ” (“parangiyo”), and “පල්ලි කා ක්කෝ” (“palli kaakko”) were used in posts in reference to the Christian community. These terms have, historically and culturally, constituted insulting and derogatory language; i.e., slurs, against the Muslim and Christian community. In essence, these slurs intended to portray followers of the Muslim and Christian and faiths as being “outsiders” of Sri Lanka, though their impact would largely depend, in light of colloquialism, on the context in which they are used.

Nevertheless, such slurs undoubtedly possess historic and cultural connotations of discrimination and insult towards minority religious. Thus, the frequent use of such slurs on social media spaces constitutes both the validation and dissemination of such connotations, which could encourage content that constitutes incitement to discrimination, hostility or violence against religious communities.

Analysis of the harmful content enabled recognition of the patterns and commonalities in the modes and methods of their publication. Through these patterns and commonalities, a number of trends were identified.

#### a. Trends on Social Media Platform Use

Of the 395 posts that were categorised as harmful content, a total of 348 posts were Facebook posts and comments, and images and videos uploaded to Facebook. TikTok accounted for 27 posts and YouTube accounted for 20 posts, which included both videos and comments. These metrics suggest that Facebook is the platform on which most harmful content against religious communities is proliferated in the Sri Lankan social media space.

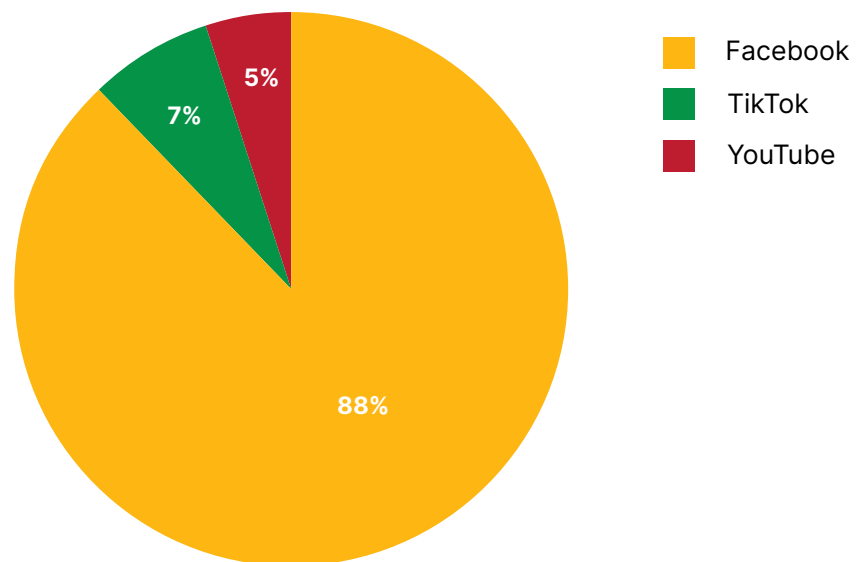


Figure 2: Distribution of Harmful Content on Social Media Platforms

#### b. Trends on Publishers of Harmful Content

226 posts were published by users with a seemingly legitimate account/profile. However, the anonymity that social media provides is often exploited to perpetrate problematic behaviour online, and the same is true in respect of the proliferation of anti-religious expressions. As such, 133 posts were published by sock-puppet or fake accounts/profiles, while 36 posts were published by Meme/Political/News Pages of which the administrator could not be identified. Accordingly, while much of the harmful content on social media is proliferated through individual users whose identities can be ascertained, a significant portion of harmful content is proliferated through unidentifiable accounts/profiles.

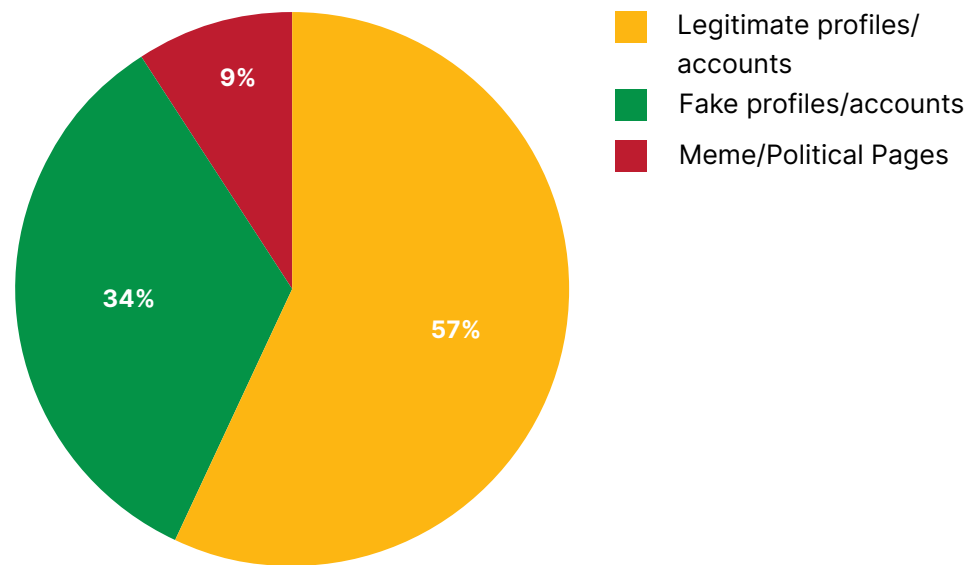


Figure 3: Publishers of Harmful Content

#### c. Trends on Contexts of Harmful Content

As mentioned earlier, much of the harmful content on Sri Lankan social media spaces is disseminated as clusters of communications around distinct historic or current contexts that escalate ethno-religious tensions. This trend was evident by the fact that significant volumes of the harmful content was published in the context of the armed conflict, the Easter Sunday terrorist attacks, the Aragalaya and the 2022 political crisis, the outbreak of war in Gaza, disputes over archaeological sites, and days of religious or national importance.

#### d. Trends on Types of Harmful Content

As set out in the foregoing analysis, the types of harmful content that was published on Sri Lankan social media spaces during the period under review can broadly be classified into four (04) categories, based on the degree of harm that the content is likely to cause. Category 1 and Category 2 content, which contains passive and/or inflammatory messaging that stops short of expressly calling for the marginalisation of or violence against the targeted community, accounted for the bulk of harmful content that was identified during the period under review. Category 3 and Category 4 content was significantly less in number, though their potential for incitement to discrimination, hostility or violence is higher.

The high number of Category 1 and Category 2 content should be cause for concern, considering that the messaging in these types of content can fuel existing ethno-religious tensions. Such tensions can possibly be weaponised at later stages by malicious actors with the use of Category 3 and Category 4 content.

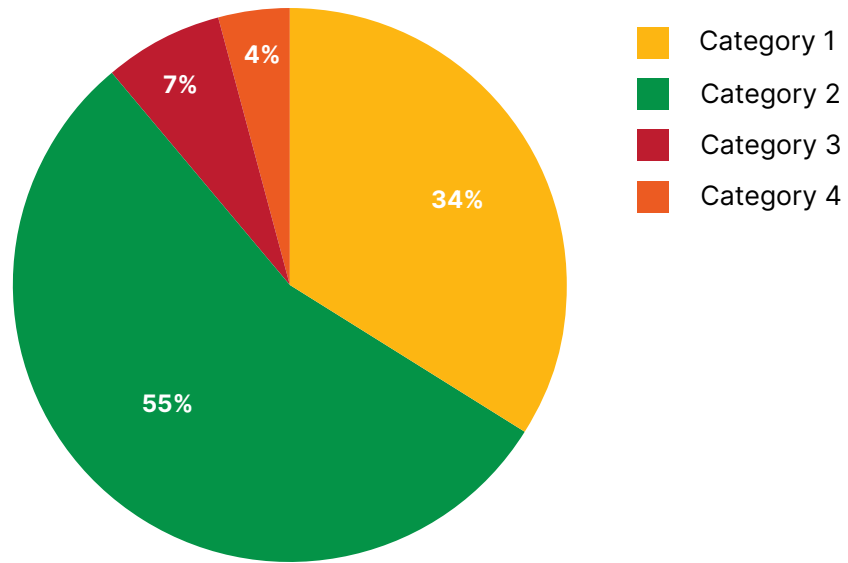


Figure 4: Categories of Harmful Content

#### e. Trends on Moderation

The harmful content that was analysed for the purpose of this Report would, in most cases, be a flagrant violation of the community standards adopted by social media platforms. However, only 107 of the 395 posts that were identified as harmful were taken down or no longer visible on social media. The remaining 247 posts were accessible online as of the date of this Report. These metrics indicate that a considerable volume of harmful content is not caught up in the methods used by social media platforms to moderate content.

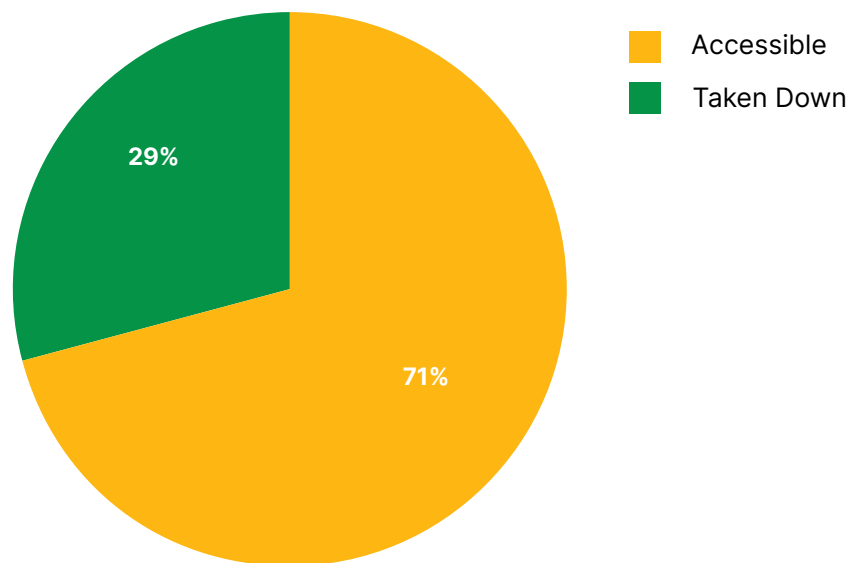


Figure 5: Moderation of Harmful Content

#### **f. Trends in Evading Moderation**

Certain posts that were analysed contained features that are seemingly designed to evade moderation. These features included using Sin-glish or Tam-glish (the use of a combination of Sinhala and English or Tamil and English), the switching of letters in slurs and anti-religious terms (so that the spelling is different but the term is phonetically the same), the inclusion of spaces between slurs and anti-religious terms (to avoid moderation algorithms), and the use of emojis (for instance, the use of the cross emoji to Christians and the use of the bomb emoji to make references to terrorism). Although it is unclear if the adoption of these was to deliberately evade moderation, the use of such features is likely to make harmful content harder to be moderated by machine-based moderation tools.

Two general conclusions can be drawn from the legal and data analysis that forms the subject matter of this Report. First, content that constitutes advocacy of hatred to incite discrimination, hostility and violence against religious communities is pervasive on Sri Lankan social media spaces. The potential harms of such content range from, in the least, inciting discrimination against a targeted religious community, to threatening violence against a targeted religious community, at its most extreme. The proliferation of narratives that incite religious discrimination, hostility and violence through such content impacts and restricts the FoRB guaranteed by the Constitution. Second, the laws intended to safeguard against such harmful content have not been properly implemented. On the contrary, these laws have been misapplied to suppress the FoE and have largely been left unused to protect FoRB. Thus, the existence of a gap in the legal protection of FoRB is observed in the context of Sri Lanka's social media space.

Addressing this gap requires action and reforms by multiple stakeholders, and the NCEASL presents the following recommendations with the sincerest expectations that they will be given serious consideration and actioned by such stakeholders in a timely manner.

### Recommendations to the State and State Institutions

1. Take all necessary legal and administrative actions to address and deter the dissemination of harmful content; i.e., content and narratives that constitute incitement to religious discrimination, hostility or violence, including indictment and prosecution under the ICCPR Act of publishers of such content and narratives, in accordance with recent judicial interpretations and international standards.
2. Take steps to train the Computer Crime Investigation Division ('CCID') of the Sri Lanka Police, as well as other institutions such as the Online Safety Commission and the Sri Lanka Computer Emergency Readiness Team ('SLCERT') on distinguishing harmful content from legitimate forms of expression, in accordance with the recent judicial interpretations given to the ICCPR Act and Articles 19 and 20 of the ICCPR.
3. Make suitable investment to upgrade the human and technical capacity of the CCID of the Sri Lanka Police, as well as other institutions such as the Online Safety Commission and the SLCERT, to effectively monitor social media spaces for hate speech and other potentially harmful content, especially at times when there is an escalation in ethno-religious tensions.



4. Encourage the CCID of the Sri Lanka Police, as well as other institutions such as the Online Safety Commission and the SLCERT to adopt policies on regularly reporting on trends in hate speech and disinformation with a view to raising awareness of such trends and creating discourse on countering such trends.

5. Coordinate with the HRCSL and civil-society organisations to facilitate training and the transfer of knowledge on international standards and trends on countering harmful content online to the officers of the CCID of the Sri Lanka Police, SLCERT and other state institutions tasked with monitoring Sri Lankan social media and online spaces.

6. Implement structural reforms to safeguard and maintain the independence of the Sri Lanka Police, the Online Safety Commission, the Attorney General's Department and the judiciary with a view to ensuring that social media monitoring, investigations and enforcement of the law is carried out in a manner that is legitimate, fair and transparent.

7. Collaborate with all relevant stakeholders, including the HRCSL, Telecommunications Regulatory Commission, Internet Service Providers, and civil society organisations, to create public awareness campaigns against hate speech and the legal and administrative resources available to victims and communities affected by hate speech.

### **To Social Media Platforms and Intermediaries**

1. Adopt and/or reaffirm a zero-tolerance policy on the use of the platform for the dissemination of hate speech and any other content that constitutes incitement to religious discrimination, hostility and violence.

2. Invest in enhancing the capacity of human and AI-based monitoring of content for compliance with the applicable Community Standards/Terms of Use, particularly in respect of image-based content and content published in Sinhala, Tamil, Sin-glish and Tam-glish.

3. Strengthen efforts to continue educating users on the mechanisms available to report hate speech and other harmful content published online or on social media.

4. Strengthen policies on processing reports of hate speech and other harmful content in a transparent manner and within reasonable timeframes.

### To Civil Society Organisations

1. Upscale efforts in monitoring social media spaces with a view to identifying perpetrators of online hate speech and the types of online hate speech that is being disseminated.
2. Invest in carrying out expert research on why and when hate speech and harmful content are pervasive on Sri Lankan social media spaces, with particular emphasis on the socio-political tensions that prevail in off and on-line interactions that give rise to hateful rhetoric, and the cultural and linguistic evolution of hateful language.
3. Invest in deploying general counter-messaging to combat the proliferation of anti-religious narratives, and be prepared to rapidly deploy specific counter-messaging to de-escalate tensions during crises or circumstances that are likely to generate anti-religious and hateful rhetoric on social media spaces.
4. Coordinate with state institutions, social media platforms, and internet service providers to establish links for knowledge and information transfers, with a view to assisting investigations and the enforcement of laws against online content that constitutes religious discrimination, hostility or violence.

### To Online Actors (i.e. Online News Pages, Content Creators etc.)

1. Make public pledges against hate speech and the publication or amplification of harmful content.
2. Adopt strict codes of ethics with regards to publishing content that reports, discusses or analyses instances of hate speech or content that incites religious discrimination, hostility or violence, while ensuring that such reporting, discussion, and analysis are responsible in its presentation of facts and the correct legal position.
3. Invest in training to deploy counter-messaging techniques to combat the proliferation of anti-religious narratives, and to de-escalate tensions during times of crises or emergencies.

### To Political and Religious Leaders and Organisations

1. Adopt a system of public pledges against hate speech, designed to encourage political and religious organisations to encourage their leaders and membership to pledge against advocating and supporting hate speech perpetrated off and on-line.
2. Adopt voluntary codes of conduct on appropriate online behaviour, which includes rules discouraging the publishing or amplifying of potentially harmful content through official and personal social media accounts.
3. Engage in inter-faith dialogues and build religious cooperation and communal harmony, with the intention of countering prevailing tensions and narratives of distrust.





