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Sri Lanka: Frequently Asked Questions

1. Do you accept practices such as using material aid to coerce individuals to listen to and adopt religious messages?

The Becket Fund for Religious Liberty repudiates any and all coercive aid-giving practices. The Catholic Church, the National Christian Council and the National Christian Evangelical Alliance of Sri Lanka have also issued public statements condemning such unethical practices.¹

We share the deep concern of the people of Sri Lanka, the government of Sri Lanka (the “Government”), and aid providers that aid be freely given without any exertion of pressure (explicit or implicit) upon the aid recipient. We believe that alleged incidents of unethical aid-giving should be fully and publicly investigated by an independent interreligious mechanism. Such a proposal has already gained widespread support from religious groups in Sri Lanka.²

We have repeatedly encouraged the Government to make evidence of unethical practices public. However, the government has not produced a **single substantiated account** of an unethical conversion. This lack of evidence persists despite having a presidential commission convened to investigate NGOs in the 1990’s and a subsequent presidential Commission that specifically investigated alleged unethical conversions as recently as 2002.³

2. If you repudiate these practices, then why shouldn’t there be a law that makes these practices illegal?

a) The terms of the legislation are overbroad

¹ See <http://www.archdioceseofcolombo.com/FramBCS2.htm> and <http://www.lankaliberty.com/perspectives/>

² See Statement of National Council of Churches available at <http://www.lankaliberty.org/perspectives/>

³ See 2002 Buddha Sasana report, available at www.lankaliberty.org/perspectives.

We believe that creating a criminal penalty that singles out religious groups for prosecution is an unneeded step that will instigate greater persecution of religious minorities. The bills that have been introduced by the Government and a radical Buddhist nationalist party, the Jathika Hela Urummaya (JHU) are incredibly overbroad, meaning that the bills' language, on its face, places all faith-based aid givers in danger of being prosecuted if the bills become law. The Government's proposed legislation (the "Legislation") contains several subjective, vague, and malleable terms, including:

- The bill prohibits any conversion that takes place by "force." However, Section 10 of the law defines force as the "*threat of divine displeasure or condemnation of any religion, religious faith or of social excommunication.*"
- The bill also prohibits any conversion that takes place by "*allurement*" which is defined as "*the offer of any gift or gratification either in cash or kind, or the grant of any benefit either pecuniary or otherwise.*"
- Section 10 (a) of the law states that "*unethically convert*" includes the offering of "*moral support or promise of moral support*" or "*taking advantage of such persons inexperience, trust, need, low intellect, naivety or state of distress,*" or "*by other means.*"

b) The legislation justifies violence against religious minorities

If either of the bills becomes law, the targeting of faith-based aid groups of minority religions is assured, regardless of their actual aid practices. The radical Buddhist nationalist forces—which have threatened and attacked over 170 Christian groups and individuals in the last two years—have vowed to stop the growth of Christianity. The secretary of the National Bikkhu Front (NBF), Venerable Galewala Chandraloka Thera, has stated that his powerful organization of Buddhist monks will "take drastic steps" if the government does not support enactment of the anti-conversion legislation. Even the Buddha Sasana Minister Wickramayanake has gone on record stating that the two greatest threats facing Sri Lanka are LTTE terrorists and Christian evangelists.⁴

Enactment of the legislation will lend government support to the Buddhist nationalist movement's inflammatory rhetoric against Christians. The focus of this rhetoric has been alleged unethical conversions of Buddhists by Christians. Yet, neither the radical Buddhist forces nor the Sri Lankan government have published a single substantiated report of an unethical conversion. Both Catholic and Protestant churches and Christian relief organizations have been routinely attacked and firebombed, whether they actively evangelized or not.

c) The proposed punishments are unprecedented and draconian

⁴ See "Red alert on terrorists and evangelists," Asian Tribune April 13 2005.

The competing anti-conversion bills both prescribe a punishment of severe fines and imprisonment of up to five to seven years. If the law is passed, Sri Lanka would stand alone in the democratic world by creating the crime of “attempted conversion” and issuing such cruelly disproportionate punishments.

3. Why not trust the government to apply the law fairly and neutrally?

In addition to the Sri Lankan Supreme Court’s explicit endorsement of discrimination against non-Buddhist organizations (*see Answer to Question 2*), Sri Lankan Christians have also reported that local governments do not prosecute violent crimes against Christians because of pressure from local Buddhist clergy. Several NGOs have documented specific incidents in which Christians have provided detailed evidence about their attackers to police only to have the police blatantly ignore their requests to enforce the law.⁵

4. Why is the Legislation being introduced now? Isn’t it because of the increase in unethical practices after the tsunami?

An earlier version of the Legislation was introduced to the Cabinet in January 2003. In May 2004, the Jathika Hela Urummaya (JHU), a radical Theravada Buddhist political party which holds nine seats in Parliament, introduced a similar bill against conversion. The Government then responded by drafting its own anti-conversion bill in June 2004 but did not introduce it in Parliament, presumably to see how the JHU bill fared. Ancillary parts of the JHU bill were found unconstitutional in August of 2004.⁶ In February 2005 the government Cabinet updated its version to remove the constitutionally problematic clauses yet still ban conversions. The JHU has responded to the government’s impending bill by reintroducing their original Legislation ahead of the government—hoping to win a 2/3 majority in Parliament and a national referendum to ban conversions while retaining the supporting clauses that were found unconstitutional. By contrast, the government’s amended bill would only need a simple majority to pass when introduced.

The Government has not produced any evidence of unethical conversions either before or after the tsunami. All reports show that religiously-affiliated aid groups have acted with the highest sensitivity and professionalism. In fact, relations among Sri Lankan faiths improved significantly immediately after the tsunami. Unfortunately however, Buddhist radicals have returned to their typical patterns of violence and attempts at legislating religious discrimination now that a sense of “normalcy” has returned.

5. Aren’t Christians making themselves targets of attack by intruding into Buddhist areas of the country?

⁵ See <http://www.lankaliberty.com/testimonials/>

⁶ Specifically, the bill’s conversion reporting requirements and its grant of criminal prosecutorial powers to private citizens.

The population of Sri Lanka is approximately 70% Theravada Buddhist, 15% Hindu, 7% Christian, 7% Muslim and has been remarkably consistent for decades. Christians have been in Sri Lanka since the Portuguese arrival in 1505. Since Buddhists comprise a large majority of Sri Lanka's inhabitants, it is difficult for people of minority religions not to live in Buddhist areas. Neither the Government nor the Buddhist nationalist parties have produced any evidence of unusual growth by Sri Lankan Christian communities which have existed since 1505.

6. Why suspect the government of bias against minority religions when it is really private actors who are responsible for the attacks?

a) Government inaction against violence

The Government has repeatedly ignored violent crimes against Christians. (*See answer to Question 3.*)

b) Religious discrimination by the Supreme Court

The Supreme Court has openly stated that the growth of Christianity threatens not only the primacy, but the very existence of Buddhism. Therefore, it explicitly prohibits organizations that are not Buddhist from offering aid *regardless* of whether there is any evidence that those organizations engage in unethical practices.

c) Government silence on Buddhist theocracy

On November 19, 2004, the JHU introduced a constitutional amendment to make Buddhism the **official state religion** and prohibit "the spread of other forms of worship among the Buddhist[s]." The government's response to such provocation was silence.

7. Won't the courts apply the law reasonably?

The Supreme Court unequivocally stated in 2003 (in three separate decisions) that it would prohibit charitable giving according to the denomination of the group providing aid and not according to the integrity of the organization's practices. Additionally the Supreme Court has held that "the constitution does not recognize a fundamental right to propagate a religion" in Sri Lanka other than Buddhism. This reasoning led the Court to completely ban three Christian organizations: The Teaching Sisters of the Holy Cross of the Third Order of Saint Francis, New Wine Harvest Ministries, and Sahanaya Doratuwa from incorporating because they offered social services to the poor and needy generally.

These Supreme Court decisions were in fact the initial catalysts for violence against Christians in 2003. This should not be surprising as the Court essentially labeled standard faith activity (teaching and social service) as illegal and an enemy to Sri Lankan culture.

“the propagation and spreading of Christianity . . . would impair the very existence of Buddhism.” (Source: *Teaching Sisters of the Holy Cross of the Third Order of Saint Francis*)

“[T]he process of uplifting the socio-economic conditions of the people of Sri Lanka, not restricted to persons who are of the same religious belief or faith . . . would necessarily result in an inconsistency with the free exercise of a person’s thought, conscience and religion.” (Source: *New Wine Harvest Ministries*.)

Still, the Government has yet to produce any evidence that religious organizations (subjects of the above-mentioned cases or otherwise) engaged in any unethical practices.

8. Aren’t foreign missionaries the ones being targeted for attack?

Although international organizations such as World Vision have been attacked, by far, the overwhelming majority of attacks have been against *domestic* Sri Lankan Christian organizations, churches, and individuals that have been in the country for decades if not generations.⁷

9. Why not wait until the Supreme Court reviews the legislation to pass judgment on it? Couldn’t it be revised significantly?

The Supreme Court of Sri Lanka has *already* passed judgment and has found that Sri Lanka may ban conversions. (*See answer to Question 3.*) People of minority religions have been subjected to violent attacks for well over two years now. Members of these communities have gone into hiding and live in fear. Minority religions urgently need the Government to protect them from further attacks. The Government can prevent further violence against religious minorities by opposing all attempts to pass laws against conversion.

⁷ See State Department 2004 International Religious Freedom Report at <http://www.lankaliberty.com/reports/index.html>.