

Introduction

1. CSW (Christian Solidarity Worldwide) is a human rights organisation specialising in the right to freedom of religion or belief (FoRB) for all.
2. This submission seeks to draw attention to the right to FoRB in Sri Lanka during the reporting period and the country's commitment to FoRB recommendations accepted during its last Universal Periodic Review (UPR).

Freedom of religion or belief recommendations from previous UPR cycles

3. During the third UPR cycle, Sri Lanka received 236 recommendations - supporting 180 and noting 56. Of these, the state received and accepted 10 recommendations pertaining specifically to the right to FoRB, including recommendations to Strengthen existing law and practice to guarantee the right to FoRB for all citizens and residents in accordance with the International Covenant on Civil and Political Rights (ICCPR); to investigate and hold accountable perpetrators of harassment and violence against members of religious minority communities; to take concrete measures aimed at preventing and punishing the perpetrators of hate speech and incitement of violent attacks against ethnic and religious minorities and to prevent the spread of religious hatred; to actively encourage inter-faith dialogue and to promote national reconciliation.
4. While CSW commends Sri Lanka for accepting recommendations pertaining to FoRB at the last UPR, we remain concerned by outstanding FoRB violations taking place in the country, in law and in practice. Despite the 30-year ethnic civil war ending in 2009, there are ongoing challenges to unifying Sri Lanka's diverse ethno-religious population.
5. Sri Lanka is at a crossroads. The country's withdrawal from UN Resolution 30/1, relating to reconciliation and accountability for alleged war crimes committed in the ending of the civil war, the 20th Amendment, and the economic and political crisis surrounding the Rajapaksa's administration demonstrate that the country is already moving towards becoming an autocratic state with a lack of emphasis on human rights and has the potential to entrench restrictions on FoRB and wider civil society.

Legislative framework

6. Sri Lanka has an extensive body of laws to guide the relevant judicial institutions to protect and promote freedom of religion or belief. Freedom of thought, conscience and religion is enshrined in Article 10 and

14 (1)(e) of the constitution. However, the constitution also contains Article 9 which accords a special status to Buddhism and Buddha Sasana, and the state is required to protect it, though it is not the state religion. While the term Sasana generally refers to the teachings of the Buddha, in the Sri Lankan context it is often understood as the 'physical bounds of the land consecrated by the Buddha.'¹

7. The law recognises four religions: Buddhism, Islam, Hinduism, and Christianity, but according to a 2003 Supreme Court ruling, only Buddhism is protected by the state, not other religions, and there is no right to proselytize under the constitution. In general, Supreme Court rulings reveal a latent fear of the spread of other religions in Sri Lanka, which underlines the targeting of minority faith communities. Furthermore, the Supreme Court sets legal precedents and the tone for the lower domestic courts to follow.
8. In October 2008 a circular was issued by the then Ministry of Religious Affairs and Moral Upliftment (now the Ministry of Buddhasasana), to regional secretaries and local governments concerning the construction and registration of new places of worship requiring the approval of the ministry. This circular raised several concerns: (i) Use of the undefined term 'traditional religions', which allows 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; (ii) The misuse of the circular by government officials to close down existing churches; and (iii) 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.
9. The Circular is not a law, as it was not passed by the legislature, and Sri Lankan legislation does not require the registration of religious places of worship or any religious body. Nevertheless, it has been used by law enforcement and local government officials to target religious minority groups and their places of worship. Furthermore, while the Circular only applies to constructions after 2008, attempts have been made to apply it retroactively. Concerns regarding Circular 2008 were also raised by the UN Special Rapporteur on FoRB following a visit to the country from 15-16 August 2019.²
10. A 2020 ban on domestic cattle slaughter has raised concerns that this law could lead to an increase in vigilantism against religious minorities, as has been observed in parts of India where similar laws exist.

1 Asian Journal of Comparative Law, Special Issue 2018, 'The Constitutional Practice of Ethno-Religious Violence in Sri Lanka', p.14 http://www.academia.edu/37434371/The_Constitutional_Practice_of_Ethno-Religious_Violence_in_Sri_Lanka

2 United Nations, Visit to Sri Lanka: report of the Special Rapporteur on Freedom of Religion or Belief, A/HRC/43/48/Add.2, August 2020, https://digitallibrary.un.org/record/3883351/files/A_HRC_43_48_Add.2-EN.pdf?ln=en

11. The Prevention of Terrorism Act (PTA) gives security forces sweeping powers to arrest and imprison suspects. This has led to several fundamental rights abuses including torture, arbitrary arrest and detention and repression of free speech. Several members of the Muslim minority community continue to be held in indefinite detention, having been arrested after the Easter Sunday bombings (2019), and it has also been used as a justification for the arrests of human rights lawyers and others who have criticised the government, including Hejaaz Hizbullah and poet Anhaf Jazeem.
12. On 10 June 2021 the European Parliament adopted a resolution on arrests made under the Prevention of Terrorism Act (PTA), calling for a temporary withdrawal of the GSP+ status to the country until the law is repealed.

Sinhala-Buddhist Nationalism and extremist groups

13. CSW is concerned by the rise in Sinhala-Buddhist nationalism and extremist groups. Buddhist Nationalist monks and groups such as the BBS play a key role in the spread of religious hatred and violence, and were some of the driving forces behind the 2018 riots in Ampara and Kandy and are often described as ‘a majority with a minority complex’³ who attempt to portray themselves as the protectors of Sri Lanka’s Sinhalese-Buddhist majority status. Since its formation the BBS has propagated strong anti-minority rhetoric and false narratives. Other groups have also formed, including the Sinhale Jathika Balamuluwa (SJB) with the purpose of safeguarding ‘the identity of the Sinhala people and to regenerate the supremacy and pride of the Sinhala people.’⁴
14. Public statements by government officials served to validate the opinions of groups like the BBS who have also been able to use the state-owned cellular network to raise funds.⁵ There is less direct evidence linking the government of President Sirisena (2015-2019) to Buddhist nationalists; however, his government’s failure to clamp down on hate speech and prosecute perpetrators has created a climate of impunity which the BBS have exploited to further their agenda.
15. The emergence of Hindu nationalism, inspired by the Rashtriya Swayamsevak Sangh (RSS) in India has seen fringe groups attacking church meetings, hate speech, death threats and opposition to burials. Conversely, Hindu temples are being demolished and replaced by Buddhists temples.

Hate speech

16. Social media in Sri Lanka has a big influence on the spread of stereotypes and misconceptions surrounding religious minorities. For many, Facebook has become a dominant platform for ethno-nationalist groups and online hatred is high, inflaming inter-religious tensions. The rapid spread of rumours and the government’s reaction of blocking social media following the 2018 Kandy riots, the 2019 Easter Sunday bombings and violence in the North Western Province in May 2019, demonstrate this is an issue across Sri Lanka.
17. Social media is frequently used by Buddhist nationalist groups and individuals to create a climate of intolerance, making it easier to mobilise supporters. In February 2018 false rumours were spread on Facebook about a seizure of 23,000 sterilisation pills from a Muslim pharmacist in Ampara in the Eastern province of Sri Lanka.⁶ It was rumoured that the pills were being added to the food of Sinhalese customers to ensure the dominance of Islam. The next day a customer in a Muslim-owned restaurant found a lump in his food. He asked one of the owners in Sinhalese if he put sterilisation medicine in his food. The owner, who did not understand Sinhalese, and was unaware of the rumours, replied in broken Sinhalese, “Yes, we put?” thinking that the customer was correctly identifying the object as a lump of flour. A mob which had gathered during the complaint beat the owner, destroyed the shop and set fire to the local mosque.
18. During the 2020 parliamentary election, online anti-Muslim propaganda was aimed at Muslim candidates, propagating the dangers of “Muslim expansionism,” with calls to ban Islamic symbols or institutions and boycott on Muslim owned businesses. A notable example is Madu Madhawa Aravinda, a SLPP candidate, who in a series of interviews which were shared widely on Facebook and YouTube, accused the Muslim community of supporting the cause of one of the 2019 Easter Sunday attackers.
19. During the COVID-19 lockdown hate speech against Muslims and Christians increased again, on both mainstream and social media.

Violations against religious minorities

20. Ethno-religious tensions have been fuelled by Buddhist nationalist groups in Sri Lanka since 2012. Crimes are committed in an environment of impunity, and the Muslim and Christian communities are discriminated against, intimidated and attacked.

3 Asian Journal of Comparative Law, Special Issue 2018, ‘The Constitutional Practice of Ethno-Religious Violence in Sri Lanka’, ibid p.16

4 Centre for Policy Alternatives, ‘Dynamics of Sinhala Buddhist Ethno-Nationalism in Post-War Sri Lanka’, www.cpalanka.org/wpcontent/uploads/2016/04/Dynamics-of-Sinhala-Buddhist-Ethno-Nationalism-in-Post-War-Sri-Lanka.pdf p.27

5 New York Times, ‘Sri Lanka’s Violent Buddhists’, 2 January 2015 www.nytimes.com/2015/01/03/opinion/sri-lankas-violent-buddhists.html

6 New York Times, ‘Where Countries are Tinderboxes and Facebook Is a Match’, 21 April 2018 www.nytimes.com/2018/04/21/world/asia/facebook-srilanka-riots.html

Christians

21. One of the factors driving intolerance towards Christians is fear of expansion via proselytism. Sinhalese-Buddhist nationalists perceive proselytism as a threat to their dominance.
22. Registration of places of worship continues to be a challenge particularly for Christian churches. To date, there is no law requiring registration, but the Ministry of Buddhasasana and regional state bodies continue to demand proof of registration with, or approval from, the Ministry of Buddhasasana, for churches to function. This has resulted in several churches having to shut down. In addition, regional state bodies have also demanded that churches obtain approval from a purported Sasanarakshaka Balamandalaya (roughly translated as a 'power force protecting the Sasana'), which typically comprises Buddhist monks.
23. A more recent trend has been the surveillance of places of worship under the guise of national security or public health. There were renewed demands for anti-conversion laws in August 2020 by the current prime minister, and later in March 2021 by Buddhist monks.
24. A report by Minority Rights Group identified structural discrimination against Christians in Sri Lanka, characterised by the reactions of state officials to violence against Christians, which ranged from condoning illegal acts to refusing to record complaints. At the ministerial level of government, there is a refusal to acknowledge the violence experienced by the Christian community. Seventy-seven incidents of religious violence and intolerance were reported against Christians in Sri Lanka in 2021.
25. One of the most notable attacks to take place during the reporting period took place on Easter Sunday 2019 when a small Sri Lankan group, National Thowheed Jamath (NTJ), conducted a series of bombings targeting churches and hotels across Sri Lanka, killing over 250 people. The bombings clearly possessed a religious dimension because the perpetrators were Muslim and the victims predominantly Christian, and churches were also targeted. Furthermore, the group's founder, Zahran Hashim, had previously made public speeches in which he preached that all non-Muslims should be killed⁷ and, in 2016, had distributed leaflets condemning Christianity.⁸ An additional factor is that Christianity in

Sri Lanka has long been associated with colonialism, with churches viewed as symbols of the West.⁹ The hotels that were attacked were ones likely to be hosting foreign tourists.¹⁰ Muslim leaders condemned the attacks, with many denying the bombers a religious burial, sending 'a clear warning to the entire Muslims [sic] community that such violence in the name of faith was unacceptable.'¹¹ Some mosque leaders even 'stopped broadcasting prayer calls over loudspeakers to avoid offending mourners.'¹²

Muslims

26. The Muslim community has faced decades of suspicion and distrust. Many Sinhalese-Buddhist nationalists fear a rapid rise in the Muslim population and tensions were further exacerbated after the 2019 Easter Sunday bombings.
27. The Easter Sunday attacks led to anti-Muslim violence in North Western province and the Gampaha district. The perpetrators were members of both the Christian and Sinhalese Buddhist communities. Anti-Muslim violence ravaged the North Western province and the Gampaha district in particular. Nationalist Sinhalese Buddhist mobs attacked mosques, Muslim homes and Muslim businesses, resulting in the death of one person. In some cases, police and security officials have been accused of being complicit in these attacks and refusing to intervene. In Puttalam, North Western Province, a Muslim man was assured by police that local Muslim businesses would receive protection; however, the 'police only showed up at 7p.m. when they finished burning homes and there was no use of them showing up afterwards.'¹³
28. On 13 May 2020 in Hettipola, Panduwasnuwara, North Western Province, more than 80 shops, houses and buildings owned by Muslims were damaged, including the central mosque, Masjid Al Huda.¹⁴ Locals blamed outsiders rather than their Sinhalese neighbours. Mr Sapuwan, whose shop and home were burned down, stated, 'It was our Sinhalese brothers and sisters who helped us, even in this situation. We don't believe anyone from our neighbourhood in Kuliyaipitiya was involved.'¹⁵ As in the case of the Kandy riots of 2018 where perpetrators were bussed in, this implies organisation by a group or groups rather than spontaneous rioting.
29. Refugees from Pakistan and Afghanistan, some of whom

7 Parliament of Sri Lanka, 'Report of the Select Committee of Parliament to look into and report to Parliament on the Terrorist Attacks that took place in different places in Sri Lanka on 21st April 2019', 23 October 2019, p.87 www.parliament.lk/uploads/comreports/sc-april-attacks-report-en.pdf#page=1

8 *ibid.*, p.84

9 The Atlantic, 'How Sri Lanka's Christians Became a Target', 24 April 2019 www.theatlantic.com/international/archive/2019/04/sri-lankas-christiansfaced-new-persecution/587842/

10 *ibid.*

11 Colombo Telegraph, 'Secularism or Barbarism', 16 May 2019 www.colombotelegraph.com/index.php/secularism-or-barbarism/

12 Washington Post, 'Sri Lanka's Muslims fear retaliation after Easter attacks on Christians', 24 April 2019 www.washingtonpost.com/world/asia_pacific/sri-lankas-muslims-fear-retaliation-after-easter-attacks-on-christians/2019/04/24/9ffdfc8-6611-11e9-a698-2a8f808c9cfb_story.html

13 *ibid.*

14 *ibid.*

15 *ibid.*

are Christian, have also been targeted.

30. Religious intolerance towards Muslims predates the 2019 Easter Sunday attacks. Many propagators of hate speech play on economic factors, suggesting that all Muslims are successful businessmen. Responses to this include Halal boycotts and repeated attacks and destruction of Muslim businesses.¹⁶
31. The ban on full face covering is a recurring issue among nationalists and the nationalist politicians. Several Muslims have been arrested under the PTA and the ICCPR Act on grounds of inciting religious disharmony – they are detained without charges being filed on unsubstantiated grounds for prolonged periods of time.

Civil society and human rights defenders

32. Sri Lanka was ranked 127 out of 180 countries in the Reporters Without Borders 2020 World Press Freedom Index, with arbitrary arrests of journalists continuing. Authorities have used the pandemic to justify a further crackdown on freedom of expression, ordering the arrest of anyone who criticised officials for their handling of the COVID-19 pandemic.
33. In his visit to Sri Lanka in 2019, the UN Special Rapporteur on the rights to freedom of peaceful assembly and of association was informed that security and intelligence officers frequently enter NGO offices, submitting members to questioning.¹⁷ Following the pandemic, a more recent trend has been the surveillance of places of worship under the guise of national security or public health.

Recommendations

34. ***Guarantee the full enjoyment of the right to freedom of religion or belief for all religion or belief minorities in accordance with Article 18 of the ICCPR.***
35. ***Rescind the 2008 Circular on prior permission for construction and registration of places of worship, and ensure it is not misused to intimidate religious minorities.***
36. ***Put in place a public policy framework aimed at ending hate speech and prosecute those responsible for propagating hate speech against religious minorities, while ensuring the freedoms of opinion and expression are protected and promoted.***

37. ***Take measurable steps to hold social media networks accountable for content containing hate speech and promote media pluralism and diversity.***
38. ***Establish mechanisms to increase accountability of state actors, for example by providing training on key human rights issues to the police force and judiciary.***
39. ***Take effective measures to encourage reconciliation and social cohesion among different ethnic and religious groups, including supporting initiatives to promote intergroup dialogue.***
40. ***Fully support and provide unhindered access to Special Procedures and the Office of the High Commissioner for Human Rights (OHCHR) if they request to visit Sri Lanka.***

¹⁶ MinorMatters, 'The Challenge for the Muslim Community after the Recent Communal Violence in Sri Lanka', 7 March 2019 www.minormatters.org/en/blog/the-challenge-for-the-muslim-community-after-the-recent-communal-violence-in-sri-lanka

¹⁷ UN Human Rights Council, Visit to Sri Lanka: Report of the Special Rapporteur on peaceful assembly and association, A/HRC/44/50/Add.1, May 2020 <https://undocs.org/en/A/HRC/44/50/Add.1>

**CSW everyone
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