



**Interactive Dialogue with the Special Rapporteur on freedom of religion or belief
on the report of his visit to Sri Lanka (A/HRC/43/48/Add.2)**

Statement by Sri Lanka

Madam President,

Sri Lanka takes note of the report of Mr. Ahmed Shaheed, Special Rapporteur on freedom of religion or belief following his visit to Sri Lanka from 15 to 26 August 2019, which has been presented to this Council today (A/HRC/43/48/Add.2). The advanced unedited report of the Special Rapporteur (SR) was shared with Sri Lanka, for comments, on 3 February 2020, with a deadline of 28 February 2020, i.e. last Friday, leading to an Interactive Dialogue thereon today - Monday.

However, within the limited time available, Sri Lanka wishes to provide some general observations on the SR's report. We request that our full observations, which will follow, be published as part of the report.

Sri Lanka received the SR in August 2019, barely 4 months after the country had suffered a series of horrendous terrorist attacks by certain local groups inspired by ISIS which targeted innocent civilians at worship and at hotels on Easter Sunday, causing the death of 258, including 45 foreign holiday makers. The facilitation of the visit, at a time of numerous national challenges, was a manifestation of the Government's policy of open and constructive dialogue with UN human rights mechanisms.

The people of Sri Lanka have lived amicably despite racial and religious differences for centuries, and continue to do so. Having suffered the scourge of separatist terrorism for nearly three-decades, they had been enjoying their hard-won peace and freedom, and had embarked on the path of reconciliation and national healing over the last decade. However, the Easter Sunday attacks reminded us that we are fighting a common adversary in terrorism, radicalization and extremism, which is a global threat.

In this context, we consider it unfortunate that the SR's report has, to a large extent, sought to judge the space for freedom of religion or belief in Sri Lanka through the few months that followed the Easter Sunday attacks. As may be recalled, the scale of these attacks brought about a national emergency in Sri Lanka which called for prompt action by the State to identify and neutralize terrorist elements in different parts of the country

in the interest of safety and security of all communities, while maintaining the delicate balance between national security and human rights. In the aftermath of the attacks, the Government immediately took all possible measures to prevent any retributive acts of civil unrest, maintain law and order, and most importantly to ensure the safety and security of all people, particularly the Muslim community. The constructive and reconciliatory approaches and calls made by the civil and political leadership of the country which helped contain the situation were widely acknowledged and appreciated. The Muslim community particularly took proactive measures to cooperate with the security agencies in their investigations and search operations. Suspects who were arrested were afforded their legal safeguards and independent institutions were provided access to monitor their situation.

The incidents of mob violence that occurred 3 weeks after the terrorist attacks were not communally motivated but caused by unruly elements. These mobs were efficaciously neutralised by the Government through a number of arrests and by bringing to justice alleged perpetrators. The country fast returned to normalcy, reassuring the safety and security of all Sri Lankans and visitors to the country. Through giving effect to relevant legal provisions and following necessary legal processes, order and rule of law has been firmly re-established. The security forces of Sri Lanka merit particular commendation for their prompt and professional action in this regard.

Therefore, the Government rejects the inaccurate references in the SR's report to "serious concerns" regarding "Sri Lankan security forces colluding with mobs and not acting to prevent or stop the violence"; the "lack of response from the authorities against this violence"; and the claims that "acts of violence are indulged by the silence and inaction from the authorities". It is regrettable that these inaccurate accounts have been included in the report, even after they have been fully rebutted and explained by the Government soon after the alleged incidents.

It is also regrettable that the report has sought to portray instances where criminal investigations have been conducted to prevent acts of terrorism in accordance with the law, as an endeavor to violate the freedom of religion or belief.

With regard to references to restrictions on dress code, it is noted that the regulation concerned was a temporary measure under the Emergency Regulations aimed at preventing concealing of identity, in view of the imminent security threat that existed at the time. In this regard, we wish to draw the attention of the Council that the International Covenant on Civil and Political Rights (ICCPR)¹ itself has permitted limitations by law to the freedom to manifest one's religion or beliefs for the purposes of

¹ Article 18(3)

protecting public safety, order, health, or morals or the fundamental rights and freedoms of others.

Sri Lanka also categorically rejects the inaccurate assertion in the report that the ICCPR Act has not been applied to protect minorities but has become a “repressive tool” curtailing freedom of religion or belief. In this regard, we wish to point out that since its enactment in 2007 to date, 90% of the suspects who were arrested under the ICCPR Act have been from the majority Sinhala community.

With regard to comments made in the report about alleged discrimination based on “supremacy” of Buddhism over other religions, we wish to highlight that Article 9 the Constitution requires the State to protect and foster the Buddha Sasana while assuring all religions the rights granted under the Constitution. No provision in Sri Lanka’s Constitution or national laws permits discrimination of an individual based on religion or belief in any sphere of public life. On the contrary, Article 12 of the Constitution prohibits discrimination based on race, religion, language, caste, sex, political opinion, place of birth or any such grounds.

In the SR’s report, certain instances, determinations of the Supreme Court have been inaccurately reflected based on surmise. In certain other instances, the Constitutional provisions have been inaccurately reflected, for example, the SR’s comments on the right to proselytize and conversion which are an inaccurate reflection of the determination of the Supreme Court.

The report has failed to adequately discuss the drivers and root causes of radicalization of youth from one particular religious community to the extent of engaging in acts of terrorism, and appears to lack inputs from a broader spectrum of Sri Lankan society, including family members of victims and suspects, as well as other neutral groups. In describing attacks against and desecration of places of worship, the report has failed to refer to incidents of attacks on and vandalizing of Buddhist places of worship and instances of obstruction of Buddhist devotees in certain areas of the country.

The report also fails to adequately address positive measures undertaken by the Government and the law enforcement agencies to foster religious harmony, such as addressing extremist elements on all sides, payment of compensation through the Office for Reparations to victims of violence, and setting up of mechanisms such as an Inter-Religious Council. It is unfortunate that the resilience and solidarity of Sri Lankans protecting and assisting fellow citizens of all faiths in the aftermath of April 21, as demonstrated by Buddhists and Christians guarding Muslims at prayer, renovation of damaged property and restoration of damaged churches by the security forces, have not been reflected in the report. Nor has the laudable role played by the independent

institutions of Sri Lanka, such as the Human Rights Commission, during this challenging period, received the attention that it warrants.

The report notes that the “school curriculum should be designed to include human rights education”, whereas human rights education is already part of the national curriculum in schools. There are a number of co-curricular programmes and activities being planned and delivered at various levels, including at schools, to foster greater understanding amongst school children from different communities and religions.

The GoSL wishes to reiterate that the State possesses credible agencies, the capacity and the necessary legal framework to address the issues of concern. Sri Lanka remains committed to protecting and promoting the freedom of conscience and religion of all its people, in accordance with the Constitution of the country.

We look forward to continuing to engage with the Special Rapporteur and this Council in a constructive and meaningful manner towards this end.

Thank you