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Sri Lanka: Situation of Christians, including Roman Catholic Christians and Protestant Christians, and treatment by authorities and society; state protection (2020–April 2022) [LKA200986.E]

Research Directorate, Immigration and Refugee Board of Canada

1. Overview

Sources indicate that Christians represent "[a]pproximately" 7 percent (Schmalz 21 Apr. 2019) or 7.4 percent (Humanists International 30 Nov. 2020) of the Sri Lankan population (Schmalz 21 Apr. 2019; Humanists International 30 Nov. 2020). Sources report that a "majority" (Schmalz 21 Apr. 2019) or "around" 80 percent (Bauman and Ponniah 2018, 279) of Christians in Sri Lanka are Roman Catholic (Bauman and Ponniah 2018, 279; Schmalz 21 Apr. 2019). A US Commission on International Religious Freedom (USCIRF) report notes that Roman Catholics represent 6.1 percent of the population and "other" Christians represent 1.3 percent (US Oct. 2021, 1). An article by Mathew Schmalz, an associate professor of religion at the College of the Holy Cross [in Massachusetts], published by the Conversation, a "nonprofit, independent" online media outlet publishing articles written by scholars for the general public (The Conversation n.d.), indicates that Protestants represent 1 percent of the Sri Lankan population (Schmalz 21 Apr. 2019). An article in Catholics & Cultures [1], citing data from the *Statistical Yearbook of the Church 2017* [2], indicates that "[b]aptized Catholics" in Sri Lanka comprise 7.47 percent of the population, a total of 1,628,000 people (Catholics & Cultures [2019]). The same source provides the following statistics on the number of Catholics in various demographics:

- Students in Catholic primary schools: 44,876

- Students in Catholic secondary schools: 65,549
- Students in Catholic post-secondary education: 8,692
- Priests: 1,533
- "Religious" women ("nuns" and "sisters"): 2,590
- Parishes: 487
- "Mission stations" (without a priest in residence): 698
- Catholic hospitals: 8 (Catholics & Cultures [2019]).

According to the USCIRF report, in the aftermath of the 2019 Easter bombings the authorities have arrested approximately 2,500 individuals, "mostly" Muslims (US Oct. 2021, 4). The same source reports that 25 people were "charged" in connection with the attacks (US Oct. 2021, 4). A country information report by the Australian Department of Foreign Affairs and Trade (DFAT) states that the "Catholic Church in Sri Lanka has repeatedly raised concerns about the ongoing lack of justice for victims [of the 2019 Easter bombing] and the Government's handling of the investigations" (Australia 23 Dec. 2021, para. 2.49). For more information on the 2019 Easter bombings against hotels and Christian churches that killed over 250 people, see Response to Information Request LKA200593 of May 2021.

2. Legislation

2.1 Constitutional Provisions

Article 9 of the Sri Lankan Constitution gives "the foremost place" to Buddhism in the country:

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 Articles 10 and 14(1)(e). (Sri Lanka 1978, italics in original)

Regarding the freedom of religion, articles 10, 12 and 14 of the Constitution provide the following:

10. 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.

...

12. (1) All persons are equal before the law and are entitled to the equal protection of the law.

(2) No citizen shall be discriminated against on the grounds of race, religion, language, caste, sex, political opinion, place of birth or any one of

such grounds:

...

(3) No person shall, on the grounds of race, religion, language, caste, sex or any one of such grounds, be subject to any disability, liability, restriction or condition with regard to access to shops, public restaurants, hotels, places of public entertainment and places of public worship of his own religion.

...

14. (1) Every citizen is entitled to –

...

(e) 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 and teaching;

... (Sri Lanka 1978)

Article 3 of the International Covenant on Civil and Political Rights Act, No. 56 of 2007 [ICCPR Act] of Sri Lanka provides the following:

3. (1) No person shall propagate war or advocate national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence.

(2) Every person who—

1. attempts to commit;
2. aids or abets in the commission of; or
3. threatens to commit,

an offence referred to in subsection (1), shall be guilty of an offence under this Act.

(3) A person found guilty of committing an offence under subsection (1) or subsection (2) of this section shall on conviction by the High Court, be punished with rigorous imprisonment for a term not exceeding ten years.

... (Sri Lanka 2007)

Without providing further details, sources indicate that, in 2003, the Supreme Court ruled that the Constitution requires the state to "protect only Buddhism," but does not provide the same right to state protection for other religions (US 10 June 2020, 3; UN 26 Aug. 2019). A report by the

UN Special Rapporteur on freedom of religion or belief following a visit to Sri Lanka in 2019 notes that one of the challenges facing Sri Lanka is a "lack of equality among religious communities" and indicates that article 9 of the Constitution is "almost equivalent" to making Buddhism the official religion of Sri Lanka (UN 25 Aug. 2020, para. 58).

According to a handbook on religious pluralism written by Sulochana Peiris, a documentary filmmaker and writer based in Sri Lanka, for the Sri Lanka chapter of Internews [3], while "Sri Lanka has a sufficient constitutional and legal framework to protect religious freedom ... there is a critical enforcement gap" of the protections provided in articles 10 and 14 of the Constitution (Peiris Mar. 2019, 3). Similarly, the DFAT report notes that impunity for hate speech and the growing use of social media in Sri Lanka has resulted in an increase in hate speech against religious minorities (Australia 23 Dec. 2021, para. 3.25).

A 2019 preliminary report by the UN Special Rapporteur on freedom of religion or belief following a visit to Sri Lanka stated the following:

[M]any argued that the [ICCPR] Act was not applied in a manner that would protect minorities against incitement. ... However, when the Act is invoked to protect religions or beliefs against criticism or perceived insult, rather than to protect individuals, communities may find themselves even more vulnerable to incitement to discrimination and violence. (UN 26 Aug. 2019)

2.2 Penal Code Provisions and Terrorism Legislation

Sections 120 and 290 to 292 of the Penal Code of Sri Lanka provide the following:

Exciting or attempting to [sic] excite disaffection.

120. Whoever by words, either spoken or intended to be read, or by signs; or by visible representations, or otherwise, excites or attempts to excite feelings of disaffection to the President or to the Government of the Republic, or excites or attempts to excite hatred to or contempt of the administration of justice, or excites or attempts to excite the People of Sri Lanka to procure, otherwise than by lawful means, the alteration of any matter by law established, or attempts to raise discontent or disaffection amongst the People of Sri Lanka, or to promote feelings of ill-will and hostility between different classes of such People, shall be punished with simple imprisonment for a term which may extend to two years.

...

Injuring or defiling a place of worship with intent to insult the religion of any class.

290. Whoever destroys, damages, or defiles any place of worship, or any object held sacred by any class persons [*sic*], with the intention of thereby insulting the religion of insult the [*sic*] any class of persons or with the knowledge that any class of persons is likely to consider such destruction, damage, or defilement as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Acts in relation to places of worship, & c, with intent to insult the religion of any class.

290A. Whoever does any act, in or upon, or in the vicinity of, any place of worship or any object which is held sacred with intent to or in veneration by any class of persons, with the intention wounding the religious feelings of any class of persons or with the knowledge that any class of persons is likely to consider such act as an insult to their religion, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Disturbing a religious assembly.

291. Whoever voluntarily causes disturbance to any assembly lawfully engaged in the performance of religious worship or religious ceremonies shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Uttering words, &c, with deliberate intent to wound religious feelings.

291A. Whoever, with the deliberate intention of wounding the religious feelings of any person, utters any word or makes any sound in the hearing of that person, or makes any gesture in the sight of that person, or places any object in the sight of that person, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.

Deliberate and malicious acts intended to outrage religious feelings of any class, by insulting its religion or religious beliefs.

291B. Whoever, with the deliberate and malicious intention of outraging the religious feelings of any class of persons, by words, either spoken or written, or by visible representations, insults or attempts to insult the religion or the religious beliefs of that class, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Trespassing on burial places, & c.

292. Whoever, with the intention of wounding the feelings of any person, or of insulting the religion of any person, or with the knowledge that the feelings of any person are likely to be wounded, or that the religion of any person is likely to be insulted thereby, commits any trespass in any place of worship or on any place of sepulture or any place set apart for the performance of funeral rites, or as a depository for the remains of the dead, or offers any indignity to any human corpse, or causes disturbance to any persons assembled for the performance of funeral ceremonies, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both. (Sri Lanka 1885)

Section 2(1)(h) of the Prevention of Terrorism Act (PTA) of Sri Lanka provides the following:

2. (1) Any person who

...

(h) by words either spoken or intended to be read or by signs or by visible representations or otherwise 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 ...

shall be guilty of an offence under this Act. (Sri Lanka 1979, Sec. 2(1))

Section 2(2) of the same Act further provides that "[a]ny person guilty of an offence" specified in paragraph (h) of subsection (1)

(ii) ... shall on conviction be liable to imprisonment of either description for a period not less than five years but not exceeding twenty years. (Sri Lanka 1979, Sec. 2(2))

The report of the UN Special Rapporteur notes a "lack of reported judgments" under sections 120, 291A and 291B of the Penal Code, stating that these sections "lack clarity and leave room for misinterpretation" (UN 25 Aug. 2020, para. 74). The same source reports that the PTA "has been criticized by many for being used to target" minority groups (UN 25 Aug. 2020, para. 74).

3. Treatment by the Authorities and State Protection

For information on the November 2019 presidential election and August 2020 legislative election in Sri Lanka, see Responses to Information Requests LKA200300 of August 2020 and LKA200592 of April 2021.

According to a February 2022 annual report by the Office of the UN High Commissioner for Human Rights (OHCHR), the Sri Lankan government's actions "during the past year" strengthened ties between Sinhalese

nationalism, Buddhism, and the state, "increasing" a "sense of marginalisation and anxiety" among Christians and "undermining the prospects for reconciliation" (UN 25 Feb. 2022, para. 20).

According to sources, Christians face a lack of redress from police (ICES and Equitas 2018, 34; MinorMatters 4 Jan. 2022, 9) for acts of intimidation, discrimination and violence (ICES and Equitas 2018, 34) or religious liberty violations (MinorMatters 4 Jan. 2022, 9). The DFAT report indicates that Christians who file complaints with police regarding violations of religious freedoms are "often victimised and blamed by law enforcement officials" and their claims are not investigated further (Australia 23 Dec. 2021, para. 3.34). The US Department of State's report on international religious freedom for 2020, citing information from the National Christian Evangelical Alliance of Sri Lanka (NCEASL), indicates that Christian groups reported that police and local officials "were complicit in the harassment of religious minorities and their places of worship," "often sided with the religious majority" (US 12 May 2021, 6). The NCEASL, cited in the US religious freedom report, further stated the following:

[P]olice often attempted to coerce Christians into signing statements absolving those harassing them and accused them of breaching the peace if they filed complaints about police behavior. (US 12 May 2021, 6)

Sources indicate that minority Christian groups have faced discrimination by the authorities in church construction (ICES and Equitas 2018, 27; Bauman and Ponniah 2018, 283) or registration (MinorMatters 4 Jan. 2022, 7). According to a 2018 report published by the International Centre for Ethnic Studies (ICES) [4] and Equitas [5] based on interviews and focus group discussions [6], the non-Roman Catholic Christian community indicated that they have experienced difficulties in obtaining approvals from the authorities to building new churches (ICES and Equitas 2018, 27).

Sources indicate that there is no law in Sri Lanka mandating the registration of places of worship (UN 25 Aug. 2020, para. 35; MinorMatters 4 Jan. 2022, 7). The UN Special Rapporteur notes that the former Ministry of Buddha Sasana and Religious Affairs issued a circular in 2008 requiring prior approval from authorities for the construction of "all new places of worship" (UN 25 Aug. 2020, para. 35). The same source further states that

[L]aw enforcement and local government officials allegedly use the circular to discriminate against religious minority groups and curtail their right to worship. It is also used retroactively to close non-mainline churches. Since 2015, at least 57 Protestant Christian churches have been instructed to obtain registration. (UN 25 Aug. 2020, para. 36)

A report by MinorMatters, "a public movement dedicated to fostering religious harmony and protecting the freedom of religion or belief in Sri Lanka" (MinorMatters n.d.), on its 2021 fact-finding mission in Batticaloa,

Eastern Province, looking at the impact of the Easter Sunday bombings on Christians and Muslims, indicates that the circular has resulted in "routine harassment" by the authorities and has undermined religious communities' right to religious freedom, guaranteed under Sri Lanka's Constitution (MinorMatters 4 Jan. 2022, 3, 7).

Freedom House's 2021 annual report states that "[s]ince Gotabaya Rajapaksa was elected, some Christian places of worship in Northern Province have had military personnel stationed nearby, and pastors have claimed that intelligence agents appear to be monitoring certain religious services" (Freedom House 3 Mar. 2021, Sec. D2).

According to a chapter by researchers Chad M. Bauman, a professor of religion at Butler University in Indiana, and James Ponniah, an assistant professor of Christian studies at the University of Madras in Chennai, India (Bauman and Ponniah 28 Mar. 2017, 68), Christian organizations have registered themselves as "'companies'," "'trusts,'" or "'societies'" in order to circumvent legal hurdles presented by the authorities (Bauman and Ponniah 2018, 285). The same source notes that

individual congregations denied permits to build new churches have sometimes reinvented themselves as house churches (often growing rapidly as a result), moving around to avoid detection and harassment. Others have obscured their identity by applying for permits as "community centers" and the like, or built quickly, in just a few days or even under the cover of darkness, before social pressure or legal opposition could mount. Some of these creative strategies are of course illegal, but all are borne of necessity ... (Bauman and Ponniah 2018, 285)

According to MinorMatters, sources from non-denominational Christian groups interviewed as part of the fact-finding mission described Christian children being denied admission to "national schools" and reported that a Christian employed in a state-run school was subject to "continuous discrimination by a senior official" (MinorMatters 4 Jan. 2022, 8). The same sources reported a "trend of Christians not being appointed to positions of authority" in provincial government administration (MinorMatters 4 Jan. 2022, 9). Corroborating information could not be found among the sources consulted by the Research Directorate within the time constraints of this Response.

The UN Special Rapporteur indicates that religious communities are "free to run schools and classes to teach their religions"; there is government funding for Buddhist schools while other religious school must obtain private funding (UN 25 Aug. 2020, para. 42). However, the report by ICES and Equitas indicates that non-Roman Catholic Christians reported facing challenges in accessing non-Roman Catholic religious instruction in schools (ICES and Equitas 2018, 27). The US international religious freedom report states that

[r]eligion is a compulsory subject at the primary and secondary levels in public and private schools. Parents may elect to have their children study Buddhism, Islam, Hinduism or Christianity, provided enough demand (at least 15 students) exists within the school for the chosen subject. Students may not opt out of religious instruction even if instruction in their religion of choice is not available, or if they do not choose any religion. All schools teaching the Sri Lankan Ordinary Level syllabus, including private schools founded by religious organizations, must use the Ministry of Education curriculum on religion, which covers the four main religions and is compulsory for the General Certificate Education Ordinary Level exams (equivalent to U.S. grade 10). (US 12 May. 2021, 5)

4. Treatment by Society

According to sources, Christian minorities in Sri Lanka are subjected to various forms of social harassment (Bauman and Ponniah 28 Mar. 2017, 68) or discrimination (MinorMatters 4 Jan. 2022, 9). The UN Special Rapporteur stated "many" sources had "serious concern[s]" about the use of social media to "generat[e] fear through fake news and incit[e] violence," noting Christians have been "target[ed]" by "fake news and online hate speech" (UN 25 Aug. 2020, para. 69).

However, the DFAT report states that "[t]he number of incidents targeting evangelical Christians has remained largely static over recent years and is highest in Buddhist-majority regions in the North Central, South and Western provinces" (Australia 23 Dec. 2021, para. 3.35).

The DFAT reports that Christians groups in Sri Lanka have been subjected to violent attacks (Australia 23 Dec. 2021, para. 3.33). Sources indicate that Christian churches have been attacked (Assistant Professor 5 Apr. 2022) or destroyed during construction (ICES and Equitas 2018, 20). In correspondence with the Research Directorate, an assistant professor of anthropology at Yale-National University of Singapore (NUS) College in Singapore, who studies anthropology of religion and has conducted extensive research in Sri Lanka, indicated that there have also been violent attacks against Christian pastors (Assistant Professor 5 Apr. 2022). In correspondence with the Research Directorate, an honorary senior research fellow at Birmingham University, who studies Buddhism, interreligious studies and Sri Lanka, indicated that "some" Buddhist groups have attacked churches, "particularly" Evangelical churches (Honorary Senior Research Fellow 22 Apr. 2022). According to MinorMatters, Christian communities have been targeted by Hindu groups that propagate "Hindutva-like ideologies" and are affiliated with right-wing Hindutva groups in India (MinorMatters 4 Jan. 2022, 8). Similarly, the DFAT report states that

Buddhists were the perpetrators of most of the reported incidents [of violence and intimidation against Christians], followed by Hindus and, to a

lesser extent, Catholics against other Christian denominations. DFAT is not aware of reported incidents of violence or visible hostility against Christians perpetrated by Muslims. (Australia 23 Dec. 2021, para. 3.33)

4.1 Evangelicals

The ICES and Equitas report indicates that "evangelism" has been a source of conflict within the Christian community (ICES and Equitas 2018, 18). Bauman and Ponniah note that there are "interdenominational divisions" in Sri Lanka, particularly between the "older" and "mainstream" Protestant and Catholic communities and the "newer" Pentecostal and Evangelical Christian communities (Bauman and Ponniah 2018, 283). The Assistant Professor noted that "charismatic" Pentecostal discourse and proselytizing "often" "anger" Buddhists (Assistant Professor 5 Apr. 2022). Similarly, in the ICES and Equitas report, Hindu respondents in Deniyaya drew a "clea[r]" distinction between the Catholic Church, which does not proselytize, and the Evangelical Christian churches, which are perceived to "convert individuals by spreading false attitudes about other religions" (ICES and Equitas 2018, 18).

The UN Special Rapporteur

received reports from the [NCEASL] of about 87 cases of recorded physical attacks at places of worship, in residential areas, or on pastors or members of Evangelical churches between 2015 and 2019. Only 50 cases were reported to the police, and 8 of those were brought before the courts, and there was not a single conviction of a perpetrator even though in some cases compensation had been granted to the victims. Similarly, Evangelical Christian communities have documented over 11 cases of incitement to hatred and violence against them, and about 300 instances of harassment or discrimination based on their religious identity. Of those cases that were reported to the police or brought before the courts, the result was the same, that is, there was not a single conviction. (UN 25 Aug. 2020, para. 80)

Bauman and Ponniah note that Catholic and Protestant communities tend to be "less evangelistic" and "tend to blame" the newer Pentecostal and Evangelical Christian communities for "assertive evangelism" which has provoked "anti-Christian resentment and hostility" (Bauman and Ponniah 2018, 283). According to sources, "at least some attacks against Christians in Sri Lanka are perpetrated by fellow Christians" (Bauman and Ponniah 2018, 283) or intra-Christian conflict has manifested in physical violence between Christians at the village and family level (ICES and Equitas 2018, 45).

4.2 Jehovah's Witnesses

Sources indicate there is a dislike of (ICES and Equitas 2018, 19) or hostility towards (UN 25 Aug. 2020, para. 33) Jehovah's Witnesses as a result of the perception that their methods of religious conversion are "intrusive" (ICES

and Equitas 2018, 19) or "threaten[ing]" to the beliefs of the dominant religion (UN 25 Aug. 2020, para. 33). Similarly, the UN Special Rapporteur states that suspicion of "unethical" conversions have exposed non-Roman Catholic Christian groups to violent attacks (UN 25 Aug. 2020, para. 90). The same source further indicates that between 2017 and 2019, Jehovah's Witnesses in Sri Lanka reported that

they had referred to the police at least 58 cases of physical assault[t], harassment and intimidation, the disruption of their worship meetings, the vandalism of their places of worship, and the refusal of permits to build places of worship. Of the 33 cases that had been brought before the courts, only 5 cases were decided in their favour and the perpetrators agreed to stop harassing them, but there has still not been a single conviction. (UN 25 Aug. 2020, para. 81)

This Response was prepared after researching publicly accessible information currently available to the Research Directorate within time constraints. This Response is not, and does not purport to be, conclusive as to the merit of any particular claim for refugee protection. Please find below the list of sources consulted in researching this Information Request.

Notes

[1] Catholics & Cultures is an initiative of the SJ Center for Religion, Ethics and Culture at the College of the Holy Cross that "aims to foster comparative study of contemporary Catholic life around the globe" (Catholics & Cultures n.d.). The Catholics & Cultures website features research articles, interviews, videos, and other media with the aim of providing comparative information on contemporary Catholic life around the world (Catholics & Cultures n.d.).

[2] The *Statistical Yearbook of the Church*, also known by its Latin title *Annuarium Statisticum Ecclesiae 2017*, was compiled by the Vatican's Central Office of Church Statistics using data gathered in 2017 and was distributed by the Vatican Press in 2019 (Vatican 6 Mar. 2019).

[3] Internews is an international non-profit that works to "build healthy media and information environments" (Internews n.d.).

[4] International Centre for Ethnic Studies (ICES) is an institution based in Sri Lanka with the aim of "deepen[ing] the understanding of ethnicity, identity politics, conflict and gender" through research, publication, and dialogue (ICES n.d.).

[5] Equitas is a Canadian human rights education organization founded in Montreal (Equitas n.d.).

[6] The 2018 report by the International Centre for Ethnic Studies (ICES) and Equitas was based on 22 interviews with male and female religious leaders, community leaders, government officials, representatives of religious organizations and of civil society and 17 focus group discussions held with civil society organizations and members of the general public in Mannar, Jaffna, Ampara, and Matara from March to June 2017 and from April to May 2018 (ICES and Equitas 2018, 27).

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Additional Sources Consulted

Oral sources: assistant professor of Christian studies at a university in India; assistant professor of religion at a university in Ireland; associate professor in comparative religion at a university in the UK; associate professor in religious studies at a university in Norway; associate professor of religion at a university in the US; Fellowship of Christian University Students – Sri Lanka; International Centre for Ethnic Studies; lecturer in political science at a university in Sri Lanka; National Christian Council of Sri Lanka; National Christian Evangelical Alliance of Sri Lanka; professor of Buddhism and Asian religions at a university in New Zealand; professor of religious studies at a university in the US; researcher in inter-religious relations and conflict in Sri Lanka; senior lecturer in Christian studies at a university in Sri Lanka; Sri Lanka Christian Academics Network; Tulana Research Centre for Encounter and Dialogue.

Internet sites, including: Amnesty International; Asia Democracy Network; Asylum Research Centre; *The Atlantic*; CSW; ecoi.net; European Institute for Asian Studies; Factiva; Human Rights Watch; International Crisis Group; Mission Network News; *Newsweek*; *The New York Times*; Religion Media Centre; Tamil Guardian; *The Times*; UK – Home Office; The Wire.

Associated documents

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Sri Lanka

Query response on Sri Lanka: Situation of Christians and treatment by authorities and society; state protection (2020 - April 2022)

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