



CENTRE FOR POLICY ALTERNATIVES
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Press Release on new laws seeking action against publications that 'defame the original teachings and traditions of the major religions'

21 August 2013, Colombo, Sri Lanka: The Centre for Policy Alternatives (CPA) is deeply concerned by reports that the Ministry of Buddha Sasana and Religious Affairs is to introduce new laws seeking action against publications that 'defame the original teachings and traditions of the major religions'. These reports state that as a first step, a draft Bill providing for the establishment of a 'Buddhist Publications Regulatory Board' that will be empowered to regulate any publication purportedly 'in violation of Buddhism, its philosophy or traditions,' has been sent to the Attorney General for review. We are at a loss to understand how such a measure is a priority, when so many other matters demanding the urgent attention of the government in respect of communal reconciliation and amity have not received the same consideration, including implementing the recommendations of the Lessons Learnt and Reconciliation Commission (LLRC) on promoting religious harmony. CPA also notes the context in which these measures are proposed is one in which national security considerations, as defined by the government, consistently override democratic freedoms, and serious incursions are being made into academic freedom and minority cultural rights.

The Bill, if enacted into law, will stamp a further official seal of approval on Sri Lanka's slide towards majoritarian religious extremism and sectarian violence. The recent upsurge in ultranationalist violence by certain Buddhist groups, marked by numerous attacks on Islamic and Christian places of worship, threatens to further undermine the fragile peace in post-war Sri Lanka. There is a very real danger that by seeking to protect 'the original teachings and traditions' of religions, the Bill will lead to the arbitrary imposition of government-sanctioned versions of religious belief on the public and effectively prohibit theological teaching, academic inquiry or critical commentary, across all media, that questions government orthodoxy. Inevitably, the passage of the Bill will seriously threaten efforts to interpret religious teaching in a manner that is respectful of dialogue and tolerance.

The draft Bill, if enacted, will also manifestly violate Article 10 of the Constitution, which guarantees to any person the 'freedom of thought, conscience and religion, including the freedom to have or to adopt a religion or belief of his choice.' The Constitution, it is important to recall, does not permit any restriction whatsoever on this fundamental right. The measure would also have a chilling effect on the freedom of speech and expression including publication protected by Article 14 of the Constitution, and Article 19 of the International Covenant on Civil and Political Rights (ICCPR) to which Sri Lanka is a state-party. In our contention, neither the Constitution nor the ICCPR permits the wide variety of potential restrictions on the freedom of expression that may be imposed by the new measures, including of course, the scope for abuse that is inherent in any attempt at state regulation of religious faith and morality.

CPA also notes that existing legislation already prohibits the inciting of violence through hate speech. Section 3 of the ICCPR Act of 2007 prohibits the advocacy of 'national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.' In this respect, we are concerned that the proposed Bill will be selectively applied to harass and persecute dissenting voices. We are mindful that section 2(1)(h) of the Prevention of Terrorism Act (PTA) that prohibits speech which 'causes or intends to cause commission of acts of violence or religious, racial or communal disharmony or feelings of ill-will or hostility between different communities or racial or religious groups' has been exclusively used in the recent past to detain and prosecute journalists and opponents of the regime; including Jayaprakash Tissainayagam, Sarath Fonseka and more recently, Azath Salley. Yet, the same provisions have not been used to prohibit and prosecute brazen acts of physical violence on places

of minority religious worship. This history of selective application of other restrictions on free speech seriously calls into question the motives behind the introduction of the instant draft Bill.

CPA therefore calls on the government to desist from introducing the draft Bill to Parliament. We also call on all those concerned with the rule of law, fundamental rights and religious harmony in Sri Lanka to prevail on the government that the draft Bill – and the motives for its introduction – are utterly unacceptable.

CPA further recommends that if the government is truly serious about arresting the rise of religious extremism and intolerance and promoting religious co-existence, it should:

1. Take immediate steps to implement the LLRC recommendations on promoting religious harmony and co-existence, which call for establishing a mechanism in consultation with inter-faith groups that can serve as an early warning and diffusing system of potential religious tension, and which has not been included in the government's LLRC Action Plan.
2. Put an end to the culture of impunity and ensure that law enforcement authorities investigate, arrest and prosecute perpetrators of attacks on places of religious worship.