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Sri Lanka

International Religious Freedom Report 2005

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The Constitution accords Buddhism the "foremost place," but Buddhism is not recognized as the state religion. The Constitution also provides for the right of members of other faiths to practice their religion freely. While the Government publicly endorses this right, in practice there were problems in some areas.

Respect for religious freedom by the Government varied. There was no improvement in the status of religious freedom. There was an increase in attacks on Christian churches by Buddhist extremists and in societal tension due to ongoing allegations of forced conversions and debate on anti-conversion legislation. In October 2004, the Jathika Hela Urumaya (JHU) party formally proposed a constitutional amendment that would declare Buddhism as the state religion, and on May 6, 2005, despite the Supreme Court's ruling that some sections of the bill were unconstitutional, the JHU presented for its second reading to Parliament a bill that would criminalize conversions. In June 2004, the Minister of Buddhist Affairs presented a separate draft anti-conversion bill to the Cabinet. It was not formally approved; however, it was sent to the Attorney General for review. In April, the Cabinet approved a revised version of the bill and in June, the bill was formally "gazetted," the first step toward introducing it to Parliament; however, by the end of the reporting period, it had not been introduced to Parliament. Since late 2003, the country has witnessed a serious spate of attacks on Christian churches and sometimes pastors and congregants. Approximately 200 attacks have been alleged since 2003, with several dozen confirmed by the Embassy. In response, major political and religious leaders have publicly condemned the attacks and police have arrested and prosecuted close to a dozen people in connection with the incidents.

Despite generally amicable relations among persons of different faiths, there has been an increase in violent resistance by some Buddhists to Christian church activity, in particular against evangelical groups. Although previously the courts generally upheld the right of Christian groups to worship and to construct facilities to house their congregations, a Supreme Court decision promulgated in August 2003 ruled against recognizing a Roman Catholic group and determined that its medical services constituted allurements. The group has protested the ruling to the UN High Commissioner for Human Rights. At the same time, the Supreme Court ruled that although the Constitution supports the right of individuals to practice any religion, it does not support the right to proselytize. The Supreme Court ruled that sections of the proposed JHU bill would be unconstitutional, but the sections that criminalize forced conversion were generally upheld. At the end of the period covered by this report, the proposed JHU bill had been referred to a special Parliamentary Committee, where it remained under consideration. The State also limits the number of foreign religious workers granted temporary residence permits. Existing societal tensions were exacerbated in some areas where faith-based groups carried out post-tsunami relief and reconstruction activities. In May, at the invitation of the Government, the UN Special Rapporteur on Religious Freedom visited and met with various religious groups and civil society.

Embassy officials conveyed U.S. Government concerns about church attacks to Government leaders and urged them to arrest and prosecute the perpetrators. Embassy officials also expressed concern to the Government about the negative impact anti-conversion laws could have on religious freedom. The U.S. Government continues to discuss general religious freedom issues with religious leaders and with the Government in the context of its overall dialogue and policy of promoting human rights.

Section I. Religious Demography

The country has an area of 25,322 square miles and a population of approximately 19.4 million. Buddhism, Hinduism, Islam, and Christianity all are practiced. Approximately 70 percent of the population is Buddhist, 15 percent Hindu, 8 percent Christian, and 7 percent Muslim. Christians tend to be concentrated in the west, with much of the east Muslim and north almost exclusively Hindu.

Most members of the majority Sinhala community are Theravada Buddhists. Almost all Muslims are Sunnis, with a small minority of Shi'a, including members of the Borah community. Almost 90 percent of Christians are Roman Catholics, with Anglicans and other mainstream Protestant churches also present in the cities. The Seventh-day Adventists, Jehovah's Witnesses, and the Assemblies of God are present as

well. Evangelical Christian groups have increased in membership in recent years, although the overall number of members still is small.

Section II. Status of Religious Freedom

Legal/Policy Framework

The Constitution gives Buddhism a "foremost position," but it also provides for the right of members of other faiths to practice their religions freely. The Government's respect for religious freedom varied, and there was no improvement in the status of religious freedom.

Separate ministries in the Government address religious affairs. These include the Ministry of Buddha Sasana, the Department of Muslim Religious & Cultural Affairs, the Ministry of Hindu Religious Affairs, and the Ministry of Christian Affairs. Each of these ministries is empowered to deal with issues involving the religion in question.

On November 19, 2004, the JHU proposed a constitutional amendment declaring Buddhism to be the state religion. The JHU stated that the purpose of the amendment was strictly to protect Buddhism; however, the amendment also contained clauses restricting conversion of Buddhists. On November 25, 2004, the nongovernmental organization (NGO) Center for Policy Alternatives (CPA) challenged the amendment, and in December 2004, the CPA's petition was heard before a three-judge bench of the Supreme Court. The Supreme Court determined that the proposed amendment was inconsistent with the Constitution. The Court also determined that since the amendment sought to repeal parts of the Constitution, a two-thirds majority in the Parliament and a referendum endorsing it would be required for passage.

In July 2004, the JHU presented a proposed "Prohibition of Forcible Conversions" bill before Parliament. In August 2004, the Supreme Court found key parts of the bill unconstitutional. However, sections that would criminalize forced conversion, conversion by deceit, or conversion by allurement were generally upheld. On May 6, the JHU presented the same bill, unamended, for its second reading. The bill was referred to a Parliamentary Standing Committee for review. The Standing Committee has 6 months from the date of its composition to consider the bill and any proposed amendments to it. The members of the Standing Committee had not been named by the end of the period covered by this report. In June 2004, the Minister of Buddhist Affairs presented a draft anti-conversion bill to the Cabinet. It was not formally approved, but it was sent to the Attorney General for review. The Cabinet approved a revised bill in April and formally "gazetted" it in June, the first step toward the introduction of the bill in Parliament. By the end of the reporting period, the bill had not been introduced in Parliament. The bills are substantially similar. Both bills carry penalties, including fines or jail sentences, for anyone convicted of or assisting in "unethical" conversion. The private member bill has heavier penalties for converting women and children, whereas the ministerial bill has such penalties only for children. The ministerial bill holds that for any group found guilty of performing "unethical" conversion, all its members may also be found guilty, and that any foreigner found guilty under this act will be deported and may be labeled a "prohibited visitor."

Some Christian denominations resisted greater government involvement in their affairs; instead they are registered individually through acts of Parliament or as corporations under domestic law. Any religious group that wishes to be registered as a corporation must fill out and submit forms in order to be so recognized. This gives the group legal standing in Sri Lanka to be treated as a corporate entity in financial and real estate transactions. There is no tax exemption for religious organizations as such. However, churches and temples are allowed to register as charitable organizations and thus are entitled to some tax exemptions. There is no option for registering as a "religious group." Such groups must either register as a corporation or a charitable organization. In 2003, the Supreme Court ruled against an incorporation petition by the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis. The court claimed that the order could not be incorporated if it was involved in proselytization and providing material benefit. In April 2004, the UN Commission on Human Rights (UNCHR) asked the Government to provide a response. The Government raised technical objections, and the UNCHR said that it would review them, based on both the substantive issues and the technical objections; a response was expected in August 2004, but no response had been received by the end of the period covered by this report.

The Government has placed renewed emphasis on the work of national councils for interfaith understanding in the wake of the attacks on Christian churches and evangelical groups' property.

Despite the constitutional preference for Buddhism, a number of major religious festivals of other faiths are celebrated as national holidays. These include the Hindu Thai Pongal, New Year, and Deepawali festivals; the Muslim Hadji and Ramzan festivals and Muhammad's birthday; and Christian Good Friday and Christmas.

Religion is a mandatory subject in the school curriculum. Parents and children may choose whether a child studies Buddhism, Islam, Hinduism, or Christianity. Students of other religions can pursue religious instruction outside of the public school system, for there are no separate syllabuses provided for smaller

religions. Schools teach religion from an academic point of view. In public schools, students receive religious instruction based on the religion identified on their birth certificate (every birth certificate includes a religious designation) and other documents.

Issues related to family law, including divorce, child custody, and inheritance, are adjudicated by the customary law of each ethnic or religious group. The minimum age of marriage for women is 18 years, except in the case of Muslims, who continue to follow their customary religious practices. The application of different legal practices based on membership in a religious or ethnic group may result in discrimination against women.

Restrictions on Religious Freedom

Foreign clergy may work in the country, but for the last three decades, the Government has limited its issuance of temporary work permits. Permission usually is restricted to denominations that are registered formally with the Government. Most religious workers in the country are native in origin.

During the period covered by this report, Christians, both mainstream denominations and evangelical groups, encountered increased harassment and physical attacks by some local Buddhists who felt threatened by these groups. Some Christian groups sometimes complained that the Government tacitly condoned harassment and violence. In some cases, the police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks.

Abuses of Religious Freedom

Since 1983 the Government (controlled by the Sinhalese, and predominantly Buddhist, majority) has fought the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate state for the country's Tamil (and predominantly Hindu) minority. However, in 2001, the Government and the LTTE each announced unilateral cease fires and in 2002, a joint ceasefire accord was agreed to by the parties. The peace process is fragile; in 2003, the LTTE pulled out of talks with the Government. Religion did not play a significant role in the conflict, which is rooted in linguistic, ethnic, and political differences. Buddhists, Hindus, Muslims, and Christians all have been affected by the conflict, which has claimed more than 60,000 lives. The military issued warnings through public radio before commencing major operations, instructing civilians to congregate in safe zones around churches and temples; however, in conflict areas in the north, the Government occasionally was accused of bombing and shelling Hindu temples and Christian churches. In 2003, some Buddhist clergy were allowed to visit shrines in LTTE-controlled areas for the first time in many years. Some Christians also visited holy sites in LTTE-controlled areas that had not been accessible during the period of armed conflict.

Unlike in previous years, the LTTE did not target Buddhist sites during the period covered by this report; however, the LTTE has not indicated that it will abstain from attacking such targets in the future. In 2003, the Kandy High Court sentenced to death three persons for their involvement in the 1998 bombing of Dalada Maligawa, "the Temple of the Tooth," the holiest Buddhist shrine in the country. Thirteen worshipers, including several children, were killed by the bombing. The judge sentenced two others to 680 years rigorous imprisonment and a third to 490 years. Following this incident, the Government has augmented security at a number of religious sites island-wide, including the Temple of the Tooth.

There were no reports of religious prisoners or detainees.

Forced Religious Conversion

There were no reports of forced religious conversion, including of minor U.S. citizens who had been abducted or illegally removed from the United States, or of the refusal to allow such citizens to be returned to the United States.

Allegations by Buddhist extremists of Christian involvement in unethical or forced conversions continue to be a source of tension between the two communities. Christians deny this charge, responding that people undergo conversion of their own free will. There were reports that members of some evangelical groups made disparaging comments about Buddhism while engaging in evangelical activities. Some groups have also alleged that Christians engage in aggressive proselytism and take advantage of societal ills such as general poverty, war, and lack of education. Christians countered that their relief efforts were in earnest and were not targeted at conversion.

In May, at the invitation of the Government, UN Special Rapporteur on Freedom of Religion Asma Jahangir held several meetings on religious freedom in the country. She concluded that while allegations of forced or coerced conversion remained vague and no direct testimonies were available, second-hand accounts by credible sources indicated that conversions through improper means have sometimes occurred.

Persecution by Terrorist Organizations

The LTTE has been listed as a Foreign Terrorist Organization by the U.S. since 1997. While Muslims, Tamils, Sinhalese, and Christians all have been victimized by the LTTE, religious persecution has not played a major role in the conflict.

In 1990, the LTTE expelled some 46,000 Muslim inhabitants—virtually the entire Muslim population—from their homes in the northern part of the island. Most of these persons remain displaced and live in or near welfare centers. Although some Muslims returned to the northern town of Jaffna in 1997, they did not remain there due to the continuing threat posed by the LTTE. There are credible reports that the LTTE has warned thousands of Muslims displaced from the Mannar area not to return to their homes until the conflict is over. It appears not that the LTTE's actions against Muslims are targeted due to Muslims' religious beliefs but rather that they are part of an overall strategy to clear the north and east of persons unsympathetic to the LTTE. The LTTE has made some conciliatory statements to the Muslim community, but some Muslims viewed the statements with skepticism. The LTTE continues to encourage Muslim Internally Displaced Persons (IDPs) to return home, asserting they will not be harmed. Although some Muslim IDPs have returned home, the vast majority has not and is waiting for a Government guarantee of safety in LTTE-controlled areas. Since the peace process began in 2001, the LTTE has also carried out a number of attacks in the east in which Muslims have been killed. No arrests have been made in these cases. In 2003, four Muslims were killed; while the LTTE denied any involvement, this incident fueled tensions between the Hindu and Muslim communities in the area.

On December 25, 2004, a group of men in the LTTE-controlled area of Vakeneri in Batticaloa district attacked and damaged what was described as a Christian family church. The police reported that two men inside the church were assaulted and that the church was damaged. The police claimed they were unable to take any action against the accused as the area was under LTTE control.

On April 24, the chief priest of Annapani Hindu temple at Ariyampathi in Batticaloa was shot, allegedly by an LTTE pistol gang, while attending to religious activities in the temple. The priest and two others who were also injured were admitted to Batticaloa hospital with serious injuries. While the police continued their investigation during the period of this report, because the area was controlled by the LTTE, no action was taken.

On May 17, during an LTTE-sponsored strike over the erection of a Buddha statue on public land in Trincomalee in the eastern province of Sri Lanka, a Sinhala youth was killed and four members of the same family were injured when a grenade was thrown at them. On May 18, the Trincomalee Magistrate instructed the authorities to remove the Buddha statue. On June 17, the Court of Appeals in Colombo issued a suspension of that order. At the end of the period covered by this report, the statue remained at the contested site.

The LTTE has been accused in the past of using church and temple compounds, where civilians are instructed by the Government to congregate in the event of hostilities, as shields for the storage of munitions.

Improvements and Positive Developments in Respect for Religious Freedom

At the height of the attacks on Christian churches, several Government leaders, including the President and the Minister of Christian Affairs, publicly denounced the attacks. On February 20, at a ceremony held at the Buddhist and Pali University, President Kumaratunga said that such attacks would not be tolerated and ordered the police to fully investigate each incident. The President also pledged to act against extremists. On November 2, 2004, the first meeting of the newly formed National Advisory Committee for Peace & Reconciliation (NACPR), formed by President Kumaratunga, took place. The Committee will deliberate on an ongoing basis on issues pertaining to the peace process, and it will promote understanding and reconciliation among different communities.

Since late 2003, police have arrested almost a dozen people connected with various attacks. Former Prime Minister Ranil Wickremesinghe also convened regular meetings of the four ministers dealing with religious issues as part of their portfolio and established religious "amity" committees around the island. In May 2004, leading Catholic and Buddhist clergy met to continue a dialogue on religious tolerance.

Section III. Societal Attitudes

Discrimination based on religious differences is much less common than discrimination based on ethnicity. In general, the members of the various faiths tend to be tolerant of each other's religious beliefs. There has been an increase in harassment of Christians and attacks on their property and places of worship by Buddhist extremists opposed to conversion. Some government officials and leaders of different faiths publicly condemned these attacks.

The police made attempts to investigate many of these incidents when complaints were made, but were often reluctant to pursue criminal charges against the suspected perpetrators, some of whom were Buddhist monks. Law enforcement officials believe that a majority of the attacks were conducted by a small number of extremist Buddhists. By early 2005, several alleged attackers had been arrested. The National Christian Evangelical Alliance of Sri Lanka reports that although approximately 40 percent of incidents were never reported to the police, approximately 50 attacks have taken place during the period covered by this report. The Embassy has confirmed most of these attacks. The Evangelical Alliance also reported that more than 100 attacks took place in the previous reporting period.

No action was taken during the period covered by this report in the 2003 attack against a member of the Assembly of God church in Thanamalwila or the 2003 attack against Pastor Rozario. However, police continued to investigate.

No action was taken in the three separate attacks that occurred in Ratnapura in 2003. However, investigations remained ongoing.

No action was taken in the February 2004, attack against the World Vision office in Kebithigollwa, or the January 2004 arson attack against the Our Mother Most Pure Catholic shrine in Mattegoda.

In February 2004, a large crowd attacked an Apostolic Church at Boraluwewa in Kurunegala, and the church and workers' quarters were burned. Five men who were arrested for the attack remain free on bail. A hearing on this case was scheduled for July 11, 2005.

In April 2004, the Christian Fellowship Church at Wadduwa in Kaluthara district was attacked by a mob led by a Buddhist monk. The attackers threw rocks, attempted to assault worshippers with sticks, and damaged a police vehicle. The police have asked the monk for compensation for the vehicle, and the monk has agreed to pay for the damage; however, the police have not taken any action to settle the dispute between the church and the monk.

In May 2004, a crowd threatened the pastor of the Prayer Tower Church in Mahawewa in reaction to a rumor that he was building a Bible school. Police made no arrests during the period covered by this report.

In May 2004, a mob of armed men attacked the Assembly of God church in Yakkala and assaulted the church members. Police officials arrested three persons, and a trial is pending for September 2005.

On June 19 and 20, 2004, following the introduction of the Ministerial anti-conversion draft bill, large groups, including Buddhist monks, attacked the Christian Fellowship Church in Wadduwa. In response to the June 19 incident, police remained at the church for protection. On June 20, police also were attacked in their attempts to guard the church. Police issued an arrest warrant for one of the Buddhist monks involved in the June 20 attack, but at the end of the period covered by the report, they had not located him.

In August 2004, 3 days after receiving a death threat, Pastor Divakaran of the Foursquare Gospel Church in Gampola, Kandy discovered a fire at his bedroom window. Police investigated; however, no action was taken during the period covered by this report.

In October 2004, the Assemblies of God church in Yakkala, Gampaha district, had human excreta thrown at its outer wall. On November 14, police arrested two men allegedly involved with the attack and referred the matter to the mediation board for settlement.

In December 2004, a concert in Colombo featuring Indian film stars was forced to close down after a hand grenade was thrown at the performers, killing two spectators and injuring several others. Some Buddhist monks had demanded that the concert be cancelled because it coincided with the first death anniversary of a prominent monk. Police continue to investigate and have offered monetary rewards for information leading to an arrest; however, no action was taken during the period covered by this report.

In December 2004, St. Michael's Catholic Church in Kutwana, Colombo district, was set on fire. This was the third attack against the church since 2003. Police made no arrests during the period covered by this report.

On April 25, police arrested Mohamed Nilam, a Muslim, for stoning and damaging a statue of Buddha, in Nugegoda in the outskirts of Colombo. The Magistrate released Nilam on bail and ordered him to report to the police every Sunday morning. The next hearing was scheduled for August 23, 2005.

On May 1, a Buddhist monk-led mob attacked the Zion Prayer Center in Balapitiya, in Galle district. The pastor's wife and two other women were seriously injured in the attack, and furniture and the electric sound system were damaged. The pastor, who was away from the prayer center at the time of the attack, filed a complaint, which was referred to the Mediation Board. No further action was taken during the period

covered by this report.

On the evening of June 5, villagers threw bottles at the newly purchased home of the pastor of the Assembly of God church in Ambalangoda in Galle district. On June 6, following an argument between a mob of approximately 30 and the pastor, the mob attacked the pastor's home causing damage to the windows and fence. The mob, which had grown to more than 50 persons, assaulted the pastor and his brother and stole the pastor's mobile telephone and more than \$2,000 (SLR 200,000) from the men. The home was also vandalized and a Buddha statue and lamps were placed on the property. Police investigated, promptly removed the statue and lamps, and arrested 6 persons who remained free on bail at the end of the period covered by this report. A trial is scheduled for November 28.

There is no indication of preference in employment in the public sector on the basis of religion.

Section IV. U.S. Government Policy

The U.S. Government discusses religious freedom issues with the Government in as part of its overall policy to promote human rights. U.S. Embassy officials regularly met with representatives of all the country's religious groups to review a wide range of human rights, ethnic, and religious freedom issues. During the period covered by this report, Embassy representatives met with government officials at the highest level to express U.S. Government concern about the attacks on Christian churches and to discuss the anti-conversion issue. On several occasions, the Assistant Secretary for Democracy, Human Rights, and Labor and the Ambassador at Large for International Religious Freedom discussed the anti-conversion issue with the country's ambassador to the United States.

The U.S. Government is a strong supporter of the peace process launched by the Government, and the Embassy encourages the interfaith efforts by religious leaders to promote a peaceful resolution of the conflict.

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