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Sri Lanka

International Religious Freedom Report 2004

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

The Government's official respect for religious freedom was unchanged; however, due to the actions of extremists, there was an overall deterioration in religious freedom. In late 2003 and in the initial months of this year, there were many serious attacks on Christian churches and also sometimes against pastors and congregants. Over 100 attacks have been reported, and several dozen were confirmed by diplomatic observers. In response prominent political and religious leaders publicly condemned the attacks, and police arrested approximately a dozen people in connection with some of the incidents. Additionally, despite pressure from extremists, the Government did not take action on draft bills that would criminalize religious conversion by "unethical" means. In May an MP of the Jathika Hela Urumaya (JHU) party presented a draft anti-conversion bill as a private member's bill and, shortly after the end of the reporting period, presented the bill to Parliament formally. Several groups have submitted Supreme Court petitions challenging the constitutionality of the draft, and it has sparked intense discussion. As a private member's bill it does not require (and has not received) Government support, and it faces a protracted legislative process prior to any parliamentary vote. In June 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 a review that was ongoing at the end of the period covered by this report. There has been considerable public discussion of the bills, and many government officials expressed their concern about such legislation. The draft bill presented by the Minister of Buddhist Affairs will not be enacted automatically; it also faces protracted legislative review prior to any parliamentary vote.

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. While 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 allurement; the group has appealed the ruling to the UN High Commissioner for Human Rights. At the same time, the Supreme Court ruled that the Constitution supports the right of individuals to practice any religion; however, it does not support the right to proselytize. The Supreme Court rulings have not become law; during the period covered by this report, they were not enforced and groups were not prosecuted for proselytizing. The decisions may, however, have increased societal tensions in some localities. The State also limits the number of foreign religious workers granted temporary residence permits.

U.S. Embassy officials expressed official concern regarding the attacks on churches and the anti-conversion issue in meetings with government leaders. Embassy officials also urged the Government to arrest and prosecute the perpetrators of the attacks. The U.S. Government continues to discuss general religious freedom issues with the Government as a part of its overall policy to promote human rights.

Section I. Religious Demography

The country has a total area of 25,322 square miles and a population of approximately 19.74

million. Buddhism, Hinduism, Islam, and Christianity all are practiced in the country. Approximately 70 percent of the population is Buddhist, 15 percent is Hindu, 8 percent is Christian, and 7 percent is Muslim. Christians tend to be concentrated in the West, with much of the North almost exclusively Hindu. The other parts of the country have a mixture of religions, with Buddhism overwhelmingly present in the south.

Most members of the majority Sinhalese community are Theravada Buddhists. Almost all Muslims are Sunnis, with a small minority of Shi'a, including members of the Borah community. Roman Catholics account for almost 90 percent of the Christians, with Anglicans and other Protestant churches such as the Seventh-day Adventists, Jehovah's Witnesses and the Assemblies of God also present in the cities. Evangelical Christian groups have increased in membership in recent years, although the overall number of members in these groups remains 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 officially respects this right; however, in practice there was an overall deterioration in religious freedom. There are separate ministries in the Government that address religious affairs. These include: The Ministry of Buddha Sasana; the Ministry of Muslim Religious Affairs; the Ministry of Hindu Affairs; and the Ministry of Christian Affairs. Each of these ministries has been empowered to deal with issues involving the religion in question. The Ministry of Christian Affairs vocally condemned attacks on Christians; however, following the change of Government in April, it was less publicly active. The Minister has indicated that he would carefully review any proposed anti-conversion bill before taking a position.

In January 2003, a bill intended to curb religious conversions was drafted and presented to the Cabinet. The draft bill was under review by the Attorney General's office in February when President Kumaratunga dissolved Parliament and announced parliamentary elections for April. With the dissolution of Parliament, all pending legislation was cancelled, including the draft "anti-conversion" bill. In May an MP of the Jathika Hela Urumaya (JHU) party presented a draft anti-conversion bill as a private member's bill, and, shortly after the end of the period covered by this report, presented the bill to Parliament formally. Several Christian groups have expressed concern that the draft law violates their constitutional right to practice their religion freely and have submitted Supreme Court petitions challenging it. While the potential legislation sparked intense discussion, it has yet to be approved by Parliament or endorsed by the Government. In June the Minister of Buddhist Affairs presented a separate draft anti-conversion bill to the Cabinet. It was not formally approved, but it was sent to the Attorney General for review, which was ongoing at the end of the period covered by this report. The bills are substantially similar. Each is intended to prohibit the conversion of a person from one religion to another. The private member bill limits the prohibition to only "forcible" conversions, while the ministerial bill attempts to make illegal any religious conversions. Both bills carry penalties, including fines or jail sentences, for anyone convicted of conversion or assisting in conversion. The private member bill has heavier penalties for converting women and children; however, the ministerial bill has stronger penalties only for children. The ministerial bill holds that each member of a group may be guilty of converting and that any foreigner found guilty under this act shall be declared "persona non grata." There has been considerable public discussion of the bills; however, senior government officials have not supported either bill publicly, and the draft bill presented by the Minister of Buddhist Affairs will not be enacted automatically.

Some Christian denominations have resisted greater government involvement in their affairs. Therefore, they are not registered as charitable organizations, but instead individually through acts of Parliament or as corporations under domestic law. Christian denominations must fill out and submit forms in order to be recognized as corporations. This procedure gives them legal standing to be treated as corporate entities in their 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 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 charity organization. On August 1, 2003, the Supreme Court ruled publicly against an incorporation petition by the Teaching Sisters of the Holy Cross of the Third Order of Saint Francis. The court denied the petition, claiming that the order could not be incorporated if it were

involved in proselytization and providing material benefit. Several Christian groups and nongovernmental organizations (NGOs) claim that such a ruling would in effect limit their ability to provide services to the citizens of the country. The religious order submitted an appeal to the UN High Commissioner on Human Rights (UNHCHR) in February. In April the UNHCHR asked the Government to provide a response. The Government raised technical objections, and the UNHCHR said that it would review the appeal, based on both the substantive issues and the technical objections; a response was expected in August.

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

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 (see Section III).

Restrictions on Religious Freedom

Foreign clergy may work in the country, but for more than three decades, the Government has taken steps to limit the number of foreign Christian religious workers given temporary work permits. Theoretically, there is a certain number of work permits issued for each religious denomination; however, in practice this policy has not been followed recently, and foreign religious workers have been granted tourist visas. Permission usually is restricted to denominations that are registered formally with the Government. Most religious workers in the country, including most Christian clergy, are Sri Lankan in origin.

Religion is a mandatory subject in the school curriculum and taught from an academic point of view. Parents and children may choose whether a child studies Buddhism, Islam, Hinduism, or Christianity. 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. Students of minority religions other than Islam, Hinduism, and Christianity must pursue religious instruction outside of the public school system. If the religion is not one of the four identified religions, the student must study a related religion or obtain the consent of the school authority for separate study. However, proof of religious study outside school is not mandatory. There are no separate syllabuses provided for smaller religions.

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 without hinderance from the government. The application of different legal practices based on membership in a religious or ethnic group may result in discrimination against women. There is no civil law addressing these issues; customary law prevails.

Abuses of Religious Freedom

During the period covered by this report, Christians encountered increased harassment and physical attacks by local Buddhists who felt threatened by these groups (see Section III). Some Christian groups complained that the Government tacitly condoned harassment and violence; however, the Government at all levels publicly condemned these attacks. In some cases, police response was inadequate, and local police officials reportedly were reluctant to take legal action against Buddhist monks involved in the attacks. NGOs have reported that in the majority of cases the police failed to protect churches and citizens from attacks. However, in some instances, police officials have investigated and arrested individuals in connection with attacks on churches.

Since 1983 the Government (controlled by the Sinhalese, and predominantly Buddhist, majority) has fought the Liberation Tigers of Tamil Eelam (LTTE), an insurgent 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, the parties agreed to a joint cease-fire accord. The peace process is fragile; in April 2003, the LTTE pulled out of talks with the Government. To resolve domestic political differences, in April President Kumaratunga dissolved Parliament and called for elections, which Kumaratunga won. At the

end of the period covered by this report, the new Government, assisted by Norwegian facilitators, was discussing a resumption of peace negotiations with the LTTE.

Religion did not play a significant role in the conflict, which essentially is rooted in linguistic, ethnic, and political differences. Buddhists, Hindus, and Christians have all 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 the 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. During the period covered by this report, some Christians also visited holy sites in LTTE-controlled areas that were not accessible during the period of armed conflict.

The LTTE targeted Buddhist sites, most notably the historic Dalada Maligawa or "Temple of the Tooth," the holiest Buddhist shrine in the country, in the town of Kandy in January 1998. Thirteen worshipers, including several children, were killed by the bombing. The Government still is attempting to locate and arrest the LTTE perpetrators of the attack. As a result, the Government has augmented security at a number of religious sites island-wide, including the Temple of the Tooth. The LTTE did not target Buddhist sites during the period covered by this report and has not attacked such sites since its 1998 attack on Dalada Maligawa; however, it has not indicated that it will abstain from attacking such targets in the future.

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.

Abuses by Terrorist Organizations

The LTTE has been listed as a Foreign Terrorist Organization since 1997. All ethnic and religious groups have been victimized by the LTTE, but 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 that LTTE actions against Muslims are not due to their religious beliefs, but rather that they are a part of an overall strategy to clear the North and East of persons not sympathetic to their cause. 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 IDPs to return home, asserting they will not be harmed. Although some Muslim IDPs have returned home, the vast majority has not and instead is waiting for a guarantee from the Government for their safety in LTTE-controlled areas. Since the peace process began in 2001, the LTTE has also perpetrated a number of attacks in the East in which Muslims have been killed. No one has been arrested for perpetrating these attacks. In August 2003, four Muslims were killed; while the LTTE denied any involvement, this incident fueled tensions between the Hindu and Muslim communities in the area. The LTTE also commonly extorts money from Muslim families and businesses in the East.

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, government leaders from the President to the

then-Minister of Christian Affairs publicly denounced the attacks. President Kumaratunga specifically said that such attacks would not be tolerated and ordered the police to investigate each incident fully. Since the Government increased its efforts in late 2003, police have arrested almost a dozen people connected with the 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 a number of religious "amity committees" around the island in January; however, after initial sessions, there was little interest in continuing the meetings. Leading Catholic and Buddhist clergy met in May to continue the 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. However, there was a significant increase in the harassment of Christians, especially evangelical groups, and attacks on their property and places of worship during the period covered by the report. The attacks were perpetrated by Buddhists, who violently opposed attempts to convert Buddhists to another religion. Government officials, including the President and leaders of the different faiths, publicly condemned these attacks.

The police attempted to investigate complaints of attacks against Christians and their property, but often they were reluctant to pursue suspected perpetrators who were Buddhist monks. Law enforcement officials continue to believe that a majority of the attacks were conducted by a small number of these Buddhists. During the period covered by this report, several alleged attackers were arrested, and the intensity and frequency of the attacks had declined.

The National Christian Evangelical Alliance of Sri Lanka reported that over 100 attacks took place during the period covered by this report. Between December 24 and 29, 2003, there were 20 violent attacks. To some extent, the attacks can be attributed to the sudden death on December 12 of a popular Buddhist monk, who was critical of the actions of both Buddhists and Christians. Consequently, the timing of attacks on churches during the Christmas period appears to be associated with the demonstrations surrounding his funeral (December 24) rather than a separate effort to attack churches during the holiday.

A reputable NGO also reported that in the first 6 months of the year, there were 48 documented attacks on churches, pastors, and congregations. While there was a reduction in violence following the April election, attacks have not ended. Diplomatic observers confirmed several of these attacks, including the following representative cases:

On June 19 and 20, 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.

On May 23, 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.

On May 17, a crowd threatened the pastor of the Prayer Tower Church in Mahawewa in reaction to a rumor that he was building a Bible school. To date police officials have made no arrests.

On April 11, the Christian Fellowship Church in Wadduwa was attacked by a mob led by a Buddhist monk. Attackers threw rocks at the church and attempted to beat worshippers with sticks. Police are investigating the incident. Also on April 11, the residence of the pastor of the Assembly of God church in Ampara District was firebombed. No injuries were reported in the attack, and the police were investigating; however, at the end of the period covered by this report, there were no further details.

On February 15, an Apostolic church in the Boraluwewa District was attacked by a large crowd, and the church and workers' quarters were burned. Five men were arrested and charged with

attempting to destroy a place of worship, but they are free on bail. A court date was scheduled for July. A different group also attacked the Gethsemane Church, likewise located in Boraluwewa, on the same day; however, that pastor withdrew charges.

On February 7, the Kebithigollwa office of the Christian NGO World Vision was fire bombed and completely burned. The following day, the police arrested several people, including Buddhist monks, in connection with the incident. The three monks and four other persons were charged with arson but freed on bail. The investigation continued, but at the end of the period covered by this report, no court date had been scheduled. Any further court proceeding, including a trial, awaited decision by the Attorney General.

In January there were 20 attacks against Christian leaders and churches belonging to a variety of denominations reported. Specifically, on January 11, approximately 5,000 Buddhist monks and lay persons participated in an anti-Christian rally in the town of Homagama. On January 26, the Our Mother Most Pure Catholic shrine in Mattegoda was damaged in an arson attack. A police investigation is ongoing; however, at the end of the period covered by this report there were no arrests.

On December 9, 2003, three separate, religious-based attacks occurred in Ratnapura. The local office of the Christian NGO World Vision was attacked and a security guard on the premise was injured. The interiors of Saint Sebastian's Catholic Church and the evangelical Calvary Church also were damaged in the second and third attacks. Police do not have any suspects, but both cases remained under investigation at the end of the period covered by this report.

On December 5, 2003, two Korean Protestant ministers were harassed at their residence in Colombo. Several personal items were stolen. Police were investigating the incident; however, there have been no arrests.

On November 13, 2003, Buddhist monks threatened and harassed the staff at the Borella office of World Vision and accused the group of organizing "unethical conversions;" there were no injuries. A Buddhist monk and several others were arrested in connection with the incident, and a police investigation is ongoing. Both parties made complaints of assault, and the police set the matter for arbitration; however, at the end of the period covered by this report, no date had been determined for the action.

On September 25, 2003, there was an attack on the Assembly of God church in Kesbawa. A Buddhist monk named Ven. Katuwella Chandrasiri allegedly led the attack. The church was damaged seriously, but there were no injuries. A police investigation was ongoing; however, there have been no arrests.

On September 17, 2003, four women associated with the Assembly of God church in Kotadeniyawa were assaulted. The church was subsequently burned on September 23. At the end of the period covered by this report, the police continued to investigate the assaults and arson, but there had not been any arrests.

On August 2, 2003, a member of the Assembly of God church in Thanamalwila was attacked and chased by Buddhist monks. A complaint was filed with the police, but the attackers were not identified and no further action has been taken.

On June 3, 2003, a mob of 100 Buddhists surrounded Saint Stephen's Lutheran Church in Gampaha at midnight and destroyed a small church hall under construction. A Christian family living next door was threatened with death if they reported the incident. Local authorities made an arrest after the attack; however, the arrested individual was released and the case was set for arbitration at a still undetermined date. Villagers threatened to bomb the church if the Christians attempted to rebuild it.

On May 17, 2003, a group of laypersons associated with a local Buddhist temple visited Pastor Rozario at his home in the village of Neluwa, in the Galle District, and instructed him not to convert persons of other faiths to Christianity. Following the incident, Rozario made a complaint to police. On June 13, 2003, other persons attacked Pastor Rozario and set fire to items in his home. Three persons were charged with criminal trespass and intimidation on June 13, 2003. They were released on bail, and a court hearing is scheduled for October.

On May 25, 2003, 500 Hindus broke into the Heavenly Harvest Church in Kaluvenkerni; beat church members, including children; and ransacked the building. Kaluvenkerni is in the tense eastern part of the country, an area with extensive LTTE influence. The Hindu mob then set fire to the homes of all 25 Christian families in the village and tried to force 2 Christians to renounce their faith. The police who arrived on the scene were outnumbered, but they managed to convey the pastor to safety. The LTTE have asked Christian villagers to return and promised to look after their safety; however, none of the Christians returned during the period of this report. As of the end of the period covered by this report, no arrests had been made, and none seemed likely.

In 2002, a group of Christians vandalized a Jehovah's Witness hall in Negombo, breaking windows, destroying electrical systems, and burning equipment. Members of the congregation claimed that the police did not react to the disturbance until after the crowd dispersed. In November 2002, a Christian mob stormed the same meeting hall, assaulted Jehovah's Witnesses, and again vandalized the premises. In December 2002, an appeal was made by Jehovah's Witnesses for police action and cooperation. A police spokesman reportedly visited the site and submitted a report to the Inspector General of Police; however, there is no record of either action. The results of the police investigation reportedly determined that the fire was deliberately set; however, no suspects have been identified or arrested, and no case has been filed.

There are reports that members of various religious groups give employment preference in the private sector to members of their own group or denomination. This practice does not appear to be based principally on religion. 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. Embassy discusses religious freedom issues with the Government as part of its overall policy to promote human rights. Representatives of the Embassy regularly met with representatives of all of 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 repeatedly with government officials at the highest level, including with President Kumartunga, to express the U.S. Government's concern about the attacks on Christian churches and to discuss the anti-conversion issue. On several occasions the Assistant Secretary for Human Rights, Democracy, 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 United States strongly supports 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.

In meetings with clergy and officials in the religious ministries, Embassy representatives encouraged the dialogue and meetings that occur between religious leaders.

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