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Human rights situations that require the Council's attention

Joint written statement* submitted by World Evangelical Alliance, a 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.

[03 June 2019]

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



Sri Lanka: Situation of Christian and Muslim Minorities

Sri Lanka is a pluralistic society made up of diverse ethnic, religious and cultural communities. Following a period of nearly 30 years of polarising civil war, Sri Lanka transitioned into a period in which flagrant human rights abuses were common place under the repressive presidency of Mahinda Rajapaksa. During the period between 2012-2015, there emerged a number of ultra-nationalist groups including the *Bodu Bala Sena* (Army of Buddhist Power), *Sinhala Ravaya* (Sinhala Vengeance), and *Ravana Balaya*: groups that led increasingly violent attacks against Christians and Muslims with impunity.

Sri Lanka was rocked by a series of explosions reported on Easter Sunday (21st April), targeting three churches and three five-star hotels in Sri Lanka. Investigations into the Easter Sunday bombings unearthed that the National Thowheed Jama'ath (NTJ) and the Jamathei Millathu Ibrahim (JMI), two homegrown Islamist groups, were responsible for the massacre. A few days following the attacks, the Islamic State of Iraq and Syria (ISIS), through its AMAQ news agency, also claimed responsibility for the bombings.

Furthermore, the Evangelical Christian community in Sri Lanka remains a minority within a minority and continues to face myriad violations, in contravention of their right to religious freedom or belief. Moreover, the spread of hate speech and fake news by these groups on social media have effectively demonised and scapegoated Sri Lanka's Muslim and Christian minorities, frustrating a fragile socio-political landscape.

Freedom of Religion or Belief in Sri Lanka

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. The Government of Sri Lanka (GoSL) has also ratified mechanisms such as the ICCPR, ICESCR, ICERD.

In addition to the above GoSL accepted all recommendations put forward by the international community at Sri Lanka's most recent Universal Periodic Review FoRB.¹

Since 2015, the National Christian Evangelical Alliance of Sri Lanka (NCEASL) documented 406 incidents against Christians. 162 out these 406 incidents involved incidents of threats and intimidation (40%). 169 incidents have involved state officials, either explicitly or implicitly (42%). A majority of the incidents also involved demands to stop prayer meetings or church gatherings on the basis of registration.

Christians 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

Multiple incidents documented by the NCEASL in 2019 involved law enforcement officials' refusal to file cases on behalf of pastors who were harassed by local residents and Buddhist monks. Officials routinely insist on the pastors filing cases themselves and are reluctant to perform their duties. For instance, on 1st March 2019, the Officer-in-Charge (OIC) of the Bakamuna Police Station refused to file a case on behalf of a pastor who has been continuously harassed by Buddhist monks, and insists that the pastor file a private complaint instead.

Furthermore, over 500 incidents of violence, intimidation, and discrimination have been recorded in relation to Sri Lanka's Muslim community since 2013.³ 2017 and 2018 saw

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 National Christian Evangelical Alliance of Sri Lanka (NCEASL) Incident Report 2019, 09th January: https://drive.google.com/drive/folders/1TmeDPB1k8w8EbtR_gVoMGGteLzrH28uy

³ Figures are issued by the Secretariat for Muslims, a civil society organization supporting efforts to engage with issues affecting Muslims in Sri Lanka.

systematic hate campaigns, both online and offline, targeting Muslim and Evangelical Christian communities which resulted in sporadic incidents of violence.

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.⁴

Incidents in the wake of the Easter bombings

A spate of anti-Muslim violence ravaged the North Western province and the Gampaha district. Hard-line Sinhala-Buddhist mobs attacked mosques, and Muslim homes and businesses in apparent retaliation against the bombings, resulting in the death of one person. Several accusations have been levelled against the police and security officials for being complicit in these attacks and refusing to intervene and mitigate the damage caused.

Ven. Gnanasara Thero, General Secretary of militant Buddhist group *Bodu Bala Sena*, was granted a Presidential pardon⁵, a mere week after anti-Muslim violence ravaged the North Western province. In the past, Gnanasara has faced several allegations of instigating violence against religious minorities, particularly Muslims. This pardon signals a severe breakdown in the rule of law and portrays a blatant disregard for the concerns of minorities in Sri Lanka, by the highest echelons of power.

Subsequent to the Easter Sunday tragedy, President Maithripala Sirisena enacted several wide-ranging Emergency Regulations have the potential to seriously curb the religious freedom of minorities. Many of the regulations are overbroad in scope and confer and prohibitions are enforced at the discretion of the President through executive order. Of particular concern is the collection of information regarding places of worship, the prohibition of publications which are deemed to threaten national security, and the prohibition of public gatherings or processions which are deemed to cause a public disturbance. Among these regulations is a ban on full-face coverings, including the Niqab and the Burka.⁶

On the 17th of May, a Muslim woman in Hasalaka was arrested for wearing a dress with a symbol that resembled the Dharmachakraya (a Buddhist religious symbol)⁷. However, images of the dress carried on the media clearly show that the picture on the dress is not a Dharmachakraya but a ship's wheel. At the time of writing, the woman remains in remand custody and her case has not yet been brought to the High Court. The police allege that her intention was to insult Buddhism in the run-up to Vesak celebrations. It must be further pointed out that, even if she had been wearing an image of the Dharmachakraya, there is no law which prohibits this.

Registration of religious places of Worship

In October 2008, the Ministry of Religious Affairs and Moral Upliftment⁸ issued a circular⁹ requesting all future construction of any place of worship as subject to prior permission of

⁴ Verite Research, Understanding Press Coverage on Religious Freedom, October-December 2018

⁵ Sri Lanka president pardons hardline Buddhist monk, 22 May 2019, <https://www.aljazeera.com/news/2019/05/sri-lanka-president-pardons-hardline-buddhist-monk-190522192204588.html>

⁶ The Public Security Ordinance (Chapter 40) Amendment to the Gazette Extraordinary No. 2120/5 of April 22, 2019: http://documents.gov.lk/files/egz/2019/4/2121-01_E.pdf

⁷ A 'symbolic' arrest, 24 May 2019, <http://www.dailymirror.lk/plus/A-%E2%80%98symbolic%E2%80%99-arrest/352-167764>

⁸ Also designated as the Ministry of Buddha Sasana and Religious Affairs

⁹ 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.

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.

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.¹⁰ Since 2015, 57 Protestant Christian churches have been instructed to obtain registration.

The Sri Lankan judiciary has displayed bias when adjudicating matters concerning the Circular and its application to religious minorities. A Fundamental Rights case numbered SCFR 92/2016¹¹ 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 SC held that the 2008 Circular had to be complied with, as it fell within the definition of law.

Recommendations to the GoSL

The Ministry of Buddha Sasana should withdraw the Circular issued in September 2008.

- Ensure that the newly introduced Emergency Regulations do not adversely affect the religious freedom of citizens.
- Ensure judicial accountability for violators of religious freedom and instigators of religiously motivated violence.
- Develop and implement effective early-warning systems which flag potential hotbeds of communal tension to prevent or mitigate communal violence.
- Sensitize all security personnel and members of law enforcement to human rights considerations, particularly in their interventions during civil unrest.

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

¹⁰ 21st July 2018, the HQI 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.

¹¹ http://www.supremecourt.lk/images/documents/sc_fr_application_92_2016.pdf