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HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

Mandate of the Special Rapporteur on freedom of religion or belief.

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Excellency,

I have the honour to address you in my capacity as Special Rapporteur on freedom of religion or belief pursuant to Human Rights Council resolution 14/11.

In this connection, I would like to bring to your Excellency's Government's attention information I have received concerning **an assault of a 14 year-old student by his school teacher for refusing to learn Buddhism at the Mahanama College Geatambe in Kandy District, Sri Lanka.**

According to the information received:

On 11 June 2012, [REDACTED] was allegedly assaulted by his teacher, Mr. [REDACTED] who is a Buddhist monk, as he refused to learn Buddhism in the class. [REDACTED] is a 14 year-old student in the ninth grade at Mahanama College Geatam in the Kandy District. As [REDACTED] was the only non-Buddhist in the class, he moved to sit at the back but Mr. [REDACTED] forced him to sit in the front and asked him about the history of Buddhism. When [REDACTED] stated that he is a Catholic, Mr. [REDACTED] however insisted that he should nevertheless learn Buddhist teachings. Mr. [REDACTED] also severely assaulted [REDACTED] until his left ear started bleeding. After that, Mr. [REDACTED] and another teacher, Mrs. [REDACTED], told [REDACTED] not to speak to anybody about the assault.

For the rest of the day, [REDACTED] had to bear the pain without recourse to medical treatment. It is also reported that [REDACTED] brother, [REDACTED], was threatened by Mr. [REDACTED] not to enter into the classroom when he went to see [REDACTED] after he learned of the assault.

[REDACTED] reportedly did not dare to mention the incident at school to anyone until he started vomiting around 7:00 p.m. at home. [REDACTED] father, Mr. [REDACTED], took

him to the hospital the following morning and Mr. [REDACTED] allegedly threatened them with violence if they revealed the incident to higher authorities. [REDACTED] was hospitalized in Ward 18 while the hospital police officers obtained a statement from [REDACTED] on 13 June 2012. It was also reported that Mr. [REDACTED], filed a complaint with the Kandy Police (WCIB 1/84/16) but there has been no investigation initiated so far.

Concerns are expressed for the violation of [REDACTED] right to freedom of religion or belief in particular for the allegations of using corporal punishment at school for refusing to study a religion different from a person's choice. Concern is also expressed for [REDACTED] potential loss of hearing and the risks of being expelled from school for having reported the case to the police.

While I 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.

I would like to appeal to your Excellency's Government to ensure the right to freedom of religion or belief in accordance with article 18 of the Universal Declaration on Human Rights (UDHR) and articles 18 and 27 of the International Covenant on Civil and Political Rights (ICCPR) that your Excellency's Government accessed on 11 June 1980.

I would also like to draw your Excellency's Government's attention to article 14 (1) of the Convention on the Rights of the Child (CRC) stating that "States Parties shall respect the right of the child to freedom of thought, conscience and religion." and to article 30 stating that "In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or [...] shall not be denied the right, in community with other members of his or her group, to [...] profess and practice his or her own religion."

Besides, the 1981 Declaration of the General Assembly article 5 (2) provided that "[E]very child shall enjoy the right to have access to education in the matter of religion or belief in accordance with the wishes of his parents or, as the case may be, legal guardians, and shall not be compelled to receive teaching on religion or belief against the wishes of his parents or guardians, the best interest of the child being the guiding principle."

I would also like to recall the Human Rights Committee General Comment 22, para. 5 that states "Article 18.2 bars coercion that would impair the right to have or adopt a religion or belief, including the use of threat of physical force or penal sanctions to compel believers or non-believers to adhere to their religious beliefs and congregations, [...]."

In this connection, I would like to kindly request your Excellency's Government to take all necessary measures to guarantee [REDACTED] right to freedom of religion or belief.

Moreover, it is my responsibility under the mandate provided to me by the Human Rights Council, to seek to clarify all cases brought to my attention. Since I am expected to report on these cases to the Human Rights Council, I would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of case accurate?
2. Has a complaint been lodged with regard to the forementioned incidents?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries which may have been carried out in relation to this case. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide details of any legislation and policy that exists to ensure to the right of religious minority to have access to religious education of their own choice.
5. Please provide information on alternative religious education provided or the options available for students who do not wish to participate in any particular religious teaching classes at school.

I would appreciate a response within sixty days. Your Excellency's Government's response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, I urge your Excellency's Government to take all necessary measures to guarantee that the rights and freedoms of [REDACTED] are respected and, 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. I also request that your Excellency's Government adopt effective measures to prevent the recurrence of these acts.

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

Heiner Bielefeldt
Special Rapporteur on freedom of religion or belief