

**United Nations Human Rights Council  
Universal Periodic Review of Member – The Democratic Socialist Republic of Sri Lanka**

**A. Country Background**

Sri Lanka remains in the process of rebuilding its government and infrastructure after a 27-year civil war that ended in 2009. A government-appointed independent task force on constitutional reform was created in December 2015, and in May 2016 it concluded two nationwide public consultations that respectively addressed constitutional reform and implementation of the October 2015 United Nations Human Rights Council resolution on transitional justice. The task force heard from over 2,500 individuals and received hundreds of other submissions, and published a comprehensive public report on its findings on May 31, 2016. The report recognized political issues including the nature of devolution of powers from the center and the supremacy of Buddhism. The task force recommended commitment to and enforcement of the constitution in all legislation. However, despite its pledges, the Sri Lankan government failed to implement the UN recommendations to abolish the draconian Prevention of Terrorism Act (PTA) and reform the Witness and Victim Protection Act. Instead, it used the PTA during a series of arrests in April and May of 2016. When the UN Special Rapporteur on torture, Juan Mendis, visited Sri Lanka in May 2016, he reported that the Criminal Investigation Department commonly used torture and the Terrorism Investigation Division had increased the use of “torture in cases of real or perceived threats to national interests.” He also reported near complete impunity in torture cases, both old and new. A June 2016 update by the UN High Commissioner for Human Rights urged greater progress, and is expected “to provide a more comprehensive report to the Human Rights Council in early 2017.” The 2015 Human Rights Council resolution “remained largely unimplemented although the government was able to report progress on certain aspects and did seek technical expertise from the relevant branches of the UN and other countries.”<sup>i</sup>

The Constitution of Sri Lanka protects human rights by guaranteeing citizens’ fundamental rights, including “freedom of thought, conscience and religion; freedom from torture; right to equality; freedom from arbitrary arrest, detention and punishment, and prohibition of retroactive penal legislation. In addition, every citizen is entitled to freedom of speech, assembly, association, occupation, and movement.”<sup>ii</sup>

**B. Return of Refugees to Sri Lanka**

Despite the end of the conflict in 2009, Sri Lankan refugees are reluctant to return back to the Sri Lanka. According to the Thomas Reuters Foundation, nearly 70% of the refugees that fled to India during the conflict would rather remain in India than return to their former home. Many fear continued insecurity, military presence, failure to address minority rights, and lack of opportunity should they return, despite the poor living conditions they face in the Indian camps they reside in.<sup>iii</sup>

It should be noted that Sri Lanka has supposedly put \$6 billion into reconstruction of the conflict zones.<sup>iv</sup> As of 2013, the government of Sri Lanka had successfully cleared 95% of the country of landmines left from the conflict.<sup>v</sup> The Indian government has also assisted the Sri Lankan government in building approximately 41,000 homes for refugees. Housing for refugees remains a large issue in Sri Lanka.<sup>vi</sup>

In the last UPR cycle, the government of Sri Lanka accepted a recommendation by the government of Zimbabwe to “Consolidate its reconciliation efforts to ensure that durable peace prevails in the country.” Upon taking power in 2015, President Maithripala Sirisena promised reconciliation and to reduce military involvement. However, only minor reconciliation efforts have hardly been made and military presence is still widespread throughout the country.<sup>vii</sup> According to SBS News, the government of Sri Lanka has begun drafting legislation for reconciliation, as well as for reparations.<sup>viii</sup>

Despite the government of Sri Lanka’s agreement to “Continue human rights education for police and security forces to ensure better protection and maintenance of human rights standards,” as recommended by the Democratic People’s Republic of Korea, there does not appear to have been any new human rights training implemented for law enforcement since 1999.

### **C. Investigating War Crimes**

President Maithripala Sirisena pledge to investigate potential war crimes committed during the conflict. However, the country will need to be assisted by the international community.

Multiple reports state that crimes against humanity were committed during the conflict such as impunity by security forces, the unlawful killing of civilians, and the use of brutal torture and rape.<sup>ix</sup> These abuses were documented in the UN Internal Report on Sri Lanka. The Sri Lankan government has agreed to a special court to investigate the war crimes, however has rejected the idea of having foreign judges involved.<sup>x</sup>

In the last UPR cycle, the Sri Lankan government agreed to, “Strengthen efforts to investigate allegations of serious violations of international humanitarian law and the international human rights during the conflict and to hold those responsible to account,” as recommended by Ukraine. However, by rejecting assistance from the international community in investigating the crimes, the Sri Lankan government fails to make any real progress not only in terms of justice, but reconciliation. As long as the Sri Lankan government denies the international community, Sri Lankan refugees will be hesitant to return.

### **D. Religious Freedom**

According to the CIA World Factbook, 70.2% of the Sri Lankan population is Buddhist, 12.6% Hindu, 9.7% Muslim, 6.1% Roman Catholic, 1.3% other Christian denominations, and 0.05% belong to other religions.<sup>xi</sup> While Buddhism is not the official religion of the country, laws give it the “foremost place.” However, the constitution guarantees every person “freedom of thought, conscience, and religion, including the freedom to have or to adopt a religion or belief of his choice.”<sup>xii</sup>

The U.S. State Department’s “Sri Lanka 2015 International Religious Freedom Report” indicates that Buddhist monks continue to enjoy protection from the government; for instance, monks frequently tried shutting down places of worship on the basis of lacking approval from the Ministry of Justice and Buddha Sasana. For the year 2015, the National Christian Evangelical Alliance of Sri Lanka recorded 87 “attacks on churches, intimidation and violence against pastors and their congregations, and obstruction of worship services.” They reported 96 incidents of the same nature in 2014. The Secretariat for Muslims documented 82 incidents of “hate speech, acts of discrimination, attempts to desecrate or destroy Muslims religious edifices, and verbal insults upon or use of physical force to impede Muslims cultural practices and rituals.” The number of incidents was much higher in 2014, as the incidents reported for 2015 was a 62% reduction from the previous year.<sup>xiii</sup>

An article published by Christian Today reported that the belief among the Christian community in Sri Lanka was that things would improve with the new government that took position in 2015. However, a year later in 2016 more than 120 incidents of Christian persecution were documented. The article also stated that in 2013 there were 103 incidents recorded, and 52 incidents in 2012.<sup>xiv</sup> Since 2012, there has been a steady increase of Christian persecution, with the exception of 2015, the year of the new government, which had a very slight decrease.

During the last UPR cycle, the government of Sri Lanka accepted the recommendation to, “Promote national reconciliation taking into account and protecting Sri Lanka's ethnic and religious pluralism, ensuring that all religious denominations are granted equal treatment and enjoy their fundamental rights,” as recommended by the Holy See. The government of Italy also recommended the government of Sri Lanka to, “Step up efforts to protect freedom of religion and promote inter- religious dialogue as a tool to foster tolerance and peaceful-coexistence,” which was accepted.

However, as mentioned above, Buddhist followers have been shown partiality while members of the minority religious groups continue to fall victim to attacks and incidents of discrimination. The following are a select few examples of incidents from 2017 and 2016:

5 January 2017: A Buddhist mob attacked the Kithu Sevana prayer centre in Paharaiya, north western Sri Lanka. The mob was reported to be as large as 200 individuals. The Christians were verbally threatened then the place of worship was destroyed.

16 July 2016: At 11:30 am police officers arrived on the premises of “Church of Truth” in Pallekele in the Kandy district. The police informed the pastor that they had received complaints about the church from villagers. The pastor was ordered to stop all activities until

he obtained approval from the “Ministry of Buddha Sasana and Religious Affairs.”<sup>xv</sup>

9 April 2016: At approximately 12:30 am the house of the pastor of “Kings Revival Church” in Gampola in the Kandy district was stoned while the pastor, his wife, and 15 others were in the home praying. Despite the police being immediately called, they didn’t arrive until 6 am.<sup>xvi</sup>

3 April 2016: A local villager stood outside of the “Good Shepherd Gospel Centre” at approximately 8:30 am and began using obscene language and scolding the pastor and those arriving for the Sunday service. At around 10:00 am he began threatening to throw acid on the congregants’ children and accused the pastor of receiving money from abroad.

14 February 2016: The pastor of the “Voice of Heaven Church” in Dumalasuriya in Kurunegala district was called by the OIC at approximately 9 am and instructed to stop his Sunday service. The reason they gave the pastor was because the local Buddhist temple planned to conduct a protest outside of the church. The OIC warned that if he did in fact hold his Sunday service, he would be placed under arrest for causing a breach of peace. The pastor continued with the Sunday service anyway, and no protest was held.<sup>xvii</sup>

31 August 2015: 2 officers from the Divisional Secretariat who represent the Ministry of Buddha Sasana and Religious Affairs visited the “Good Shepherd Gospel Centre” at approximately 2 pm. The pastor was informed that the officers were investigating a petition submitted against the pastor and the church. On 9 September 2015, 4 officers arrived at the church and claimed that they had received several petitions against the pastor. Additionally, the pastor was instructed to stop all activities and register the church with the Ministry of Buddha Sasana and Religious Affairs.<sup>xviii</sup>

26 June 2015: The pastor of the “Lighthouse Church” in Hathraliyadda in the Kandy district went to the police station after receiving a call informing him that a petition had been filed against him because his church was “an unauthorized place of worship.” Later that night, a group of unidentified persons damaged the church and set it on fire.<sup>xix</sup>

8 June 2016: Approximately 50 villagers caused disruption at a funeral service conducted by the pastor of the “Assemblies of God Church” in Karuwalagasweva in Puttalam. The villagers yelled verbal assaults and also tried to physically assault him.<sup>xx</sup>

9 May 2016: During service at the “Grace Covenant Church” in Nedunkerny, Maruthodai in the Vavuniya district, 12 people gathered outside the premises and shouted threats at the pastor and those in attendance for two hours. The church had been previously damaged by a mob in a similar incident.<sup>xxi</sup>

## **E. Recommendations**

The government of Sri Lanka should be encouraged to significantly improve its reconciliation and rebuilding efforts to ensure that Sri Lankan refugees feel safe to return to the country. This includes scaling back military presence and the continued building of homes for refugees to

return to.

The government of Sri Lanka should continue to be encouraged to welcome international assistance for investigating war crimes. In addition, security forces should be encouraged to undergo human rights training which includes post-war reconciliation and humane treatment while in authority.

The government of Sri Lanka should be encouraged to treat all religious practices equally, in particular, Buddhists should not be shown favoritism. The government should be urged to crack down on monks that attempt to shut down religious worship centers for not being authorized by the Ministry of Justice and Buddha Sasana. In addition, the role of security forces threatening to shut down worship centers should be investigated. Since it appears that security forces have not had to endure any significant human rights training since 1999, security forces should undergo human rights training which includes religious tolerance.

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<sup>i</sup> <http://www.refworld.org/cgi-bin/texis/vtx/rwmain?page=printdoc&docid=587b581ca>

<sup>ii</sup> [http://www.un.org/ga/search/view\\_doc.asp?symbol=A/62/778&Lang=E](http://www.un.org/ga/search/view_doc.asp?symbol=A/62/778&Lang=E)

<sup>iii</sup> <http://news.trust.org/item/20141029085451-ru1cx/>

<sup>iv</sup> Ibid.

<sup>v</sup> <https://www.jica.go.jp/english/news/opinion/2014/140617.html>

<sup>vi</sup> <http://www.ft.lk/article/575782/India-makes-housing-dream-come-true-for-Sri-Lanka-s-war-affected-people>

<sup>vii</sup> <http://www.abc.net.au/news/2016-05-18/sri-lanka-reconciliation-effort-slammed-on-war-anniversary/7425636>

<sup>viii</sup> <http://www.sbs.com.au/news/article/2017/02/15/sri-lanka-must-have-foreign-judges-war-crime-investigation-hrw>

<sup>ix</sup> <http://www.abc.net.au/news/2015-09-16/sri-lanka-un-war-crimes-report/6781380>

<sup>x</sup> <http://www.abc.net.au/news/2016-05-18/sri-lanka-reconciliation-effort-slammed-on-war-anniversary/7425636>

<sup>xi</sup> <https://www.cia.gov/library/publications/the-world-factbook/geos/ce.html>

<sup>xii</sup> <https://www.state.gov/documents/organization/256529.pdf>

<sup>xiii</sup> Ibid.

<sup>xiv</sup> <http://www.christiantoday.com/article/new.government.old.story.the.ongoing.persecution.against.christians.in.sri.lanka/83845.htm>

<sup>xv</sup> <https://slchurchattacks.crowdmap.com/reports/view/533>

<sup>xvi</sup> <https://slchurchattacks.crowdmap.com/reports/view/521>

<sup>xvii</sup> <https://slchurchattacks.crowdmap.com/reports/view/494>

<sup>xviii</sup> <https://slchurchattacks.crowdmap.com/reports/view/477>

<sup>xix</sup> <https://slchurchattacks.crowdmap.com/reports/view/467>

<sup>xx</sup> <https://slchurchattacks.crowdmap.com/reports/view/467>

<sup>xxi</sup> <https://slchurchattacks.crowdmap.com/reports/view/440>