

September 30, 2005: Sri Lanka: Proposed Constitutional Amendment in Violation of International Religious Freedom Standards

FOR IMMEDIATE RELEASE

September 30, 2005

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Anne Johnson, Director of Communications, (202) 523-3240, ext. 27 WASHINGTON - The U.S. Commission on International Religious Freedom (USCIRF) expresses concern about a proposed amendment to the Constitution of Sri Lanka that has been put before the Sri Lankan Parliament. Put forward by the Jathika Hela Urumaya party of Buddhist nationalists and scheduled for a vote next Tuesday, October 4, the proposed 19th Amendment to the Constitution would make Buddhism the official religion of Sri Lanka. Of particular concern are other articles in the amendment that would violate the internationally guaranteed rights primarily of members of the majority Buddhist community as well as minority religious groups. The same amendment was proposed last year and found to be unconstitutional by Sri Lanka's Supreme Court. "Passage of this amendment would jeopardize the rights of all Sri Lankan citizens as outlined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights," said Commission Chair Michael Cromartie. Article 9.1 of the proposed amendment states 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, such a development can become of concern when, as a consequence, there is the discriminatory or unjust treatment of individual members of that officially sanctioned group, any other religious groups, or non-believers. The UN Human Rights Committee has stated that "the fact that a religion is recognized as a state religion...shall not result in any impairment of the enjoyment of any of the rights under the [International Covenant on Civil and Political Rights (ICCPR)], nor in any discrimination against adherents of other religions or non-believers." The Commission has previously noted the increase in recent years of violence against institutions and individuals belonging to religious minority groups in Sri Lanka, reportedly carried out or inspired by members of Buddhist nationalist groups, and the inadequate government response to that violence. Against that backdrop, the vague wording of the second clause of article 9.1 presents cause for potential concern because it leaves subject to interpretation what precisely constitutes practicing "in peace and harmony" with the Buddhist community, which would under the amendment enjoy a constitutionally privileged status. Two articles in the proposed amendment are particularly troubling. Article 9.4 requires that the inhabitants of Sri Lanka "professing Buddhism are bound to bring up their children in the same"; Article 9.5 states 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 articles are in clear violation of international standards with regard to freedom of religion or belief. Article 18 of the ICCPR states that signatory states must "respect the liberty of parents...to ensure the religious and moral education of their children in conformity with their own convictions." Article 18 of the UDHR states that the right to freedom of thought, conscience, and religion "includes freedom to change...religion or belief, and freedom, either alone or in community with others and in public or private, to manifest...religion or belief in teaching, practice, worship, and observance." If this amendment were to pass, these rights of individuals of the majority Buddhist community would be directly threatened, as their internationally guaranteed rights as outlined in the above documents would be abrogated. "A traditional religion is not protected by violating the rights of its adherents. The voices of extremism in Sri Lanka should not be emboldened through the passage of this anti-democratic amendment," said Cromartie. "The Commission calls on the U.S. government to make every effort to urge the government of Sri Lanka not to alter its constitution in such a way that puts it in violation of its international obligations." The Commission has in the past raised concerns about proposed legislation restricting religious conversions in Sri Lanka, legislation that would have fallen short of international standards with regard to freedom of religion or belief. The Commission has urged all the parties involved in these issues to work together to restore a climate of religious tolerance in Sri Lanka and expressed the hope that the Sri Lankan government would pass laws that are consistent with international standards.

Michael Cromartie, Chair

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