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July-December, 2010 International Religious Freedom Report - Sri Lanka

Bureau of Democracy, Human Rights, and Labor
September 13, 2011

[Covers six-month period from 1 July 2010 to 31 December 2010 (USDOS is shifting to a calendar year reporting period)]

The constitution and other laws and policies protect religious freedom; however, in practice, the government enforced some restrictions. The constitution accords Buddhism the "foremost place" and commits the government to protecting it, but does not recognize it as the state religion.

There was no change in the status of respect for religious freedom by the government during the reporting period. Although the government publicly endorses religious freedom, in practice there were problems in some areas.

There continued to be sporadic attacks on Christian churches by Buddhist extremists and some societal tension due to ongoing allegations of forced conversions, although the number and scale of attacks appeared to be fewer than in recent years. In contrast to previous years, there were no attacks against Muslims reported.

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. U.S. 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 effect that anticonversion

laws would have on religious freedom. The U.S. government continued to discuss general religious freedom concerns with religious leaders.

Section I. Religious Demography

The country has an area of 25,322 square miles and a population of 20.1 million. 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, Muslims populate the east, and the north is predominantly Hindu.

Most members of the majority Sinhala community are Theravada Buddhists. Most Tamils, who make up the largest ethnic minority, are Hindus. Almost all Muslims are Sunnis; there is a small minority of Shia, including members of the Bohra community. Almost 80 percent of Christians are Roman Catholics, with Anglican and other mainstream Protestant churches also present in cities. Seventh-day Adventists, Jehovah's Witnesses, Methodists, Baptists, Dutch Reformed, Pentecostals, The Church of Jesus Christ of Latter-day Saints (Mormons), and members of the Assemblies of God are also present. Evangelical Christian groups have grown in recent years, although membership remains small.

Section II. Status of Government Respect for Religious Freedom

Legal/Policy Framework

Please refer to Appendix C in the Country Reports on Human Rights Practices for the status of the government's acceptance of international legal standards

<http://www.state.gov/g/drl/rls/hrrpt/2010/appendices/index.htm>.

The constitution and other laws and policies protect religious freedom; however, in practice, the government enforced some restrictions. The constitution states, "Every person is entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice." The constitution gives a citizen "the right either by himself or in association with others, and either in public or in private, to manifest his religion or belief in worship, observance, practice, or teaching."

The Ministry of Religious Affairs has four departments that work specifically with Buddhist, Hindu, Muslim, and Christian affairs. According to the legislation defining their mandates, each department should formulate and implement programs that inculcate religious values and promote a "virtuous society."

Parliament again took no action on "anticonversion" legislation first introduced in 2004. In 2004 the Jathika Hela Urumaya Party (JHU) presented to parliament a bill that would criminalize "unethical" conversions, and in 2005 the JHU presented the bill for a second reading, despite a Supreme Court

ruling that some sections of the bill were unconstitutional. The JHU indicated it would bring the bill forward again in 2010, but did not do so by the end of the reporting period.

Religious groups were not required to register with the government. To conduct financial transactions and open bank accounts, however, they must be incorporated either by an act of parliament under the Companies Act as a business, under the Societies Ordinance, or under the Trust Ordinance. Until the 1960s, most churches were either Catholic or Anglican and were incorporated by acts of parliament. Beginning in the 1970s, as new Christian groups – including evangelical groups – began to emerge in the country, it became more common to register churches under the Companies Act. Over time evangelical churches have been accused of engaging in "unethical conversions." As a result the government has become reluctant to register new religious groups as companies. Evangelical groups reported that they found it increasingly difficult to register new churches or to reregister under the Companies Act. Registration under the Societies or Trust Ordinances limited these churches' ability to conduct certain financial transactions.

Matters related to family law, including divorce, child custody, and inheritance, were adjudicated according to the customary law of the concerned ethnic or religious group. The minimum age of marriage for women was 18 years, except in the case of Muslims, who continued to follow their customary religious practices of girls attaining marrying age with the onset of puberty and men when they were financially capable of supporting a family.

Religion was a mandatory subject in the public school curriculum. Parents may choose for their children to study Buddhism, Islam, Hinduism, or Christianity. Students who belonged to other religious groups could pursue religious instruction outside the public school system. All schools follow the Department of Education curricula on the subject, which was compulsory for the General Certificate Education Ordinary/Level exams. International schools that followed the London Ordinary/Level syllabus may opt not to teach religious studies in schools.

The government observed the following religious holidays as national holidays: Hindu Thai Pongal, New Year, and Deepawali festivals; Islamic Hadji and Ramzan festivals and the Birth of Prophet Muhammad; and Christian Good Friday and Christmas.

Restrictions on Religious Freedom

There was no change in the status of respect for religious freedom by the government during the reporting period. Although the government publicly endorsed religious freedom, in practice there were problems in some areas. Foreign clergy may work in the country, but for the last three decades, the government has limited the issuance of temporary work permits. Members of denominations registered formally with the government could work in the country. Most religious workers in the country were indigenous.

During the reporting period work permits for foreign clergy were issued for one year rather than five years as in the past but can be extended. In the past it had become regular practice for many foreign religious workers on development projects to use tourist visas to gain entry without encountering any problems with immigration authorities. During previous reporting periods, however, government authorities informed some religious workers that they would not be able to continue this practice. They were not deported formally but instead were encouraged strongly to leave the country. There were no such cases reported during this reporting period.

Some evangelical Christian groups complained of governmental discrimination in the provision of services. Advanced level public schools require all students to take a course in religion. Some government schools with small numbers of Christian students told their parents there were no teachers available to teach Christian-based religion classes, and therefore their children would be required to attend Buddhist religion classes instead.

While the number of attacks against Christians continued to decline and efforts to pass anti-conversion legislation appeared to end, some Christian groups, in particular those which have come to Sri Lanka more recently, reported an increase in complications obtaining local permission to construct church buildings. These informal restrictions included local authorities requiring approval from a majority of residents before a church could construct a new building. Such approval often was difficult to obtain in majority Buddhist towns and villages. Several smaller congregations were denied permission to register as churches during the reporting period, reportedly because they were not members of the National Christian Council. This prevented them from obtaining authority to solemnize marriages.

Abuses of Religious Freedom

Since 1983 the government had battled the Liberation Tigers of Tamil Eelam (LTTE), a terrorist organization fighting for a separate state for the country's Tamil, and mainly Hindu, minority. The conflict formally ended in May 2009. Adherence to a specific set of religious beliefs did not play a significant role in the conflict, which was rooted in linguistic, ethnic, and political differences. The conflict affected Buddhists, Hindus, Muslims, and Christians. Estimates varied widely, but many believed approximately 100,000 persons died during the nearly 30-year war. The government, paramilitaries, and Tamil Tigers were accused of involving religious facilities in the conflict or putting them at risk through shelling in conflict areas. There were reports during the current reporting period of government troops setting up Buddhist shrines in Tamil areas of the north, with some Tamil groups claiming this was a sign of imminent, government-sponsored Sinhalese colonization of former LTTE-held areas, but military commanders in the north reported that they removed the offending shrines as soon as they were reported.

During the war there were credible reports that both security forces and members of the LTTE committed human rights abuses at places of worship in the north and east. Since the end of the war,

similar incidents have not been reported, although this may have been partially due to a lack of reporting mechanisms in the former conflict areas.

On October 10 a group of approximately 35 persons, led by six Buddhist monks, entered the premises of the Church of the Four Square Gospel in Kalutara. The intruders disrupted an ongoing worship service, threatened and assaulted the pastor, and destroyed furniture and musical instruments. The church lodged a complaint with the local police station.

On October 24 three men stood near the Assembly of God church in Bulathkohupitiya in the Kegalle District during Sunday services, shouting threats at the pastor and congregation. Later that week an unidentified gang entered the church while the pastor was away and set fire to chairs and mats used by the congregation.

There were no updates on the June 25 destruction of the Calvary Church in Rajagiriya. Police officers, reportedly acting on instructions from the Urban Development Authority, had demolished the church, saying it was an unauthorized structure. The pastor had argued that it was authorized, had been functioning since 1985, and had been paying taxes since 1999.

In April 2010 Sarah Malanie Perera, a Sri Lankan resident in Bahrain for 19 years, was arrested under the Prevention of Terrorism Act because of a book she had written entitled *From Darkness to Light*. The book described her conversion to Islam and was deemed offensive to Buddhism by the Ministry of Defense. She was detained and accused of antistate activities and having links to Islamic militants but was later released on bail. The case was referred to the Attorney General's Department, and Ms. Perera was barred from leaving the country while the case continues.

There was no update to a case involving a mob which attacked the dedication of the pastor's residence of the Church of the Foursquare Gospel in Kalutara in March 2010.

Certain members of the Buddhist clergy continued to voice their opposition to the government's ongoing detention and prosecution of ex-presidential candidate Sarath Fonseka. There were no further developments, however, in the reports of threats made to monks who had planned a Sangha Council, or Assembly of Monks, in February 2010, in opposition to Fonseka's arrest.

Although elements of the JHU were suspected to have been behind a number of attacks on churches in past reporting periods, these decreased significantly after the general election in April 2010, and there were no reports of such involvement in attacks during the current reporting period.

There were no updates on an attack on the Church of the Foursquare Gospel Waragoda, which took place in November 2009.

There were no updates on an attack on the Jesus Never Fails Prayer Centre at Koswatte in November 2009.

There were reports of abuses, but no reports of religious prisoners or detainees in the country.

Abuses by Rebel or Foreign Forces or Terrorist Organizations

The U.S. government has listed the LTTE as a Foreign Terrorist Organization since 1997. The LTTE victimized Muslims, Hindus, Buddhists, and Christians; it did not appear that the victims were selected along religious lines.

In 1990 the LTTE expelled tens of thousands of Muslim inhabitants, virtually the entire Muslim population in the area, from the northern part of the country, many from the town of Jaffna. Although most of these persons remained displaced and lived in or near welfare centers during the reporting period, some members of this community began to resettle in Jaffna. It was unclear how many would eventually return, given the long period of time which had elapsed since their original departure. Many younger members of this community felt few ties to the north and expressed reluctance to return there.

Section III. Status of Societal Actions Affecting Enjoyment of Religious Freedom

Discrimination based on religious differences was much less common than discrimination based on ethnicity. In general members of the various religious groups tended to be tolerant of each other's religious beliefs. However, prior allegations by Buddhist extremists of Christian involvement in "unethical" or forced conversions continued to be a source of tension between the two communities. Christians denied the charges, responding that persons freely underwent conversion. Some groups also alleged that Christians engaged in aggressive proselytism and took advantage of societal ills such as general poverty, war, and lack of education. Christians countered that their relief efforts were not aimed at converting aid beneficiaries.

During the reporting period, Christians of all groups sometimes encountered harassment and physical attacks on property and places of worship by some local Buddhists who were opposed to conversion and believed the Christian groups threatened them. The number and severity of the attacks appeared to diminish somewhat during the reporting period. Some Christian groups occasionally complained that the government tacitly condoned harassment and violence aimed at them. Police generally provided protection for these groups at their request. In some cases police response was inadequate, and local police officials reportedly were reluctant to take legal action against individuals involved in the attacks. The National Christian Evangelical Alliance of Sri Lanka reported attacks on Christian churches, organizations, religious leaders, and congregants; many of the attacks were reported to the police. Credible sources confirmed some of these attacks.

Section IV. U.S. Government Policy

The U.S. government discusses religious freedom with the government as part of its overall policy to promote human rights. U.S. embassy officials regularly meet with representatives of all the country's religious groups to review a wide range of human rights, ethnic, and religious freedom concerns. During the reporting period, 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 anticonversion issue.

The U.S. government is a strong supporter of political reconciliation now that the conflict has ended, and the U.S. embassy supported interfaith efforts by religious leaders to promote a peaceful resolution of the underlying causes of the conflict.

The U.S. embassy conducted a number of interfaith panel discussions, workshops, and other events designed to promote interfaith dialogue and cooperative engagement. These discussions involved key regional religious leaders and reached several thousand participants.

USAID and the U.S. embassy undertook several projects involving religious freedom, which promoted interaction among different religious groups within the communities. In November the embassy hosted a public video conference on promoting tolerance in a religiously and ethnically diverse and democratic society, in commemoration of the International Day of Tolerance on November 16.