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Human rights situations that require the Council's attention

Written statement* submitted by World Evangelical Alliance, non-governmental organization 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.

[11 February 2019]

* Issued as received, in the language(s) of submission only.

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Sri Lanka: The 2019 Religious Freedom Landscape

1. Sri Lanka has in place existing laws and provisions which guarantee the freedom of religion or belief and protect citizens from discrimination based on religious belief. These range from Constitutional guarantees to criminal offenses outlined in the Penal Code. Furthermore, the Government of Sri Lanka has ratified key international instruments that uphold the right to religious freedom and protect the rights of religious and ethnoreligious minorities. In 2017, the GoSL accepted all recommendations put forward by the international community at Sri Lanka's most recent Universal Periodic Review concerning the status of religious freedom.¹
2. Since 2015, the National Christian Evangelical Alliance of Sri Lanka (NCEASL), a member of the World Evangelical Alliance, has documented 367 violations against Christian minorities; out of which 168 involved State actors (46%), either explicitly or implicitly. 2017 in particular saw a spike in the number of violent incidents, with 17 out of the 96 incidents recorded being categorised as violent (including both physical violence and property damage). In 2018, on the other hand, 56 of the 88 incidents recorded included incidents of threats, intimidation or coercion, and 19 incidents of violence.
3. Furthermore, over 165 incidents of violence, intimidation, and discrimination have been recorded in relation to Sri Lanka's Muslim community. 2017 and 2018 saw systematic hate campaigns, both online and offline, targeting Muslim and Evangelical Christian communities which resulted in sporadic incidents of violence.
4. Christians too have been the target of fake news and online hate propaganda. For instance, Facebook posts in January 2019 called for violence against a Christian community in Batticaloa and spread false rumors about their activities.²
5. In one of the most serious incidents perpetrated against a Christian in 2018, a pastor in Colombo was abducted and tortured by unidentified assailants. He was released 24 hours later, and investigations are ongoing.³
6. In December 2018, several Buddha statues in Mawanella were vandalized. Police arrested six out of seven individuals suspected of carrying out the attacks⁴ and there was unanimous condemnation of the incidents by politicians and religious leaders. The arrests of Muslim individuals sparked fear of renewed Sinhala-Muslim tensions. However, the situation was successfully contained, and no reprisals were reported.
7. According to press reports in October and November 2018, Hindu communities in the Northern province experienced a number of violations. These incidents included Hindus being restricted from participating in *poojas* (a form of Hindu worship), constructing Buddha statues in the premises of Hindu temples, taking over land belonging to Hindu places of worship etc. The Department of Archeology in particular has been accused of being complicit in the appropriation of sacred Hindu sites.⁵
8. Following the constitutional coup and Mahinda Rajapaksa's brief return to power in October last year, a concerning development took place when Amith Weerasinghe, the primary orchestrator of the anti-Muslim riots in Kandy, was released on bail.⁶

¹ Report of the Working Group on the Universal Periodic Review; Sri Lanka, 29th December 2017: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/370/50/PDF/G1737050.pdf?OpenElement>

² NCEASL Incident Report 2019, 09th January:

https://drive.google.com/drive/folders/1TmeDPB1k8w8EbtR_gVoMGGteLzrH28uy

³ NCEASL Incident Report 2018, 29th October

⁴ <http://mirrorcitizen.dailymirror.lk/2018/12/28/vandalizing-buddha-statues-in-mawanella-seven-suspects-in-custody/>

⁵ Verite Research, *Understanding Press Coverage on Religious Freedom*, October-December 2018

⁶ <http://www.dailynews.lk/2018/11/01/law-order/167190/amith-weerasinghe-two-others-released-bail>

Issues Relating to the Registration of Religious Places of Worship

9. Sri Lankan law does not require the registration of places of worship or religious bodies with the State. Some religious groups voluntarily sought incorporation by an Act of Parliament, solely for the purpose of attaining legal personae in order to hold property, engage in banking transactions etc.
10. In October 2008, the Ministry of Religious Affairs and Moral Upliftment⁷ issued a circular⁸ requesting all future construction of any place of worship as subject to prior permission of the Ministry. The Ministry instructed Provincial Councils and Divisional Secretariats to comply with this requirement and seek prior approval from the Ministry before approving applications for construction of places of worship. The procedure prescribed by this Circular itself is inconsistent with principles of equality, non-discrimination and justice in that it exempts “traditional religions” from submitting documentary evidence required by the Ministry to prove their bona-fide⁹ but fails to specify what “traditional religions” are. Ministry and local government officials make decisions to grant or deny permission based on their own understanding or biases.¹⁰
11. While Roman Catholic churches, and Protestant Christian churches holding membership with the National Christian Council are recognised by the state, Evangelical Christian churches, prayer meetings and religious worship activities are routinely denied permission to function, due to the misapplication of this Circular.
12. Since this Circular has no founding in parliamentary legislature, it has no legal validity. Furthermore, local government authorities and law enforcement officials continue to utilise the 2008 Circular to curtail the rights of religious minorities and subject them to harassment.¹¹ Since 2015, 57 Protestant Christian churches have been instructed to obtain registration.
13. The Sri Lankan judiciary too has displayed bias when adjudicating matters concerning the Circular and its application to religious minorities. In 2016, a Fundamental Rights case numbered SCFR 92/2016¹² was filed in the Supreme Court of Sri Lanka, on the basis that the freedom of religion and the right to equality had been infringed by the use of the Circular. In its judgment, the Supreme Court held that the 2008 Circular had to be complied with, as it fell within the definition of law.
14. In 2017, the NCEASL submitted two requests for information to the Ministry of *Buddha Sasana* and the Department of Christian Affairs, utilising the Right to Information procedure. The responses received definitively stated that the Circular in question is only applicable to Buddhist places of worship and is no longer applicable to other religious groups. However, government and law enforcement authorities continue referencing the Circular despite being made aware of these developments.

⁷ Also designated as the Ministry of Buddha Sasana and Religious Affairs

⁸ The Circular 2008 issued by the Ministry of Religious Affairs and Moral Upliftment, which calls for the registration of new constructions of religious worship places.

⁹ Application form for new construction of a place of worship, page 2.

¹⁰ See comment 33, Report of the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt presented to the Human Rights Council 19th Session, 22nd December 2011.

¹¹ On 21st July 2018, the Headquarters Inspector of the Ambalangoda Police Station instructed the pastor of the Assemblies of God church in the area to register his church in accordance with the 2008 Circular. Prior to this, the pastor had filed a police complaint regarding an incident perpetrated by a mob led by Buddhist monks which had threatened him and his congregation with assault if they continued to engage in religious worship activities.

¹² http://www.supremecourt.lk/images/documents/sc_fr_application_92_2016.pdf

Bias and Ineffective Law Enforcement

15. Law enforcement officials have been known to arbitrarily restrict the religious freedom of minority religious groups by refusing to investigate complaints of violence and harassment and making arrests based on false allegations, without following correct investigative procedures.
16. For instance, a pastor in Batticaloa district was threatened with violence on the 12 January 2019, by a group of assailants who arrived at his church. Although he registered an official complaint¹³, the police have disregarded this and compelled the pastor to sign a document stating he will abandon the matter.
17. Additionally, a Christian individual in the Puttalam district was falsely accused of assault by an individual who opposes his religious activities. He was placed under arrest without any formal investigation, and despite witnesses acknowledging that he was not present at the time of the altercation.¹⁴

Recommendations

1. **Provide recognition to the National Christian Evangelical Alliance of Sri Lanka as a national representative of the Evangelical Christian community in Sri Lanka.**
2. **Ensure judicial accountability for violators of religious freedom and instigators of religiously motivated violence.**
3. **Implement judicial reforms via the Judicial Services Commission and sensitize members of the judiciary to FoRB considerations when delivering judgements.**
4. **Develop and implement effective early-warning systems which flag potential hotbeds of communal tension to prevent or mitigate communal violence.**
5. **Sensitize all security personnel and members of law enforcement to human rights considerations, particularly in their interventions during civil unrest.**
6. **The Ministry of Buddha Sasana should withdraw the Circular issued in September 2008 pertaining to the construction of new places of worship and issue instructions to Ministries, local government bodies, law enforcement and all relevant authorities.**
7. **Develop appropriate curricular for primary, secondary, and tertiary levels of education that promote religious harmony and tolerance.**
8. **Take concrete action against perpetrators of hate speech and those who incite violent attacks against religious minorities and take steps to prevent reoccurrence.¹⁵**
9. **The government should take steps to ensure that the Inter-Religious Council established by the President is inclusive of and adequately represents all religious groups, including Evangelical Christians who have been excluded from the Council and strengthen efforts to promote inter-religious dialogue.**

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

¹³ Complaint No. C (3) 259/108, Kalawanchikudi Police Station

¹⁴ NCEASL Incident Report 2019

¹⁵ Report of the Working Group on the Universal Periodic Review—Sri Lanka, 29th December 2017, Namibia (116.42) & Australia (116.43)