

# Is the Freedom of Religion or Belief guaranteed to all citizens?



## YES.

Article 10- You have the right to have a religion or to change your religion.

Article 14(1)(e)- You are entitled to, either by yourself or in association with others, and either in public or in private, to manifest your religion or belief in worship, observance, practice or teaching.

### Can my right to Religious Freedom be restricted?

Article 10 is an absolute right and cannot be restricted. However, the right to manifest one's religion as provided by Article 14(1)(e) can be limited through Article 15(7), in the interest of national security, racial and religious harmony or public health and morality.

This right can only be restricted by a law passed by Parliament.

### Is there a legal requirement to register a religious place of worship?

There is no legal requirement to register a religious place of worship. However, a circular issued by the *Ministry of Buddha Sasana and Religious Affairs* in 2008 requires all "new constructions of religious places of worship" to obtain prior approval from the Ministry and the relevant local government authority. However, circulars are not laws.

Some religions can register its places of worship with independent representative bodies (Muslim mosques). However, this is not a state requirement.

### What should I do when government officials question the legality of a religious place of worship or demand for registration?

- Ask the official for the legal basis of their questioning.
- If they quote Circular 2008, ask them the legal basis of the said Circular.
- Mention that the Circular 2008 was issued by the *Ministry of Buddha Sasana and Religious Affairs* and that Christians, Hindus and Muslims are now governed by their own subject ministries.
- Concerning a mosque, inform the official that mosques are administered independently by the *Wakf Board*.

- Inform the NCEASL or any other relevant advocacy group of the matter.
- Send a letter of demand through a lawyer questioning under which law you are required to register.

### Can I build a religious place of worship on state land granted on a permit?

No, permit lands belong to the state and conditions mentioned in the permit must be followed. Permit lands are issued to the public for agricultural purposes. Religious institutions and commercial activities cannot function on permit lands.

### What should I do if attempts are made to demolish a place of worship built on such land?

You can get a document from a judge, ordering the local government authority to stop demolishing of the building or structure (a writ application).

### Are there laws to support legal action against the attackers of a religious place of worship?

Yes, such incidents come under the purview of criminal law and the Penal Code.

**Section 290-** Any person who damages a place of worship shall be fined or imprisoned up to 2 years.

**Section 291-** Any person who willfully disturbs a group of people engaged in religious worship shall be fined or imprisoned up to 2 years.

### What should I do if my religious place of worship is attacked?

- Lodge a police complaint immediately and ensure that all financial damages are duly recorded.
- Read through the complaint thoroughly before signing. A police complaint can be lodged in either Sinhala or Tamil.
- Inform the special police investigation unit on religious disputes.
- Inform the *Inspector General of Police's* (IGP's) relief service.
- A fundamental rights case can be filed against any government officials involved in the attack.

### What should I do if the police refuse to accept a complaint?

- Send a complaint through registered post to the area police station and keep the registered post article receipt with you.
- Inform the IGP in writing, copying the *Officer-in-Charge* (OIC) of the area police station.
- Inform the *National Police Commission* (NPC) of any police inaction.
- Lodge a complaint at the *National Human Rights Commission* (NHRC) within 30 days of the incident.
- File a case against the police in the *Supreme Court*, if inaction continues (also within 30 days of the incident).
- Seek immediate legal advice from a lawyer.

### Are there laws concerning noise pollution?

Yes, under Sections 98-106 of the *Code of Criminal Procedure Act* (No. 15 of 1979).

A sound permit must be obtained from the area police station for the use of loud speakers. Action can be filed

against the police in the *Supreme Court* if they refuse to issue a sound permit even after all requirements are fulfilled.

### Can a burial in a public cemetery be denied for religious reasons?

Every person has the right to bury their deceased in a public cemetery. Section 13 of the *Public Cemetery and Burial Ordinance of 1899* states that a funeral service can be performed according to the traditions of any religion.

### What should I do if burial in a public cemetery is denied?

- Lodge a complaint with the relevant police station and request an order from the *Magistrate's Court* to allow for burial according to Section 136A of the *Code of Criminal Procedures Act* (No. 15 of 1979).
- File a petition with the *Divisional Secretary* (DS) concerning the matter and request the DS to take action within a given time period. If he/she fails to take action within that time, a case may be filed against the DS for not performing his/her duties.

### Are there laws governing hate speech?

Section 3 of the *ICCPR Act 2007* states that promoting racial or religious hatred is an offence.

### What should I do if I am subjected to hate speech?

- Lodge a complaint with the police and the NHRC.
- In the event of police inaction, lodge a complaint with the NPC.
- File a case at the *High Court*.

### Can my child's admission to school be refused based on religious beliefs?

The *Education Ordinance (No. 31 of 1939)* provides that admission to state schools cannot be denied based on religion, nationality, race, caste, social status or language. Refer below for remedies in the event a child is denied admission into school (breach of fundamental rights).

### Can my child be forced to follow religious rituals that are not according to his/her belief?

No, a child cannot be forced. A child cannot be subject to penalty, punishment, or discrimination for not observing religious rituals or practices that are not of his/her belief.

A complaint can be made to the zonal and regional Education Directors and the NHRC if such practices occur.

### What should I do if my fundamental rights are breached?

- Lodge a complaint immediately at the NHRC. You don't need a lawyer to lodge a complaint here. Complaints must be lodged within 1 month of the violation. If a complaint is not lodged within a month, you should at least attempt to do so within 3 months.
- File a case in the *Supreme Court*. The case must be filed within 30 days of the violation. Note: fundamental rights cases can only be filed against the State/state officials.
- Other related state institutions (listed in this leaflet) can be contacted for help. Ensure that all correspondence is in writing and sent by registered post so that you have evidence of your correspondence.

## ORGANISATIONS TO BE CONTACTED IN THE EVENT RELIGIOUS FREEDOMS ARE VIOLATED

### The National Human Rights Commission (NHRC)

The NHRC is an independent commission, set up to promote and protect human rights in the country. Complaints can be lodged by the victim or by anyone on behalf of the victim. Legal representation is not needed.

**Address:** 165, Kinsey Road, Colombo 8

**Tel:** 011-2694925, 2685980, 2685981, 2685339

**Hotline:** 011-2689064

**Email:** sechrc@sltnet.lk

**Web:** www.hrsl.lk

**Branches:** Jaffna, Vavuniya, Anuradhapura, Trincomalee, Batticaloa, Kalmunai, Badulla, Kandy, Matara, Nuwara Eliya, Ampara

### The National Police Commission

The Commission has the power to investigate complaints against police officers or the police service and to provide relief.

**Address:** Block No. 9, BMICH, Bauddhaloka Mawatha, Colombo 7

**Tel:** 011-5107721, 5107722

**Fax:** 011-2683307

**Email:** info@npc.gov.lk

**Web:** www.npc.gov.lk

### Ministry of Education

Complaints concerning school related issues can be submitted to the ministry addressed to the Director General or Minister.

**Address:** "Isurupaya", Pelawatta, Battaramulla

**Tel:** 011-2784810, 2785141-50

**Fax:** 011-2785162

**Email:** info@moe.gov.lk

**Web:** www.moe.gov.lk

### Ministry of Tourism Development and Christian Religious Affairs

**Address:** 6th Floor, "Rakshana Mandiraya", 21, Vauxhall Street, Colombo 2

**Tel:** 011-2321222

**Fax:** 011-2436672

**Email:** johnaeamaratunga@gmail.com

### Ministry of Buddha Sasana

**Address:** 135, Srimath Anagarika Dharmapala Mawatha, Colombo 3

**Tel:** 011-2303285, 5979999

**Fax:** 011-2303275

**Web:** mbra.gov.lk

### Department of Muslim Religious and Cultural Affairs

**Address:** 180, T. B. Jayah Mawatha, Colombo 10

**Tel:** 011-2691864, 2675367

**Fax:** 011-2303275

### Department of Hindu Religious and Cultural Affairs

**Address:** 248- 1/1, Galle Road, Colombo 4

**Tel:** 011-2552641

**Fax:** 011-2552825

**Email:** hindudir@yahoo.com

**Web:** www.hindudept.gov.lk

### The National Christian Evangelical Alliance of Sri Lanka (NCEASL)

The NCEASL, as the representative body for Evangelical Christians, engages in safeguarding the Religious Freedom of minorities in Sri Lanka.

**Address:** P.O. Box 113, Dehiwala, Sri Lanka

**Tel:** 011-5511358

**Email:** legal@nceasl.org

**Web:** www.nceasl.org

# Do you know?

Frequently Asked Questions about Freedom of Religion or Belief

# NCEASL