

NATIONS UNIES
HAUT COMMISSARIAT DES NATIONS UNIES
AUX DROITS DE L'HOMME

PROCEDURES SPECIALES DU
CONSEIL DES DROITS DE L'HOMME

Mandates of the Special Rapporteur on freedom of religion or belief and the Independent Expert on minority issues.

UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

REFERENCE: UA G/SO 214 (56-23) Minorities (2005-4)
LKA 2/2012

7 May 2012

Excellency,

We have the honour to address you in our capacity as Special Rapporteur on freedom of religion or belief and Independent Expert on minority issues pursuant to General Assembly resolution 60/251 and to Human Rights Council resolutions 14/11 and 16/6.

In this connection, we would like to draw the attention of your Excellency's Government to information we have received regarding **the attack against and relocation of a mosque in Dambulla and rising incidents of religious intolerance.**

According to the information received:

On Friday, 20 April 2012, a crowd of about 2000 Sinhalese Buddhists, including high-ranking monks, protested and attacked the 60 year-old Jumma Mosque in Dambulla, north central Sri Lanka. The demonstration outside the mosque not only disrupted the Friday Jumma prayers but the crowd managed to break into the premises of the mosque and caused damage to property, including a cupboard that housed copies of Islamic religious texts such as the Quran, despite a police presence.

Two days later, the Prime Minister's office released a statement ordering the removal and relocation of the mosque from the area on the grounds that it is a Buddhist religious 'sacred area'. Reportedly, neither Muslim religious leaders nor the local community have been consulted in relation to this decision.

There have been reports of other incidents of attacks against places of religious worship in recent months:

In September 2011, an Islamic Sufi shrine located in Anuradhapura, an ancient Buddhist city and UNESCO world heritage site, was allegedly destroyed by a crowd led by Buddhist monks.

It was also reported that a Hindu Shivan shrine was removed in Illangaithurai Muhathuwaram (Lanka Patuna) and a Buddhist statue was built in its place. Furthermore, there were reports of several Hindu Temples that were replaced by Buddhist Temples in Tamil areas, including one close to the historical Thirukethiswaram temple.

In 2011, a group of people led by Buddhist monks entered the premises of the Church of the Four Square Gospel in Kalutara. They allegedly disrupted an ongoing worship service, threatened and assaulted the pastor, and destroyed furniture and musical instruments. Allegedly, the police have subsequently prevented the church from functioning claiming that it would lead to a breach of the peace. In Ambalangoda, the Assembly of God church was also reportedly attacked in February this year.

While we do not wish to prejudge the accuracy of these allegations, we wish to appeal to your Excellency's Government to seek clarification on the information drawn to our attention and share our concerns in relation to present circumstances in light of the applicable international human rights norms and standards.

We would like to recall the rights guaranteed by articles 2 (1), article 18 (1) and 26 of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government has accessed on 11 Jun 1980 and 18 of the Universal Declaration of Human Rights (UDHR).

In addition, article 2 (1) of the 1981 Declaration of the General Assembly also provided that "[n]o one shall be subject to discrimination by any State, institution, group of persons, or person on the grounds of religion or other belief." Commission on Human Rights resolution 2005/40, urged States to step up their efforts to eliminate intolerance and discrimination based on religion or belief.

We draw the attention of your Excellency's Government to international standards relevant to the protection and promotion of the rights of minorities. Article 27 of the ICCPR establishes that "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language."

The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities requires under article 1.1 that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 1.2 requires that States "shall adopt appropriate legislative and other measures to achieve those ends". In addition, article 4.1 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human

rights and fundamental freedoms without any discrimination and in full equality before the law.”

The Human Rights Council in resolution 6/37 9 (e) urges States “[t]o exert the utmost efforts, in accordance with their national legislation and in conformity with international human rights and humanitarian law, to ensure that religious places, sites, shrines and symbols are fully respected and protected and to take additional measures in cases where they are vulnerable to desecration or destruction;” and 9 (g) “[t]o ensure, in particular, the right of all persons to worship or assemble in connection with a religion or belief and to establish and maintain places for these purposes [...].”

Human Rights Committee General Comment 22, para. 2 also provides that “[t]he Committee therefore views with concern any tendency to discriminate against any religion or belief for any reason, including the fact that they are newly established, or represent religious minorities that may be the subject of hostility on the part of a predominant religious community.” Para. 4: “The concept of worship extends to [...] the building of places of worship.”

We urge your Excellency’s Government to take all necessary measures to guarantee that the rights and the freedom of religion or belief of the various religious communities are respected and protected; in the event that your investigations support or suggest the above allegations to be correct, the accountability of any person responsible of the alleged violations should be ensured. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Moreover, it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention. Since we are expected to report on these cases to the Human Rights Council, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Have complaints been lodged with regard to the incidents mentioned?
3. Please indicate how ‘sacred area’ is defined and determined.
4. Please provide the details and where available, the results or reports, of any judicial investigation, or any criminal charges to the perpetrators in relation to these incidents.
5. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to religious minorities.
6. Please indicate which measures your Excellency’s Government has adopted to facilitate discussions among political and religious leaders aimed at finding a solution acceptable to the communities concerned.

We undertake to ensure that your Excellency's Government's response to each of these questions is accurately reflected in the report we will submit to the Human Rights Council for its consideration.

Please accept, Excellency, the assurances of our highest consideration.

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief

IZSÁK Rita
Independent Expert on minority issues