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April 8, 2004

Hon. William P. Barr
Former Attorney
General
of the United States

United Nations Commission on Human Rights, 60th Session, Agenda Item 14

Prof. Stephen L. Carter
Yale Law School

Thank you, Mr. Chairman.

His Eminence
Francis Cardinal
George, O.M.I.,
Archbishop of Chicago

The Becket Fund for Religious Liberty and the World Evangelical Alliance bring the Commission's attention to the intensifying persecution of Sri Lanka's Christian minority.

Prof. Mary Ann Glendon
Harvard Law School

Hon. Orrin G. Hatch
United States Senator
(R-Utah)

At this moment, Sri Lanka stands at a crossroads between religious hatred and religious tolerance. Last year, the enemies of religious diversity committed over ninety acts of terror against Christian ministries and non-governmental organizations.¹ World Vision² and its local partners were attacked.³ Churches were petrol bombed.⁴ Members of the clergy and their families were beaten and

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¹ "Armed guards for Sri Lanka church" *BBC News*, 27 January 2004

http://news.bbc.co.uk/go/pr/fr/-/2/hi/south_asia/3434145.stm ("The attackers have stoned pastors' houses at night, assaulted church workers, issued death threats and pressured several churches to close down.") *See also* "Geneva Report 2004: A Perspective on Global Religious Freedom: Challenges Facing Christian Communities," World Evangelical Alliance at 10 (reporting attacks on sixty-five churches in 2003 and five to ten incidents of churches being mobbed or set on fire per week in January 2004); "Conspiracy, Christmas and banning Conversion" *Concern*, Religious Liberty Commission of the National Christian Evangelical Alliance of Sri Lanka, September-December 2003 at 3 ("2003 marked a record number of 91 incidents" of violence against Christian churches).

² On the evening of 9 December 2003, a group of approximately 50 people comprising of members of the Maha Sangha and laymen attacked the World Vision Sri Lanka Area Development Project office located at Embilipitiya, south of Sri Lanka. This group seriously injured a security guard on the property who had to be admitted to the Embilipitiya hospital (internal report of World Vision, Sri Lanka).

³ On 8 February 2004, a community center run by a local partner of World Vision Sri Lanka in Kebithigollawa in the Anuradhapura District (North Central Province of Sri Lanka) came under attack by a mob consisting of ten people including three Buddhists monks who entered the premises and set it on fire, causing extensive damage (internal report of World Vision Sri Lanka).

⁴ The following Christian properties were set on fire in 2003: Kotadeniyawa, Assembly of God church (September 2003); Digana, Four Square Gospel Church (November 2003); Anuradhapura, independent Christian church (November 2003), Bulathkohupitiya (Kegalle District), Margaya Church (December 2003); Embillipitiya (Ratnaputa District), Catholic Church (December 2003); the Aroma Children's Home (December 2003) (*Concern* at 4). Himiduma, Apostolic Church of Padhavi Sripura (February 12); Neluwa, home of Pastor Sylvester Rozairo (June 2003) (Frederica Jansz, "Conversion Confusion," *The Sunday Leader*, 7 September 2003, v. 10, issue 8).

even set on fire and⁵ female Christian workers were sexually assaulted.⁶

The perpetrators claim they are defending Buddhism's constitutionally-guaranteed "foremost place."⁷ However, we would be naïve to accept any characterization of this conflict as a clash between Christianity and Buddhism. In fact, it is a battle between those who treasure religious freedom and those who would destroy it.

Regrettably, the country's judiciary willingly lends its support. Last year, the Supreme Court banned⁸ an order of Catholic nuns from "establish[ing] . . . crèches, . . . orphanages [and] . . . nursing homes."⁹ Opponents argued that these forms of aid could "improper[ly] induce"¹⁰ persons of "low intellect and naivety" to convert to Christianity.¹¹ According to this view, Sri Lankans may intelligently transfer allegiances between political parties, civic associations and cricket clubs, but are unable to think sensibly when presented with a choice among religions.¹²

⁵ On 18 March 2003, Pastor Sumith Gunasekera of Margay Church in Embilipitiya was abducted from his house, stabbed and left in a cemetery. In December 2003, in Bulathkohupitiya (Kegalle District), fifteen people attacked an Assemblies of God church and set the belongings of the pastor's family on fire. *Concern* at 4.

⁶ On the afternoon of 17 September 2003, a local Buddhist monk threatened four female Christian workers if they would not leave the Kotadeniyawa area. That evening, the women were sexually assaulted and beaten. *Concern* at 8.

⁷ Second Republican Constitution, 1978 (the "Constitution"). Article 9. "The Republic of Sri Lanka shall give to Buddhism the foremost place and accordingly it shall be the duty of the State to protect and foster the Buddha Sasana, while assuring to all religions the rights granted by Article 10 and 14 (1)(e)." "The new expression (Buddha Sasana) is a compendious term encompassing all ancient, historic and sacred objects and places which have from ancient times been or associated with the religious practices and worship of Sinhala Buddhists" per *Wanasundere J In Re the Thirteen Amendment to the Constitution*. [1987] 2 SLR 312 at 364.

⁸ Jansz, F., *supra*, fn. 3. Although the Supreme Court permitted 178 organizations of other religions to combine religious and charitable activities, it prohibited three Christian organizations from doing the same. In January 2003 and 2002 respectively, the Supreme Court held that New Wine Harvest Ministries and the Sahanaya Doratuwa Prayer Center could not incorporate because a Christian organization cannot couple religious instruction with charitable deeds. Then, in the summer of 2003, it held that it was unconstitutional for an order of Franciscan nuns to offer social services and teach their beliefs. See *In the matter of a petition under Article 121 of the Constitution, A Bill titled "Provincial of the Teaching Sisters of the Holy Cross of the Third Order of St. Francis in Menzingen of Sri Lanka (Incorporation)"*, S.C. Special Determination No. 19/2003 (25 July 2003).

⁹ *Id.* at 3-4.

¹⁰ *Id.* at 11.

¹¹ *Id.* at 5.

¹² See Jansz, F. *supra*, fn. 3.

The government¹³ is now poised to pass a law prohibiting “unethical conversion.”¹⁴ Any attempt to “persuade or influence a person to . . . adopt another religion” would become a criminal offense and anyone convicted of offering “moral support [or] material assistance” leading to conversion¹⁵ could be imprisoned for up to seven years.¹⁶

Quite simply, this law will extinguish freedom of religion¹⁷, expression¹⁸, and association¹⁹ for all Sri Lankans. At the core of our religious freedom is the guarantee that we may change our beliefs. Our

¹³ Sarah Page, “Buddhist Mobs Attack Five Churches in Sri Lanka: Aggression Designed to Force Passage of Anti-Conversion Laws” *Human Rights Without Frontiers Int.* 7 August 2003. http://www.hrwf.net/html/sril_lanka_2003.html. “[I]n November 2002, Mr. Maheshwaran, the Hindu Cultural Affairs Minister, made a visit to Tamil Nadu, one of five states in India with anti-conversion laws. On his return to Sri Lanka, Maheshwaran made a public statement vowing to introduce a bill in parliament to curb religious conversions. In subsequent months, Maheshwaran repeated his intentions to introduce the bill to parliament. A draft bill closely modeled on the Tamil Nadu anti-conversion law has now been prepared, according to the EASL, leading to increased attacks on Christian churches in recent months.” See also Don Asoka Wijewardena, “Anti-conversion laws within 60 days” *Sunday Observer* at 3, 18 January 2004 (the proposed anti-conversion laws were drafted by a special multi-religious committee appointed by Prime Minister Ranil Wickremasinghe in agreement with President Chandrika Bandaranaike Kumaratunga. Prior to the dissolution of the Sri Lankan parliament in February 2004, Minister of Justice, Legal Reforms, National Integration and Buddha Sasana, W.J.M. Lokubandara stated that the act would come into effect within the next 60 days.).

¹⁴ The National Christian Evangelical Alliance of Sri Lanka (a branch of the World Evangelical Alliance) which represents Assemblies of God churches, the Four Square Gospel Church, Calvary Church, and the Fellowship of Free Churches issued a statement on 6 January 2004 condemning violence against Christians and alleged unethical conversions. The Archbishop of the Catholic Church of Sri Lanka, Oswald Gomis also issued a statement condemning alleged unethical conversions.

¹⁵ The Gazette of the Democratic Socialist Republic of Sri Lanka, Part I: Section (I)—General Government Notifications, Ministry of Buddha Sasana. No. 1322/4-2004, January 5, 2004 at §2. (“No person shall proselytize or attempt to proselytize any other person nor shall any person aid or abet such proselytizing.”); §8(a)(1); §8(a)(2).

¹⁶ *Id.* at §5(1). Furthermore, “[e]very director, office bearer, share holder, member, or employee” of an organization found guilty of an offense would be subject to the same punishment. *Id.* at §5(5)(a)(b).

¹⁷ Universal Declaration of Human Rights (UDHR), Article 18; International Covenant on Civil and Political Rights (ICCPR), Article 18(1). “Everyone shall have the right to freedom of thought, conscience and religion. This right shall include freedom to have or to adopt a religion or belief of his choice, and freedom, either individually or in community with others and in public or private, to manifest his religion or belief in worship, observance, practice, and teaching.” See also Article 10 of the Sri Lankan Constitution which guarantees that “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.” Furthermore, a law against “unethical conversion” is superfluous because it is already prohibited under Sri Lanka’s international human rights obligations. ICCPR, Article 18(2) states that “No one shall be subject to coercion which would impair his freedom to have or to adopt a religion or belief of his choice.”

¹⁸ ICCPR, Article 19(1), “Everyone shall have the right to hold opinions without interference.” ICCPR, Article 19(2), “Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.”

¹⁹ ICCPR, Article 21. “The right to peaceful assembly shall be recognized. No restrictions may be placed on the exercise of this right other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.”

human nature requires this. Because we are each born with both “reason and conscience,”²⁰ we search for truth, particularly religious truth. International human rights covenants recognize that this search takes place in the inviolable realms of our hearts and minds. Any government that intrudes upon this search violates the human dignity of its people.

We respectfully urge this Commission to address the terrible attacks of the past year and to urge Sri Lanka in the strongest terms to allow all religions to freely address its people and to allow all Sri Lankans to respond to the full measure of their humanity.

²⁰ UDHR, Article 1. “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”