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# The “Abhorrent” Practice of Animal Sacrifice and Religious Discrimination in the Global South

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**Abstract:** In September 2018, the majority Buddhist government of Sri Lanka approved draft legislation banning animal sacrifice at Hindu Temples. The Cabinet referred to these sacrifices as a “primitive” practice that can cause physical and mental harm to society. Similarly, the Federal Supreme Court of Brazil is presently evaluating the constitutionality of a proposed bill banning animal sacrifice in the state of Rio Grande do Sul. Proponents of this bill argue that animal rights supersede the religious freedom of the adherents of Afro-Brazilian faiths who perform these sacrifices. They further contend that the practice of animal sacrifice poses a threat to public health. Through the evaluation of these cases, this article will consider the relationship between animal sacrifice and religious freedom in the Global South. Using Brazil and Sri Lanka as examples, it will explore how laws and litigation protecting animal welfare can often be a guise for racial discrimination and religious intolerance.

**Keywords:** Brazil; Sri Lanka; religious freedom; animal sacrifice; religious intolerance

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## Introduction

In September of 2014, the High Court of Himachal Pradesh in India wrote a 110-page decision banning the practice of animal sacrifice in the jurisdiction. The Justices described these ritual slaughters as “abhorrent and dastardly,” and argued that new rites “which are based on reasoning and scientific temper” should supplant “superstitions” that have no place “in the modern era of reasoning.” (Sharma et al. 2011). Their ruling reflected the sentiments of many animal rights supporters across the world who, in recent years, have increasingly raised legal challenges to religious rituals involving animal sacrifice. Many courts and legislators in the Global South are siding with these activists, arguing that evolving societal norms value the life of an animal over religious freedom. However, a closer investigation into these controversies reveals that racial and religious discrimination are frequently the driving factors behind anti-sacrifice campaigns.

This article utilizes a case study of Brazil and Sri Lanka to explore the links between the proscription of animal sacrifice and the persecution of minority faiths. These countries serve as prime locations for the study of this issue because they are currently in the midst of highly publicized debates about animal sacrifice that have reached the national level—the Federal Supreme Court of Brazil and the federal legislature of Sri Lanka. Despite their proximity in time, these controversies are otherwise quite different—they are occurring in separate regions of the world and involve different ethnic and religious groups with distinct histories of racial and religious conflict. Due to these disparities, a case study underscoring the similarities of the controversies in these two countries can best demonstrate a larger trend or pattern in animal sacrifice cases across the Global South.

This study will be conducted by examining the history of animal sacrifice laws and court cases in Brazil and Sri Lanka, as these controversies have developed over the course of the 21st century. I explore the legislative debates and court pleadings, investigating the rationales provided for the ban

of animal sacrifice. I scrutinize these texts for biased statements against the religions that engage in animal sacrifice or devotees of these faiths as well as inconsistencies in the apprehension expressed about religious abuses of animals compared to analogous concerns about other animal rights issues. Finally, I explore extra-legal statements and events around the time of these court cases to identify larger trends in racial and religious biases that might be fueling these debates. In particular, I focus on international human rights materials which observe the overall state of ethnic and religious affairs in these nations over the last few years.

Based on this study, I will argue that in both nations, local and state governments have imposed facially neutral bans on the religious slaughter of animals. However, the rhetoric used in public statements about the protection of animals and the proscription of animal sacrifice has been infused with prejudices against minority religions. Moreover, these campaigns against animal sacrifice have been contemporaneous with the rise of extremism among majority faiths and overt efforts to eradicate religious minority groups. These (attempted) bans on animal sacrifice have been accompanied by other forms of religious intolerance such as physical assaults on devotees and their places of worship. Therefore, placed in context, campaigns against animal sacrifice are often operating as a method of religious discrimination in the Global South.

### **Animal Sacrifice and the Law in Global Context**

The ritual slaughter of animals is a worldwide phenomenon, practiced by countless faiths for a variety of reasons. In some cases, such as with Islam and Judaism, ritual slaughter is performed because certain guidelines must be followed and certain prayers must be recited in order for meat to be fit for human consumption. In other instances, such as with Hinduism and many African diaspora religions, ritual specialists offer the life-blood of animals in reverence of spirits or deities. These sacrifices frequently take place at annual festivals, where they are merely one component of a host of festivities that can last for days or even weeks. Individual devotees might also offer certain spirits or deities an animal sacrifice as a supplication or gesture of gratitude for fulfillment of a particular prayer or petition, such as assistance with obtaining employment, passing an exam, finding or keeping a spouse or conceiving a child.

In most religious forms of animal sacrifice or ritual slaughter, the animal is typically killed by hand by a priest or another individual well-versed in the appropriate rites and prayers. Most ritual slaughter dictates that the animal must be killed as quickly and painlessly as possible, often with a single cut of the carotid arteries. The majority of faiths also believe that the animal should be well-cared for as it is raised and in the moments leading to its death; poorly fed and abused animals are often regarded as unfit for spiritual offering and/or human consumption.

For reasons that vary across communities and regions of the world, over the last thirty years, animal rights advocates have often strongly condemned the ritual slaughter of animals. Scholars have well-explored these controversies as they have developed in the Global North. For example, numerous researchers have analyzed the U.S.'s most famous animal sacrifice controversy—*The Church of the Lukumi Babalu Aye v. City of Hialeah*—which began with the passage of a local ordinance targeting Santeria practitioners in South Florida's growing Cuban population. Several researchers have explored how this case was born of racial and religious tensions in the county, as well-established white Cuban immigrants sought to differentiate themselves from more racially diverse new arrivals (i.e., [Palmié 1993](#); [O'Brien 2004](#)). Similarly, dozens of scholars have researched Europe's expanding body of animal sacrifice statutes and litigation, most of which centers on controversies about stunning an animal before slaughter. Several scholars have explored the impact of these policies on Jewish and Muslim communities as well as positioned these purported animal rights movements as just one of many efforts to restrict the rights of religious minorities in Europe (i.e., [Zoethout 2013](#); [Van Der Schyff 2014](#); [Delahunty 2015](#); [Gliszczyńska-Grabias and Sadurski 2015](#)).

While much is known about the broader context of animal sacrifice controversies in the Global North, particularly those involving Abrahamic religions, less information is widely available about

similar disputes in the Global South. Where such controversies have become the subject of scholarly research, a significant number of these works are written by scholars who are also animal rights activists and use their platform to denounce these religious practices (i.e., Behrens 2008). Therefore, in this special issue on Religious Freedom in the Global South, this article provides an alternative perspective on animal sacrifice debates in Latin America and Asia. Through case studies of Brazil and Sri Lanka, it explores how animal rights activism has been a tool of religious intolerance and racial discrimination.

## Part I. Brazil

Brazil is a racially diverse society, housing the largest population of people of African heritage outside the African continent. Many of these individuals arrived as part of the Atlantic slave trade, when over 5 million enslaved Africans disembarked in Brazil—more than any other country in the Americas (Izsák 2016). In 1890, just two years after the abolition of slavery and during the same year that Brazil barred Africans and Asians from entering the country without a special approval from congress, the national government implemented a series of provisions in the criminal code attempting to suppress African diaspora faiths, depicting them as a threat to public health (Johnson 2001). Although the latter half of the 20th century brought an easing of these restrictions and a greater enjoyment of religious freedom, Afro-Brazilian religious communities are once again being suppressed in the 21st century, including calculated attempts to prohibit one of their central practices—animal sacrifice.

For more than fifteen years, the State of Rio Grande do Sul in Brazil has been debating the legality of animal sacrifice. Opponents have attempted to implement animal protection laws that criminalize the slaughter of animals in religious rituals. Devotees and their supporters have sought explicit legal protection of their religious freedom. Legislators and courts have engaged in repeated contentious debates over the constitutionality of laws explicitly banning a religious practice, as well as laws explicitly exempting a particular religious group from generally applicable animal protection codes.

This section will describe the history of this controversy, highlighting that while opponents of animal sacrifice contend that they are only concerned with animal welfare, there is overt religious discrimination occurring in Brazil. First, it will discuss the repeated references to the Christian obligation to defend animals by the legislators who support the ban on animal sacrifice. Second, it will highlight the hypocrisy of the supposed concern for animals, as legislators have targeted only religious sacrifices while ignoring other threats to animal welfare such as hunting and rodeos. Third and most significantly, it will place this controversy in the context of a growing wave of religious racism that is sweeping across Brazil, posing an unchecked threat to the safety and security of devotees of Afro-Brazilian faiths as well as their places of worship.

### A The Animal Protection Code of Rio Grande do Sul

In 2002, Manoel Maria, a State Assemblyman in Rio Grande Do Sul, introduced a bill regarding the protection of animals, known as the “State Code of Animal Protection.” The bill was designed to address a number of potential abuses such as physically assaulting animals, keeping them in unclean areas or spaces devoid of air and light, working animals excessively or in a manner that exceeds their strength and exterminating using poisons or other methods not recommended by the World Health Organization (State Code of Animal Protection 2003). The original version of the bill also prohibited the use of animals in “religious ceremonies” and “sorcery” (Oro 2006, pp. 1–2). However, Afro-Brazilian religious leaders from the state were able to lobby the legislature for the removal of these sections. On 21 May 2003, the State Code of Animal Protection went into effect as Law No. 11.915.

Despite their success with eliminating the direct language about religion, Afro-Brazilian spiritual leaders remained concerned about certain sections of the Code of Animal Protection. For instance, one of the relevant sections of the law prohibited “offend[ing]” or “physically attack[ing]” an animal or subjecting it to suffering, injury or unacceptable living conditions (Law No. 11.915 2003;

Conte 2016, p. 49). Another required animals intended for food consumption to be killed “suddenly and painlessly” (Law No. 11.915 2003; Conte 2016, p. 49). Worried that biased individuals would manipulate this ambiguous law to persecute them, representatives of Afro-Brazilian religious communities met with the legislature and other interested parties to gain support for a new law that would explicitly state that animal sacrifice did not violate this statute (Oro 2006). State Assemblyman Edson Portilho introduced such a bill, which simply stated, “this prohibition shall not include the free exercise of the cults and liturgies of religions of African origin” (Lei No. 12.131 2004; Oro 2006, p. 2) The proposal of this amendment began a debate about animal sacrifice and religious freedom in Brazil that has lasted for the past fifteen years and has resulted in a case that is still pending before the Supreme Federal Court.

During the year following Portilho’s proposal, the legislature considered this amendment, but the records reveal only one significant speech about it before it was put to a vote. This speech occurred on 19 November 2003, when Mr. Raul Pont read a letter from Portilho (who was not able to attend the meeting), which was written in celebration of Brazil’s National Day of Black Consciousness. After reminding his audience about the historical exploitation and forced trafficking of black people in Brazil, Portilho stressed the importance of the amendment to law 11.915. He explained that the bill was drafted by a special committee that was formed in response to widespread concerns about the ambiguity of the original statute, which had resulted in “a series of denunciations, interdictions, persecutions and convictions,” of devotees of Afro-Brazilian religions (Assembleia Legislativa 19 November 2003).<sup>1</sup> Portilho opined that the discrimination and restrictions on religious expression that resulted from this law were an embarrassment to the State of Rio Grande do Sul.

On 29 June 2004, the Legislative Assembly voted on Portilho’s amendment. It passed 32 to 2. After passing the Assembly, the amendment went to the governor, Germano Rigotto, who could choose to sign or veto the bill. Representatives of both sides marched outside the governor’s house, hoping to sway his opinion (Oro 2006). After assurances that no wild animals would be sacrificed as a result of the amendment, the governor approved the bill. On 22 July 2004, the amendment became law. Upon hearing the news, Manoel Maria, the author of the original State Code of Animal Protection and one of the two legislators who voted against the amendment, reportedly proclaimed “No God of good would be happy with the spilt blood of an animal” (Oro 2006, p. 2).

Approximately two weeks later, Maria made an impassioned speech before the legislature, denouncing the recent approval of Bill 282/2003. In his speech, one can see the clear religious motivations of his supposedly neutral Code of Animal Protection and the bias against Afro-Brazilian religions, as he criticized their central practices as anti-modern. Maria began by proclaiming that he represented “the Christian people” as well as animal protection agencies to preserve the life of animals who “are now at the mercy of the cruelty of religious groups who, to satisfy their gods, need the blood of our animal friends” (Assembleia Legislativa 3 August 2004).<sup>2</sup> He contended that in the time of space exploration, biotechnology, genetics and other advancements, “we cannot accept medieval, primitive practices that impose blood rituals on its adepts through the sacrifice and the torture of beings who came into the world to help man, and not to be victims of their ignorance” (Assembleia Legislativa 3 August 2004).<sup>3</sup>

Another legislator, Mr. Sérgio Peres, echoed Maria’s comments, emphasizing that animal sacrifice was anti-Christian and anti-modern. He called the practice “absurd and a retrogression in democracy” (Assembleia Legislativa 3 August 2004).<sup>4</sup> He admitted that every person has the right to freedom of

<sup>1</sup> Quote: “numa série de denúncias, interdições, perseguições, processos e condenações de Ialorixás e Babalorixás do nosso Estado.”

<sup>2</sup> “Quote: “que agora estão à mercê da crueldade de grupos religiosos que, para satisfazer seus deuses, necessitam de sangue dos nossos amigos animais.”

<sup>3</sup> Quote: “não podemos admitir práticas medievais, primitivas, que imponham rituais de sangue a seus adeptos através do sacrifício e da tortura de seres que vieram ao mundo para ajudar o homem, e não para ser vítimas de sua ignorância.”

<sup>4</sup> Quote: “absurdo e um retrocesso na democracia.”

religion but averred that that freedom does not include animal sacrifice. The reason, Peres argued, was that “Our Lord Jesus” was the last “sacrificial lamb” and because of the blood he shed, animal sacrifice should not exist any longer (Assembleia Legislativa 3 August 2004).

Toward the end of the meeting, Mr. Edson Portilho spoke in defense of his amendment. He explained that it was important to recognize that Brazil was home to many religions and that faith is expressed in many different ways. Portilho revealed that in the process of publicly supporting this bill, he had received many communications, even death threats, from the opposition. He countered that those who were concerned about Afro-Brazilian religions were not raising the same issues with hunting, the treatment of circus animals, nor the process of killing animals for food. Therefore, Portilho opined, the outcry is “really a prejudice against this ancient religion, which originated from black people” (Assembleia Legislativa 3 August 2004).<sup>5</sup>

A few months later, on 17 November 2004, Portilho again addressed the legislature in honor of National Black Consciousness Day. Portilho denounced the religious intolerance that had occurred since the debates over the amendment began. He reported that members of other faiths had abused noise disturbance laws to virtually prevent Afro-Brazilian temples from holding ceremonies by filing complaints about their drumming and singing. Portilho averred that the religious intolerance of that year resembled what they had seen much earlier in Brazilian history during the highest rates of persecution. He reminded people that on the day that they celebrate black consciousness, they must remember to respect the religions of these communities.

## **B The Court of Justice of Rio Grande do Sul**

In 2004, opponents of Portilho’s amendment asked the State Court of Justice to declare the law unconstitutional. On 18 April 2005, the justices issued an extremely split decision upholding the constitutionality of Law No. 12.131 (*Procurador-Geral de Justiça v. Assembleia Legislativa* 2005). The justices’ opinions reflect a more collegial discussion than the tense, defensive debates in the legislative assembly, yet they demonstrate a pervasive bias against Afro-Diasporic faiths among some members of the Court.

The Justices in favor of the 2004 amendment began by discussing the relative nature of animal protection and animal cruelty. For example, Vasco Della Giustina explained that there has long been an acceptance of the idea that domesticated animals can be killed to serve human needs. Therefore, the amendment was in line with this longstanding policy, as it allowed devotees of Afro-Brazilian faiths to slaughter animals in furtherance of their religion. Araken de Assis and José Antônio Hirt Preiss also viewed the religious slaughter of animals as a minority practice that fell within the spectrum of reasonable uses for animals. Both justices stressed the lack of uniformity of views of animals among different cultures, noting that there was not even a global agreement which animals should be considered pets, and which should be categorized as food. They both mentioned that some societies, such as the Philippines, consumed dogs as a food delicacy while others would find this unacceptable.

The justices who supported the amendment also argued that even as a religious practice, the slaughter of animals was not very unusual. Antonio Carlos Stangler Pereira and José Antônio Hirt Preiss both mentioned that Muslims and Jews believe in the ritual slaughter of animals in certain circumstances. Pereira added that indigenous populations in Brazil have a celebration involving the sacrifice of a llama in which they give the blood to the land. De Assis also discussed the U.S. Supreme Court’s decision in the *City of Hialeah* case (mentioned above), invalidating a local ordinance that prohibited animal sacrifice. De Assis referred to this case as a “respectable precedent to consecrate the freedom of worship” (*Procurador-Geral de Justiça v. Assembleia Legislativa* 2005).<sup>6</sup>

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<sup>5</sup> Quote “realmente trata-se de preconceito em relação a essa religião milenar, originária do povo negro.”

<sup>6</sup> Quote: “precedentes respeitáveis no sentido de consagrar a liberdade de culto.”

The oppositions' opinions ranged from seemingly neutral constitutional concerns to more direct criticisms of Afro-Brazilian faiths. The most neutral reason for opposing the law was that it violated the principle of isonomy because it only exempted Afro-Brazilian religions from the statute. For example, Maria Berenice Dias supported the principle that religious sacrifices should be protected by law but believed that it was unconstitutional to only exempt Afro-Brazilian religions, as there were other faiths in Brazil that engaged in animal sacrifices. Alfredo Foerster agreed that the exemption for Afro-Brazilian faiths gave an unconstitutional preference or privilege to one religion, violating principles of equality. However, unlike Dias, his other remarks made clear that he did not support granting an exemption to all faiths. What is striking about both opinions is that they fail to consider that the exemption was created for Afro-Brazilian religions because they were facing particular forms of discrimination that did not impede the practice of other faiths, such as kosher and halal slaughters.

Alfredo Guilherme Englert and Vladimir Giacomuzzi argued that the amendment was both unconstitutional and unnecessary. They contended that without the amendment, Afro-Brazilian religions would not be prejudiced by the law. But they believed that with the amendment, legislators were giving devotees the impunity to sacrifice in a cruel manner because it exempted their rituals from the Code of Animal Protection without limitation. Paulo Moacir Aguiar Vieira echoed these concerns, stating that while the vast majority of Afro-Brazilian devotees would conduct their sacrifices without cruelty, there would be that 1–5% who would not. He contended that the law should not protect those individuals who would use their religious practice as a shield for cruelty. These arguments, like those of Dias and Foerster, overlook the likelihood that anything less than a blanket statement that Afro-Brazilian animal sacrifices were not animal cruelty would leave room for biased persons to find cause to charge them with violations of the Code.

In his opposition to the amendment, Osvaldo Stefanello raised a point that would become a central feature of legislative debates when the issue returned to the Rio Grande do Sul Assembly in 2015. He admitted that there was a constitutional provision guaranteeing devotees of Afro-Brazilian religions the freedom of worship. However, he observed, the Constitution also guarantees the right to life. Stefanello argued that animals and humans were both living things with little distinction between them and thus animals in Brazil were guaranteed the right to life under this Constitutional provision. Furthermore, he contended that the right to life was more important than the right to freedom of worship; therefore, he disagreed with a law that would regard freedom of religion as paramount in a conflict between the two. This argument has become particularly contentious over the course of this dispute, as advocates of Afro-Brazilian religious freedom have pointed out that purported animal rights activists care very much about a chicken's right to life but show little concern for the rights of black people in Brazil who, human rights reports have shown, contend with poverty, police brutality, over-incarceration and other forms of discrimination and marginalization at staggeringly disproportionate rates (Izsák 2016).

The most disturbing oppositional remarks came from Alfredo Foerster who, with little apparent context, began his remarks by quoting a description of a fifty-year-old incident in which the then Secretary of Culture (a white male) and a German visitor purportedly attended a Candomblé ceremony during which animals were sacrificed. The sensationalized text (which takes up almost 1/10th of the Court's ruling), is a typical racialized narrative characteristic of the period (the 1950s). The author attempted to conjure images of a wild, exotic and dangerous atmosphere by emphasizing the rhythmic sound of the drums and the scent of animal blood as the sacrifices were carried out. What bearing this text had on Foerster's brief arguments that the amendment violated the principles of equality and conflicted with federal law is unclear. However, it seems that he, while ironically invoking an outdated, racialized account of Afro-Brazilian sacrifices, was emphasizing that animal sacrifice was



primitive and barbaric. He concluded his opinion, arguing that “HUMANITY must evolve towards the preservation of LIFE” (*Procurador-Geral de Justiça v. Assembléia Legislativa* 2005).<sup>7</sup>

These opinions reveal that a small majority of the Court reached their decision in favor of Portilho’s amendment because they believed that the concept of animal cruelty is relative across different societies and there was no evidence that Afro-Brazilian rituals involved any practices that were abnormally cruel. The opposition responded by denying any discriminatory interpretation of the State Code of Animal Protection or any possibility of bias in its enforcement. Apparently ignoring the death threats posed to the author of the amendment and the growing religious intolerance in Rio Grande do Sul during the legislative debates, they insisted that if Afro-Brazilian devotees did not engage in cruelty, then they should not feel threatened by the Animal Protection Code.

Some could argue that the dissenting justices genuinely believed that the vocal opposition to animal sacrifice and Afro-Brazilian religions raised during the legislative debates about the amendment were solely grounded in concern for animal rights. It is reasonable to contend that religious freedom is unlikely to be infringed upon when discrimination appears to have been confined to protest, threats and verbal disparagement. However, in subsequent years, opposition to Afro-Brazilian faiths has turned extremely physically violent, including bombings, arson and stoning. Recent events make it more difficult to assume that “animal welfare” activists have no ulterior motives in proposing laws that would restrict Afro-Brazilian religious practices and render it impossible to argue that the current social climate does not require special legal measures protecting Afro-Brazilian faiths.

### C Rampant Assaults on Afro-Brazilian Religious Freedom

In 2007, just two years after the Rio Grande do Sul case was heard by the state supreme court, the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance reported that Evangelicals were carrying out “campaigns of demonization” against adherents of Afro-diasporic faiths in Brazil and other parts of Latin America (Diène 2007, p. 15). By 2011, international human rights experts began expressing concern about rising numbers of acts of religious intolerance against devotees of Afro-Brazilian religions and their places of worship (i.e., U.S. Dept of State 2011: Brazil). For instance, in 2013, the U.S. Department of State’s International Religious Freedom Report indicated that drug traffickers in Rio de Janeiro had been terrorizing Candomblé adherents, forcing at least forty priests out of their communities and prohibiting devotees from wearing religious attire (U.S. Dept of State 2013: Brazil). By 2014, the violence had clearly turned physical, as multiple sources reported that practitioners of Afro-Brazilian faiths had been harassed, intimidated and assaulted and that their religious symbols and places of worship had been vandalized, desecrated and burned down (U.S. Dept of State 2014: Brazil; Izsák 2016).

In 2015, when Rio Grande do Sul legislators decided to review another bill to revoke legal protections for animal sacrifice, violence against Afro-Brazilian religions saw a drastic spike. For instance, that year, two adult males carrying bibles assaulted a family of Candomblé adherents as they were walking home from a ceremony in northern Rio de Janeiro. They harassed them, calling them “devils” and telling them that they were going to hell, while throwing stones at them. One of these stones struck 11-year-old Kailane Campos in the head, sending her to the hospital suffering from fainting and memory loss (Conte 2016). On a single day in September of that year, at least two Afro-Brazilian temples were the victims of arson. One of the owners reported that the only evidence of motive for the attack was an un-scorched bible that he found lying on top of the rubble. (Terreiros de Candomblé são incendiados 2015)

This violence has only grown throughout the last 3–4 years. In December 2016, Candomblé priestess Elaine Dias Pereira reported that someone had placed a bomb on the electric meter of her temple while she and other devotees were inside holding a ceremony (Muggah 2017). During a single

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<sup>7</sup> Quote: “A HUMANIDADE tem de evoluir para a preservação da VIDA.”

week in July of 2017, terrorists destroyed at least seven Afro-Brazilian temples (Sétimo terreiro é depredado 2017). In August and September 2017, at least thirty Afro-Brazilian places of worship were destroyed in less than three weeks. Two of these incidents were recorded and showed Christian extremists invoking Jesus as they held devotees at gunpoint, threatened their lives, as well as urinated on and smashed their religious shrines (Coelho 2017). It is important to keep these acts of intolerance in mind as they coincide with resumed discussions of animal sacrifice.

#### **D Renewed Legislative Debates**

In 2015, Representative Regina Fortunati proposed bill 21/2015 that would repeal Law No. 12.131—the amendment to Law No. 11.195 specifically protecting animal sacrifice (Proposição 21 2015). In defense of resurrecting this issue that had seemingly been nullified by the state’s supreme court a decade earlier, Fortunati depicted animal rights as an evolving concept that needed to be revisited. She argued that increasing numbers of people are “recognizing” their duty to defend life and, as a result, fewer people are consuming animals for food or accepting their use in laboratories. She referred to the sacrifice of animals as an embarrassment and disturbance to society and characterized the decomposition of animal offerings as a threat to public health. Furthermore, as Osvaldo Stefanello had a decade before, Fortunati averred that animal sacrifice creates a conflict between religious liberty and an animal’s purported right to life. The debates that followed more explicitly questioned whether prejudice against Afro-Brazilian religions underlies the movement to ban animal sacrifice than prior discussions and provided more examples of the hypocrisy of focusing on certain types of purported “cruelty” while ignoring others.

After its introduction, Fortunati’s bill went to a committee within the legislative assembly, the Commission of Constitution and Justice (“CCJ”), to evaluate whether or not it violated the Constitution. Throughout the month of March, the CCJ met with Afro-Brazilian religious leaders and community members as it received reports related to the bill. Meanwhile, Fortunati vehemently defended her bill when the Assembly was in open session (Assembléia Legislativa 25 March 2015). She acknowledged that many had called her a racist and accused her of being prejudiced against Afro-Brazilian religions. However, she claimed that the amendment itself was prejudiced because it exempted African-derived religions from complying with animal cruelty laws but made no similar exemptions for devotees of other faiths. She stressed that the equal thing to do was to return the Code of Animal Protection to its original state.

On 12 May 2015, Deputado Jorge Pozzobom wrote a decision finding Fortunati’s proposed law unconstitutional, which was joined by 11 of the 12 members of the CCJ (Pozzobom 2015). Pozzobom argued that it is his obligation to respect Afro-Brazilian belief systems because the Federal Constitution guarantees freedom of religion and the protection of places of worship and liturgies. Furthermore, Pozzobom stressed that animal sacrifice was historically a component of the Judeo-Christian belief system. He referenced a passage in the Bible where Abraham sacrificed a lamb as an offering to god. He also said that, as a Christian, he felt that he should follow the example of Pope Francis, who had recently prayed in a mosque in Istanbul, and respect differences in others as well as seek interreligious dialogue. Pozzobom called upon animal rights activists and devotees of Afro-Brazilian faiths to dialogue about this issue and find a way to reach a respectful resolution.

The following day, Fortunati and sixteen others wrote a response to the CCJ’s decision, invoking a rule that allows the entire legislative assembly to vote to uphold or disallow a CCJ opinion (Fortunati 2015). In this request for a plenary or open vote, Fortunati argued that the CCJ was mistaken in its decision that her proposed law was unconstitutional. She contended that the rights in the Constitution are not absolute and can be limited in some circumstances. In this case, Fortunati argued that there is a conflict between two constitutional rights—the right to life and the right to religious freedom. To Fortunati, it was clear which right should be upheld in the conflict because, she averred, the free exercise of religion only applies to people who “correctly exercise religious precepts” not those who use the constitution “to commit atrocities with animals” (Fortunati 2015). Furthermore, she argued



that animal sacrifice violated citizens' right to a healthy environment. In this response, as well as when Fortunati addressed the entire assembly about this vote, she stressed again that there was no racism or religious discrimination in her bill. It was just about protecting animal life.

It is important to note that despite Fortunati's repeated assertions that her proposal was not based on religious discrimination, there is significant evidence to suggest otherwise. Aside from her introduction of this bill at precisely the moment when violence against Afro-Brazilian religions began to increase exponentially, Fortunati also regularly described her position on animal rights as part of her Christian religious beliefs. For example, on 31 March 2015, in a discussion unrelated to the State Code of Animal Protection or its amendment, Fortunati opined that it was the Christian duty to look after animals because they are God's creations. Similarly, on 7 October 2015, speaking in honor of the State Animal Rights Week in Rio Grande do Sul, Fortunati stressed that the majority of Christians (particularly Evangelicals) believe that they have a duty to protect animals. She lamented that the majority of Christians; however, had not joined or formed church organizations to fulfill this obligation. That same day, Fortunati also revealed that she had made a commitment to fight for animal and environmental rights to the Pope when she was invited to Vatican.

On 2 June 2015, the Legislative Assembly voted 27 to 14 to adopt the CCJ's opinion against Bill No. 21/2015. On this date, Fortunati was traveling and therefore, there were fewer comments in favor of her bill. However, Mr. Sérgio Peres reminded the assembly of one of Fortunati's central arguments about purported conflict between the right to freedom of worship and the right to life. He repeated the protestors' slogan that "Animals should not pay with their lives for our beliefs" (Assembléia Legislativa 2 June 2015).<sup>8</sup> He also contended that there is a constitutional right to the free exercise of religion but no constitutional right to kill living beings.

The other speeches that day came from two members of the CCJ who explained their decision finding the Bill unconstitutional and shared some of the evidence presented to the commission that swayed their opinion. These discussions reveal that concerns about discrimination against Afro-Brazilian religions played an important role in their decision. Mr. Pedro Ruas began by stressing that he has been friends with Fortunati for 30 years; however, he was convinced by the statistics that had been presented to the CCJ about the biases in the focus of these purported animal rights activists. Ruas noted that no one was questioning the 220,000 sheep, 275,000 cattle, 180,000 pigs and 500,000 chickens that are killed in Rio Grande do Sul every month (presumably for food consumption) (Assembléia Legislativa 2 June 2015). He also pointed out that nationally, approximately 5000 medium sized animals (like capybaras) are killed every day in street accidents because no one has constructed a tunnel for them to cross the roadways away from the cars. Because the purported activists were focusing only on Afro-Brazilian religions and not these other threats to animal life, Ruas believed that this debate was not about animal cruelty; it was about religious discrimination.

Another member of the CCJ, Manuela D'Ávila, agreed that the Bill was an unconstitutional attack on Afro-Brazilian religious freedom. She explained, "I know that there is a lot of ignorance about the Afro-Brazilian religions and I know that this ignorance lies mainly in the prejudice with regard to who practices them and the people who came to this country without being asked by anyone, brought in boats and using their religiosity to resist the permanent exclusion that Brazilian society provoked at various moments in its history" (Assembléia Legislativa 2 June 2015). D'Ávila read into the record a letter from a law student, Winnie Bueno, who she believed presented a clear argument about this discrimination. Bueno, much like Ruas, stressed that Fortunati was targeting African religious traditions without expressing similar concerns about slaughterhouses, the rodeo, cosmetic animal testing or any other threat to animal welfare. Bueno also challenged the defenders of animal rights to consider protecting the lives of Afro-Brazilian people against institutionalized racism. After quoting

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<sup>8</sup> Quote: "Os animais não devem pagar com suas vidas por nossas crenças."

this letter, D'Avila explained that she is opposed to "intolerance and fanaticism" and thus voted that Fortunati's bill is unconstitutional.

## E The Federal Supreme Court Proceedings

The controversy over animal sacrifice did not end after two legislative debates and a state Supreme Court ruling. The Public Prosecutor's Office of Rio Grande do Sul ("Ministério Público") appealed the decision of the State Supreme Court, asking the Supreme Federal Tribunal to review the constitutionality of the 2004 amendment to the Animal Protection Code (Extraordinary Remedy RE 494601 2006). In this petition, they claimed that the law violated the federal environmental crimes statute, usurped the federal government's control over criminal law, gave preference to Afro-Brazilian faiths over others and created a conflict between the fundamental right to freedom of religion and the protection of animals. In 2016, the Court agreed to hear the case and has admitted several organizations as parties, including animal rights groups and councils of Afro-Brazilian religions, as well as received amicus briefs from others.

On 9 August 2018, the Court was scheduled to issue its ruling. At that time, two of the justices voted on the amendment before a third, Alexandre de Moraes, requested that the decision be postponed to allow for further investigation of some of the issues in the case (Carneiro and Teixeira 2018). The Court stayed the proceeding with no clear indication of when a ruling could be expected. Although it is difficult to anticipate when the Court will revisit this issue or what the ultimate outcome will be, it is worthwhile to discuss the two votes that were released on 9 August, both of which were in favor of upholding the amendment.

Minister Marco Aurélio wrote a rather lengthy opinion, discussing each of the petitioners' claims. However, the main ones that are relevant here are those that focused on whether an amendment exempting Afro-Brazilian religions from the Animal Protection Code violated the principle of isonomy. Aurélio opined that a plural society requires unique consideration of different belief systems. Therefore, it was not a violation of the principle of isonomy to give special consideration or exemptions to minority religions when historical or social issues require it, as they did in this case (Aurélio 2018). Aurélio also noted, as members of the CCJ had three years before, that it was hypocritical to deem religious sacrifice an ill-treatment of animals when the population kills animals for meat. Therefore, Aurélio voted that the amendment should be deemed constitutional, conditioned on the requirement that the religious sacrifices did not involve mistreatment in the slaughter and that the meat was directed to human consumption.

Senhor Ministro Edson Fachin also voted on the law before the issue was tabled. Like Aurélio, Fachin opined that such an amendment was necessary in a pluralist society. He stressed that these practices were not just a central component of religious freedom but are also "intangible cultural heritage"—ways of living and creating diverse communities that the Brazilian State was obligated to protect. Furthermore, Fachin pointed out that a truly secular state requires not only that the government not adopt or espouse any religious affiliation but that it also should not prohibit any religion. Animal sacrifice is a central part of Afro-Brazilian faiths and "because of their stigmatization, the fruit of a structural prejudice" the "protection should be even stronger" for these religions (Fachin 2018, p. 12).<sup>9</sup>

Fachin also cited specific evidence of the process in which animals were sacrificed in Afro-Brazilian faiths to demonstrate that the practices were not cruel. First, he had received information that the devotees only use animals that they have raised for their sacrifices. It would be against the principles of the faith, the devotees explained, for the animals to be treated badly, as they are regarded as sacred offerings to the deities/orixas. Furthermore, Fachin noted that, in contrast to commercial methods of slaughter, all forms of religious slaughter, including that practiced by Afro-Brazilian faiths, are

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<sup>9</sup> Quote: "A proteção deve ser ainda mais forte, como exige o texto constitucional, para o caso da cultura afro-brasileira, não porque seja um *primus inter pares*, mas porque sua estigmatização, fruto de um preconceito estrutural."

carried out in the most swift and painless methods possible. After determining that the process was not cruel, and that protection of Afro-Brazilian religions is necessary because of discrimination against them, Fachin ruled that the amendment was not only permissible under the constitution but actually promotes equality.

## F Conclusions

Devotees of Afro-Brazilian faiths in Rio Grande do Sul have been entangled in this dispute over animal sacrifice for more than fifteen years, since Manoel Maria proposed a State Animal Protection Code in 2002 that initially contained provisions banning the use of animals in religious rituals. Although practitioners successfully lobbied for the removal of these provisions as well as for an amendment to the Code that explicitly protected their religious freedom, their beliefs have been repeatedly challenged as “primitive” and “cruel,” and they have suffered significant harassment both in response to and in spite of their legal victories.

Practitioners remain hopeful that the Federal Supreme Court will render a verdict in favor of their religious freedom when it finally completes its vote on the amendment. However, the situation in Brazil has continued to deteriorate in recent months. There have been continued physical attacks on Afro-Brazilian religious temples. Furthermore, in October 2018, the country elected a new president, Jair Bolsonaro, who is a known conservative Evangelical and who has been accused of making racially discriminatory remarks about Afro-Brazilians. It seems impossible to regard the outcome of this animal sacrifice case as if it is divorced from larger societal problems with discrimination and violence against Afro-Brazilians and their faiths.

## Part II. Sri Lanka

Since at least 2009, Sri Lanka has been riddled with controversies about the legality of the ritual sacrifice of animals. These disputes commenced with a series of high profile court cases in Chilaw and Jaffna, two prominent sites for Hindu temples, and seem posed to end with a proposed national law that would completely ban animal sacrifice in Hindu temples. A review of these cases and controversies reveals that there is much more than animal rights underlying this decade of opposition to animal sacrifice. First, similar to the controversy over animal sacrifice in Brazil, there have been regular allegations of racial discrimination in this movement. The primary group in Sri Lanka who has engaged in animal sacrifice are Tamil Hindus, both ethnic and religious minorities who have long been in conflict with the Sinhalese Buddhist majority (Report of the Special Rapporteur 2017).<sup>10</sup> Second, religious cleavages have been at the center of this controversy. Other Hindus who have disavowed animal sacrifice have been at the center of opposition to its continued practice among certain Tamil Hindus.

This section will begin with an overview of the main cases and controversies over animal sacrifice in the 2010s. Then it will proceed to discuss evidence of the racialized and religious nature of these disputes.

### A The Chilaw/Munneswaran Controversy, 2011–2014

Perhaps the most controversial case in Sri Lanka began at the Munneswaram temple complex near the town of Chilaw in the North-Western Province. It contains five temples, including a Buddhist temple. According to the complex’s official website, it is an important historical site that was a royal patronage in the 15th and 16th centuries (Veluppillai n.d.). This Munneswaram temple complex is one

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<sup>10</sup> As of the 2012 census, Sinhalese persons were nearly 75% of the population of Sri Lanka, most of whom were Buddhist. The Tamils, who primarily live in the North and East of Sri Lanka, are the largest minority group, comprising approximately 3 million of the 20 million inhabitants. Most Tamils are Hindu.

of only a handful in the country that conduct animal sacrifices and the site of the largest number of sacrifices (ACHC President Condemns Animal Sacrifice 2010).

After several years of heated controversy, in 2011, animal rights groups and Buddhists filed a writ petition with Sri Lanka's Court of Appeal, seeking to end animal sacrifice at an annual festival at the Sri Bhadra Kali Amman Kovil in Munneswaram. They claimed that the sacrifices violated the Prevention of Cruelty to Animals Ordinance and that the persons performing the slaughter did not have the permits required under the Butcher's Ordinance (Sri Bodhiraja Foundation et al. v. Inspector General of Police et al. 2013). The petitioners characterized the writ petition as a public interest action on behalf of people who desired to prevent cruelty to animals. On 29 August, 2013, the Court of Appeal issued its decision in favor of the writ application.

With regard to the Butcher's Ordinance, the petitioners argued that the Kovil was operating in violation of the law because they slaughtered animals and gave or sold the meat to others without obtaining a butcher's license or following all the rules that regulate butchers and slaughterhouses. The court agreed, reasoning that to exempt lay persons from the butcher's regulations would be to give them preferential treatment to that of commercial butchers. The court stressed that this was not an example of an isolated act of slaughter (which might be exempt from the Butcher's ordinance). Because the festival happened annually at the same facility and numerous animals were slaughtered there, the court ruled that the person or priest presiding over the Kovil had to obtain a Butcher's license before any future sacrifices could proceed.

With regard to their claims of animal cruelty, the petitioners based their arguments on an affidavit of Augustine Fernando, correspondent for the *Lankadeepa Newspaper* who was covering the festival in August 2009. Fernando claimed that the Kovil was cruel to goats because the carcasses of the previously slaughtered animals could be seen by the goats before they were killed. The Court agreed that this violated the Cruelty to Animals Act because the goat "feels that same misery will befall on it" (Sri Bodhiraja Foundation et al. v. Inspector General of Police et al. 2013, p. 11). Fernando also claimed that the Kovil was cruel to birds, averring that he witnessed numerous people swinging fowls above their heads and then bashing them against the ground to kill them. The Kovil admitted to killing the birds but denied that they did so in the way that Fernando described. However, they did not describe how the fowls were killed in their pleadings. Therefore, the Court accepted Fernando's allegations and also found the Kovil guilty of unnecessary cruelty in their slaughter of the birds. On both counts of animal cruelty, the Court determined that because the Kovil had violated the Cruelty to Animals Act in the past (during the festival that Fernando witnessed) and there was no way to guarantee that they would not violate it at the next festival, the police would be authorized to prevent the sacrifices altogether if the Kovil failed to obtain the Butcher's license or if there was evidence that they were violating the Cruelty to Animals Act.

The leaders of the Munneswaram Kovil appealed the Court of Appeal's decision to the Supreme Court (Kanagaratnam et al. 2014). They emphasized that their Kovil had been around for more than 350 years and that their festival was held annually. They contended that the sacrifices were an integral component of the longstanding festival and that the rituals were not conducted as the petitioners had described. They argued that the Court of Appeal's ruling would interfere with their fundamental rights to freedom of religion. However, the Supreme Court affirmed the ruling of the Court of Appeals on all counts as well as stressed that the Butcher's Ordinance and Cruelty to Animals Ordinance are both neutral laws that do not provide any exemptions for religious practices.

## **B Jaffna High Court Decision: 2016–2017**

The next major controversy over animal sacrifice in Sri Lanka occurred in Jaffna, the capital city of the Northern Province where the majority of the population is Tamil Hindu and where most of the country's civil war was fought. In 2016, All Ceylon Hindu Congress, a federation of Hindu religious associations, filed an application with the High Court of Jaffna to end animal sacrifices in Hindu temples in the court's jurisdiction (Jaffna High Court 2016). The petitioners argued that

when the sacrifices were carried out, the carcasses, with their severed heads, were left in the open courtyard in front of young people, children and pregnant women (Sacrificing Animals in Hindu Temples 2014).<sup>11</sup> They averred that there was no basis for this “gory” and “revulsive” ritual in Hindu scriptures, “no canons in any Hindu books substantiating the rituals of animal sacrifices in Hindu temples” (Sacrificing Animals in Hindu Temples 2014). The counsel for the state agreed that these ceremonies were “primitive, barbaric rituals” (Jaffna HC Bans 2017).

In April of that year, High Court Judge Manikkavasagar Ilancheliam (also spelled “Elancheliam”) issued an interim injunction on these sacrifices (Jaffna High Court 2016). This injunction also prohibited local health services officials from issuing permits for animal sacrifice, under penalty of contempt of court. Five months later, on or around 24 October 2017, Judge Ilancheliam issued his final decision (Jaffna HC Bans 2017). He banned all sacrifice at Hindu kovils in the jurisdiction, abolishing the 300-year-old practice. The Judge ordered the police to bring any violators before the court.

### C National Law Banning Animal Sacrifice: 2018–2019

Since at least 2010, there has also been frequent discussion of a national law prohibiting animal sacrifice in Hindu temples. That year, in the early stages of the Chilaw controversy, the Prime Minister D.M. Jayaratne promised/warned that there would be a national ban on animal sacrifice in Sri Lanka, as he was meeting with Hindu leaders in Gampaha. Jayaratne referred to animal sacrifice as “disgusting sight at religious events” (Plan to ban animal sacrifices at religious festivals 2010).

Two years later, as the Chilaw case was pending before the appellate court, Nishantha Sri Wamasinghe, a spokesperson for Jathika Hela Urumaya (“JHU”) (a predominantly Sinhalese-Buddhist nationalist political party in Sri Lanka) once again called for a nationwide ban on animal sacrifice. *Bikya News* summarized Wamasinghe’s remarks, stating that he contended that “as a Sinhala Buddhist country Sri Lanka has the right to protect animals which is in accordance with Buddhist teachings” (Sri Lanka’s Buddhist 2012). They quoted another unnamed JHU official as arguing that animal sacrifice needs to be abolished because in “today’s modern world these practices are not needed to perform religious service” (Sri Lanka’s Buddhist 2012). Around the same time, a third JHU official, Omalpe Sobitha Thera, called for Kovil priests to televise the ritual so the country could see the animal sacrifices. Thera lamented that priests were proceeding with the ceremonies even though the “All Ceylon Hindu Congress has admitted that this animal sacrifice is not a ritual of the Hindu religion but a myth existing amongst the people” (JHU wants the animal sacrifice telecast 2012).

Around this same time period, in September 2011, the Public Relations and Public Affairs Minister Mervyn Silva (a Buddhist) organized a 200-person march in protest of the sacrifices at Munneswaram (Sri Lanka minister stops animal temple slaughter 2011). The following year, Silva also spoke out favor of a nationwide ban, promising to do everything in his power, including presenting new laws to Parliament, to “stop sacrilege in this noble land through this cruel slaughter of animals” (I will do everything to stop animal sacrifice 2012). Like Thera, Silva stressed that “pious Hindus” and “99.9% of the population of this country” opposed animal sacrifice (I will do everything to stop animal sacrifice 2012).

In 2016, approximately one month before the Jaffna case was presented to the High Court, discussion resurfaced about a national ban, led by the Minister of Rehabilitation, Resettlement, Prison Reforms and Hindu Religious Affairs, D. M. Swaminathan. The *Daily News* quoted the Minister as saying that his “personal opinion” was that “animal sacrifices in religious temples should be banned” and that he believed the majority of people supported such a ban (A ritual or business? 2018). In late February 2016, Minister Swaminathan announced that he planned to introduce the Prevention of

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<sup>11</sup> An unidentified author published an article in the Asian Tribune, claiming to be one of the individuals who lodged the complaint against the sacrifices in Jaffna. This is the language that he used in that article.

Animal Sacrifice in Hindu Shrines Bill which, as the title suggests, would criminalize animal sacrifice in all Hindu temples (Ban on Animal Sacrifice in the Offing 2016).

Despite these public vows, it took two and a half years before Swaminathan fulfilled his promise. In September 2018, the Minister presented such a bill to the Cabinet (Cabinet Proposal to Ban Animal Sacrifices 2018). Reportedly, this came after “more than 300 Buddhist monks presented a petition to the government with 750,000 signatures opposing the practice [of animal sacrifice]” (Colombage and Joseph 2018).

## **D Understanding the Opposition to Animal Sacrifice in Sri Lanka**

With the exception of the rhetoric used in discussions of the need for a national ban on animal sacrifice in Hindu temples, there is often little in the text of these cases and laws to indicate the underlying reasons why these controversies arose and what they meant. However, this section will explore scholarly literature, a series of asylum cases from Australia and a body of international human rights reports that clearly indicate the racial and religious discrimination behind these cases as well as reveal the religious cleavages that pit Hindu against Hindu in Sri Lanka.

### **a Scholarly Research**

In 2017, Mohammad Agus Yusoff and Athambawa Sarjoon published an article on anti-halal and animal slaughtering campaigns in Sri Lanka. Although focusing on Abrahamic religions, Yusoff and Sarjoon contend that a central basis for opposition to animal sacrifice has been led by Sinhala-Buddhist nationalists who emerged in 2009, at the end of the country’s 30 year civil war. They argue that the Sinhala-Buddhist nationalists have carried out ethno-nationalist violence against Muslims, who they regard as a threat to their efforts to preserve and protect the Sinhalese race and the practice of Buddhism in Sri Lanka.

One of the manifestations of this Sinhala-Buddhist “ethno-religious nationalism” emerged in 2012, a year after Buddhists and animal rights activists filed the petition with the court to end Hindu sacrifices at Munneswaram. That year, government officials denied requests for permits to slaughter the animals during the Haj festival, a time when some Muslims slaughter cattle and distribute the meat to family members and the poor. The Kandy Municipal Council also implemented a law barring animal sacrifice inside the city limits (Yusoff and Sarjoon 2017, p. 6). Yusoff and Sarjoon have pointed out that these efforts are not motivated by pure concern for animal welfare; rather, they were driven by racism, “chauvinism,” as well as “hatred toward minorities” (Yusoff and Sarjoon 2017, p. 9). They also stress that recent opposition to halal certification was based on the idea that Sinhala-Buddhist culture is synonymous with the country of Sri Lanka and that other religions and nationalities pose a threat to these identities. Therefore, although focusing on controversies over Abrahamic animal slaughter, Yusoff and Sarjoon have argued that Sinhala-Buddhists have used animal welfare arguments to harass and suppress religious minorities.

### **b Australia Asylum Cases, 2012–2018**

While the Munneswaram case was pending before the Appeals Court, at least three Tamil Hindu males fled the Chilaw area for Australia, seeking a protection visa to stay in the country. All three claimed that they would be subjected to ethnic and religious discrimination if they returned to Sri Lanka and specifically cited animal sacrifice controversies as evidence of this discrimination. The allegations made by these three men and their characterizations of the bias behind them suggest that Tamil Hindus from the area understood the controversies over “animal welfare” as a shield to hide discriminatory motives.

The first case involved a young Tamil male from Sri Lanka, identified only as SZWDH in court documents, who arrived by boat as an “irregular maritime arrival” on 1 August 2012 (SZWDH v. Minister for Immigration 2015). Shortly thereafter, he applied for a protection visa to stay in Australia, claiming that he would be persecuted if he returned to Sri Lanka. The applicant made a number of



allegations about acts of religious intolerance in his home town to support these claims. He contended that in 2010, “Sinhalese Buddhist extremists” had entered the Munneswaram temple, accompanied by members of the army and police, and attempted to prevent devotees from praying, as well as confiscated some ritual prayer items. In 2011, he claimed that Sinhalese Buddhist extremists held a protest when Tamils tried to build a monument and they beat and robbed Tamils who entered the city. He reported getting into a physical altercation with a Buddhist monk and “two thugs” who were trying to convince his mother to sign a petition “to stop prayers in the Hindu temple” (SZWDH v. Minister for Immigration 2015). After this altercation, the petitioner alleged that he was attacked on two occasions, because the “two thugs” were employed by a powerful politician. He claimed that these incidents resulted from discrimination because he was a Tamil and a Hindu and that there were ongoing conflicts between Hindus and Buddhists in Chilaw.

Around the same period, another Tamil male, identified in court records as BRV15, also cited the animal sacrifice controversies in Sri Lanka as partial grounds for a protection visa (BRV15 v. Minister for Immigration 2017). This applicant had left Sri Lanka in the same year as the first, arriving in Australia on 24 June 2012. The applicant alleged that he had been harassed and beaten by Sinhalese people who entered his shop as part of a concerted effort to push out Tamil shop owners (BRV15 v. Minister for Immigration March 2018). He also informed the Tribunal “that he had sacrificed goats in the [Munneswaram] temple, but a Minister named Mervyn Silva had brought the police and created a lot of problems with the festival and had told people that he would not allow animal sacrifices” (BRV15 v. Minister for Immigration 2017).

Yet a third individual, identified in court records as CP15, applied for a protection visa in Australia, citing similar grounds (BRV15 v. Minister for Immigration July 2018). He was a fisherman in a village in Udappu, north of Chilaw. To support his application, he cited claims of discriminatory policies against Tamil fishermen as well as harassment and physical assault by the Sri Lankan Navy. Furthermore, the applicant reported that he experienced discrimination and physical assault because of his religion. Specifically, he explained that there was a festival known as Velvi, where a Tamil fisherman would sacrifice an animal to the Goddess Shakhathi and make a vow. In 2011, when he took a goat and went to make his vow, he was chased by a mob and prevented from making the offering. He reported that this did not just happen to him but to many people who were making the vow.

Although, for a variety of reasons, none of these three cases led to a protection visa for the applicant, they provide a devotee’s perspective about the controversy about animal sacrifice at Munneswaram specifically and in Sri Lanka generally. While one must acknowledge that individuals seeking protection or asylum in a foreign country might be encouraged to exaggerate any possible evidence of discrimination to support their claim, it remains significant that three separate Tamil Hindus from the Munneswaram temple fled the country and made allegations of religious discrimination during the period of that animal rights activists and Buddhists sought the injunction on animal sacrifices. They reported physical assaults, harassment and protests as they tried to carry out their rituals. All three characterized the animal sacrifice controversies as inter-related ethnic and religious discrimination from Sinhalese Buddhist extremists and government officials. As the following section explains, international human rights reports suggest similar findings.

### **c Human Rights Reports**

While not typically commenting directly on animal sacrifice controversies, human rights experts have made three critical points about religious freedom in Sri Lanka that inform our understanding of the cases and the proposed national ban. First and foremost, experts have noted broad racial and religious biases in the nation. While the Constitution guarantees the right to freedom of religion, including worship and observance, it also states that “the Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana” (Report of the Special Rapporteur 2017, p. 9). When the Special Rapporteur on minority issues visited Sri Lanka in 2016, she noted that minorities in the country generally reported being excluded

from decision making processes and that despite legal guarantees that both Tamil and Sinhala were national languages, decision making bodies in fact often operated only in Sinhala. Indeed, some activists have invoked reference the supremacy of Buddhism in Sri Lanka as a justification to suppress other faiths. For example, Ven Prof Kumburugamuwe Wajira Thera called animal sacrifice “a black mark to the country’s moral image” and said that it was contrary to “the teachings of the Buddha” (Munneswaram animal sacrifice halted 2012). Thera contended that a “religious awakening” in Sri Lanka would quash the practice of harming animals (Munneswaram animal sacrifice halted 2012).

Second, human rights experts have documented other efforts (aside from animal sacrifice bans) to suppress Hinduism in Sri Lanka. Specifically, since at least 2011, the United States Department of State’s International Religious Freedom Report for Sri Lanka has noted that government troops were building Buddhist shrines in the northern area of the country such as Jaffna and Kilinochchi, where the primary population was Hindu (U.S. Dept. of State 2011, p. 5; U.S. Dept. of State 2012, p. 4; U.S. Dept. of State 2013, p. 6; U.S. Dept. of State 2014, p. 8). On 29 October 2013, the Urban Development Authority in Dambulla bulldozed a Hindu Kovil to create space for a water feature in a Buddhist “sacred zone” (U.S. Dept of State 2013, p. 3). Furthermore, at least forty Tamil Hindu families who rented properties from Sinhalese property owners around the Kovil were evicted (U.S. Dept of State 2013, p. 3). Minorities in the North and the East of the country reported there was an intentional process of “Sinhalization” where Sinhalese persons moved to Tamil-dominated areas “to change the demographics of the region, to the political disadvantage of the minorities” (Report of the Special Rapporteur 2017, p. 39). This included the State confiscating land from Tamil land-owners and the military helping to build Buddhist temples and statues in regions where there were no Buddhists to worship at these spaces (Report of the Special Rapporteur 2017, p. 39).

Third and most significantly, human rights experts have repeatedly expressed concern about Buddhist nationalist or extremist groups harassing and attacking religious minorities, often with the apparent consent or support of the national government. From at least 2015 to 2017, the U.S. State Department’s International Religious Freedom Report noted that the Bodu Bala Sena (the “Buddhist Power Force”), promoted ethno-nationalist views in favor of Sinhalese Buddhists and encouraged violence against religious minorities. (U.S. Dept of State 2015, 2017). Similarly, the Special Rapporteur on minority issues explained that during her 2016 visit, “many expressed grave concern about Sinhala-Buddhist nationalism and extremism” who, in some cases had “incited violence and hatred against religious and other minorities while proclaiming the racial superiority of Sinhala Buddhists and carried out attacks on places of worship as well as businesses and properties of religious minorities” (Report of the Special Rapporteur 2017, p. 30). In its 2014 response to Sri Lanka’s report on its compliance with the International Covenant on Civil and Political Rights, the Human Rights Committee expressed analogous concern about ethnic and religious discrimination against minorities, including harassment, barring them from schools and damaging places of worship (Human Rights Committee 2014, pp. 7–8). In 2016, the Committee on the Elimination of Racial Discrimination echoed these concerns, stating that they were “alarmed” by the country’s restrictions on the religious freedom of minorities, including Hindus, such as “reported cases of desecration of places of worship, disruptions of religious services, denials of building permits to construct religious buildings and denials of burials in public cemeteries of members of ethnic or ethno-religious groups” (Committee on the Elimination of Racial Discrimination 2016, p. 5).

These acts of extremism were not solely the responsibility of non-governmental actors. In 2012, the International Religious Freedom Report noted that the government had failed to investigate physical violence against places of worship (U.S. Dept. of State 2012, p. 3). The 2014 Report explained that this hesitance to prosecute created a “culture of impunity” for Buddhists who carried out these attacks (U.S. Dept. of State 2014, p. 4). The following year, the International Religious Freedom Report indicated that the national government was showing increasing commitment to identify the perpetrators of violence against religious minorities; however, they noted that in some cases, the local authorities remained loyal to Sinhalese Buddhist extremists and therefore refused to

investigate the crimes or charge the guilty parties (U.S. Dept. of State 2015, p. 1). In 2016, the Special Rapporteur on Minority Issues continued to receive complaints from religious minorities about the lack of accountability in cases of religious intolerance—claiming that police and courts refused to treat them as such and politicians would even impede the prosecution process.

#### **d Intra-Religious Hindu Controversy**

An interesting element of the Sri Lanka controversy that differs from that in Brazil is that it is not merely a product of religious and racial discrimination; it is also the result of the government taking sides in an intra-religious strife. Over the years, the All Ceylon Hindu Congress has been at the center of controversies over animal sacrifice. One will recall that they filed the petition in Jaffna that led to the ban on sacrifices in that region.

The ACHC has explained that they regard the ritual slaughter of animals as a sin in their faith because it is “cruelty” to a living being (ACHC says no to animal sacrifice 2012). However, the ACHC urged non-Hindu groups and politicians to avoid getting involved in the controversy. While they called upon the “offending” Kovils to stop the practice, the ACHC explained that it was an internal issue for “Hindus to handle” (ACHC says no to animal sacrifice 2012).

This has not stopped government officials from relying on their statements in opposition of animal sacrifice. For example, in September 2012, some reports circulated indicating that the government of Sri Lanka was in support of the continuation of animal sacrifices in Chilaw. However, the Secretary to the President released a statement indicating that the government actually opposed these sacrifices and considered them to be animal cruelty. They also noted in this statement that the All Ceylon Hindu Congress had denounced animal sacrifice as a “sinful act” and that the majority of Hindus in Sri Lanka regarded the practice as unacceptable (No Agreement on Animal Sacrifice 2012). The statement averred that the majority of religions in Sri Lanka agreed with this position and that “all faiths in our country are against cruelty to animals” (No Agreement on Animal Sacrifice 2012).

#### **E Conclusions about Sri Lanka**

The controversy over animal sacrifice in Sri Lanka is a combination of a variety of societal issues, including religious cleavages in Hindu communities. However, analogous to Brazil, religious and racial discrimination is at the center of the movement against animal sacrifice. Since the end of the civil war, numerous human rights reports have expressed concern about Sinhalese Buddhist extremism and its impact on the rights of devotees of other faiths. Restrictions on animal sacrifice are just one among many recent developments limiting the rights of Tamil Hindus to engage in their religious practices. Government officials have encroached on traditionally Tamil regions of the country, building Buddhist temples and demolishing kovils in predominating Hindu areas. Extremist Sinhalese Buddhists have been targeting religious minorities with physical assaults on their persons and places of worship. Discrimination and abuses of Tamil Hindus have been so extreme that, particularly following the Chilaw case, some have claimed religious persecution to seek protection visas in Australia.

#### **Conclusions**

In the cases of both Brazil and Sri Lanka, it is apparent that bans on animal sacrifice are not merely driven by concerns for animal welfare. In Brazil, debates over a bill designed to guarantee that a new Animal Protection Code could not be utilized to suppress African-derived faiths sparked a wave of intolerance against devotees of those religions as well as threats of violence against the drafters of the bill. Even after the legislature, the governor and the State Supreme Court affirmed the necessity and validity of this statute, opponents have continued to seek its repeal for fifteen years.

While legislators and activists who are pushing for the end of animal sacrifice have argued that they are not racists or discriminating against Afro-Brazilian faiths, they have emphasized that protecting animals is their Christian duty and that any religion that involves animal sacrifice is primitive or anti-modern. They have claimed that an exemption from the Animal Protection Code

provides devotees of Afro-Brazilian faiths the right to engage in unchecked cruelty and denied that a culture of religious intolerance necessitates special protections of these faiths, while violence against devotees of Afro-Brazilian religions has become a rampant problem as Evangelical terrorists have bombed and burned Afro-Brazilian temples and physically assaulted devotees. Furthermore, they ignore analogous threats to animal cruelty such as food-production slaughterhouses, the rodeo, the circus and even roadways, which lack safe passageways for animal crossing.

In Sri Lanka, a thirty-year civil war between the predominantly Buddhist Sinhalese and predominantly Hindu Tamils ended less than one year before purported animal rights activists began seeking to ban animal sacrifice at the historic Munneswaram temple complex. After successive Court of Appeal and Supreme Court rulings finding the priests and leaders guilty of animal cruelty, activists turned their sights on Jaffna, a predominantly Tamil and Hindu region of Sri Lanka.

As in Brazil, activists have claimed that their central concern is animal rights; however, human rights reports about rampant racism and religious discrimination undermine these claims. While the Sri Lankan constitution guarantees religious freedom, it also gives preference to Buddhism and tasks the nation with supporting its fundamental religious principles. Furthermore, since the end of the civil war, human rights experts have expressed concern about the rise of Buddhist extremists and their physical assaults on religious minorities and their spaces of worship. Experts have suggested that the government is often complicit in these attacks—refusing to investigate or punish the perpetrators. Moreover, the state itself is intent on a form of religious colonization, building Buddhist temples and razing Hindu ones in predominantly Tamil Hindu areas. Worshipers from Munneswaram have reaffirmed the relationship between the restrictions on animal sacrifice and these waves of ethno-nationalism, as they sought refuge in Australia and claimed that harassment and physical abuse accompanied the legal disputes over sacrifices.

These case studies reveal that in the Global South, the rhetoric of animal welfare often operates as a thinly veiled mechanism to suppress the rights of racial and religious minorities. It is used to attack already marginalized people who disparately experience poverty, displacement, over-incarceration and other forms of institutionalized discrimination. In the case of Brazil and Sri Lanka, this strong advocacy against animal cruelty is particularly ironic because it is led by the very same religious groups who carry out acts of human cruelty against devotees of minority faiths.

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## Primary References

Rio Grande do Sul, Brazil: Lei no. 11.915.

Rio Grande do Sul, Brazil: Lei no. 12.131.

Assembleia Legislativa, Rio Grande do Sul, Brazil: Proposição, PL 21 2015.

Assembléia Legislativa. Estado do Rio Grande do Sul, Plenary Sessions: 19 November 2003.

Assembléia Legislativa. Estado do Rio Grande do Sul, Plenary Sessions; 29 June 2004, 3 August 2004; 17 November 2004.

Assembléia Legislativa. Estado do Rio Grande do Sul, Plenary Sessions: March 31, 2015.

Pozzobom, Jorge. PARECER DA COMISSÃO N° 20/2015. *Comissão de Constituição e Justiça*, May 12.

Fortunati, Regina Becker. Requerimentos Diversos n° 82/2015. *Assembléia Legislativa, Estado do Rio Grande do Sul*, May 13.

*BRV15 v. Minister for Immigration & ANOR [2017] FCCA 131*. 2017. Melbourne: Federal Circuit Court of Australia, January 20.

*BRV15 v. Minister for Immigration & ANOR [2017] FCCA 131*. 2018. Melbourne: Federal Circuit Court of Australia, March 9.

*BCP15 v. Minister for Immigration & ANOR [2019] FCCA 1852*. 2018. Melbourne: Federal Circuit Court of Australia, July 10.

- Exmo. Sr. Dr. Procurador-Geral de Justiça v. Assembléia Legislativa do Estado do Rio Grande Do Sul and Exmo. Sr. Governador Do Estado do Rio Grande do Sul*. 2005. Case No. 70010129690, Court of Justice in the State of Rio Grande Do Sul, April 18.
- Extraordinary Remedy RE 494601. 2006. Protocol Number 2006/68373, Tribunal de Justiça Estadual, Rio Grande Do Sul, May 26. Available online: <http://www.stf.jus.br/portal/processo/verProcessoDetalhe.asp?incidente=2419108> (accessed on 13 January 2019).
- Min. Marco Aurélio. 2018. "Voto," RECURSO EXTRAORDINÁRIO 494.601 RIO GRANDE DO SUL, August 9.
- Min. Edson Fachin. 2018. "Voto," RECURSO EXTRAORDINÁRIO 494.601 RIO GRANDE DO SUL, August 9.
- Kanagaratnam, M., Sri Bhadra Kali Amman Kovil, v Sri Bodhiraja Foundation and et al. 2014. S.C. Spl. L.A. No. 258/2013. Supreme Court of the Democratic Socialist Republic of Sri Lanka, September 3.
- Sharma, Ramesh, Mehar Singh, Sonali Purewal, State of Himachal Pradesh and et al. CWP No 9257 of 2011, CWP No. 4499 of 2012 and CWP No. 5076 of 2012. Shimla: High Court of Himachal Pradesh, September 26, p. 95.
- Sri Bodhiraja Foundation et al. v. Inspector General of Police et al. 2013. CA Writ Application No. 510/2011. Colombo: The Court of Appeal of the Democratic Socialist Republic of Sri Lanka, August 29.
- SZWDH v. Minister for Immigration & Border Protection & Administrative Appeals Tribunal. 2015a. [2015] FCA 1382. Melbourne: Federal Circuit Court of Australia, August 12.
- Committee on the Elimination of Racial Discrimination. 2016. *Concluding Observations on the Combined Tenth to Seventeenth Periodic Reports of Sri Lanka*. UN Doc. CERD/C/LKA/CO/10-17. October 6.
- Diène, Doudou. 2007. *Report of the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance on the Manifestations of Defamation of Religions and in Particular on the Serious Implications of Islamophobia on the Enjoyment of all Rights*. U.N. Doc. A/HRC/6/6. August 21.
- Human Rights Committee. 2014. *Concluding Observations on the Fifth Periodic Report of Sri Lanka*. UN Doc. CCPR/C/LKA/CO/5. November 21.
- Report of the Special Rapporteur on Minority Issues on Her Mission to Sri Lanka*. 2017. U.N. Doc. A/HRC/34/53/Add.3. January 31.
- Izsák, Rita. 2016. *Report of the Special Rapporteur on Minority Issues on Her Mission to Brazil*. U.N. Doc. A/HRC/31/56/Add.1. February 9.
- United States Department of State. *International Religious Freedom Report: Sri Lanka*.
- United States Department of State. *International Religious Freedom Report: Brazil*.
- ACHC President Condemns Animal Sacrifice. 2010. *Sunday Observer (Sri Lanka)*, August 29.
- ACHC says no to animal sacrifice *Daily Mirror (Sri Lanka)*, August 30.
- A ritual or business? 2018. *Daily News (Sri Lanka)*, June 15.
- Ban on Animal Sacrifice in the Offing. 2016. *Sunday Observer (Sri Lanka)*, February 21.
- Cabinet Proposal to Ban Animal Sacrifices. 2018. *Daily Mirror (Sri Lanka)*, September 11.
- Carneiro, Luiz Orlando and Matheus Teixeira. 2018. STF tem dois votos para permitir sacrifício de animais em rituais religiosos. *JOTA*, 9 August. Available online: <https://www.jota.info/stf/do-supremo/stf-permitir-sacrificio-animais-religiosos-09082018> (accessed on 10 August 2018).
- Coelho, Andre. 2017. Criminals Force an Iyalorixa to Destroy Her Own Terreiro in Nova Iguassu, Rio de Janeiro. Translated by Melissa Oliver. *Candomble in the USA*, September 16.
- Colombage, Quintus and Christopher Joseph. 2018. Sri Lanka to ban animal sacrifice. *La Croix International*, January 12.
- I will do everything to stop animal sacrifice—Mervyn. 2012. *Daily Mirror (Sri Lanka)*, August 30.
- Jaffna HC bans all forms of animal sacrifices at Kovils. 2017. *Daily News (Sri Lanka)*, October 25.
- Jaffna High Court issued an interim injunction offering animal sacrifices in Jaffna. 2016. *The Tamil Diplomat*, April 2.
- JHU wants the animal sacrifice telecast. 2012. *Daily Mirror (Sri Lanka)*, August 30.
- Muggah, Robert. 2017. In Brazil Religious Gang Leaders Say They're Waging a Holy War. 2017. *The Conversation*, November 2.
- Munneswaram animal sacrifice halted. 2012. *Daily News (Sri Lanka)*, August 31.
- No Agreement on Animal Sacrifice at Munneswaram—Secretary to President. 2012. *Targeted News Service*, September 13.
- Plan to ban animal sacrifices at religious festivals. 2010. *Daily News (Sri Lanka)*, November 3.

- Sacrificing Animals in Hindu Temples: A Case Pointer—Kownawatte Narishimma Vairavar Temple. 2014. *Asian Tribune*, June 9.
- Sétimo terreiro é depredado em Nova Iguaçu nos últimos meses. 2017. *O Dia (Rio de Janeiro)*, July 9. Available online: <http://odia.ig.com.br/rio-de-janeiro/2017-09-07/setimo-terreiro-e-depredado-em-nova-iguacunos-ultimos-meses.html?fref=gc&dti=177840008944483> (accessed on 13 January 2019).
- Sri Lanka’s Buddhist [sic] want end to animal sacrifice. 2012. *Bikya News*, September 6.
- Sri Lanka minister stops animal temple slaughter. 2011. *Agence France Presse*, September 13.
- Terreiros de Candomblé são incendiados em Goiás: ‘Encontrei uma Bíblia’, diz dono de um dos locais. 2015. *Extra*, December 9. Available online: <https://extra.globo.com/noticias/brasil/terreiros-de-candomble-sao-incendiados-em-goias-encontrei-uma-biblia-diz-dono-de-um-dos-locais-17476382.html> (accessed on 13 January 2019).

## Secondary References

- Behrens, Kevin. 2008. Tony Yengeni’s Ritual Slaughter: Animal Anti-Cruelty vs. Culture. Master’s thesis, University of the Witwatersrand, Johannesburg, South Africa.
- Conte, Andreza. 2016. Umbanda: Apontamentos Sobre A Interferência Da Religião No Estado E O Estudo Da Lei. Bachelor’s thesis, University of Santa Cruz do Sul, Santa Cruz do Sul, Brazil.
- Delahunty, R. J. 2015. Does Animal Welfare Trump Religious Liberty? The Danish Ban on Kosher and Halal Butchering. *San Diego International Law Journal* 16: 341–79. [CrossRef]
- Gliszczynska-Grabias, Aleksandra, and Wojciech Sadurski. 2015. Freedom of Religion versus Humane Treatment of Animals: Polish Constitutional Tribunal’s Judgment on Permissibility of Religious Slaughter. *European Constitutional Law Review* 11: 596–608. [CrossRef]
- Johnson, Paul Christopher. 2001. Law, Religion and ‘Public Health’ in the Republic of Brazil. *Law and Social Inquiry* 26: 9–31. [CrossRef]
- O’Brien, David. 2004. *Animal Sacrifice & Religious Freedom: Church of the Lukumi Babalu Aye v. City of Hialeah*. Lawrence: University of Kansas Press.
- Oro, Ari Pedro. 2006. The Sacrifice of Animals in Afro-Brazilian Religions: Analysis of a Recent Controversy in the Brazilian State of Rio Grande Do Sul. *Religião e Sociedade* 1: 995–1014.
- Palmié, Stephan. 1993. Which Centre, Whose Margin?: Notes towards an archaeology of US Supreme Court Case 91-948, 1993. In *Inside and Outside the Law*. Edited by O. Harris. London: Routledge.
- Van Der Schyff, Gerhard. 2014. Ritual Slaughter and Religious Freedom in a Multilevel Europe: The Wider Importance of the Dutch Case. *Oxford Journal of Law and Religion* 3: 76–102. [CrossRef]
- Veluppillai, A. n.d. Munnucuvaram (Munnesvaram) Kovil: Its History and Ceremonies. Available online: <https://www.munneswaram.com/temple/> (accessed on 24 January 2019).
- Yusoff, Mohammad Agus, and Athambawa Sarjoon. 2017. Anti-Halal and Anti-Animal Slaughtering Campaigns and Their Impact in Post-War Sri Lanka. *Religions* 8: 46. [CrossRef]
- Zoethout, Carla. 2013. Ritual Slaughter and the Freedom of Religion: Some Reflections on a Stunning Matter. *Human Rights Quarterly* 35: 651–72. [CrossRef]



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