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(Established in 1990)

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Ref : HR043D/PR/2012

10 December 2012

## UNIVERSAL DECLARATION OF HUMAN RIGHTS – UDHR A BRIEF ANALYSIS ON SRI LANKA

The Universal Declaration of Human Rights was adopted on 10<sup>th</sup> December 1948 by the United Nations at the Palais de Chaillot in Paris. Since then this day has been celebrated all over the world as “International Human Rights Day”. This year is the 64<sup>th</sup> anniversary.

The UDHR contains thirty articles. Articles 1 and 2 outline the philosophical claim of the UDHR and emphasise that human beings are born free in equal dignity and are entitled to all rights and freedoms without any kind of discrimination. Articles 3 to 21 deal with Civil and Political rights and articles 22 to 27 deal with Economic, social and cultural rights. Concluding articles 28 and 29 stress the duties and responsibility of the individual in a democratic society. Finally, article 30 gives cautionary notice that UDHR may not be interpreted as implying that a person or group has any right to do anything aimed at destroying the rights and freedoms set forth in the UDHR.

Considering the emphasis of articles in the UDHR, it is important to analyse how far the UDHR has been respected by the governments of Sri Lanka regarding the human rights of Tamils in the island of Sri Lanka (or earlier Ceylon).

**1948** The Citizenship Act disenfranchising Indian Tamil Plantation workers was passed in Parliament. One million 3<sup>rd</sup> generation plantation workers had been living in the island for over 115 years. They were brought to the island by the British from South India to work in Tea and Rubber plantations in the hill country. **100,000 plantation Tamils were victimised.** (*Violation of UDHR article - 21*)

**1956** The “Sinhala Only” Act was passed in the Sri Lankan Parliament. This Act made Tamils as second class citizens in the island. Tamils staged peaceful protests in Colombo and Gal Oya. **150 Tamils were burnt or hacked to death; 20 Women were raped; 3000 were made refugees and their properties were looted by Sinhala mobs.** (*Violation of UDHR article - 2, 3, 5, 12, 17*)

**1958** Anti Tamil riots in Sinhala areas. Massacre of Tamils, looting of their properties, setting fire to their houses. 25,000 Tamils were made refugees; 500 Tamils were burnt or hacked to death; 200 Women were raped and Tamil properties were looted or destroyed by Sinhala mobs. (*Violation of UDHR articles – 2, 3, 5, 12, 17*)

**1961** Tamil non-violent (Satyagraha) civil disobedience campaign in the North and East was disrupted by the security forces, protesters were beaten and arrested. (*Violation of UDHR articles - 5, 9, 20*)

**1964** The Pact (Srima-Shastri) to evacuate Tamil plantation workers of Indian origin was signed. They had been living in the island for over 131 years. **650,000 Plantation Tamils became stateless persons.** (*Violation of UDHR articles - 4, 15, 23*)

**1972** Equal education opportunities for Tamil students were denied. Standardisation on University admission was introduced. There were similarities with Apartheid. (*Violation of UDHR article - 26*)

**1974** The Fourth International Tamil research Conference held on 10/01/1974 in Jaffna was disrupted by the Sri Lankan Police. **9 Tamils were brutally killed.** (*Violation of UDHR articles - 2, 3, 20, 27*)

**1977** In July, Tamil United Liberation Front-TULF, contested and won overwhelmingly at the Parliamentary election mandating them to exercise the “Right to Self-determination” and establish Tamil Eelam in the North East.

In 1983 August 8, Sri Lankan government enacted **the 6<sup>th</sup> amendment** to the constitution and rejected the right to self-determination of the Tamil people, the mandate voted by the Tamils in 1977 general election. (*Violation of UDHR articles - 8, 10, 21*)

**1979** July, Prevention of Terrorism Act (PTA) was introduced in Sri Lanka. This Act gives a free hand to the Security forces to arrest, detain, torture, rape, kill and dispose bodies with impunity. Arrested people could be detained for three months without being produced in courts. (*Violations of UDHR articles - 2, 3, 5, 6, 7, 8, 9, 10, 11, 12*)

**1981** The Jaffna Public Library containing 95,000 volumes was completely destroyed in a fire set by a group of Police officers who went on a rampage in the Jaffna city on May 31, 1981. **95, 000 volumes of unrecoverable-invaluable books were burnt.** (*Violations of UDHR articles - 2, 21, 24, 27*)

Since independence in 1948, more than 35 years of peaceful non-violent struggle by the Tamils protesting against Sinhala oppression, were suppressed by violent means by the Sri Lankan security forces, inflicting loss of many lives and much material damage to the Tamils. (*Violations of UDHR articles - 3, 4, 5,9,13,20*)

**1983** The Government masterminded anti-Tamil riots in July 83. More than 6,000 Tamils were killed by the Sinhalese in the South. Tamil houses and businesses were looted and destroyed. Tamils living in the South were sent in ships to the North and East by the government. **250,000 Tamils were made refugees; 2,500 Tamils were burnt or hacked to death; 500 Women were raped; 53 Tamil political prisoners were brutally murdered in the maximum security Welikada prison on 25-27<sup>th</sup> July.** Sinhala extremist groups and thugs abused the socio-economic and the political rights of the Tamil people. Anti-Tamil riots also in 1956, 1958, 1977, and 1981. (*Violation of UDHR articles - 3, 4, 6, 7, 8, 9, 12, 13, 14, 17, 23, 24, 25, 26*)

**1984 - To date** Tamils living in the North-East were arrested, tortured and killed. Women were raped, many disappeared. Tamil properties were looted or destroyed by the Sri Lankan security forces. Air Force bombers dropping Cluster bombs in residential areas and near IDPs camps causing severe loss and damage to Tamil people and their property.

The Prevention of Terrorism Act (PTA) and the Emergency Regulations (ER) adopted by the government helped the security forces to carry out all sorts of human rights violations with impunity. (*UDHR completely violated*)

**1990 - To date** Economic embargo in Tamil areas. Food, medicine, electricity and other important items are denied to the Tamils. (*Violations of UDHR articles - 22, 25, 26*)

**1995 -** On 15th November, an **NGO Forum took place at Bentota Beach Hotel**, in Bentota, in the South of Sri Lanka. Both foreign and local NGO representatives participated in this forum and this forum meeting was disrupted by anti-NGO demonstrators.

The organisers of the NGO forum decided to shift the venue to the capital, Colombo. On 16th November, the NGO Forum re-convened in the **morning** at a conference hall in **Ratmalana**, police officers arrived to "request" the Forum to suspend its proceedings, claiming that the meeting was illegal! The meeting was dissolved and all attendees dispersed. (*Violations of UDHR articles – 8, 13, 18, 19, 20*)

**1997 -** On 25th September, 38 NGOs serving in several parts of Batticaloa district, were ordered by Government of Sri Lanka to cease all their humanitarian operations. This immediately followed a government order **banning NGOs** from assisting people in the areas of Batticaloa. (*Violations of UDHR articles – 8, 13, 18, 19, 20*)

**Sinhala colonisation -** As a result of many years of State planned Sinhala colonisation in the Tamil homeland (North and East), the Sinhala governments and its destructive agents plundered and robbed 50% of the ancestral lands of the Tamils in the North East of Sri Lanka. (*Violation of UDHR articles - 17*)

**Unilaterally abrogated pacts and agreements -** Several agreements signed between the Tamil leaders and the Sinhala leaders to resolve the political turmoil in the country were **unilaterally abrogated** by Sri Lanka.

**In 1957, the "Banda Chelva" pact and in 1965 the "Dudley-Chelva" pact.** These agreements were based on a quasi-federal system devolving certain powers to the Tamils in the North East province.

**2005,** with the aim of ensuring equal distribution of Tsunami aid to the worst affected North East, an agreement known as the **Post Tsunami Operational Management Structure - PTOMS** was signed between the government of Sri Lanka and the LTTE. This was unilaterally abrogated by the government of Sri Lanka under the pretext of a Supreme Court judgement. (*Violation of UDHR articles – 16, 25*)

At this point over 85,000 Tamil people had been killed or "disappeared"; more than 12,500 Tamil women raped and killed; more than 2500 buildings of Tamils' religious places of worship (Churches and Temples) had been destroyed in aerial bombings and artillery shelling and billions of rupees worth of material damage had been caused to the Tamils by the Sri Lankan government.

As a result of well planned ethnic cleansing by the Sinhala State, nearly 500,000 Tamil people were internally displaced and more than 500,000 Tamils sought political asylum in Europe and other countries. (*Violation of UDHR articles - 3, 16, 16,17*)

**2005** 7th January, the UN Secretary General made a humanitarian visit to Sri Lanka to see the Tsunami affected areas. When Kofi Annan requested to visit the North East, the areas in the island most affected by the tsunami, the

Sri Lankan authorities deliberately prevented him from making a humanitarian visit there. **(Violation of UDHR articles – 13,25 & a serious violation of the United Nations Charter, Chapter XV Article 100.**

**2006 - Sri Lankan citizens cannot seek remedy from the UN Human Rights Committee** - Even though Sri Lanka is signatory to the ICCPR, on 15 September 2006, the Supreme Court effectively ruled that Sri Lankan citizens cannot seek remedy from the UN Human Rights Committee regarding human rights violations. It declared that the accession to the Optional Protocol to the International Covenant on Civil and Political Rights (ICCPR) in 1997 does not bind Sri Lanka and has no legal effect within the island. – Decision of the Supreme Court 15 September 2006 – SC Spl (LA) No 182/99. **(Violation of UDHR articles - 8, 10,19)**

**2006 - Sri Lanka's Air Force bombed a gathering of schoolgirls at Vallipunam on August 14, 2006, killing 56 schools girls and wounding 210 others.** **(Violation of UDHR articles - 3, 10,12,13,20,26)**

**2006 - In 1987 the India and Sri Lanka accord was signed under the guise of settling the Tamil ethnic conflict in Sri Lanka. Under this accord the merger of North Eastern province took place on 8 Sep.1988. But, after exactly 18 years, The Supreme Court delivered its political judgement on 16 October 2006, stating that the merger of these two provinces was invalid.** **(Violation of UDHR articles – 3,5,9,10,13,21)**

**2007 - Sri Lanka was ranked as the third most dangerous place for the media in the world, with several journalists being killed.** **(Violation of UDHR articles – 3,5,6,7,10,13,18,19)**

**2008 - January, Sri Lanka withdrew from the Ceasefire Agreement-CFA between the government of Sri Lanka and the LTTE that was signed in February 2002.** **(Violation of UDHR articles – 3,5,9,10,13,)**

In 1998, the UN Working Group on Enforced or Involuntary Disappearances stated that, "Sri Lanka had the **second highest number of disappearances in the world, ranking next to Iraq**". Also Sri Lanka is the only country that the UN Working Group on Enforced or Involuntary Disappearances has visited several times. So far no proper remedies have been found for these disappearances. **(Violation of UDHR articles – 3,4,5,7,9,10,11)**

**2008 - According to the UN Working Group on Enforced or Involuntary Disappearances, Sri Lanka ranked as the country with the highest number of disappearances.**

The fate of 656 Tamils who 'disappeared' in 1996 is not yet known but Tamils continue to 'disappear' in North East.

Many Tamil journalists, academics, parliamentarians, human rights activists, children and others in the North East have been killed. **(Violation of UDHR articles – 3,4,5,7,9,10,11)**

**2008 - IIGEP quit Sri Lanka** - President Rajapaksa had invited the International Independent Group of Eminent Persons - IIGEP to 'observe and ensure the transparency' of investigations held by the Commission of Inquiries on the complaints of abductions, disappearances and other serious violations of human rights arising since 1st August 2005. Also, the IIGEP was to ensure that those inquiries are conducted in accordance with basic international norms and standards. **On 22 April 2008, the IIGEP, quit Sri Lanka,** citing government unwillingness to implement its recommendations to bring the probe up to international standards, lack of financial stability, government interference and slow process. **(Violation of UDHR articles – 8,10)**

**2009 – Sri Lanka government and their security forces committed War crimes and Genocide against the Tamil people. This has been well recorded by all international human rights organisations and the United Nations. Furthermore these serious violations have been documented and screened by the TV Channel 4, UK. (Violation of UDHR, other international conventions, including the Convention on the Prevention and Punishment of the Crime of genocide and the Geneva Conventions)**

**2010 – The UN Secretary-General's appointed panel submitted a report on War Crimes in Sri Lanka on 12 April 2010. This was subsequently transferred to the UN High Commissioner for Human Rights and the President of the Human Rights Council on 13 September 2011. However no action was taken. (Violation of UDHR and other international conventions)**

On 8 September 2010, 18th amendment to the Constitution was passed. This makes the way for the executive President allowing an incumbent to contest the Presidential elections any number of times he desires. It changed Sri Lanka into a *de facto* dictatorship. **(Violation of UDHR)**

On 8 December 2010 Sri Lankan Cabinet decided that national anthem will remain only in Sinhala. The move meant that the Tamil version is no longer played at any official or state functions. **(Violation of UDHR articles – 7)**

**2011** – Soon after the armed struggle came to an end in May 2009 – the Sri Lankan government carried out fully fledged Colonisation, Sinhalasation, Buddhisisation, and Militarisation - changing the demography of Tamil Eelam. ***(Violation of UDHR and other international conventions)***

**2012** – Politically motivated impeachment motion against Sri Lanka's first female Chief Justice is underway. ***(Violation of UDHR 3, 6, 7, 8, 10, 11, 12, 13 and other international conventions)***

The Presidential Candidate in the last election, claims in his interview on 24 November 2012, that he won the last Presidential election, but the government manipulated the ballots and Rajapaksa claimed victory. ***(Alleged violation of UDHR 7, 8, 21, and other international conventions)***

On 8 November 2012, 16 inmates were killed and more than 45 injured in a clash between Sri Lankan Special Task Force and Sinhala prisoners in the Welikada prison in Colombo. ***(Violation of UDHR 3, 5,6, 19, 20 and other international conventions)***

Nearly 15,000 political detainees have spent decades in the prisons without any hope of justice; thousands have been 'disappeared' and arbitrary killed; women tortured, raped and hacked to death. There have been no independent hearings nor have the culprits been brought to justice. Impunity has prevailed for decades in Sri Lanka. ***(Violation of 3, 4, 5, 6, 7, 9, 10, 11, 12, 13, 16, 17, 19, 20, 26 and other international conventions)***

Persistent violations of the UDHR and other international conventions continue unabated despite increasing international pressure on Sri Lanka.

***Updated from the TCHR press release of 10 December 2008 – UDHR.***