

## 2006 ANNUAL REPORT OF THE UNITED STATES COMMISSION ON INTERNATIONAL RELIGIOUS FREEDOM

### Sri Lanka

In the past two years, the Commission turned its attention to Sri Lanka in the face of two primary concerns: an increasing number of attacks targeting members of religious minorities and churches; and proposed legislation on religious conversion that, if enacted, would have violated international law norms and resulted in mandated abuses of freedom of thought, conscience, and religion or belief in Sri Lanka. In February 2006, the Commission visited Sri Lanka to seek information about reports of growing religious intolerance. The delegation met with Sri Lankan government officials, Members of Parliament, representatives of political parties, human rights organizations and other non-governmental groups, and representatives of the Buddhist, Hindu, Christian, and Muslim communities. The Commission notes that the proposed legislation on religious conversions has been deferred at the present time. Nevertheless, the Commission will continue to monitor the situation in Sri Lanka and report on any further attempts to restrict freedom of religion in that country.

Unlike many of the other countries that draw Commission attention, Sri Lanka is, despite years of civil war, a functioning democracy. The constitution of Sri Lanka forthrightly guarantees that "Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice." It also states that "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted" by other articles in the constitution.

There have been an increasing number of violent attacks on churches, ministers, and other Christian individuals in the past few years reportedly carried out by members of, or persons affiliated with, extremist groups espousing Buddhist nationalism. There are reports that in the rural areas churches and individual Christians have been physically assaulted by one or more persons or by large groups, particularly for alleged attempts to convert Buddhists to Christianity. The churches are sometimes desecrated and/or burned to the ground. Over the past five years, there are reports that approximately 200 attacks have been carried out against churches and/or individuals; during the same period, 200 others reportedly have received verbal threats. The violence has mainly affected Evangelical churches, but other Protestant and Roman Catholic institutions have also been targeted. Although few deaths have resulted, dozens of Christian individuals have been injured enough to require hospitalization. The violence was reportedly particularly severe in 2003, in response to Buddhist anger and suspicions of foul play over the death in Russia of an esteemed Sri Lankan Buddhist monk who in fact died of natural causes.

Though diminished in number this past year, the attacks have continued. The police sometimes respond quickly to the attacks and on occasion provide extra security for churches. Other sources suggest that these actions are pro forma and not effective. For example, in January 2006, a mob of about 500 people demonstrated outside a

church in Bolaththa, just north of Colombo, demanding that the church service cease. Some from the mob returned the next day and stoned the house belonging to the pastor, breaking several windows. The police were called and when they arrived, rather than arresting the perpetrators, they took the pastor to the police station for “discussions”—reportedly not an uncommon police response. In February 2006, the pastor of the Dutch Reformed Church in the town of Galle, on the country’s southwest coast, reportedly received several death threats. There is an as yet unresolved court case against the perpetrator. Reports indicate that even if local authorities have made some effort to hold the perpetrators of these attacks to account, these efforts have not been successful in halting the problem. The UN Special Rapporteur on Freedom of Religion or Belief, who traveled to Sri Lanka in May 2005, concluded in her report that, with regard to acts of religious violence or intolerance by non-state actors, the Sri Lankan government’s obligation to promptly investigate and prosecute all perpetrators has not “been satisfactorily fulfilled.” This problem is compounded by the fact that due to wider, more chronic deficiencies in the judicial system in Sri Lanka, including corruption, a lack of police training, and inadequate infrastructure, arresting perpetrators and moving them through the criminal court system is a serious problem, regardless of the crime involved.

In 2004, two draft laws purporting to restrict religious conversion and the act of attempting to convert another person were circulated in Sri Lanka. The first was a private member’s bill drafted by the Jathika Hela Urumaya (JHU) party comprised of nationalist-minded Buddhist monks, targeting “forced” conversions; the second was a bill proposed by the government, a much stricter bill that essentially prohibited any and all attempts to convert another person—even inadvertently. In July 2004, the government’s bill was sent to committee for re-drafting. The JHU bill was tabled that same month and sent for analysis on its constitutionality to the Supreme Court, where over 20 challenging petitions had been filed. In August 2004, Sri Lanka’s Supreme Court ruled that certain clauses of the JHU bill violated several articles of the constitution. As a result of the Supreme Court’s ruling, in order for it now to become law, the bill in its entire form would require a two-thirds majority in the parliament and the approval of the people of Sri Lanka in a referendum.

In March 2005, the JHU again introduced legislation on conversions. Called “Bill on the Prohibition of Forcible Conversions,” the legislation was the same as that tabled the previous year, including the provisions of that bill that had been found unconstitutional by the Supreme Court. This bill against religious conversions would have: (1) provided for prison terms of up to five years for anyone who attempted to convert a person from one religion to another by “the use of force or by allurement or by any fraudulent means,” with the terms “fraud” and “allurement” vaguely defined such that many charitable activities could be included; (2) established reporting requirements for any person who adopts a new religion as well as for any person who takes part “directly or indirectly” in the conversion of another person, requiring individuals to inform government authorities of their action or face the threat of jail time and fines upon conviction; and (3) provided an opportunity for “any interested person” having “reason to believe” a violation of the act to bring cases in the public interest. According to the UN

Special Rapporteur, the proposed law was not “an appropriate response to the religious tensions and is not compatible with international human rights laws.”

The JHU bill was sent to a parliamentary Standing Committee for discussion. After elections in November 2005, newly-elected President Mohinda Rajapaksa prorogued parliament, thereby annulling all bills going through any stage of the process of being enacted by parliament, including the JHU’s bill on religious conversion.

In September 2005, the JHU put forward a proposed amendment to the constitution that would make Buddhism the official religion of Sri Lanka. Article 9.1 of the proposed amendment stated that “The Official Religion of the Republic is Buddhism. Other forms of religions and worship may be practiced in peace and harmony with Buddha Sasana.” The establishment of one religious community as a country’s official religion is permitted under international standards for freedom of religion or belief, and thus is not, in and of itself, problematic. However, two other articles in the proposed amendment were particularly troubling. Article 9.4 required that the inhabitants of Sri Lanka “professing Buddhism are bound to bring up their children in the same”; Article 9.5 stated that it is prohibited to convert “a Buddhist into other forms of worship or to spread other forms of worship among the Buddhists.” Both of these proposed articles, if enacted, would be in clear violation of international standards with regard to freedom of religion or belief. The proposed amendment was later found by the Sri Lankan Supreme Court to be “inconsistent” with the national constitution.

In the past few years, there have been reports, particularly in the period immediately after the December 2004 “tsunami” disaster, of some groups and individuals engaging in efforts to encourage people to convert—reportedly amounting to “unethical” practices—that are said to have led to increased tensions among religious communities in Sri Lanka. Some in Sri Lanka suggest that the anti-conversion legislation came about in response to these reports. These allegations have included, for example, the offering of money, employment, access to education or health care, or some other material good as an incentive to convert or join a particular church, taking advantage chiefly of the poorest people among Sri Lanka’s population. Though there have been allegations, concrete evidence of any such practices has not been found. However, some involved in evangelizing activities have also been accused of denigrating Sri Lanka’s other religious communities by referring to those religions as evil, pagan, or unworthy of consideration, and thereby sowing contention and even violence among religious groups.

Religious communities in Sri Lanka must register either as a corporation, which enables them to be treated as a corporate entity in financial and real estate transactions, or as a charitable organization, which entitles them to some tax exemptions. In 2003, the Sri Lankan Supreme Court denied the incorporation petition of a Roman Catholic group, the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis, claiming that incorporation is impermissible if the group is engaging in proselytization and providing material benefit. The group took their petition to the UN Human Rights Committee (HRC), a treaty body, which in November 2005 decided in the group’s favor. The HRC found that articles 18 and 26 (non-discrimination) of the International Covenant on Civil and Political Rights had been violated. It stated that the

grounds advanced by the Supreme Court and the government of Sri Lanka in support of the restrictions were insufficient to demonstrate that these restrictions were necessary to further one or more of the limitations on rights permitted by the Covenant.

In addition to the February 2006 visit to Sri Lanka, the Commission issued a statement in July 2005 expressing concern about growing religious intolerance in Sri Lanka, particularly the ongoing violence against religious minorities and the proposed bill addressing forced religious conversions. In September 2005, the Commission issued a statement about the proposed amendment to the constitution, expressing concern about articles in the amendment discussed above that would have violated the internationally guaranteed rights primarily of members of the majority Buddhist community as well as minority religious groups.