

Failure of Sri Lanka to abide by the Universal Declaration of Human Rights

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Abstract

Ever since the Universal Declaration of Human Rights (UDHR) was proclaimed in 1948 to protect vulnerable people against genocide, its record has been checkered due to selective compliance by different countries. The UDHR was proclaimed with 30 Articles outlining the rights every person should enjoy as a human being irrespective of their circumstances. Even though these lofty ideals have on occasion been used to protect against the genocide of vulnerable people, enforcement of the UDHR has been selective because of the geopolitics exercised by a few powerful nations. This paper will enumerate the violations of every article in the UDHR, spanning seven decades, by successive Governments of Sri Lanka (GoSLs) as it continues to annihilate Eelam Tamils as a people in the island. The protection afforded to every citizen of the world has been continuously denied to the Tamils. Recognition of these violations as part of a genocidal plan by successive GoSLs to erase the Tamil identity in the island is necessary before a lasting solution to the conflict between the two nations can be found. There are precedents for international intervention to prevent the annihilation of a group of people undergoing genocide. Stability in this region will remain elusive until the Eelam Tamils can live peacefully enjoying the full benefits of the Universal Declaration of Human Rights articles, in a land free of military oppression in all aspects of their life.

Keywords

UDHR, Universal Declaration of Human Rights, Genocide, Pogroms, Tamils, Sri Lanka

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Introduction

The United Nations General Assembly proclaimed the Universal Declaration of Human Rights (UDHR) on December 10, 1948 in Paris, as General Assembly Resolution 217A with the lofty ideal of recognizing the inherent dignity and the equal and inalienable rights of all peoples as the foundation of freedom, justice, and peace in the world. It further went on to identify that “disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind” (UDHR, 1948). It also proclaimed that the highest aspiration of the common people is to “enjoy freedom of speech and belief and freedom from fear and want” (UDHR, 1948).

In the context of Sri Lanka, it is important to understand the origins of the conflict and therefore a brief introduction follows. Two distinct peoples with their own language and culture have inhabited the island historically called Ceylon for over two millennia. The Tamil-speaking people who are mostly Hindu, Christian, or Muslim have traditionally inhabited the North and East parts of the island, which they call their traditional homeland. The Sinhalese-speaking people who are mostly Buddhist have occupied the rest of the island. By their distinct language, culture, customs, and traditional homeland the Tamils and Sinhalese constitute two distinct nations. The Sinhala nation and the Tamil nation had their own independent kingdoms at the time of arrival of the Portuguese in 1505 and the Dutch in 1647. While the Portuguese and the Dutch only captured and ruled parts of the coastal lands of the island, the British who arrived in 1795 managed to capture and control the entire island. The 1799 Cleghorn Minutes clearly recognized the existence of the two distinct nations inhabiting the island. In 1833, the British merged the independent Tamil and Sinhala kingdoms and ruled the island as one country for their own administrative convenience. In the mid-1850s the British brought Indian Tamils to develop the tea and rubber plantations in the central hills of the island.

When the British granted independence to the island in 1948, they left behind a unitary constitution, practically handing over the state power into the hands of the numerically larger Sinhalese population. In 1948, the parliamentary majority was used by the Sinhala Nation to disenfranchise the Indian Tamils in the plantations numbering over 800,000 (Ceylon Citizenship Act, 1948). Tamils of Indian origin had lived in the central hills of the island for over eight generations and a majority of them were born in the island. The removal of voting rights of this population disproportionately increased the parliamentary majority of the Sinhala nation.

The Sinhala Nation used its parliamentary majority to enact legislation that gave absolute power into their hands, allowing them to pass any legislation that affected the rights of all the Tamils living in the island. The military and the police have been composed mostly of Sinhalese since 1960, giving the Sinhalese absolute power to enforce legislation enacted in parliament even when in violation of international laws and covenants. The Tamil Nation initially fought against laws that discriminated against them, through non-violent protests for over thirty years. These non-violent protests were broken up using brutal police force and paramilitaries. The police brutality became increasingly more frequent and Tamil students actively protesting were rounded up and incarcerated without proper judicial process.

When the peaceful protests failed to deliver the political rights and equality, and pogroms against Tamils led to many of them moving as refugees to the North and East of the island and overseas, the Tamil political leaders joined together and concluded that only an independent Tamil state, Tamil Eelam, would provide the physical protection and political space to “enjoy freedom of [the] speech and belief and freedom from fear and want” enshrined in the UDHR (1948). Thus, they proclaimed the “Vaddukkoddai Resolution” in 1976 asking for a mandate in the 1977 general election to create Tamil Eelam and got a landslide victory with a majority of Tamils living in the traditional homeland voting “Yes” to secede from Sri Lanka. Within weeks, the 1977 pogrom was unleashed against Tamils living outside of north and east resulting in murder, arson, which forced them into refugee camps. When the camps were threatened with attacks by Sinhalese mobs, many of the refugees were transported by ships to their traditional homeland in the north and east of the island.

The draconian Prevention of Terrorism Act (PTA) was then passed by the Sinhala majority parliament, which gave police wide powers, in contravention of international laws, to arrest and detain thousands of Tamil youths. Many of them were tortured and made to disappear. When peaceful means of protest failed, the safety of Tamils became a question mark; many Tamil youths took up arms to achieve the Tamils’ aspirations for freedom. Thus, began the armed struggle in 1983. The human rights violations against Tamils began to escalate to the point of daily occurrence.

The objective of this paper is to enumerate how a vast majority of Articles in the Universal Declaration of Human Rights has been continuously violated with impunity by successive Governments of Sri Lanka (GosLs). These violations have been continuing on for over seven decades while the United Nations Human Rights Council passed endless resolutions. Sri Lanka continues to renege on all the promises it made to the UNHRC with many Sinhalese political leaders in power openly proclaiming the intention to renege on the promises they themselves made to the members of the UNHRC through resolutions ironically co-sponsored by Sri Lanka. These actions continue to make a mockery of the UDHR and the UNHRC.

An enumeration of the continuous violation of the UDHR by successive governments of Sri Lanka

The UDHR Articles are presented in italics followed by evidence of how they were violated.

Article 1: *“All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”*

Although the Article 1 expects people to treat one another with “reason, conscience, and spirit of brotherhood,” these lofty ideals have proven to be elusive among a vast majority of people in Sri Lanka as evidenced by pogroms against Tamils in 1958, 1977, 1983, and more frequently thereafter (Vitachi, 1959; Sansoni Commission, 1980; Amnesty International, 2009). The war that has been raging since 1983 claimed many lives, culminating in the massacre of tens of thousands of Tamils in Mullivaaiikkaal in May 2009. The March 2018 violence against the Tamil speaking Muslims by the Sinhalese only proves the impunity enjoyed by the racist elements will embolden them to act in this manner in the future.

Article 2: *“Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.”*

Article 3: *“Everyone has the right to life, liberty and security of person.”*

Articles 2 and 3 have proven to be elusive to the Tamils whose right to life, liberty, and security of person has been threatened continually through pogroms. Heavy militarization of their traditional homeland has made Tamils live in an “open prison” with one military person per four civilians on average (Dibbert, 2016).

Article 4: *“No one shall be held in slavery or servitude; slavery and the slave trade shall be prohibited in all their forms.”*

Vast tracts of Tamil owned agricultural lands have been taken over by mostly Sinhalese military depriving the local Tamil population of livelihood (HRW, 2018). As a result, a large number among the tens of thousands of Tamil widows are forced to work in these military occupied and operated farms as labour due to lack of other opportunities. Many of the coastal areas under occupation by the military is depriving Tamil fishermen of their livelihood.

Article 5: *“No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.”*

It has been well documented that Tamils arrested under the 1979 Prevention of Terrorism Act have been brutally tortured, including being subjected inhuman sexual violence (Peel et al., 2000). Those few who managed to escape and been examined by doctors show evidence of severe and systemic torture (UCLA, 2017). This cruel and inhuman torture has gone on for decades with hardly any protest by international governments.

Article 6: *“Everyone has the right to recognition everywhere as a person before the law.”*

The Tamils in Sri Lanka did not enjoy this recognition when the Sinhalese mobs attacked them while the police turned a blind eye during the pogroms of 1958, 1977, 1983 and more frequently thereafter. The bombing of hospitals and Sri Lanka government designated “no fire zones” by its own armed forces is clear evidence that the Tamils are not considered “persons” by Sri Lanka (PPT, 2010).

Article 7: *“All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.”*

The incitement of violence, spanning many decades, against Tamils by influential Buddhist monks and Sinhalese politicians has only created a climate of impunity for the thugs on the rampage. Police inaction to protect the Tamils under attack has exacerbated the situation (Vitachi, 1959; Sansoni Commission, 1980).

Article 8: *“Everyone has the right to an effective remedy by the competent national tribunals for acts violating the fundamental rights granted him by the constitution or by law.”*

No Sri Lanka court has ever punished a single person involved in the looting, arson, destruction of Tamil owned property or the massacre of Tamils as a result of the periodic pogroms of 1958, 1977, 1983, and more frequently thereafter (Vitachi, 1959; Sansoni Commission, 1980; Amnesty International, 2009). No Tamils have received any compensation for their losses from these pogroms.

Article 9: *“No one shall be subjected to arbitrary arrest, detention or exile.”*

Article 10: *“Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.”*

Articles 9 and 10 have been flagrantly violated using the Prevention of Terrorism Act (PTA, 1979) which gives carte blanche rights to the police to arrest Tamils merely on suspicion. Tens of thousands of Tamil men and women, who were taken into custody by the military, as they came into government-controlled areas in 2009, are still missing. Many who were arrested under the PTA are still missing for over three decades. Mothers and relatives of those who were involuntarily disappeared have continuing to protest, as of May 2018 for over 420 days, demanding information about those who were taken into custody (ICRC, 2016). A 1999 report by the BBC indicated Sri Lanka ranked number two in the world for the number of disappeared persons (BBC, 1999).

Article 11:

1. *Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense.*

2. *No one shall be held guilty of any penal offence on account of any act or omission, which did not constitute a penal offence, under national or international law, at the time when it was committed. Nor shall a heavier penalty be imposed than the one that was applicable at the time the penal offence was committed.*

Over 20,000 Tamil men and women exiting the Mullivaaiikkal massacre zone in May 2009 were taken into custody, merely on being “nodded by masked informers,” and are still missing. Mothers and relatives, who have been silently protesting in several places for over 420 days, are demanding information about those who were taken into custody nine years ago. The GoSL promised the UNHRC to release the names in Resolution 30/1 which it co-sponsored with the USA back in March 2015. Despite the GoSL renegeing on the promises it made in 2015, the UNHRC in March 2017 granted Sri Lanka two more years to implement those same promises. The absolute impunity enjoyed by the GoSL under UNHRC’s close watch has only emboldened the extreme elements within the Sinhalese community. Mobs led by extremist Buddhist monks and politicians clamouring for the extremist vote bank instigated the recent pogroms which saw entire Muslim villages being attacked and looted in the presence of police sent there to quell the violence (Ramachandran, 2018).

Article 12: *No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.*

Under the PTA (1979), every Tamil is suspected as a potential “terrorist” subject to arrest at the whim of the police or Special Task Force personnel. The PTA has been found to be draconian by many member states of the UNHRC and the European Union, both of which demanded its repeal. Yet, the GoSL has refused to repeal the PTA while tinkering with alternative legislation that retains most of what is in the PTA.

Article 13:

1. *Everyone has the right to freedom of movement and residence within the borders of each State.*

2. *Everyone has the right to leave any country, including his own, and to return to his country.*

During the height of the armed conflict with the Liberation Tigers of Tamil Eelam (LTTE) many Tamils living in Colombo, the capital city, for employment, education, or in transit to foreign travel were rounded up at night for interrogation because they were Tamils (HRW, 2007). Any Tamil visitor to Tamils living in Colombo had to register with the local police and obtain a pass. A few Tamils who have returned to the island in recent times have been arrested subsequently and questioned. Some of those who were detained have died under mysterious circumstances.

Article 14:

1. *Everyone has the right to seek and to enjoy in other countries asylum from persecution.*

2. *This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations.*

After the Mullivaaiikkal massacre of May 2009, many Tamils felt insecure and unsafe under a heavily militarized occupation of their lands. A large number of them tried to flee the island by boat and the GoSL navy thwarted their attempt to flee.

Article 15:

1. *Everyone has the right to a nationality.*

2. *No one shall be arbitrarily deprived of his nationality nor denied the right to change his nationality.*

Over 850,000 Tamils of Indian origin born and living in the central hills of the island were deprived of their citizenship in 1948 (Ceylon Citizenship Act, 1948). As a result, they lost their ability to seek political office or their right to vote in parliamentary elections .

Article 16:

1. *Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution.*

2. *Marriage shall be entered into only with the free and full consent of the intending spouses.*

3. *The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.*

The whereabouts of tens of thousands of Tamil men and women taken into custody by the GoSL armed forces at the end of the war in May 2009 is still not known to their spouses, parents, or siblings. The spouses, parents, and siblings have been protesting for over 420 days demanding information about their loved ones. Their family life has been destroyed for nine years. There are many families that have missing members for several decades. A number of the Tamil women taken into custody were coaxed by the GoSL military into marrying Sinhalese military personnel as a way to portray the Sinhala military as their “saviors” akin to the “Stockholm syndrome.” While these marriages served the government propaganda needs, it is a form of genocide perpetrated on the psychologically traumatized war affected Tamil women.

Article 17:

1. *Everyone has the right to own property alone as well as in association with others.*
2. *No one shall be arbitrarily deprived of his property.*

Tens of thousands of hectares of fertile lands belonging to Tamils in the North and East have been taken over by the Sinhalese military under the pretext of “High Security Zones,” depriving these families of their homes and livelihood for decades (AAAS, 2014). Although, UNHRC’s 2015 Resolution 30/1, which Sri Lanka co-sponsored, calls for the release of all lands to the rightful owners, no such release has occurred except for token hectares released for propaganda. Sinhala colonizers have been brought in from the south to settle in lands adjacent to Tamil-owned lands. These Sinhalese settlers threaten and plunder the harvest of the Tamil landowners with the backing of the Sinhalese military, thereby, driving the Tamils away from their own land. This systematic government-sponsored colonization of traditional Tamil lands by Sinhalese settlers from the south has been going on for decades. The calculated aim is to alter the electoral outcome and render the Tamils without political representation in their own areas.

Article 18:

Everyone has the right to freedom of thought, conscience and religion; this right includes freedom to change his religion or belief, and freedom, either alone or in community with others and in public or

private, to manifest his religion or belief in teaching, practice, worship and observance.

Attacks by Sinhalese mobs led by Buddhist monks on churches, temples, and mosques have gone on for decades with impunity. Every pogrom results in death and destruction of property belonging to non-Buddhists. The years 1958, 1977, 1983-2009, and 2018 saw major mob attacks. Unfortunately, no one has been punished for the mob attacks although ample video evidence exists from recent attacks.

Article 19:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.

The Sixth Amendment to the Sri Lankan constitution prohibits anyone freely discussing about the will of the Tamils expressed through the electoral process in 1977. This is a fundamental right that is being denied to the Tamils.

Article 20:

1. *Everyone has the right to freedom of peaceful assembly and association.*
2. *No one may be compelled to belong to an association.*

When the 4th International Tamil Research Conference took place in Jaffna in 1981, many of the foreign Tamil scholars spoke at a public event on the last day (De Kretser et al. 1974). Heavily armed police vehicles encircled the peacefully assembled Tamil spectators and started charging into the crowd without any provocation. They shot down electric light poles providing temporary lighting at the event. When the crowd panicked in the dark and started to disperse ten Tamils died by electrocution in the stampede. There is a monument commemorating the loss of innocent lives erected at this site. In 2017, when a Buddhist monk passed away in Jaffna, he was cremated near this site to desecrate the monument in memory of those killed in 1981.

Article 21:

1. *Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.*
2. *Everyone has the right to equal access to public service in his country.*
3. *The will of the people shall be the basis of the authority of government; this will shall be expressed*

in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures.

In 1949, the majority of the Tamils living in the central hills lost their voting rights and their right to contest elections (Ceylon Citizenship Act, 1948). The official language is Sinhalese in all government services. Therefore, Tamils trying to get government services cannot communicate their business in Tamil. Complaints in police stations and statements from those who are arrested by the police are written in Sinhalese. Yet, the Tamils are forced to sign these documents without understanding the transcribed statement. In 1981, when the Tamils in Jaffna took part in the District Development Council elections, the government replaced civil servants appointed by the election commissioner and brought in Sinhalese thugs from the south with the aim of attempting to rig the elections. Later, on the night of the election, these thugs led by two Senior Sinhalese government ministers attacked the Jaffna Public Library, which had many ancient original manuscripts, and burned it down (Knuth 2006). This destruction of rare cultural artifacts to erase the history of the Tamil Nation is nothing but genocide, considering what happened in Nazi Germany.

Article 22:

Everyone, as a member of society, has the right to social security and is entitled to realization, through national effort and international co-operation and in accordance with the organization and resources of each State, of the economic, social and cultural rights indispensable for his dignity and the free development of his personality.

Many retirees were among the mass exodus numbering over 1.5 million Tamils who migrated to foreign countries. Many of them were unable to claim their pension benefits due to unduly harsh bureaucratic hurdles placed upon them. Every month, they had to mail out certificates attested by the local embassies of Sri Lanka indicating they are still alive. Even if a Life Certificate was sent at the end of the year, the pension for the preceding months were denied for lack of Life Certificates for those months! The hardship placed on the aging retirees in a foreign land was made so onerous because many of the pensioners were Tamils.

Article 23:

- 1. Everyone has the right to work, to free choice of employment, to just and favourable conditions of work and to protection against unemployment.*
- 2. Everyone, without any discrimination, has the right to equal pay for equal work.*
- 3. Everyone who works has the right to just and favourable remuneration ensuring for himself and his family an existence worthy of human dignity, and supplemented, if necessary, by other means of social protection.*
- 4. Everyone has the right to form and to join trade unions for the protection of his interests.*

There are many Tamil graduates from universities who are languishing without jobs in their field in the North and East. Yet, many of the open positions in these areas are filled by Sinhalese graduates from the south in a discriminatory manner. Creation of employment opportunities through foreign direct investment in the North and East is impossible due to red tape and unwillingness on the part of GoSL. The Chief Minister of the Northern Provincial Council wanted to create an investment fund but was never granted permission to do so by the GoSL.

Article 24:

Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.

Article 25:

- 1. Everyone has the right to a standard of living adequate for the health and well-being of himself and of his family, including food, clothing, housing and medical care and necessary social services, and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control.*
- 2. Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection.*

Articles 24 and 25 have no meaning for over a million plantation labourers. Many of the Tamils working in the plantations as labourers are so poorly paid they have to work longer hours without holidays to earn enough to feed their families. Many of the Tamils who were driven from their own home and land, when the military expanded their “High Security Zones,” lost their livelihood. They were not paid any social assistance.

Article 26:

1. *Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.*

2. *Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.*

3. *Parents have a prior right to choose the kind of education that shall be given to their children.*

Until 1967, the educational system was primarily in the English medium. The government operated all universities and admission was based purely on merit (Anuzsiya, 1996). In 1968, laws were enacted to make Sinhalese language as the medium of instruction for Sinhalese speakers and Tamil language as the medium instruction of Tamil students in the K-12 classes. Once the language streams were separated, the Government brought in brought in a scheme of “standardization of marks” in 1970 and created lower cut-off marks for admission to the university for the Sinhalese students. The disparity was as high as 60 marks out of 400. The merit-based system was scuttled and quotas were put in place to lower the number of Tamil students entering the universities. This was the beginning of the uprising by Tamil students agitating against the violation of their fundamental rights to merit-based equal treatment. The peaceful protests were violently broken up by the police and student leaders were arrested and incarcerated for long periods of time under inhuman conditions. The government also changed the content of Sinhala history textbooks to teach the Sinhala students history based on mythology calculated to instill a sense of superiority over the Tamils even though the Tamils have lived in the island for over two millennia. Thus, the seeds of division were being instilled at an impressionable early age, which promoted discord among the different communities. The Sinhala politicians promoted this division to gain more anti-Tamil votes. These actions are directly in contravention of Article 26, which required the government to “promote

understanding, tolerance and friendship among all nations, racial or religious groups.”

Article 27:

1. *Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.*

2. *Everyone has the right to the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author.*

The attack on the attendees at the 4th International Tamil Research Conference was calculated to disrupt a Tamil cultural activity involving foreign scholars researching Tamil. Most Hindu Tamils visit the Naguleswaran temple and perform the last rites for their deceased loved once at Keerimalai. The army under the pretext of security encircled both of these locations and Tamils were denied access for over two decades (AAAS, 2014).

Article 28:

Everyone is entitled to a social and international order in which the rights and freedoms set forth in this Declaration can be fully realized.

Successive Governments of Sri Lanka have violated every single article of this declaration. The heavy militarization of the Tamil homeland has prevented the local Tamil population from fully enjoying the freedom envisaged in the UDHR.

Article 29:

1. *Everyone has duties to the community in which alone the free and full development of his personality is possible.*

2. *In the exercise of his rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of morality, public order and the general welfare in a democratic society.*

3. *These rights and freedoms may in no case be exercised contrary to the purposes and principles of the United Nations.*

Article 30:

Nothing in this Declaration may be interpreted as implying for any State, group or person any right to engage in any activity or to perform any act aimed at the destruction of any of the rights and freedoms set forth herein.

The Sinhalese mobs that have continually attacked and murdered Tamils and plundered Tamil-owned property in multiple pogroms have continued to enjoy impunity contrary to the spirit of Articles 29 and 30.

Discussion

There are numerous violations of every article in the UDHR by Sri Lanka spanning over seven decades. Sri Lanka continues to use its political and military power to erase the identity of Tamils as a nation. The Genocide Convention (1951) defines genocide as “acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group.” It further defines the “acts” as “killing members of the group, causing serious bodily or mental harm to members of the group, deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part, imposing measures intended to prevent births within the group, forcibly transferring children of the group to another group.” The foregoing enumeration of the violation of UDHR articles present clear evidence that the Eelam Tamils are undergoing genocide by Sri Lanka, for over seven decades. In May 2009, Sri Lanka urged the Tamils to go into the “No Fire Zone” and then aurally bombed and shelled using chemical weapons killing over 70,000 innocent men, women, and children. Yet, the UNHRC has failed to deliver justice to the Tamil victims. In contrast, the July 1995 Srebrenica massacre of 8,000 Bosniaks, mostly men and boys, by the Serb army led to international intervention to prevent further massacres. In July 2015, the European Parliament and the U.S. Congress have adopted resolutions describing the Srebrenica massacre as genocide.

Conclusion

As enumerated above, all 30 Articles of the Universal Declaration of Human Rights have been violated at different points of times by successive Governments of Sri Lanka. Looking at the history of Sri Lanka, it is apparent that the Sinhala Nation is using its majoritarian power to annihilate the Tamil Nation by erasing the history of its existence in the island. It took the massacre of over seventy thousand innocent Tamil civilians in Mullivaaiikaal in May 2009 to shine a spotlight on the deplorable human rights abuse by Sri Lanka. Yet, because of the patronage received by Sri Lanka from powerful nations, and their own geopolitical interests in the Indian Ocean and their own culpability by association in the

massacres, Sri Lanka continues to get “slaps in the wrist” by way of undue time extensions to deliver on what it promised to do but continually fails to deliver.

The Universal Declaration of Human Rights was proclaimed to ensure all humankind enjoys the freedom and rights enshrined in the declaration. The UNHRC is entrusted with powers to ensure that the member countries adhere to the principles enshrined in the UDHR. The colossal failure on the part of the UNHRC in delivering justice to the Tamils, whose human rights continue to be violated for over seven decades, needs serious scrutiny. Should geopolitical interests of a few powerful nations be allowed to hijack the UN system that fails to stop unjust wars and genocide? Unless, all nations with conscience rise above their own self-interest and counter the nations pursuing their own geopolitical interests using the UN system, peace will remain elusive in this region and elsewhere. Despite all the resolutions on delivering transitional justice that Sri Lanka co-sponsored at the UNHRC, no laws have been passed to ensure non-recurrence of violence against non-Sinhala Buddhists. In fact, violence against religious minorities has been unleashed with impunity in recent times. As a starter, every individual with a conscience can demand their own politicians to rise above the geopolitical interests, economic benefits, and polemic politics and uphold the principles enshrined in the Universal Declaration of Human Rights so that every citizen of the world could truly enjoy the benefits of all the Articles in the Universal Declaration of Human Rights.

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