

Sri Lanka

Summary Report on Religious Freedom

May 2017



National Christian Evangelical Alliance of Sri Lanka

Established in 1952

Background information:

The majority of the population of Sri Lanka is Buddhist (ethnic Sinhalese), Hindus (Tamil) comprise approximately 14%, Muslims 8%, Roman Catholics 7% and Protestant Christians 1% of the population.

The Sri Lankan Constitution grants 'foremost' place to Buddhism and casts a duty upon the state to 'protect and foster' Buddhism (Article 9).

Article 10 of the Constitution guarantees the 'freedom of thought, conscience and religion' including the right to adopt a religion of his/her choice. Article 14 (1) (e) states that all citizens have the right to manifest one's religion or belief in 'worship, observance, practice and teaching'. However, this right can be restricted under a proviso in Article 15 (7), in the interest of 'national security, public order, and protection of public health or morality'. In addition Article 12 states that all persons are equal before the law.

Significant recent trends

The past decade has seen a gradual but significant decline in the right to free religious expression and practice and a rise in organized, religiously motivated violence and intimidation against minority Christians.

With the election of a new government, there was a marked change in the political climate in January 2015. However, attacks and incidents of persecution against Christians continued despite of the change in the political climate. The beginning of 2015 saw a rise in incidents of discrimination and intimidation perpetrated by state /local government authorities. Furthermore, recent developments in 2017 have witnessed a rise in organized campaigns against religious minorities led by Buddhist extremist groups.

Notably, Buddhist extremist groups such as the *Bodu Bala Sena* (Buddhist Power Force) adopted a new strategy in propagating their agenda by contesting in local government elections under the political party *Bodu Jana Peramuna* (Buddhist People's Front)¹. Further, 2016 saw the emergence of another nationalist movement called *Sinha Le* (Lion's Blood). This group campaigns towards a '*Sinhala Nation*'².

Additionally, in 2004 and 2009, 02 anti-conversion Bills were introduced in Sri Lanka. Moreover, the *Jathika Hela Urumaya* (the National Heritage Party), a nationalist Sinhala political party instrumental in introducing these bills, is now part of Sri Lanka's coalition government.

Some recent religious liberty trends are mentioned below;

Violent attacks against religious minorities

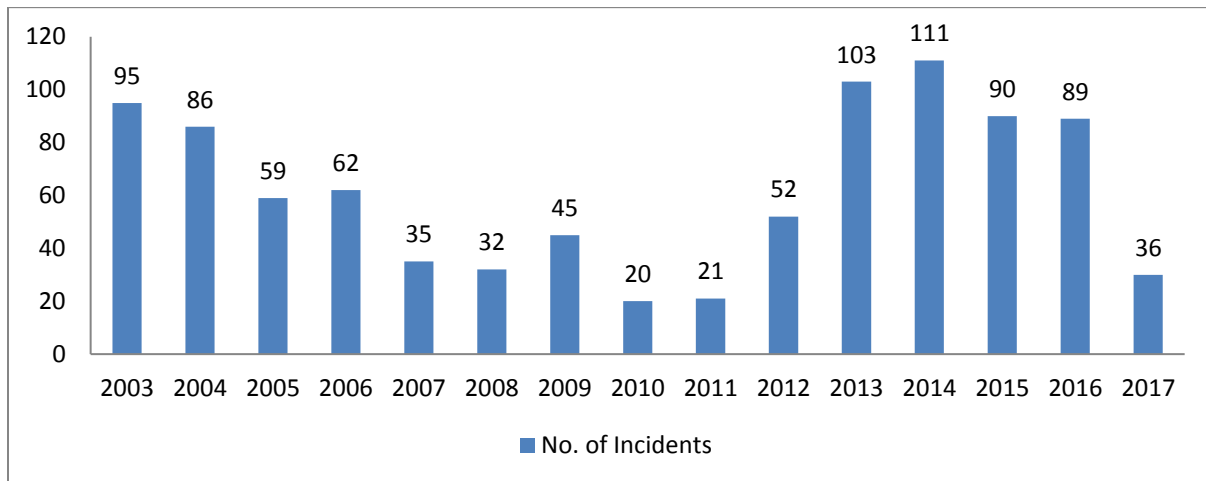
Acts of religiously motivated violence against Christians increased by almost 100%, from 2012 to 2013. Furthermore, 111 incidents were reported in 2014, 90 in 2015, 89 in 2016, and another 36 incidents in 2017 so far. Although these figures reflect a slight decline in the overall number of reported incidents, notably the number of incidents involving state officials has increased. Furthermore, Christian's families have also

¹ <http://www.dailymirror.lk/77903/er-cobra-sym>

² <http://www.thesundayleader.lk/2016/01/10/sinhale-campaign-raises-alarms/>

been denied the right to bury their deceased in public cemeteries.³ Types of violence include burning, demolition of churches, damage to property, physical assault of clergy and church members causing serious injury, death threat, intimidation, forced displacement, forced closure of churches etc. A total of 44 incidents concerning violations against the Muslim community have been reported since 2015; out of which 21 incidents were reported in 2017. These incidents include attacks against mosques and Madrasas, physical assault of individuals, attacks against villages and places of business, hate speech, and so on.

**incidents reported up to February*



Social media campaigns

A number of social media campaigns that use obscene and derogatory language have been used by Buddhist fundamentalist elements to fuel hate, incite violence, and propagate majoritarian sentiment. Most incidents of violence against or intimidation of religious minorities have been recorded and uploaded on social media platforms. These videos and campaigns have a strong supporter-base and wide viewership.

State involvement and judicial bias

There was a notable increase in state-driven persecution in 2016 and 2017. Over **50** reported incidents from a total of **90** incidents in 2015 involved the participation of State officials. In 2016, 42 incidents included the same. Additionally, **13** out of the 36 incidents reported in 2017 so far have involved state officials, either explicitly or implicitly. High-level police officials such as the Senior Superintendent of Police and the Assistant Superintendent of Police have been directly involved in a number of incidents⁴. Majority of the incidents also involved church closures or demands to stop prayer meetings on the basis of registration. (Note- even though there is no legal requirement to register places of worship in Sri Lanka, refer issue of recognition below)

³ Refer Incident Report 2016- Annexure 1 (03rd – 09th January 2016)

⁴ Refer Incident Report 2015- Annexure 2

Discrimination in education and harassment of Christian children

Christian children have been denied school admission in contravention to Education Ministry Circulars and the Assisted Schools Act. Christian students have also been forced to observe Buddhist rituals in state schools.

Forced closure of churches

In 2015⁵, the NCEASL recorded 24 incidents of forced church closures and demands for closures by local authorities and law enforcement officers. 2016 saw 25 incidents reported, and another 09 have been reported in 2017 to date.

Breach of Peace cases filed against victimized Christians

Evangelical Christians who lodge complaints against mob attacks have been victimized by police officers who in turn file cases against the Christians for disturbing the peace in communities. As a result, perpetrators as well as victims are made equal parties to incidents of violence. Such cases were also filed against Christian victims in 2015.

THE ISSUE OF RECOGNITION

Ministry Circular 2008⁶

Sri Lankan law does not require the registration of places of worship or religious bodies with the State. 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. The Ministry instructed Provincial Councils and Divisional Secretaries to comply with this requirement before approving applications for the construction of places of worship. The Circular exempts ‘*traditional religions*’ from submitting documentary evidence to prove their bona-fide. In view of the fact that there are no guidelines as to what constitutes a ‘traditional religion’, the Ministry and local government officials often made decisions to ‘grant or deny permission based on their own understanding or biases’. This Circular resulted in evangelical Christian churches being routinely denied permission to construct places of worship solely because they failed to get approval from the Ministry.

While the Circular 2008 is clearly applicable only to new constructions and does not have retrospective effect, it is often misapplied and used by government officials to close down existing churches.

The legality of these Circulars is open to contestation. At the time the Circulars were issued, there was no specific law that permitted the issuance of circulars for the purpose of restricting an individual’s right to worship under Article 14(1) (e). Moreover, Article 15(7) of the Constitution very specifically stipulates that rights under Article 14 can only be restricted by ‘law’, which ‘includes regulations made under the law for the time being relating to public security’. The Circulars in question were not ‘regulations’ and were certainly not issued under the Public Security Ordinance, No. 25 of 1947 (PSO).⁵³ As such, it is arguable that the Minister lacked a legal basis to issue these Circulars.

⁵ Refer Incident Report 2015- Annexure 2

⁶ Annexure 3 – English Translation of the Circular 2008

Recommendations

- 1) Cancellation of the Circular 2008 issued by the Ministry of Buddha Sasana and Religious Affairs
- 2) Eradicate discrimination against churches and Christian citizens who are not affiliated to the NCC or the Roman Catholic Church (RC).
- 3) 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.
- 4) Withdraw support for any attempts to enact laws restricting freedom of religion, worship, thought, and conscience including the right to convert.
- 5) The government should ensure that all government officials including members of law enforcement bodies respect principles of religious freedom and do not discriminate on the grounds of religion or belief, and that they are provided with training on human rights including religious freedom standards.
- 6) The government should not discriminate against certain religious minorities and impede their legitimate exercise of religious freedom by not according them equal recognition as other religious groups and should ensure that all citizens, irrespective of their religious affiliation are afforded equal treatment under the law and by the state.
- 7) The government should urgently implement an effective mechanism along the lines of an inter-religious body which is inclusive of and adequately represented by all religious groups to deal with any issues of religious tensions.
- 8) The government should take steps to improve and promote religious freedom literacy, to combat the various misconceptions and misperception regarding the specific content of this right, and to address issues of chronic intolerance and violent extremism.

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