



ANNUAL REPORT
2009

UNITED STATES COMMISSION ON
INTERNATIONAL RELIGIOUS FREEDOM



**Annual Report of the
United States Commission on International Religious Freedom**

May 2009

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ON THE COVER: Members of Pakistan's Women Action Forum in Lahore, Pakistan rally against the presence of Taliban and militants in the northwest of Pakistan on Thursday, February 12, 2009. The banners condemn religious extremism, domestic violence, and the burning down of girls' schools in Swat. (AP Photo/K.M. Chaudary)

ADDITIONAL COUNTRIES CLOSELY MONITORED

Bangladesh

The Commission placed Bangladesh on its Watch List from 2005 to 2008 due to a number of concerns, including past election related violence targeting religious minorities and a range of serious violations of human rights under the previous military-backed “caretaker government.” On December 29, 2008, national elections took place, ending a two-year suspension of democratic governance. International and local observers characterized the elections as free, fair, and peaceful. The elections brought the Awami League to power, headed by Prime Minister Sheikh Hasina. The Awami League is considered more favorably disposed toward minority rights protection, based in part on the fact that the 1997 Chittagong Hill Tracts Peace Accords and the Vested Property Return Act, both measures meant to safeguard minority rights, were established under a previous Awami League administration. The 2008 elections allowed for minorities to exercise their voting rights and proceeded without the anti-minority violence that followed the last national elections in 2001. At that time, the Bangladesh Nationalist Party (BNP)-led government failed to investigate or prosecute acts of severe violence, including killings, rape, land seizures, arson, and extortion against religious minorities, particularly Hindus, who were perceived to be allied with the then-opposition Awami League. The absence of measures to promote minority voting rights and the failure of the government to investigate the severe anti-minority violence of 2001 were among the reasons for placing Bangladesh on the Watch List from 2005 to 2008. In light of the positive developments witnessed during the 2008 elections, the Commission is removing Bangladesh from its Watch List in 2009.

Despite these improvements, Bangladesh continues to have outstanding religious freedom issues and face threats from religious extremism. The Commission therefore urges the new Awami League administration to strengthen protections for all Bangladeshis to enjoy the right to freedom of

religion or belief, and undertake efforts to improve conditions for minority religious communities. The Commission hopes that the government of Bangladesh will investigate and prosecute to the fullest extent of the law perpetrators of violent acts against members of minority religious communities, women, and non-governmental organizations. Reforms of the judiciary and the police are also necessary to ensure that law enforcement and security services are equally protective of the rights of all, including Hindus, Buddhists, Christians, Ahmadis, and other minorities. Additional efforts are needed to counter societal and governmental discrimination in access to public services, the legal system, and government, military, and police employment.

Following independence from Pakistan in 1971, Bangladesh was established as a secular state in which national identity was based on Bengali language and culture. Although the 1972 constitution guaranteed the freedom of religion, subsequent military regimes added amendments affirming that “absolute trust and faith in Allah” is “the basis for all [government] actions.” Islam was made Bangladesh’s state religion in 1988 under H.M. Ershad’s military dictatorship.

Aided by the expansion of Islamic schools (*madrassas*) and charities, many of which receive foreign funding with varying degrees of government oversight, Islamist activists have gained significantly in political, economic, and social influence in recent years. Members of Jamaat-e-Islami allegedly used their influence in the previous BNP-led government to deny funding to or otherwise disadvantage groups viewed as opposing Jamaat’s Islamist political and social agenda. Although some calling for a more Islamist Bangladesh engaged in peaceful political and social activities, others adopted an approach sanctioning violence towards perceived opponents of Islam.

On January 11, 2007, threats by the then-opposition party, the Awami League, to boycott the national elections, alongside an ongoing controversy

over voter registration and the impartiality of the electoral process, prompted the caretaker government to declare emergency rule and indefinitely suspend the upcoming national elections. The military was given sanction to enforce emergency rule, which included the suspension of the freedoms of speech and assembly, and due process, among other rights. The caretaker government was widely criticized by international and local human rights agencies for serious human rights abuses, including suspected extrajudicial killings by the security forces, arbitrary detentions, torture, curbs on press freedom, and violations of the right of due process.

Even during periods of democratic governance, Bangladesh's high levels of political violence and instability have provided opportunities for religious and other extremist groups to engage in criminal activities with relative impunity. Authors, journalists, academics, and women's rights and civil society activists debating sensitive social or political issues, or expressing opinions deemed by radical Islamists to be offensive to Islam, have been subject to violent, sometimes fatal, attacks. Some Muslim clerics, especially in rural areas, have also sanctioned vigilante punishments against women for alleged moral transgressions. Rape is reportedly a common form of anti-minority violence, and sexual assaults on Hindu women were reported in 2008. The government commonly fails to punish perpetrators, since the law enforcement and the judicial systems, especially at the local level, are vulnerable to corruption, intimidation, and political interference. Bangladesh was ranked tenth from the bottom on Transparency International's 2008 Corruption Perceptions Index. From 2001-2005, Bangladesh was ranked at the bottom of the list.

Islamist extremists coordinated a wave of hundreds of almost simultaneous bomb attacks, carried out in all but one of Bangladesh's 64 districts on August 17, 2005. These extremists were also implicated in a series of bomb attacks on Bangladesh's judiciary in October-November 2005 which accompanied a demand to substitute sharia law for Bangladesh's secular jurisprudence system. In March 2007, six members of the armed Islamist group Jamaat-ul-Mujahideen Bangladesh (JMB),

including JMB leader Sheikh Abdur Rahman and Siddiqui Islam, alias "Bangla Bhai," were executed for their involvement in the 2005 bombings.

During the 2007-2008 emergency, Islamist groups rose in political prominence and public visibility. In September 2007, emergency restrictions on assembly were apparently waived to allow Jamaat and other Islamist supporters to burn effigies and stage public protests against the publication of a newspaper cartoon they believed mocked an element of Bangladeshi Islamic culture. Cartoonist Arifur Rahman was jailed without charge for six months. In March 2008, restrictions on assembly were again ostensibly lifted to allow protests by Islamic groups against a policy proposed by a consortium of women's organizations to strengthen constitutional provision for the equal rights of women. In October 2008, federal agencies removed five sculptures of traditional Bengali musicians opposite Zia International Airport in Dhaka at the behest of Islamic leaders, who allegedly deemed the sculptures "un-Islamic."

In February 2009, during a mutiny of the border security force, the Bangladesh Rifles, 74 Army officers were killed. Some news reports alleged the involvement of Bangladesh- and Pakistan-based Islamists, although details surrounding the revolt remain unclear. In March 2009, a cache of weapons was found at a *madrassa* in the south of Bangladesh. According to news reports, some government officials fear a re-arming of Islamist extremist groups in the lull following the government crackdown and executions.

Although the constitution provides protections for women and minorities, Hindus, Buddhists, Christians, Ahmadis, and other minorities must regularly grapple with societal discrimination, as well as face prejudice that hinders their ability to access public services, the legal system, and government, military, and police employment. Religious minorities are also underrepresented in elected political offices, including the national parliament. The Vested Property Act (VPA) continues to be used as justification by some Muslims to seize Hindu-owned land. The VPA's

implicit presumption that Hindus do not belong in Bangladesh contributes to the perception that Hindu-owned property can be seized with impunity.

The most serious and sustained conflict along ethnic and religious lines has been in the Chittagong Hill Tracts (CHT), an area with a high concentration of non-Bengali, non-Muslim indigenous peoples (often referred to as *Adivasis*, *Paharis*, or *Jumma*). Resentment among members of indigenous groups remains strong over settler encroachment, human rights abuses by the Bangladeshi military, and the slow, inconsistent implementation of the 1997 Chittagong Hill Tracts Peace Accords. Muslim Bengalis, once a tiny minority in the CHT, now reportedly equal or outnumber indigenous groups. In 2007, Bangladesh human rights organizations reported a surge in Bengali settlements on tribal land in the CHT. In 2008 in the Sajek area of the CHT, tribal residents endured military-backed encroachment by Muslim Bengali settlers, via home burnings and land seizures. On December 29, 2008, a few hours before the general elections, a Buddhist temple and three homes in a minority-dominated part of Fatikchari, CHT were subject to an arson attack, reportedly to intimidate minorities and scare them into non-participation on voting day.

Bangladesh's small Ahmadi community of about 100,000 is the target of a campaign to designate the Ahmadis as "non-Muslim" heretics. In January 2004, the BNP government bent to extremist Islamist pressure and banned the publication and distribution of Ahmadi religious literature. Police seized Ahmadi publications on a few occasions before the ban was stayed by the courts in December 2004. The ban is not currently enforced. An Ahmadi library, closed by local officials in Dinajur district in March 2008, remained closed through the reporting period. In some instances, local anti-Ahmadi agitation has been accompanied by mob violence in which Ahmadi homes have been destroyed and Ahmadis are held against their will and pressured to recant. However, violence against Ahmadis has diminished due to improved and more vigorous police protection.

The Commission has recommended that the U.S. government encourage the new government of Bangladesh to take early action on the following issues and ensure consistent implementation: 1) investigate and prosecute perpetrators of the anti-minority violence that occurred in the wake of the 2001 national elections; 2) repeal the Vested Property Act and commit to restoring or compensating for properties seized, including to the heirs of original owners; 3) rescind the 2004 order banning Ahmadi publications, and ensure adequate police response to attacks against Ahmadis; 4) enforce all provisions of the Chittagong Hill Tracts Peace Accords and declare that members of Bangladesh's tribal communities are deserving of the full rights of Bangladeshi citizenship; 5) create and support the promised National Human Rights Commission, which should be independent, adequately funded, inclusive of women and minorities, and defined by a broad mandate that includes freedom of religion or belief; 6) include in all public and *madrassa* school curricula, textbooks, and teacher trainings information on tolerance and respect for freedom of religion or belief; and 7) ensure that members of minority communities have equal access to government services and public employment, including in the judiciary and high-level government positions.

Kazakhstan

Kazakhstan's record on religious freedom and related human rights has come under increasing international scrutiny because in 2010 it will serve as Chair of the 56-nation Organization for Security and Cooperation in Europe (OSCE). The Kazakh government had been noted for its relatively good human rights record and tolerant policies towards its more than 90 ethnic minorities. In recent years, however, the country's civil society sector, particularly independent journalists and members of the political opposition, has come under increasing pressure. Moreover, the government's recent efforts to amend the country's religion law threatened increased official control over Kazakhstan's highly diverse religious communities.

In late 2008, Kazakhstan's parliament passed highly restrictive amendments to the country's religion law. The amendments established more restrictive registration procedures and required all existing religious groups to re-register; prohibited proselytism and the production of religious literature; prohibited groups from maintaining worship facilities open to the public; and significantly increased fines and penalties for violations of the law. According to Kazakh human rights activists, these amendments originated in the office of the Kazakh Presidential Administration. Kazakh human rights defenders, as well as Muslim, Russian Orthodox, Catholic, Lutheran, Hare Krishna, and Baptist representatives, expressed concern over the amendments.

International experts also expressed concern. The OSCE's Panel of Experts on Freedom of Religion or Belief (the Panel) analyzed two versions of the amendments and found "many serious compliance issues with human rights standards, including OSCE commitments." The Kazakh government, which had requested the Panel's analysis, refused to publish its findings, claiming that this was done at the request of the OSCE; OSCE officials, however, publicly refuted this claim. The United Nations Special Rapporteur on the Freedom of Religion or Belief also concluded that the amendments "would impose undue restrictions on freedom of religion or belief." Her concerns included the ban on unregistered religious activity; the restrictions on missionary activity; the controls on the distribution of religious materials; the "theological analysis" of registration applications; the ban on private religious education; "vague provisions" giving rise to possible "abusive interpretation and discrimination" by law enforcement agencies; and the lack of "public and open debate" about the proposed law.

On February 12, 2009, Kazakhstan's Constitutional Council declared the amendments unconstitutional. The Constitutional Council's Chair stated that the proposals violated the constitutional principle of equality before the law by setting different registration conditions for religions "previously unknown in Kazakhstan" and not affording legal residents the same rights as citizens. Nevertheless, some Kazakh officials reportedly still

treat the overturned amendments as valid, and Kazakh human rights activists claim that the government will enact the changes after Kazakhstan's OSCE chairmanship in 2010.

The constitution defines Kazakhstan as a secular state and provides for freedom of religion. Under 2005 amendments to the country's religion law, religious organizations must register both with the national and regional Ministry of Justice offices. Unregistered religious activity is an administrative offense, and the authorities may suspend the activities or impose fines on the leaders of unregistered groups. To register, a religious organization is required to have at least 10 members and to submit an application to the Ministry of Justice; registration may be denied if the organization lacks sufficient membership or if its charter violates the law. If literature has not been vetted during the registration process, it is deemed illegal. Foreigners may register religious organizations, but Kazakh citizens must comprise the majority of the 10 founders.

Under the current religion law, a religious organization whose charter includes religious education may be denied registration if it does not obtain approval from the Ministry of Education. Religious instruction is not permitted in public schools, but parents may enroll children in supplemental religious classes provided by registered religious organizations. Neither law nor regulation prohibits foreign missionary activity, although foreign missionaries are required to register annually with the Justice Ministry and provide data on religious affiliation, geographic area, and duration of stay, as well as on all religious literature. "The religion laws narrow the legal protections of religious freedom found in the Constitution," the State Department reported in 2008.

The National Administration of Muslims in Kazakhstan (SAMK), headed by the Chief Mufti, exerts significant influence over the country's practice of Islam, including selecting imams and regulating the construction of mosques. In 2002, however, the Kazakh Constitutional Council ruled against a proposed legal requirement that the SAMK must approve the registration of any Muslim group. Nevertheless, the SAMK reportedly occasionally

pressures non-aligned imams and congregations to join it, but, according to the State Department, the Kazakh government continues to register some mosques and Muslim communities not affiliated with the SAMK.

The Law on Extremism, effective since February 2005, gives the government wide latitude to identify and designate religious or other groups as extremist organizations, to ban a designated group's activities, and to criminalize membership in a banned organization. Government officials have expressed concern about possible political and religious extremism, particularly in southern Kazakhstan, where many Uzbeks reside. The Kazakh government has imprisoned individuals alleged to be members of certain Muslim groups, including some groups that espouse extremist political agendas. For example, in 2007 65 individuals in the cities of Karaganda, Stepnogorsk, and Shymkent were sentenced to lengthy terms of imprisonment in secret trials for alleged membership in various Muslim groups. Human rights groups have expressed concerns that the government has also used this law to punish non-extremist Muslims for independent views. Kazakh civil society activists maintain that due process is not followed in many of these trials, and that police, investigatory, and judicial officials have not provided public access either to trials or to information about these cases. Indeed, according to some leading Kazakh human rights activists, as many as 300 Muslim individuals may be imprisoned in Kazakhstan on religion-related charges. Due to the lack of information, however, it is impossible to ascertain the veracity of these claims.

The government's 2007-2009 "Program for Ensuring Religious Freedom and Improvement of Relations between the Government and Religions" outlined plans for "increasing the stability of the religious situation" and called for new laws to increase control over activities by foreign religious workers and the dissemination of religious materials. Two official documents issued in April 2007 give rise to concern: the "State Program of Patriotic Education," approved by presidential decree, and a Justice Ministry booklet, "How not to fall under the influence of religious sects" which includes the claim that "transferring to other religious faiths represents treason to one's country and faith."

Statements by Kazakh authorities that single out certain minority religious groups officially viewed as "sects" or "non-traditional," including Jehovah's Witnesses and Hare Krishnas, have created a hostile public atmosphere. In early 2008, President Nursultan Nazarbayev publicly criticized foreign religious workers, saying that they should not be allowed to operate freely, as "we don't know their purposes and intentions." He also declared that "religion is separate from the state, but it does not mean that Kazakhstan should become a dumping ground for various religious movements." The President has not retracted these remarks, and since the speech, there has been a marked increase in governmental restrictions targeting unregistered and minority religious communities.

At an April 2008 press conference, an official Kazakh spokesperson claimed that 40,000 adherents of 1,870 religious organizations, including Scientologists and the New Life Church, represented a national security threat. In February 2008, the national *Express-K* newspaper interviewed a Kazakh secret service officer who described the dangers of what he called "sects," claimed that foreign intelligence agents may work undercover as "missionaries," and equated new Christian and Buddhist organizations with Islamic extremists. In early 2008, several media outlets published or broadcast stories critical of "non-traditional" religious groups such as evangelical Protestant Christians, Jehovah's Witnesses, Scientologists, and Hare Krishnas, depicting them as dangerous "sects."

Nevertheless, in practice, most minority religious communities registered with the government without difficulty, although some Protestant groups and other groups viewed by officials as non-traditional have experienced long delays. There were no reported incidents of official anti-Semitism. Although local officials may attempt to limit the practice of religion by some "non-traditional" groups, higher-level officials or courts, at least until recently, have usually overturned such attempts.

Members of unregistered religious communities, including the Council of Churches Baptists, who refuse on principle to register any of

their congregations with the state, continue to face official harassment. In a notable case, authorities fined the pastor of a Council of Churches Baptist congregation in the Akmola region for unregistered religious activity, and in February 2009, a court order permanently banned his church—the first time that such a ban has been imposed in Kazakhstan. Council of Churches Baptist churches also continue to report surveillance, secret recordings of services and sermons, raids, short-term detentions, and court-ordered fines for unregistered religious activity, which they usually refuse to pay. In February 2009, Pastor Yuri Rudenko from the Almaty region was jailed for three days for refusing to pay fines for unregistered worship and his musical instruments were confiscated. Authorities have raided Baptist churches in the Akmola region and their members have been interrogated.

Other unregistered Protestant communities are increasingly subject to official harassment. In November 2008, officers from the Aktobe city Department for the Struggle against Extremism, Separatism, and Terrorism raided a restaurant dinner held by members of the New Life Church, Forum 18 reported. Several months earlier, the New Life Church had been evicted from its church building and was attempting to obtain an official permit to purchase land on which to build a church. In October 2008, police raided the Sunday service of a small unregistered Protestant Church in Kazakhstan's Kyzylorda region.

Although the Hare Krishna movement is registered at the national and local levels, its leaders report continuing harassment, dating back to an April 2006 appeals court decision that the community's farm outside Almaty must revert to the county government, allegedly because the farmer from whom the Hare Krishnas bought the land in 1999 did not hold title. The government has ordered the community to leave the farm by March 1, 2009, and to take as compensation a garbage dump without irrigation or potable water, or face new legal proceedings. Moreover, on January 27, 2009, a Hare Krishna leader, Govinda Swami, an American citizen, was denied entry into Kazakhstan, reportedly because he was on an entry blacklist. One month later, however, Kazakh officials allowed Govinda

Swami to re-enter the country, RFE/RL Kazakh Service reported.

The national Jehovah's Witnesses Religious Center alleged that local officials harass its communities. Reportedly, a local religious affairs official told Jehovah's Witnesses not to go to Atyrau because "that's where Muslims live." It also has been reported that for seven years, the Justice Ministry in Atyrau has used minor technical infractions to deny numerous registration applications of the local Jehovah's Witness community. In January 2009, however, a court in the southern city of Kentau closed a case against the Jehovah's Witnesses and later the local government head cancelled a 2008 decision alleging violation of rules for the use of a building for religious purposes. Nevertheless, the Jehovah's Witnesses reported in mid-February that they are still waiting for official authorization to use the house.

As of July 2008, the Kazakh Ministry of Justice reported that 362 foreign religious workers of various denominations were present in Kazakhstan. Several groups reported difficulty in registering foreign religious workers, while others reported greater difficulties than in previous years with the issuance of visas, denials of special visas, or shorter-term visas. In 2008, the Kazakh Justice Minister is reported to have said that "a large number of foreigners from the United States, Georgia, South Korea, and Japan were expelled from the country by law enforcement authorities after courts have ruled that they violated regulations because they worked as missionaries without the required registration."

In January 2009, a court in Almaty sentenced Elizaveta Drenicheva, a Russian citizen, to two years in a general regime labor camp for teaching Unification Church beliefs at private seminars. Drenicheva was convicted under a criminal law provision prohibiting "incitement to social, national, racial or religious hatred." In March 2009, Drenicheva's prison term was commuted to a fine of 25 times the minimum monthly wage, approximately \$211. Since she had already served two months' imprisonment, she will not have to pay the fine, but she will still have a criminal record. Her case has been perceived by human rights groups as

an official warning on the strict limits to officially tolerated activities.

On the international level, however, the Kazakh government has organized events to showcase what it views as its record of official religious tolerance. Kazakh President Nursultan Nazarbayev has hosted two conferences attended by hundreds of leaders of religious communities from around the world; a third such conference is planned for July 2009. In February 2009 several official Kazakh organizations and the OSCE Astana Center hosted a meeting for several representatives of registered religious organizations and civil society groups, as well as the diplomatic community, on Kazakhstan's "unique experience of interethnic and interdenominational accord."

Despite such official Kazakh promotion, the Commission believes that, in view of Kazakhstan's upcoming OSCE chairmanship, the Kazakh government should publicly clarify its actual policies on human rights, including on freedom of religion or belief, and ensure that its laws conform to OSCE and other international commitments. Such official clarifications are particularly necessary in light of President Nazarbayev's hostile public statements about various religious groups and the Kazakh government's publications along these lines. Moreover, even though the Constitutional Council has rejected the restrictive draft religion law as unconstitutional, Kazakh law enforcement bodies reportedly have undertaken repressive actions against various religious groups that fly in the face of that constitutional ruling. Finally, the Commission calls on the Kazakh government to include relevant government officials and Kazakh legal and other experts in official exchange programs and to allow them to participate in international conferences, particularly those of the OSCE.

Sri Lanka

The Commission has remained concerned in recent years about religious freedom in Sri Lanka because of attacks targeting members of religious minorities and their places of worship and proposed legislation on religious conversion that, if enacted, would have violated international law norms and

resulted in abuses of freedom of thought, conscience, and religion or belief. Both issues are occurring against the backdrop of a 26-year civil war between government troops and the Liberation Tigers of Tamil Eelam (LTTE), who are seeking an independent state in the north of the country.

In January 2009, ongoing violence escalated dramatically in the northern Vanni region of the Mullaitivu district, as the LTTE sought to maintain control of a narrow conflict zone. The Commission joins the international human rights community in expressing its serious concern about the humanitarian crisis that has emerged in the wake of the renewed violence. According to estimates from early April, 60,000 individuals have fled the violence and 150,000 to 200,000 civilians remained trapped in 17-square kilometers controlled by the LTTE. UN agencies place the civilian death toll from late January to March at 2,800, with at least an additional 7,000 injured.

Despite harassment, killings, and restrictions upon the movement of human rights activists and journalists throughout the 26 year conflict, evidence of severe atrocities carried out on both sides of the conflict has been well-documented. In the context of the civil war, violence against civilians based on ethnicity and/or religion has occurred throughout the country. Reports indicate that both sides in the conflict fail to take steps to prevent or stop incidents of communal violence between or among Buddhist Sinhalese, Hindu Tamils, Muslims, and Christians in Sri Lanka. Places of worship from various faith communities have been targeted by both government and LTTE forces. Attacks have occurred on religious holidays or during festivals. Moreover, for years, entire communities of Sri Lankan Muslims in the north and northeastern parts of the country have been displaced by LTTE forces seeking to consolidate Tamil hold over certain areas. While the LTTE has apparently encouraged displaced Muslims in some areas to return, a lack of safety guarantees has kept many Muslims from returning to LTTE-dominated areas.

Not directly connected to the civil conflict, there have been continuing instances 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, who comprise approximately 7 percent of the population, have been physically assaulted by one or more persons or by large groups, particularly for alleged attempts to convert Buddhists to Christianity. According to activists with whom the Commission delegation met during its February 2006 visit, there were about 400 incidents against Christian institutions or persons between 2000 and 2005; approximately half of those involved violence of varying levels and half were verbal threats. More recently, in June 2008, an anti-Christian rally and petition against a local church was sponsored in Hambantota district by a local Buddhist temple. Prior to the rally, which attracted 500 participants, a Christian girl was attacked for attending church in the district. In March 2008, a crowd of 200 surrounded the home of a pastor in Galle district and threatened him with death if he did not permanently leave the area. Arson attacks on church properties and assaults on Christians leaving church services were also reported. In February 2008, two men killed Neil Sampson Edirisinghe, pastor of the House Church Foundation in Ampara District. According to news reports, the pastor was ordered killed by a man whose wife converted to Christianity.

The UN Special Rapporteur for Freedom of Religion or Belief noted in her 2005 report on Sri Lanka that attacks against religious minorities by non-state actors were neither adequately investigated nor punished by the government, resulting in a culture of impunity. This problem is compounded by wider, more chronic deficiencies in the judicial system in Sri Lanka, including corruption, a lack of police training, and inadequate infrastructure.

In recent years, there have been allegations, particularly in the period immediately after the December 2004 tsunami, of groups and individuals engaging in “unethical practices” to encourage people to change their religion, which are said to take advantage of impoverished populations and lead to increased tensions among religious communities in

Sri Lanka. These practices allegedly 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. Some religious organizations claim to have evidence that the poverty and unemployment of Buddhists in particular is being exploited via conversions to other religions by unethical or unfair means.

With regard to these reports and allegations, the UN Special Rapporteur reported after her May 2005 visit to Sri Lanka that “despite repeated requests, the Special Rapporteur did not meet any person who had changed his or her religion because of allurement or other form of inducement. She has also not received any substantiated cases of conversion that would constitute a violation of the right to freedom of religion or belief, such as forced conversions.” However, she noted that that “some religious communities or religiously-affiliated non-governmental organizations have demonstrated behavior that, while not constituting per se violations of the freedom of religion of others, were very disrespectful and dishonest vis-à-vis the local population they were addressing.”

In January 2009, the Jathika Hela Urumaya (JHU) party, which is comprised of nationalist Buddhist monks, again brought to Parliament a draft anti-conversion law, the Prohibition of Forcible Conversion of Religion Bill. The bill, if enacted, would provide for prison terms of up to five years for anyone who, by “the use of force or by allurement or by any fraudulent means,” converts or attempts to convert a person from one religion to another, or aids or abets such conversion. Because women, minors, inmates, the poor, and the physically or mentally disabled are considered by the bill’s proponents to be particularly vulnerable, their conversion would warrant even harsher prison terms of up to seven years.

The bill defines “allurement” as the offer of any temptation for the purpose of converting, including any gift, gratification, or material benefit. It describes “force” as including not only threat of physical harm, but also the “threat of religious

disgrace or condemnation of any religion for the purpose of converting.” The bill defines “fraudulent” as “any willful misinterpretation or any other fraudulent contrivance.” Opponents of the bill are concerned that its broad language would encompass all religious conversions, not just “unethical conversions,” and would criminalize the charitable activities of religious groups.

The bill is largely the same proposal put forth in 2004 by the JHU, except without provisions requiring that conversions be reported to the government and providing punishments for failure to report, which the Sri Lankan Supreme Court ruled would be unconstitutional in August 2004. Regarding the bill’s other provisions, however, the court found that the provisions criminalizing conversion by force, allurement, and fraudulent means were designed to ensure public order and welfare and therefore were constitutional. After amending the bill in light of the Supreme Court’s decision, the bill had its first and second readings, and in 2005 was referred to a parliamentary committee. The Commission investigated the status of the proposed bill during its February 2006 fact-finding trip to Sri Lanka. In February 2009, the bill was submitted back to Parliament for its third reading and vote, which was then expected to take place in March 2009.

The JHU contends that the views of all religious communities in Sri Lanka have been incorporated into the bill, but this assertion has been challenged by both government and opposition party leaders. Proponents of anti-conversion legislation assert that their proposals are promulgated in response to reports of forced or unethical

conversions. Indeed, the preamble to the 2004 and 2009 draft anti-conversion law states that Buddhism and other religions are faced with a threat from forcible conversions, and that religious leaders have realized the need to protect religious harmony in Sri Lanka. However, 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 law.” In February 2009, amidst international pressure, including from members of the U.S. Congress, the Sri Lankan government referred the anti-conversion bill to the Consultative Committee on Religious Affairs and Moral Upliftment for discussion. In April 2009, the Religious Liberty Partnership, an international coalition of Christian organizations, expressed its support for this action in its Toronto Statement: “although extreme elements within religious sectors have called for anti-conversion laws, the government of Sri Lanka has taken care to protect the constitutional right to freedom of religious choice by not enacting proposed laws subjecting religious conversion to criminal scrutiny.”

Although the committee’s meeting has been indefinitely postponed, thus also indefinitely postponing further discussion of the draft anti-conversion legislation, the Commission will continue to monitor closely the status of the draft bill.

In February 2006, the Commission visited Sri Lanka and met with government officials, Members of Parliament, political parties, human rights organizations, and representatives of the Buddhist, Hindu, Christian, and Muslim communities.

PENDING

India

The Commission is planning to travel to India for the first time in June 2009. Therefore the

Commission will release its report on India during this summer.