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Human rights situations that require the Council's attention

Written statement* submitted by the World Evangelical Alliance, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 August 2016]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

Freedom of religion of belief (FoRB) in Sri Lanka

Introduction

1. Sri Lanka is a country with a multi-ethnic, multi-religious and multilingual composition, emerging from a 30-year internal armed conflict that ended in 2009.
2. At Sri Lanka's most recent Universal Periodic Review on 1 November 2012, three recommendations put forward by the Holy See,¹ Italy,² and Spain³ on promoting freedom of religion enjoyed the support of the Government of Sri Lanka (GoSL).⁴ Since then Sri Lanka's political backdrop altered, with the end of the Rajapakse government and the election of a new executive and parliament. However, minority religious and ethno-religious communities continue to face religious freedom violations and religiously motivated violence. The National Christian Evangelical Alliance of Sri Lanka (NCEASL) has recorded a total number of 395 incidents of intolerance faced by Protestant Christian communities from 2012—2016⁵. Similarly, within the same time period, the Secretariat for Muslims (SFM) recorded over 450 incidents perpetrated against Muslims; incidents including threats, attacks, attempts to attack, harassment, incitement, intimidation and violence.
3. Furthermore, in September 2015 the GoSL co-sponsored a resolution at the thirtieth session of the UN Human Rights Council that undertook to effectively investigate attacks on members of minority religious groups and places of worship, and to hold perpetrators of such attacks accountable.⁶ In its preamble, the GoSL also affirmed to ensure that all Sri Lankans are entitled to the full enjoyment of their rights, regardless of religion, belief or ethnicity.⁷
4. This submission will focus on the status of the freedom of religion or belief in Sri Lanka and the numerous violations faced by minority religious and ethno-religious groups in the country.

FoRB IN SRI LANKA

Constitutional and Legislative Framework Governing FoRB

5. Article 9 of the Sri Lankan Constitution accords Buddhism “the foremost place” and makes it “the duty of State to protect and foster the *Buddha Sasana*, while assuring to all religions the rights granted by Articles 10 and 14(1)(e)”, granting Buddhism which is the majority religion special protected status and state patronage.
6. Article 10 guarantees that “every person is entitled to the freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.” Article 14(1)(e) guarantees that, “Every citizen is entitled to the freedom, either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice or teaching”. However, in Supreme Court Determination No. 2/2001, it was stated that this “does not guarantee a fundamental right to ‘propagate’ religion as in Article 25(1) of the Indian Constitution.”⁸

¹ Recommendation 127.56

² Recommendation 127.57

³ Recommendation 128.91

⁴ Report of the Working Group on the Universal Periodic Review, Sri Lanka, A/HRC/22/16

⁵ NCEASL Incident Reports 2013—2016, via <https://slchurchattacks.crowdmap.com>

⁶ Resolution adopted by the Human Rights Council, October 2015, A/HRC/RES/30/1

⁷ *Ibid*

⁸ S.C. Special Determination No. 19/2003, via <http://www.refworld.org/pdfid/4be3e7042.pdf>

7. Article 12 of the Constitution guarantees equality before the law and stipulates that no citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of such grounds.
8. Article 15 (7) of the Constitution provides for restrictions on Articles 12, 13(1), 13(2) and 14 in the interest of “national security, public order and the protection of public health or morality, or for the purpose of securing due recognition and respect for the rights and freedoms of others, or of meeting the just requirements of the general welfare of a democratic society.” It is important to note, however, that such restrictions need to be prescribed by *law*, i.e. legislation.

International obligations

9. Sri Lanka is a state party to several international human rights treaties. Among others, Sri Lanka has acceded to the International Covenant on Civil and Political Rights (ICCPR), the International Covenant on Economic, Social and Cultural Rights (ICESCR), the International Convention on the Elimination of Racial Discrimination (ICERD) and the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT), and has ratified the Convention on the Elimination of Discrimination against Women (CEDAW). May 25th, 2016 saw the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances (CPED).

FoRB related issues

10. Involvement of Local Government Officials

Following the election of the new government, the NCEASL recorded a total of 132 incidents, with the SFM recording over 141 incidents against Muslim the community. Though 2015 saw a decline in violent attacks perpetrated by Buddhist extremist groups such as the *Bodu Bala Sena* (BBS—Buddhist Power Force) and *Sinhala Ravaya*; incidents instigated or supported by local government officials continued.

11. Additionally, over 50 reported incidents against Christians have involved State officials, in either an implicit or active capacity. Notably, high-level law enforcement and government officials such as the Senior Superintendent of Police (SSP), the Assistant Superintendent of Police (ASP) and Divisional Secretaries have been directly involved in a number of incidents.^{9,10,11} Other incidents recorded against Christians include; arson, demolition of churches, damage to property, physical assault of clergy and church members causing serious injury, death threats, intimidation, discrimination, forced displacement and forced closure of churches.

Weak law enforcement response to FoRB violations

12. Law enforcement officials are often reluctant to take effective action against persons who infringe on the liberties of minority religious groups, as a result of undue influence and pressure exerted by local rural Buddhist monks, government officials and politicians. Protestant Christians have also been victims of false allegations and police officers have been known to compel Protestant Christian pastors to discontinue religious worship activities. Furthermore, on one occasion an Officer-in Charge of the local police station coerced a pastor into signing a letter stating that no Christians would be buried in the local public cemetery.¹²
13. As at August 2016, no persons have been prosecuted in relation to the attacks instigated by the extremist group BBS on the Muslim community in Aluthgama in June 2014. This attack killed four and injured 80.¹³

⁹ NCEASL Incident Report 2016, 29th February

¹⁰ NCEASL Incident Report 2015, 14th October

¹¹ NCEASL Incident Report 2016, 10th January

¹² NCEASL Incident Report 2016, 6th January

¹³ UN General Assembly, A/HRC/30/61, 28th September 2015, pg. 6

Registration of Religious Places of Worship and the Official Recognition of Religious Minorities

14. Sri Lankan legislation does not require the registration of religious places of worship for any religious body. However, a Circular dated October 2008 was issued by the *Ministry of Buddha Sasana and Religious Affairs* demanding that all “new constructions” of places of worship should obtain approval from the said Ministry.
15. Following the issuance of Circular 2008, Protestant Christian churches have faced routine harassment, including forced closures by local government authorities who claim such places of worship as not ‘recognized’ or ‘registered’ with the government. Refusal of ‘recognition’ by the state has deprived thousands of Christian citizens of their fundamental rights, including the freedom of thought, conscience and religion. Since the inception of the new government, 27 incidents involving local government and law enforcement officials also involved the use of the Circular 2008 to infringe on the rights of Protestant Christians.¹⁴ Notably, however, churches belonging to larger, mainstream denominations do not face this issue of non-recognition.
16. Moreover, in 2015, a Ministry of Christian Religious Affairs was established as a representative body of the Protestant Christian minority in Sri Lanka. This was followed by the appointment of a Coordinator to specifically address the grievances of the Evangelical Christian community. While this is a welcome step, the Protestant Christian community in Sri Lanka is yet to witness the effective functionality of these appointments. The Ministry takes a seemingly lackluster approach to incidents of religious intolerance, even when such incidents are brought to its attention. Moreover, local government officials have been known to disregard letters dispatched by the Ministry, effectively refusing to recognize its authority (letters informing of the invalidity of the 2008 Circular).

17. Recommendations

- a) **The Ministry of Buddhasasana and Religious Affairs should withdraw the Circular issued in 2008 pertaining to the construction of places of worship.**
- b) **Local government officers must be apprised by the government that registration is not a legal requirement.**
- c) **The appointed Coordinator for Charismatic, Evangelical and Pentecostal Churches should be vested with more authority and recognition, in order to effectively address the grievances of the Protestant Christian community. Moreover, the authority of the Ministry of Christian Religious Affairs should be firmly established and recognized.**
- d) **The government should not discriminate against certain religious minorities and impede their legitimate exercise of religious freedom by not according them equal recognition.**
- e) **Take swift action to the full extent of the law, including sections 290-292 of the Penal Code against religiously motivated acts of violence or attempts to incite hatred towards any particular minority community, including disciplinary action against state officials and public servants who commit acts of discrimination or fail to perform their duty in a fair and impartial manner.**

The National Christian Evangelical Alliance of Sri Lanka (NCEASL) an NGO without consultative status, also shares the views expressed in this statement.

¹⁴ NCEASL Incident Report 2015 and 2016, via <https://slchurchattacks.crowdmap.com>