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60TH ANNIVERSARY OF UNIVERSAL DECLARATION OF HUMAN RIGHTS – UDHR, A BRIEF ANALYSIS ON SRI LANKA

The Universal Declaration of Human Rights was adopted on 10th 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”. Today is the 60th 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 any group or person 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 3rd 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 were 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. (*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 giving them a mandate to exercise the “Right to Self-determination” and establish Tamil Eelam in the North East.

In 1983 August 8, Sri Lankan government enacts **the 6th 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 25-27th July.** Sinhala extremist groups and thugs, ruined 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 are helping the security forces to carry out all sorts of human rights violations with impunity. (*UDHR was 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, the **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*)

So far over 85,000 Tamil people have 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) have been destroyed in aerial bombings and artillery shelling and billions of rupees worth of material damage has 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 have been internally displaced and more than 500,000 Tamils' have 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 - 1987 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 has been 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 - Last 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, presently Sri Lanka rank 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)**

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