

Institute on Religion and Public Policy Report: Religious Freedom in Sri Lanka

Executive Summary

(1). Religious freedom in Sri Lanka is generally respected and protected by both the government and society at large. However, there are several issues that are troublesome in the country: proposed legislation would seriously curtail the religious freedom rights of a substantial portion of the country's population. In addition, there are a few incidents that have occurred during the past year which show that periodic episodes of religious violence and unrest arise sporadically. Government agencies have periodically become involved in the internal disputes of the Muslim community.

Institute on Religion and Public Policy

(2.) Nominated for the 2007 Nobel Prize in Peace, the Institute on Religion and Public Policy is an international, inter-religious non-profit organization dedicated to ensuring freedom of religion as the foundation for security, stability, and democracy. The Institute works globally with government policymakers, religious leaders, business executives, academics, international and regional organizations, non-governmental organizations and others in order to develop, protect, and promote fundamental rights - especially the right of religious freedom - and contributes to the intellectual and moral foundation of the fundamental right of religious freedom. The Institute encourages and assists in the effective and cooperative advancement of religious freedom and democracy throughout the world.

Legal Status

(3). The Constitution of Sri Lanka, while not recognizing Buddhism as the official state religion, does accord it a "foremost place." The rights of other religious groups within the country are given protection in the Constitution. The Ministry of Religious Affairs is divided into Buddhist, Hindu, Muslim, and Christian departments, each of which is responsible for the formulation and implementation of "programs that inculcate religious values and promote a virtuous society."

(4). The current law does provide a great deal of protection for religious groups in Sri Lanka. However, recently proposed legislation that has generated considerable interest within the Sri Lankan Parliament and also contains a number of restrictions on religious activity related to "unethical conversions," is of particular concern both to the Institute and numerous international NGOs and human rights monitoring agencies.

(5). The proposed legislation bans the accosting of people in public to persuade individuals to change their religious faith. This ban appears to be on witnessing and giving religious testimony in public, which is a violation of internationally accepted rights. The draft legislation goes on to ban acts of conversion through physical coercion,

deception, and “allurement.” The term “allurement” is particularly questionable, as it bans conversion attempts that, according to several of the legislative drafts, include “the offer of any gift or gratification either in cash or kind, or the grant of any benefit either pecuniary or otherwise.” The ambiguity of this clause leaves open the possibility that many religiously-based charities will be severely hampered in their abilities to provide aid and to minister. There, of course, have been reliable reports such as the UN Rapporteur on Religious Freedom’s 2006 report on Sri Lanka (E/CN.4/2006/5/Add.3) which document instances of the use of improper ways of persuading people to change their religion by some groups. In her report, the Special Rapporteur called on those groups to “respect the religions of others and not to use aggressive forms of proselytism, which could disturb the atmosphere of religious harmony and exacerbate religious tensions”. However, the Special Rapporteur advised against this legislation as it “criminalizes certain acts aimed at converting anyone to another religion” and “leads to human rights violations” which is not an appropriate response to the current religious tensions. The Institute shares these concerns about this legislation.

(6). Several of the more malevolent proposed penalties for the violation of the draft legislation include collective punishment for all members of a religious organization that is found guilty of a violation of the previously mentioned restrictions, unless they can prove they had no knowledge of the offense. This leaves open the possibility of exploitation by overzealous prosecutors or societal pressures if the religious community or group in question is not an accepted part of the mainstream.

(7). While the proposed legislation was sent to committee, and as of yet is not being moved, the fact that it went as far as it did is of great concern to the Institute and other human rights monitoring organizations. This proposed legislation is an example of the negative attitude towards minority religious communities that is currently prevalent among a disturbing percentage of the Sri Lankan national legislature.

Unofficial/Sectarian Violence

(8). There were numerous incidents of sectarian violence in the country which had a negative impact on the situation of religious freedom. Many of these incidents of violence were directed against the country’s Christian population. The National Christian Evangelical Alliance of Sri Lanka reported 39 attacks on Christian churches, organizations, religious leaders, or congregants during the past 18 months. February 9, 2007, in the district of Polonnaruwa it was reported that numerous persons driving pickup trucks equipped with loudspeakers were calling on people to gather at local Buddhist temple in order to organize to drive Christians away. The police prevented violence from occurring. However, the Protestors demanded the resignation of the Christian clergy and a cessation of Christian religious activity in the area or "face consequences for which the organizers of the protest would not be responsible." On February 11, 2007, the congregation of the Christian Centre of Bandaragama in Colombo was pelted with rocks by unknown vandals during Sunday morning worship services.

(9). In her 2006 report regarding religious freedom in Sri Lanka, the UN Special Rapporteur for Religious Freedom condemned the attacks that have been carried out against members of the Christian minorities and criticized “the passive attitude” of the Government. She urged “the Government to take systematic action, including through its judicial apparatus, to address these attacks”. The Institute joins in the Rapporteur’s call for the Sri Lankan government to take action to safeguard and protect the well being of all religious minorities in the country.

(10). There were several incidents in the country that occurred between various Muslim sects, in many of these incidents the government played a complicit part. On May 18, 2007, the Ahmadiyya Muslim community in Negombo asked for and received local police protection at their mosque following threats from Sunni Muslims to take over the mosque. On May 11, 2007, a group of Sunni Muslims had come to the Ahmadi mosque in Negombo and held prayers there, barring the Ahmadi group from entering. Police that were present decided not to do anything about the protestors. On December 7, 2006, a leader of local Sufi Muslim sect, Abdulla Pailvaan, called the All Island Tharikathul Muffiheen or AITM died. The sect decided they wished to bury Pailvaan in a local Muslim mosque in Kathankudy. The local government sponsored Board of the Theologians, the Kattankudy Jammiyathul Ulema, said that they had served an edict of Murthath on the deceased leader for “preaching unorthodox religious practices and promoting pantheism.” A Muslim judge held inquiries into Pailvaan's burial and ordered that his remains be exhumed and interred in the common Muslim Burial grounds. The judge also directed police to take down the tower of the Sufi sect's prayer center because it violated building height restrictions. In the ensuing violence, a group of Sunni Muslims attacked the Sufi mosque, killing two AITM members, injuring many more, and damaging several thousands of dollars worth of government and private property. Eventually, the AITM exhumed their leader and reburied him in a public cemetery. It is not the role of any government body to declare one organization or another heretical or to have a role, other than as a peacemaker, in dictating the outcome of internal debates between or within religious communities.

(11). A few incidents of reported or attempted violence against Buddhists also raised tensions in the country. In late August 2007, a bomb was discovered hidden along the path of a Buddhist religious procession that was to take place in the city of Kandy in honor of the country’s foremost Buddhist religious ceremony. It is widely believed that the LTTE is responsible for this incident.

Positive Trends

(12). The government generally protects the rights of its religious communities to practice their religion as they see fit generally. In addition to traditional Buddhist holidays, several non- Buddhist holidays, such as Hindu Thai Pongal, New Year, and Deepawali festivals, the Muslim Hadji and Ramzan festivals and the Prophet Muhammad's birthday, and Christian Good Friday and Christmas, are treated as national holidays. Most religious communities live in harmony with their neighbors.

Conclusion

(13). There are several actions that the government must take to end the violations that do exist. The legislature must takes steps to ensure that legislation that limits the free exercise of religion is permanently tabled and that religious freedom for all groups is protected. The government must do more to end inter-religious violence between religious communities and within religious communities. The government must also end the practice of deciding which branches within a religion are “heretical.” The government and the LTTE must also take further and drastic action to relieve suffering and human rights violations that occur during the course of the conflict.