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RIGHTS RHETORIC AS AN INSTRUMENT OF RELIGIOUS OPPRESSION IN SRI LANKA

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Abstract: Two laws proposed by the Sri Lankan government present a threat to Christians and other religious minorities in the country. Though purportedly designed to prevent “unethical or fraudulent conversions,” the laws are overly broad and ill-defined, giving Sri Lankan officials the latitude to use them to suppress minority religious activities. Indeed, despite being couched in the rhetoric of religious liberty and human rights, the laws are likely to be used by the Buddhist majority as instruments of oppression over unpopular religious groups.

INTRODUCTION

“Militant Buddhism” may sound like an oxymoron, but it is a fact of life and has been a source of violent oppression in Sri Lanka in recent years.¹ Indeed, since 2002, militant Buddhists on the island have rabidly pursued the suppression of Christianity and have stirred up popular opposition to the Christian faith.² As a result, in the last two years alone there have been over 150 violent attacks on Christians and churches in the nation.³ Pastors and missionaries have been beaten and sexually assaulted.⁴ Mobs armed with bicycle chains have surrounded churches and burnt them to the ground.⁵

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¹ Claudia Winkler, *Religious Freedom in Sri Lanka: Militant Buddhists Are Attacking Christian Churches and Threatening the Freedom of Religion in South Asia*, WEEKLY STANDARD, Dec. 2, 2005, <http://www.weeklystandard.com/Content/Public/Articles/000/000/004/468rruhe.asp>.

² Sarah Page, *Sri Lankan Cabinet Approves Anti-Conversion Law: ‘Act for the Protection of Religious Freedom’ Makes Religious Conversion a Criminal Offense*, HUMAN RIGHTS WITHOUT FRONTIERS, Dec. 2, 2005, http://www.hrwf.net/html/sri_lanka_2004.html#SriLankanParliament.

³ See CHRISTIAN SOLIDARITY WORLDWIDE, TRIP REPORTS: SRI LANKA, <http://www.csw.org.uk/Countrytripreports.asp?Item=503> (last visited Oct. 30, 2004) [hereinafter CHRISTIAN SOLIDARITY]; Becket Fund for Religious Liberty, Lanka Liberty: A Website Devoted to Religious Freedom in Sri Lanka, <http://www.lankaliberty.com> (last visited Dec. 2, 2005) [hereinafter Becket Fund].

⁴ Becket Fund, *supra* note 3.

⁵ Winkler, *supra* note 1.

The treatment of Christians in Sri Lanka is likely to get worse over the coming years in light of two laws recently proposed by the Sri Lankan government.⁶ These laws would prohibit unethical or fraudulent religious conversions and harshly punish anyone involved in such activities.⁷

This Note analyzes the likely effects of these laws on religious minorities, particularly Christians, in Sri Lanka. Part I examines the history and current state of religion in the country. In doing so, it delves into the dominance of Buddhism on the island and discusses the ongoing violent oppression of Christians there. Part II discusses the religious anti-conversion laws introduced by the Sri Lankan government and explores their legislative history and content. Particularly close attention is paid to the language of the laws, which contain frequent references to religious liberty and human rights. Part III demonstrates how the laws will undermine rather than promote religious liberty in Sri Lanka. More specifically, it will discuss the ways in which the laws will inhibit religious expression are explored.

I. RELIGION IN SRI LANKA

The Democratic Socialist Republic of Sri Lanka is a small island nation located approximately eighteen miles off the southeastern coast of the Indian subcontinent.⁸ Despite a small population of approximately 19 million people, Sri Lanka is ethnically, linguistically and religiously diverse.⁹ The Sinhalese, a predominantly Buddhist group, make up 74% of the population.¹⁰ Tamils, most of whom are Hindu, com-

⁶ See, e.g., CHRISTIAN SOLIDARITY, *supra* note 3; Press Release, Catholic Bishops' Conference in Sri Lanka, Joint Statement of the Catholic Bishops and the National Christian Council on the Proposed Legislation to Ban Conversions (June 29, 2004), <http://www.srilankanchristians.com/press2.html>.

⁷ Private Member's Bill, Prohibition of Forcible Conversion of Religion, art. 2, art. 4 (proposed May 28, 2004) (Sri Lanka), *available at* <http://www.lankaliberty.com/legislation/Private%20Member%27s%20Bill.pdf> [hereinafter JHU Law]; Bill Drafted by Hon. Ratnasiri Wickramanayake, Minister of Buddhist Sasana, *Act of 2004 for the Protection of Religious Freedom*, intro., art. 2, 5 (proposed June 16, 2004) (Sri Lanka), *available at* <http://www.lankaliberty.com/legislation/Govt%20Bill.pdf> [hereinafter Cabinet Law].

⁸ BUREAU OF SOUTH ASIAN AFFAIRS, U.S. DEP'T OF STATE, BACKGROUND NOTE: SRI LANKA (2004), <http://www.state.gov/r/pa/ci/bgn/5249.htm> [hereinafter STATE DEP'T].

⁹ See *id.*

¹⁰ CENTRAL INTELLIGENCE AGENCY, THE WORLD FACTBOOK: SRI LANKA (2004), <http://www.cia.gov/cia/publications/factbook/geos/ce.html> [hereinafter CIA]; see also LIBRARY OF CONGRESS, COUNTRY STUDIES, SRI LANKA: A COUNTRY STUDY (Russell R. Moss & Andrea Matles Savada eds., 1988) (discussing the religious composition of the Sinhalese population of Sri Lanka).

prise roughly 18% of the population.¹¹ Christians and Muslims are the third and fourth largest minority groups in Sri Lanka, making up 8% and 7% of the population respectively.¹²

A. Buddhist Dominance

Buddhism has pervaded Sri Lankan society almost since its arrival on the island in the third century B.C.¹³ Indeed, the Sinhalese people who first colonized the island rapidly embraced that religious tradition and developed a great civilization around it.¹⁴ From this civilization arose an enduring ideology marked by two distinct elements: *sinhaladipa* (the idea that the island of Sri Lanka belongs to the Sinhalese) and *dhammadipa* (the notion that Sri Lanka is the “island of Buddhism”).¹⁵ These themes find frequent expression in the historical chronicles written by Buddhist monks over the centuries and have arguably influenced the actions of the Sinhalese-controlled government since its inception in 1948.¹⁶

Christianity, in both its Protestant and Roman Catholic forms, arrived in Sri Lanka during the centuries of colonial rule by the Portuguese, Dutch and British.¹⁷ This was not a peaceful arrival, however, as the colonists, particularly the Portuguese, used their power to force Christianity upon the indigenous population and to repress all forms of Buddhism and Hinduism.¹⁸ The colonists did not succeed, however, in permanently converting most Sri Lankans, and Buddhism experienced a strong revival in the 1870s.¹⁹ Today, therefore, Christians are a small minority in Sri Lanka, comprising only 8% of the total population.²⁰ Notably, however, unlike other religious groups in Sri Lanka, the Christian community is not ethnically homogenous but composed of both Sinhalese and Tamils.²¹

¹¹ CIA, *supra* note 10.

¹² *Id.* The Muslim population in Sri Lanka is comprised of both Moor and Malay Muslims. STATE DEP'T, *supra* note 8. Most Sri Lankan Christians are of the Roman Catholic denomination. *Id.*

¹³ See STATE DEP'T, *supra* note 8.

¹⁴ See Moss & Savada, *supra* note 10.

¹⁵ *Id.*; see also S.I. Keethaponcalan, *Social Cubism: A Comprehensive Look at the Causes of Conflict in Sri Lanka*, 8 ILSAJ. INT'L & COMP. L. 921, 938 (2002).

¹⁶ See Moss & Savada, *supra* note 10.

¹⁷ *Id.*

¹⁸ See *id.*

¹⁹ See *id.*

²⁰ CIA, *supra* note 10.

²¹ Keethaponcalan, *supra* note 15, at 937.

B. *Minority Oppression*

Despite the small size and diverse ethnic composition of the Christian community in Sri Lanka, it has been met with extreme violence and oppression over the last several years.²² Indeed, over the past two years, members of the clergy have been beaten, churches have been burned and female Christian missionaries have been sexually assaulted.²³ In 2003, a total of ninety-one attacks on churches and Christians were reported.²⁴ In the first four months of 2004 alone, there were forty-four assaults on churches in Sri Lanka.²⁵ To put these numbers in perspective, the attacks in Sri Lanka are occurring at a much higher rate than the “much noted” wave of anti-Semitic violence in France.²⁶ In addition to this violence, extremist Buddhist groups have launched an anti-Christian propaganda campaign.²⁷

The precise causes of this violence are unclear, especially because Buddhists and Christians have had a peaceful coexistence up until recently.²⁸ Nevertheless, a number of issues may be cited as contributing to the mistreatment of Christians in Sri Lanka, including the growth of Christianity in rural areas,²⁹ the perception of Christians as enemies after decades of European colonialism,³⁰ and the outrageous and widespread public accusation that a Christian conspiracy led to the death of a well-known Buddhist monk.³¹ Moreover, Christian Solidarity Worldwide, a non-profit organization that works on behalf of persecuted Christians, notes that there is suspicion among both Buddhists and Hindus that the Roman Catholic Church has provided support to the rebel group the Tamil Tigers.³² The accusation that has captured the

²² CHRISTIAN SOLIDARITY, *supra* note 3.

²³ Becket Fund, *supra* note 3. The churches targeted are both Catholic and Protestant and located in both urban and rural areas. Winkler, *supra* note 1.

²⁴ CHRISTIAN SOLIDARITY, *supra* note 3.

²⁵ Winkler, *supra* note 1.

²⁶ *Id.*

²⁷ CHRISTIAN SOLIDARITY, *supra* note 3.

²⁸ Page, *supra* note 2.

²⁹ *See id.* “Although statistically there has been no growth in Christianity as a percentage of the population in the past 15 years, the Church, which had been declining, has grown in some areas. This growth has mainly been with the newer, freer, evangelical and Pentecostal churches.” CHRISTIAN SOLIDARITY, *supra* note 3.

³⁰ CHRISTIAN SOLIDARITY, *supra* note 3.

³¹ Page, *supra* note 2. Three autopsies of this monk, Gangodawila Soma, showed that he died of natural causes. *Id.*

³² CHRISTIAN SOLIDARITY, *supra* note 3. A violent ethnic conflict has raged between the Sinhalese and the Tamils since 1956. *See* STATE DEP’T, *supra* note 8. A tentative ceasefire, however, currently exists between the two groups and they have agreed to work with Norwegian mediators to construct a permanent truce. *Peace Deals in Sri Lanka*, BBC NEWS ONLINE,

attention of the Sri Lankan government the most, however, is the widespread charge that Christians are engaged in “unethical conversions,” an ambiguous term that has been used to describe everything from the use of outright bribery to gain converts to the use of “more subtle forms of humanitarian aid and development carried out as a normal part of the Church’s mission.”³³

II. DISCUSSION

A. *The Rise of Religious Anti-Conversion Laws*

On May 28, 2004, Sri Lanka’s JHU party introduced legislation that would criminalize the conversion of others “by use of force or allurements or by fraudulent means.”³⁴ This legislation (“JHU law”) was proposed largely in response to strong pressure from Buddhist monks and anti-Christian Buddhist organizations for such an anti-conversion law.³⁵ Very similar to a law that was passed in Tamil Nadu, India in 2002,³⁶ the JHU law has a number of effects on religious activities.³⁷ It would not only prevent forcible or “fraudulent” conversions but also criminalize assistance in such conversions and requires all converts to report their conversions to the government.³⁸ Individuals found guilty of such conversions would be subject to five years in prison and a fine not exceeding 150,000 rupees, which is approximately double the average annual salary in Sri Lanka.³⁹ Interestingly, the punishments are in-

Feb. 21, 2002, http://news.bbc.co.uk/1/hi/english/world/south_asia/newsid_1833000/1833230.stm. Christian Solidarity asserts that allegations that Christians assisted the Tamils during the violent conflict “are completely without foundation,” but notes that “it is true that the church has spoken up for the ethnic minorities and has been more active in Tamil communities.” CHRISTIAN SOLIDARITY, *supra* note 3.

³³ CHRISTIAN SOLIDARITY, *supra* note 3.

³⁴ JHU Law, *supra* note 7, art. 2.

³⁵ Page, *supra* note 2; CHRISTIAN SOLIDARITY, *supra* note 3. In January 2004, for example, a group of Buddhist monks began a fast and demanded that the government enact anti-conversion laws within 60 days. Page, *supra* note 2.

³⁶ *Anti-Conversion Bill Passed in T.N.*, THE HINDU, Nov. 1, 2002, available at <http://www.hinduonnet.com/thehindu/2002/11/01/stories/2002110107030100.htm>.

³⁷ See JHU Law, *supra* note 7, arts. 2–6.

³⁸ *Id.* arts. 2, 3(a).

³⁹ *Id.* art. 4(a); Letter from Emilie L. Kao, Legal Counsel and Director and International Advocacy, The Becket Fund for Religious Liberty, to Chandrika Bandaranaike Kumaratunga, President of Sri Lanka and Mahinda Rajapakse, Prime Minister of Sri Lanka 4 (July 23, 2004), available at <http://www.lankaliberty.com/efforts/SLOpinionLetter.pdf>. 150,000 rupees is roughly equivalent to US \$5,000. *Id.*

creased when a woman, child, student, inmate, or law enforcement officer is converted.⁴⁰

Shortly after the proposal of the JHU law, the President's cabinet introduced a similar bill entitled the "Act of 2004 for the Protection of Religious Freedom."⁴¹ This bill was proposed by the Minister of Buddha Sasana, a member of the President's cabinet, and goes further than the JHU law by banning religious conversions altogether.⁴² Moreover, unlike the JHU law, it provides for the extradition of any alien engaged in conversion activities.⁴³ The government seems to have been influenced by the findings of the Buddhist Sasana Commission in 2002 and the attacks on Christians and churches over the past two years in introducing this law.⁴⁴

The JHU law met an obstacle in August 2004 when the Supreme Court of Sri Lanka ruled that two of the law's clauses were unconstitutional.⁴⁵ The two clauses at issue were Clause 3, which requires those participating in conversions to report to the government, and Clause 4(b), which provides for the punishment of those failing to report.⁴⁶ The Supreme Court said that these clauses violated Article 10 of Sri Lankan Constitution, which provides for freedom of religion.⁴⁷ The Supreme Court also noted, however, that if Parliament passed the law

⁴⁰ JHU Law, *supra* note 7, art 4(a). The punishments for converting individuals within those groups are a prison term no longer than seven years and a fine not exceeding 500,000 rupees. *Id.*

⁴¹ Cabinet Law, *supra* note 7, art. 1.

⁴² CHRISTIAN SOLIDARITY, *supra* note 3. The law states that "no person shall convert or attempt to convert another person . . ." Cabinet Law, *supra* note 7, art. 2.

⁴³ Cabinet Law, *supra* note 7, art. 5(vi).

⁴⁴ See Page, *supra* note 2; CHRISTIAN SOLIDARITY, *supra* note 3. The Commission on Buddha Sasana met at the request of the Sri Lankan President and investigated Christian activities, particularly those of Christian non-governmental organizations (NGOs) in Sri Lanka. CHRISTIAN SOLIDARITY, *supra* note 3. According to Dr. Anula Wijesundera, a member of the commission, it found that Christian groups have a "planned strategy . . . of planting a church in every village" and "indoctrinating" small children by starting pre-schools. *Id.*

⁴⁵ *Anti-Conversion Bill Inconsistent with the Constitution Says Supreme Court*, COLOMBOPAGE, Aug. 17, 2004, <http://www.colombopage.com/archive/August17115907RA.html> [hereinafter COLOMBOPAGE] (on file with author).

⁴⁶ *Id.*; JHU Law, *supra* note 7, arts 3, 4(b).

⁴⁷ COLOMBOPAGE, *supra* note 45; CONST. OF THE DEMOCRATIC SOCIALIST REPUBLIC OF SRI LANKA, ch. II, art. 9 [hereinafter CONST.]. The Constitution stops short, however, of establishing Buddhism as the official state religion. CONST., ch. II, art. 9.; BUREAU OF DEMOCRACY, HUMAN RIGHTS, AND LABOR, U.S. DEP'T OF STATE, SRI LANKA: INTERNATIONAL RELIGIOUS FREEDOM REPORT 2004 (2004), available at <http://www.state.gov/g/drl/rls/irf/2004/35520.htm>.

by a two-thirds majority, the law could come into effect.⁴⁸ The court did not comment on the provisions of the law that criminalize “fraudulent” religious conversions.⁴⁹ In response, the JHU announced that it would make the necessary amendments to bring the law within the bounds of the Sri Lankan Constitution and table the revised law within six months.⁵⁰ The Supreme Court has not examined the Cabinet law.

The current state of both laws remains unclear. The revised JHU law has not yet been tabled and the Cabinet law “appears to have been put on hold” for the time being, perhaps until the new JHU law is unveiled.⁵¹

B. *Anti-Conversion Laws & Religious Liberty*

The Constitution of Sri Lanka proclaims that Buddhism shall be at the “foremost place” in the country and that “it shall be the duty of the State to protect and foster the Buddha *Sasana*”⁵² The Constitution also asserts, however, that all people are “entitled to freedom of thought, conscience and religion, including the freedom to have or to adopt the religion or belief of his choice.”⁵³ This language is virtually identical to the language in the religious liberty provision of the United Nations International Covenant on Civil and Political Rights⁵⁴ and similar to the language used in the relevant provision of the United Nations Universal Declaration of Human Rights,⁵⁵ both of which Sri Lanka has signed.⁵⁶ Indeed, given that the present Sri Lankan Constitution was drafted in 1978, it is likely that its religious liberty provisions were, in fact, based on these international covenants.⁵⁷ Thus, based on the language of its Constitution and its commitment to these human rights covenants, it would appear that Sri

⁴⁸ COLOMBOPAGE, *supra* note 45.

⁴⁹ *See id.*

⁵⁰ CHRISTIAN SOLIDARITY, *supra* note 3.

⁵¹ *See id.*

⁵² CONST., *supra* note 47, ch. II, art. 9.

⁵³ *Id.* ch. III, art. 10.

⁵⁴ International Covenant on Civil and Political Rights, art. 18(1), Dec. 16, 1966, S. Exec. Doc. E 95-2, 999 U.N.T.S. 171 [hereinafter ICCPR].

⁵⁵ Universal Declaration of Human Rights, art. 18, G.A. Res. 217A, at 71, U.N. GAOR 3rd Sess., 1st plen. mtg., U.N. Doc. A/810 (Dec. 12, 1948) [hereinafter UDHR].

⁵⁶ *See, e.g.,* Kao, *supra* note 39, at 2.

⁵⁷ This appears even more likely in light of the fact that Sri Lanka is a signatory to both documents. *See, e.g., id.* at 1.

Lanka is committed to protecting the rights of both its Buddhist majority *and* its religious minorities.⁵⁸

The anti-conversion laws at issue, moreover, are presented as laws designed to protect the religious liberty of Sri Lankans.⁵⁹ The JHU law, for instance, states in its preamble that the State “has a duty” to assure to “all religions” the religious liberty rights granted in Articles 10 and 14(1)(e) of the Constitution.⁶⁰ Similarly, the Cabinet law is entitled a law “for the Protection of *Religious Freedom*” and states that it is introduced “with a view to strengthening the mutual trust/unity that exists among religions and with a view to protecting the religious freedom that people have enjoyed in the past”⁶¹ Both laws, moreover, speak primarily in terms of the prevention of conversions that are “illegal,”⁶² “compelled,”⁶³ or “fraudulent,”⁶⁴ conveying the idea that they are protecting religious persons from unfair or oppressive encroachments on their religious liberty.⁶⁵ In essence, the government of Sri Lanka has employed a rhetoric of religious liberty rights when setting out the provisions of these two laws.⁶⁶

If put into force, however, these laws will have precisely the opposite effect on the religious liberty rights of minorities within Sri Lanka, particularly Christians,⁶⁷ by severely inhibiting religious expression.⁶⁸ Indeed, as proposed, the Cabinet law and the JHU law will do so in two ways: suppressing religious speech and suppressing religious activity.⁶⁹

⁵⁸ See CONST., *supra* note 47, ch. III, art. 10; ICCPR, *supra* note 54, art. 18(1); UDHR, *supra* note 55, art. 18.

⁵⁹ See JHU Law, *supra* note 7, pmbl; Cabinet Law, *supra* note 7, intro.

⁶⁰ See JHU Law, *supra* note 7, pmbl. Article 10 of the Sri Lankan Constitution provides: “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.” CONST., *supra* note 47, at ch. III, art. 10. Article 14(1)(e) of the Constitution states that every citizen is entitled to “the freedom, 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.” *Id.* ch. III, art. 14(1)(e).

⁶¹ Cabinet Law, *supra* note 7, intro., art. 1 (emphasis added).

⁶² *Id.*, art. 2.

⁶³ *Id.*, art. 3.

⁶⁴ JHU Law, *supra* note 7, art. 2.

⁶⁵ *Id.*; Cabinet Law, *supra* note 7, intro., arts. 1, 2, 3.

⁶⁶ See JHU Law, *supra* note 7, art. 2.; Cabinet Law, *supra* note 7, intro, arts. 1, 2, 3.

⁶⁷ Kao, *supra* note 39, at 2; Becket Fund, *supra* note 3; CHRISTIAN SOLIDARITY, *supra* note 3; Press Release, *supra* note 6.

⁶⁸ Becket Fund, *supra* note 3.

⁶⁹ See generally Kao, *supra* note 39.

III. ANALYSIS

A. *Suppression of Religious Speech*

First, the laws suppress religious speech by defining “fraudulent” conversion in an overly broad manner.⁷⁰ The bills criminalize any form of religious speech that entails a misinterpretation of religious doctrine or an outright untruthful one.⁷¹ The JHU bill, for instance, states that “‘fraudulent’ means includes [sic] *misinterpretation* or other fraudulent contrivance.”⁷² The Cabinet bill defines “fraudulent” as “the submission of false information and the use of dishonest means.”⁷³ Neither law, however, provides a means of distinguishing between what is religiously “true” or “false” nor between what is religiously correct interpretation and what is not.⁷⁴ These provisions of the law, therefore, “invite abuse” of minority religious groups, whose speech—in the forms of teaching or preaching—could be deemed “false” by Buddhist authorities who wish to squelch them.⁷⁵

In such an atmosphere, adherents of minority religious faiths in Sri Lanka may rightly fear engaging in any form of religious speech, regardless of whether it is aimed at converting others.⁷⁶ Indeed, though a religious adherent “may intentionally and explicitly proselytize . . . in some instances, a religious adherent may manifest religious belief in a manner that *unintentionally or implicitly* influences another.”⁷⁷ With Sri Lankan authorities having great leeway to deem such religious expression “false,” and with the harsh penalties that may incur as a result, such adherents may find that the risks associated with engaging in *any* form of religious expression far outweigh the benefits of engaging in it “either individually or in community with others”⁷⁸

B. *Suppression of Religious Activity*

Second, the laws severely inhibit religious activity by holding religious individuals liable for both intentional and *unintentional* con-

⁷⁰ See *id.* at 12.

⁷¹ See Cabinet Law, *supra* note 7, arts. 2, 8(d); JHU Law, *supra* note 7, arts. 2, 8(d).

⁷² JHU Law, *supra* note 7, art. 8(d) (emphasis added).

⁷³ Cabinet Law, *supra* note 7, art. 8(d).

⁷⁴ See Kao, *supra* note 39, at 7–8.

⁷⁵ *Id.*

⁷⁶ See Becket Fund, *supra* note 3.

⁷⁷ See Kao, *supra* note 39, at 6; Becket Fund, *supra* note 3.

⁷⁸ ICCPR, *supra* note 54, art. 18(1).

versions.⁷⁹ Indeed, the JHU law states that “no person shall convert or attempt to convert, either directly *or otherwise*, any person from one religion to another”⁸⁰ Similarly, the Cabinet law defines “conversion” as “any direct *or indirect* action or behaviour designed to cause a person to abandon his practice of religion”⁸¹ As a result, virtually any outward display of religious activity can be categorized as the type of “conversion” activity that the laws criminalize.⁸²

A letter to the Sri Lankan President Kumaratunga and Prime Minister Rajapakse from the Becket Fund for Religious Liberty—an “international, interfaith, public interest law firm dedicated to protecting the free expression of *all* religious traditions”—explains how the laws could stymie all religious activities.⁸³ It notes: “Even . . . common, everyday practices that communicate religious meaning that other may find attractive—such as eating and drinking on Ramadan or Passover, or the Catholic Mass—could . . . trigger liability under the Proposed Laws.”⁸⁴ Further, “celebrations of major life events that communicate religious beliefs—such as those surrounding births, marriages, and death—could subject a religious assembly to liability.”⁸⁵

Additionally, the laws undermine religious activity by criminalizing the charitable giving engaged in by many religious adherents.⁸⁶ The laws do so by prohibiting the use of “allurement”⁸⁷ by religious adherents, which they broadly define as the bestowal of “any gift or gratification.”⁸⁸ As virtually any form of charitable giving can be categorized as the giving of gifts, religious adherents wishing to avoid fines or jail time will have little choice but to cease such activities if the laws are put into action.⁸⁹ Many will have to do so, moreover, in spite of the fact that such activities may be “central” to their religious practice.⁹⁰ Mus-

⁷⁹ See Cabinet Law, *supra* note 7, art. 8(l)(a-b); JHU Law, *supra* note 7, art. 2.

⁸⁰ JHU Law, *supra* note 7, art. 2 (emphasis added).

⁸¹ Cabinet Law, *supra* note 7, art. 8(l)(b) (emphasis added).

⁸² See Kao, *supra* note 39, at 5-6.

⁸³ *Id.* at 1, 2.

⁸⁴ *Id.* at 10-11.

⁸⁵ *Id.* at 11.

⁸⁶ *Id.* at 6.

⁸⁷ JHU Law, *supra* note 7, art. 2; see also Cabinet Law, *supra* note 7, art. 8(a).

⁸⁸ JHU Law, *supra* note 7, art. 8(a)(i); see also Cabinet Law, *supra* note 7, art. 8(a).

⁸⁹ See Kao, *supra* note 39, at 6-7.

⁹⁰ “Almost by definition, only a limited number of religious practices can be fundamental to a person’s religion.” Steven C. Seeger, *Restoring Rights to Rites: The Religious Motivation Test and the Religious Freedom Restoration Act*, 95 MICH. L. REV. 1472, 1501 (1997).

lims, for instance, will have to stop paying *zakat* (donations to the poor), to avoid punishment for unintentionally “converting” others.⁹¹

CONCLUSION

Despite the attempts of the Sri Lankan government to couch the language of the proposed religious anti-conversion laws in the rhetoric of religious liberty, it is clear that the laws, as proposed, are instruments of religious oppression. If passed, the laws will severely restrain the ability of religious adherents to engage in religious expression and other forms of religious activities, as doing so will subject them to outrageous fines and even jail time. Thus, instead of “strengthening the mutual trust/unity that exists among religions”⁹² in Sri Lanka or “promoting religious harmony”⁹³ on the island, it is more likely that the laws will contribute to the ongoing mistreatment of religious minorities.

If the government of Sri Lanka is truly concerned about protecting the religious liberty of all citizens, it should engage in a much closer examination of both the “unethical” conversions that are allegedly occurring in the nation and at the language of the proposed laws. In doing so, the Sri Lankan government is likely to find that the former are significantly less threatening to the rights of Sri Lankans than the latter.

⁹¹ See Kao, *supra* note 39, at 6–7.

⁹² Cabinet Law, *supra* note 7, intro.

⁹³ JHU Law, *supra* note 7, pmb.