

2/4/09: USCIRF Expresses Concern Over Broad Prohibitions in Sri Lankan Draft Law

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WASHINGTON, D.C. - The United States Commission on International Religious Freedom (USCIRF) calls on the U.S. government to express concern to Sri Lankan governmental authorities regarding a draft law that poses a serious threat to religious freedom in that country. The measure, entitled "Prohibition of Forcible Conversion of Religion," could, if adopted, penalize Sri Lankans for discussing their faith with others and enforce discriminatory bias against women, according to USCIRF Chair Felice D. Gaer.

"While prohibitions on coercion in matters of faith are of course legitimate, the bill in question is so broad that it would severely limit many actions that are necessary components of religious freedom," USCIRF Chair Felice Gaer said. "It is critical that all Sri Lankans can fully exercise their right to freedom of thought, conscience, religion and belief and in order for that to happen, this legislation must not be enacted."

The Commission raises three specific concerns with Sri Lanka's "Prohibition of Forcible Conversion of Religion" legislation, which has now completed a second reading and reportedly is ready to be adopted by Sri Lanka's Parliament in February.

First, the definition of "allurement" in the legislation appears to be so broad as to have the practical effect of banning the distribution of religious literature and chilling freedom of speech and inquiry. It could also prohibit many charitable

activities. The legislation also bans "condemnation of any religion or religious faith" in discussing one's own faith. Should the bill become law, Sri Lankans rightly would be in fear of long prison terms and crippling financial penalties when they merely speak to others about their differing religious beliefs, exercising basic rights to freedom of expression.

Second, the penalty is enhanced for "forced conversion" if the subject of a case is female. If a man is the subject of a case, the maximum penalty is five years in prison; if a woman, the maximum penalty increases to seven years. The maximum financial penalty also is enhanced if the subject of the case is a woman.

Third, the legislation would make hiring converts as clergy or employees of faith-based schools or hospitals a legally suspect act. Making a determination as the reason an individual chooses to follow his or her faith is a function that courts are ill-suited to perform, and such litigation against religious bodies or Sri Lankan citizens could have a chilling effect on freedom of religion.

"This proposed law is so broad, and its terms so ill defined, that it appears to threaten to make even conversations about faith and peaceful actions related to religious practice illegal," Gaer stated.

Sri Lanka has ratified the International Covenant on Civil and Political Rights, whose Article 18 states in part: "Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice and teaching." Worldwide, 164 countries have ratified this treaty.

The Commission has monitored developments in Sri Lanka for some time and visited Sri Lanka in February 2006 to look into two concerns: an increasing number of attacks targeting members of religious minorities, and proposed legislation on forced conversion. 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.