



SRI LANKA: FREEDOM OF RELIGION OR BELIEF

FOR PUBLIC USE

APRIL 2015

Be a voice for the voiceless
www.csw.org.uk



CHRISTIAN
SOLIDARITY
WORLDWIDE
VOICE FOR THE VOICELESS

EXECUTIVE SUMMARY

The freedom of thought, conscience and religion as well as the right to adopt a religion or belief is enshrined in Article 10 of the constitution of the Republic of Sri Lanka. The state has a duty to protect this right; under Article 9, this responsibility lies with the Ministry of Buddha Sasana and Religious Affairs. Sri Lanka acceded on 11 June 1980 to the International Covenant on Civil and Political Rights (ICCPR), on 18 February 1982 to the International Convention on the Elimination of all Forms of Racial Discrimination and on 11 June 1980 to the International Covenant on Economic, Social and Cultural Rights (ICESCR).

Since three decades of civil war ended in 2009, Sri Lanka has seen an increasing incidence of human rights violations, including of the right to freedom of religion or belief.

Given the changing situation, NGOs such as the Centre for Policy Alternative and the National Christian Evangelical Alliance of Sri Lanka (NCEASL) have developed a system to track and monitor the incidence of attacks. A noteworthy observation is that while violence targeting religious places and persons is not new, the number of reported attacks has risen, the nature of the attacks has changed, and incidents are now reported in several different regions of the country. Some of the instances are repeated acts of direct and indirect violence, indicators that the attacks are not isolated but are a result of a systematic targeting based on religious identity.

The Lessons Learnt and Reconciliation Commission (LLRC), established after the civil war to promote national unity, described violations of freedom of religion or belief in its findings. The Commission stated that Sri Lanka's 'Sinhala Only Policy', which made Sinhala the official language, disregarded the multicultural and pluralistic nature of the country's society. The Commission observed that since independence there had been a gradual entrenchment of majoritarian democracy, whereby the language and the religion of the majority community had been given priority. This resulted in increased ethnic tension and undermined Sri Lanka's multi-religious and pluralistic society.¹ Civil society actors in the LLRC considered that it might be necessary for the country's education system to

consider including the teaching of comparative religion and ethnics in schools, to enable the curriculum to focus on values that are common to all faiths.

Recommendations made by the LLRC included:

- The development of an early warning system to ensure that communal or religious tension does not lead to conflict, undermining law and order; and to promote efforts towards reconciliation and peace-building;
- Religious leaders and institutions should play a lead role in the process of reconciliation;
- The establishment of a special institution to deal with citizen grievances, and an interfaith peace and reconciliation committee at district and provincial levels to act as a feeder mechanism supporting the special institution;
- The enactment of laws to address hate speech, which contributes to communal disharmony.

In March 2014 the UN Human Rights Council adopted a resolution on reconciliation, accountability and human rights in Sri Lanka, requesting the Office of the High Commissioner to undertake a comprehensive investigation into alleged serious violations and abuses of human rights. The resolution noted that the Human Rights Council was 'alarmed at the significant surge in attacks against members of religious minority groups in Sri Lanka, including Hindus, Muslims and Christians'. In June 2014 the UN Human Rights Council began its investigations by establishing a team of three experts (the OHCHR Investigation on Sri Lanka (OISL)), who are expected to have completed their work by mid-April 2015.

Despite the international attention given to religious freedom violations, in June 2014 the southern coastal towns of Aluthgama and Beruwala witnessed Sri Lanka's largest ever anti-Muslim riots. At least four people were killed and 10,000 displaced. The riots seem to have been led by the Bodu Bala Sena, a Buddhist extremist organisation, and it was claimed they were the result of gradual escalation of anti-Muslim violence in Sri Lanka.

According to a report by the Centre for Policy Alternatives, the majority of Sri Lanka's population as measured in the 2011 census are Buddhists (70.2%), followed by Hindus (12.6%), Muslims (9.7%) and Christians (7.2%). The majority of Buddhists are Sinhalese and reside mainly in 16 of the 25 districts in Sri Lanka, ranging from 70.7% in Colombo to 96.8% in Hambantota. Hindus are predominantly Tamils, either of Sri Lankan or Indian

¹ Presidential Secretariat, Sri Lanka, 'Report of the Commission of Inquiry on Lessons Learnt and Reconciliation', November 2011 www.priu.gov.lk/news_update/Current_Affairs/ca201112/FINAL%20LLRC%20REPORT.pdf

Cover image: Jeevana Diya Church in Meegoda, Colombo district, September 2013. See p.6
Photo: NCEASL

© Copyright Christian Solidarity Worldwide 2015. All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, transmitted, in any form or by any means, electronic, photocopying, mechanical, recording and/or otherwise without the prior written permission of Christian Solidarity Worldwide.

CSW is a Christian organisation working for religious freedom through advocacy and human rights, in the pursuit of justice.

Registered Charity No. 281836

PO Box 99, New Malden, Surrey, KT3 3YF, United Kingdom
T: +44 (0)845 456 5464 F: +44 (0)20 8942 8821
E: admin@csw.org.uk www.csw.org.uk

origin, and mainly residents of the northern and eastern parts of Sri Lanka. Muslims are Malays and mainly live in urban areas in the south. Malays in the northern and eastern parts of the country live in the rural areas. Christians consist of the Sinhala and Tamil communities, and are concentrated in the urban and coastal areas of the country.

Christian Solidarity Worldwide (CSW) collected testimonies (see Appendix) at the end of November 2014, two months before the historic presidential elections on 8 January 2015. These testimonies indicated:

- A trend of repeated attacks on the Christian and Muslim community by both Hindus and Buddhists, over 2013 to 2014;
- The lack of justice and the disempowerment of the police in addressing the attacks. Buddhist extremists act with impunity, and there is evidence that local government officials and police are colluding with them in the attacks;
- The existence of a group of moderate Buddhists who believe that there is a need to dialogue and to work with other religious groups to address the effects of the attacks and of the propaganda spread by the extremists;
- The prominent use of media;
- The lack of understanding of the right to freedom of religion or belief: local pastors are intimidated by monks with political connections and government officials, who deliberately misinterpret the law to stop these pastors practising their religion;
- The misuse of power by police and government officials, in regard to places of worship;
- The strong faith of church leaders facing persecution in predominantly Buddhist surroundings.

Civil society data show an increase in violent attacks against religious minorities. 103 incidents of persecution were recorded in 2013, a 100% increase from 2012, while 111 incidents against Christians were recorded in 2014. The Muslim community in Sri Lanka recorded over 300 incidents of attacks and hate speech between 2013 and 2015.²

Since the inauguration of the new president of Sri Lanka, President Maithripala Sirisena, some positive actions have emerged as part of the President's '100 Days Programme'. Nevertheless the government must still take robust action to tackle rising religious extremism.

RECOMMENDATIONS

To the government of Sri Lanka:

- Implement, enforce and monitor the proposed law on hate speech;
- Continue to investigate crimes that have been committed against religious minorities;
- Work towards the introduction of a comprehensive framework to deal adequately with incidents of communal and targeted violence, including repealing discriminatory regulations such as the 2008 circular and potential anti-

conversion bills that do not conform with internationally recognised human rights standards;

- Eradicate discrimination against churches and Christian citizens who are not affiliated to the National Christian Council or the Roman Catholic Church;
- Ensure that the inter-religious council has adequate protection and support when they investigate complaints and carry out fact-finding activities through their stakeholders;
- 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.

To the European Union and the United States:

- Urge Sri Lanka to abstain from codifying an anti-conversion law, so that freedom of religion or belief in the country is safeguarded;
- Continue to hold Sri Lanka to account and remind them of their existing obligations under international law;
- Press Sri Lanka to ensure government officials, law enforcement officers and members of the judiciary are trained on international religious freedom standards and how to conduct a thorough investigation where a victim has reported a case, and how to adjudicate cases fairly;
- Urge Sri Lanka to openly condemn all acts of intimidation, harassment and violence against religious minorities.

To the United Nations:

- Encourage Sri Lanka to ratify treaties to which it has acceded, including the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- Continue to hold Sri Lanka to account and remind them of their existing obligations under international law;
- Expedite the release of the OISL's report, due to be completed by mid-April 2015.

To civil society organisations:

- Continue to collect information on the situation of freedom of religion or belief;
- Find ways to systematically use the information collected as part of an early warning system;
- Continue to play a role in overcoming the culture of silence in the face of violence committed in the name of religion;
- Work together, including creating common platforms, to demonstrate a stronger commitment to freedom of religion or belief, with the aim of creating further solidarity across all religious and cultural divides; including finding opportunities to engage with moderate Buddhist intellectuals, clergy, professionals and civil society, who play a critical role in changing the general mindsets of the majority Buddhist population, whose

beliefs risk being influenced by the nationalist Buddhist movement.

To the media:

- Undertake careful fact-finding to counter media campaigns portraying religious minorities in a negative light;
- Help restore the faculty of empathy by making people aware of groups facing systematic discrimination;
- Take note of the Kathmandu recommendations developed following a gathering of South Asian journalists covering freedom of religion or belief, which included:

- In the event of communal violence on a mass scale, the media should not propagate the false assumption that crimes targeting minorities are entirely or spontaneously the result of public anger. Instead, the media should investigate the possibility of political instigation, evasion of responsibility or administrative complicity, which often includes the claim that episodic violence is the result of public anger. The pattern over the years shows that public anger needs to be addressed – but is in itself not a sufficient condition for violence against communities;
- Media organisations should bear in mind that hate speech is defined under the ICCPR, signed by all South Asian countries, as incitement not only to violence but also to discrimination and hostility. Accordingly, the media should counter all statements, policies and actions that alienate minorities or contribute towards communal tensions;
- Every media organisation should have an ombudsman to deal with readers'/viewers' grievances. At times of communal tensions, swift responses from the ombudsman may serve as a safeguard to ensure that the media is part of the solution rather than part of the problem;
- Recruitment policies in media organisations should be designed to ensure that journalists at all levels reflect the demographic diversity of their countries, in terms of religion, region, language, caste, ethnicity and gender;
- Every media organisation should have a code of ethics dealing with, among other things, their responsibility to protect minorities against violence, discrimination and hostility. The code of ethics should be imparted to all the journalists and strictly enforced in order to maintain the credibility of the organisation concerned;
- While recognising and embracing new media initiatives such as blogs, citizen journalism and social media, media organisations should exercise due diligence in reporting any information from such sources, especially when it is likely to have repercussions for communal harmony;

- All South Asian countries should have statutory media regulatory councils that are independent of government control, with representation from journalists and civil society, preferably headed by a serving judge of the Supreme Court or the High Court of the land, and empowered to intervene urgently and effectively, especially when media organisations are found to have violated professional ethics in dealing with sensitive issues of targeted religious profiling, hate speech and violence. These councils should have jurisdiction over journalists and organisations across all media platforms, whether print, television or online. This measure will comprehensively and qualitatively enhance constitutional guarantees of freedom of expression and inclusivity by protecting the civil and cultural rights of religious, ethnic and linguistic minorities, and especially of the women and children of these groups;
- Media councils, associations and organisations should compile case studies in order to make journalists aware of the various ways in which they may fall prey to communal propaganda, and create an institutional memory to respond to such challenges.

KEY ISSUES OF CONCERN

HATE SPEECH

Hate speech was the main trigger of the June 2014 anti-Muslim violence in Aluthgama and Beruwala,³ but acts of violence motivated by religious hatred have been on the increase since 2012.

Sanjana Hattotuwa, a researcher, made the following observations in 2013 following his discovery of a number of Facebook groups operating in Sinhala:⁴

- Even the most offensive anti-Muslim sentiments and statements have a growing audience on social media;
- Such content has a greater chance of going viral, and influencing real world action, when published online as opposed to in mainstream and traditional media;
- The content is largely visual in nature, appealing to people as young as 18, who are still in school;
- The number of people joining these groups is on the rise, and the government is either unaware of this or unable to address it through counter-narratives in support of liberal values, tolerance and religious cohesion.

In an interview with CSW, Mr Hattotuwa said, "There is an increased correlation between what is expressed online

3 Law and Society Trust (LST), *Where Have All The Neighbours Gone? Aluthgama riots and its aftermath* www.lawandsocietytrust.org/images/PDF/Resources/aluthgama%20report%20final.pdf

4 Sanjana Hattotuwa, 'Anti-Muslim hate online in post-war Sri Lanka', 1 February 2013 <https://sanjanah.wordpress.com/2013/02/01/anti-muslim-hate-online-in-post-war-sri-lanka/>

Samaratunge, S & Hattotuwa, S (2014), 'Liking Violence: A study of hate speech on Facebook in Sri Lanka', Centre for Policy Alternatives

and the nature of violence that is occurring on the ground. The levels of hate against Muslims are many times greater than the levels of hate against the Tamils towards the end of the war.”

He told us that there is a need to build capacity to counter negative messages, and to create a platform for critical debate. “While there is a high literacy rate, media literacy is low, and people tend to believe more what they hear through instant messaging services than what they hear through state media. This means that there is a need to raise awareness of the importance of not necessarily believing what you hear, and to counter negative messaging by debunking its claims and offering counter information.”

Action in this area is crucial in addressing violence against religious minorities triggered by hate speech, in particular given the improvements in Sri Lanka’s IT infrastructure, and the increasing use of smartphones.

RESURGENCE OF SINHALA-BUDDHIST NATIONALISM AND RISE OF EXTREMIST GROUPS

The rising trend of hate speech appears to be analogous to the resurgence of Sinhala-Buddhist nationalism and the rise of extremist groups. The most prominent groups include the Bodu Bala Sena (Buddhist Force Army), the Sinhala Ravaya (Voice of the Sinhalese), the Ravana Balaya (Power of Ravana) and the Bodu Pawura (Wall of the Buddhist).

Experts believe that a network of extremist Buddhists is growing across Asia, as they collaborate in countries such as Sri Lanka, Myanmar and Thailand. Religious freedom violations over the past two years have been linked to hate speech by these extremist groups. UCA News reported that the Ravana Balaya had contacted more than 20 evangelical prayer services in 2014, telling pastors to stop holding services and accusing them of trying to convert Buddhists and Hindus by offering gifts and money.

The International Crisis Group says, “Extremist Buddhists in these countries see Islam as a global force that is backed by powerful countries and money and a lot of powerful institutions and covert terrorist organisations. They see themselves as under threat and are trying to respond in a global way as well through regional connections.”

The actions of these extremist groups do not reflect key aspects of Buddhism: tolerance, non-violence and non-discrimination. In an interview with a respected monk in Sri Lanka, CSW was told, “If someone asks me why [extremist] Buddhists behave in the manner they do, I would say that these groups are not true Buddhism and that they are politically motivated.”

DISCRIMINATORY LEGISLATIVE FRAMEWORK

In 2008 a circular was issued by the then Ministry of Buddha Sasana and Religious Affairs, making the construction of new places of worship subject to permission from the Ministry. This circular raised several

concerns,⁵ including:

- The undefined term ‘traditional religions’ used in the circular, allowing local authorities and the Ministry the freedom to determine the stringency of the application process, and to grant or deny permission, based on their own arbitrary determination of the legitimacy of each religious group;
- The misuse of the circular by government officials to close down existing churches;
- The misuse of the circular by the state to restrict the religious freedom of evangelical Christians, on the basis that they do not belong to the National Christian Council (NCC) or the Roman Catholic Church.

APPENDIX: TESTIMONIES⁶

PASTOR P, PANADURA

Pastor P was born a Buddhist but began working for a church in Colombo in 2002, before moving to a predominantly Buddhist area in the south at the end of 2011. Although he initially found it difficult to expand his ministry, the local Buddhist community eventually began to show him respect. However, his work also attracted attention from certain quarters, resulting in threats against him and his family.

Pastor P was threatened with statements such as, “This is a Buddhist village, there should not be Christians!” In 2011 a petrol bomb was thrown into his house by attackers who thought a church service was being held there. A police report was filed and an investigation began, but the perpetrators were not caught. He continued to use the ruins of his home for his church work.

In 2012 he continued his work despite increasing harassment. His work was seen as an ‘illegal activity’, as it operated from a ‘100% Buddhist village’. On 8 December 2012 a Buddhist monk, accompanied by a mob from the neighbouring village, threatened to shut down the pastor’s ministry; the mob threatened to kill ten people. The monk belonged to the Sinhala Ravaya (a Sinhalese Buddhist Organisation).

Pastor P’s daughter and wife were in the house, and when the family confronted the monk and the mob, telling them they could not take the law into their own hands, the monk told them that the church needed to be registered (this is not in fact a legal requirement). The monk reminded Pastor P that he was operating his church in a Buddhist village, and threatened to take further action if he did not stop. Other attacks have included Pastor P being threatened and told to promise in writing that he would not continue his church work, and would leave the village.

⁵ Some of these concerns were raised as part of CSW’s submission to the Sri Lanka UPR process (14th Session).

⁶ Names have been anonymised.

Pastor P brought a case against the monks at the magistrate's court; while the case was open he continued to receive threats. A case has also been brought at the Supreme Court against the police, for failure to act. The police advised Pastor P not to continue his church work until the case was over.

On 5 March 2013 the court ruled that church services should be allowed to continue; the first service after four months' gap was held on 17 March 2013.

This incident showed a lack of protection provided to the vulnerable. Despite the court verdict, the threats continued, and there was another mob attack on the pastor's wife and children.

On 25 November 2014 the monks requested a settlement at the magistrate's court, due to international media coverage and the strong evidence against the monks. The case against the police is ongoing.

PASTOR Q, MEEGODA

Pastor Q began his church in 2007 with 21 Christians in the village, which was otherwise 100% Buddhist. By 2013 his congregation had increased to 50 people. On 8 September 2013, during the church service, three Buddhist monks came into the church with a mob of around 25 young people. The mob unplugged the sound system, and ignored Pastor Q's request for dialogue. Other members of the mob took down church notices and scriptures from the wall, damaged the church building, and threatened to burn it down. Pastor Q lost consciousness when a monk hit him on the head with one of the guitars, and had also assaulted the church organist.

Although the police arrived half an hour later and took statements from Pastor Q, his wife and the church members, they were reluctant to take further action against the monks. The attack had been led by a monk who was the vice principal of a Buddhist school, and known to have contacts in the Bodu Bala Sena (BBS), an extremist Buddhist group.

Following this attack, Pastor Q witnessed a protest by 1,500 people from the temple, around 4km from his home. The crowd threatened the church, stating "Churches came to this country to destroy Buddhism."

A few months later, on 13 December at 2.30am, a fireball was thrown into the church premises. The mob had returned, angry that the church services were continuing. A report was filed after this attack, but no action was taken, and three weeks later a house belonging to one of the church members was burnt down. This did not deter Pastor Q from holding services outside the damaged church.

The police subsequently filed cases against both the pastor and the monks. Pastor Q was charged with having an illegal place of worship, while the monks were charged with assault and unauthorised entry to a private place. Pastor Q is of the view that these charges were brought because of the international media attention the case received. The case is ongoing.

PASTOR D, POLLANARUWA

Pastor D began his Assemblies of God (AOG) house church in Bakamuna, Pollanaruwa in 2004. In early 2004 he was beaten up in an attempt to force him to leave the village. He did not go to the police, preferring to leave the situation in God's hands.

In 2012/2013 he was given some land, which he used to build a small church. He started to receive threats from monks who asked him to leave the village and move his church to a Christian village. Subsequently he received a phone call from the police station requesting a meeting. The monks were also present at the meeting, claiming they had been called in to 'protect' the Buddha Sasana (teachings of the Buddha). At the meeting Pastor D was accused of converting Buddhists unethically. They also falsely accused him of distributing books, leaflets and photocopies of pages from the Bible.

Pastor D was forced to sign an undertaking that he would close his church. The monks claimed that he was converting Buddhists unethically by giving them money. He was refused planning permission to build a house, even though all legal requirements had been met. In November 2013 he was called to the temple, where he was accused of distributing leaflets.

Although Pastor D continues to be harassed by the monks, he has opted not to give in and has continued to hold church services in the village.

PASTOR M, VALIKANDE

Pastor M began his church in 2002, when he would hold prayer meetings for 30 people under a mango tree, in a place 50km from his home. He was eventually able to obtain land to build a shelter to conduct his prayer meetings.

He received threats from the time he started building his church; on at least 15 occasions a mob or the police threatened him, trying to force him to stop building. He was told that only Buddhists are allowed to live in the village, and that he should move somewhere else where he can live with Christians.

On 13 July 2014, a prayer meeting with 150 people was attacked. Pastor M continued to receive threats from Buddhist extremist groups, and he eventually moved out of the village.

PASTOR J, VALAICHENNAI

Pastor J started his church in Valaichennai in May 2013. On 31 August 2014 members of the church, including Pastor J and his family, were attacked by a mob after the church service. His wife and daughter were severely injured. Hindus in the area had joined a Buddhist monk

from the Valaichennai temple in threatening to burn down the church, and false propaganda was distributed claiming that he had three wives.

A complaint was filed with the police and one person was remanded in custody. Although the physical attacks have stopped, Pastor J has experienced pressure from the offices of the local government questioning the church's legal status and registration.

PASTOR N, PATHICHENNAI

Pastor N built his church in 2005 after being given some land. The Rural Development Society, which is mainly headed by Hindus, wanted to stop the construction of the building. Their attempts did not succeed, but once the church was built, Pastor N experienced constant harassment and intimidation. In 2009 the church was severely damaged and a case was filed with the police. Despite the report made to the police, the harassment and intimidation continued. Pastor N was also informed that the permit for his church building had been revoked.

In 2010 Pastor N attempted to rebuild his church, with a congregation of five families consisting of 18-19 people, but the building could not be completed as the local government refused to release the permit.

PASTOR H, WARAKAPOLA

On 16 December 2012 the church's Sunday morning service was interrupted by 20 Buddhist monks and 65 others, who questioned the pastor's church work and his authority, stating that there is no religion but Buddhism in Sri Lanka. The mob destroyed property, assaulted him and his wife, and ordered them not to conduct Christian activities in the village.

A complaint was filed with the police in January 2014 claiming that the pastor and his wife were disrupting peace in the village. As a result, the police ordered the pastor to stop his 'illegal activities' in the area. An investigation was carried out, and despite there being no evidence against Pastor H, the judges were not willing to dismiss the case, so it was taken to the Attorney General.