



# General Assembly

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## Human Rights Council

Thirty-fourth session

Agenda item 2

Annual report of the United Nations High Commissioner  
for Human Rights and reports of the Office of the  
High Commissioner and the Secretary-General

**Joint written statement\* submitted by the Association des étudiants tamouls de France, ANAJA (L'Eternel a répondu), Association Burkinabé pour la Survie de l'Enfance, Association pour les Victimes Du Monde, Association Solidarité Internationale pour l'Afrique (SIA), Society for Development and Community Empowerment, non-governmental organizations in special consultative status**

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[13 February 2017]

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\* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

GE.17-02872(E)



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## **Sri Lanka – The Right to Freedom of Speech\***

As per the Universal Declaration of Human Rights proclaimed by the United Nations General Assembly in Paris, 10 December 1948 (Resolution 217A), articles have been clearly defined for member nations to uphold by rule of law, teach and promote respect for these rights and freedoms under their territories of jurisdiction. The Sri Lankan Government, by passing the 6<sup>th</sup> Amendment in their Constitution that includes oppression of freedom of speech, opinion and conscience has breached the International charter of Human Rights cited above.

### **UDHR Preamble & Current Scenario in Sri Lanka**

*“Whereas disregard and contempt for human rights have resulted in barbarous acts which have outraged the conscience of mankind”*

*“Recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world”*

*“Member States have pledged themselves to achieve, in co-operation with the United Nations, the promotion of universal respect for and observance of human rights and fundamental freedoms”*

*“It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law”*

The above excerpts have brought together, the member nations to agree on a common note, to uphold the Human Rights by rule of law wherever necessary, to promote and teach respect of Human Rights in their jurisdiction, cooperation within and outside, to ensure that there is no danger to the foundation of freedom, justice and peace in the world. Further, the UDHR prelude has categorically mentioned that the contempt or disregard of these rights have resulted in world outrage of conscience of mankind.

### **Article 18 & 19; Interpretation**

*“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.”*

*“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.”*

People of the member nations, either in a solitary mode or as a group will have to be enriched with their Right to freedom of thought, conscience and expression. The member nation, per the UN charter shall not intrude in oppressing the rights of their citizens; promote constitutional methods to curb the Human Rights by means of law that violates internationally agreed principles. The member nation should allow its people on their Human Right of freedom of conscience to manifest their observance in public. Any threat imposed on people with improper rule of law, forced tyranny, despotism in groups or one off incidents is a gross violation of UDHR articles and subject to investigation and enforcements.

### **Sri Lanka Constitution – 6<sup>th</sup> Amendment**

*“No person shall, directly or indirectly, in or outside Sri Lanka, support, espouse, promote, finance, encourage or advocate the establishment of a separate State within the territory of Sri Lanka.”*

*“No political party or other association or organization shall have as one of its aims or objects the establishment of a separate State within the territory of Sri Lanka.”*

The 6<sup>th</sup> amendment introduced in the Sri Lanka constitution as Article 157A in 1983, has affirmed that the State Authority, by rule of law does not allow individuals or groups to express their freedom of thought, expression and conscience on their demand of having a separate free territory. While virtually all members of the United Nations have remained committed, loyal, upheld the UDHR norms, protected people with their Rights and have gently agreed in the formation of New Countries (member states of UN) as aligned with circumstances on thoughts of the people, Sri Lanka has involved in gross violation, illegal implementation of biased laws and oppression of rights of its own people.

The law enforcement in writing has posed and in practice has handed dreadful incidents of harassments, punishment, torture and tyranny. By law, people and groups have been subjected to Civil Disability – cancelation of passports, licenses of profession, right to sit for examinations and right to own properties.

In the implementation of law, the State authorities have willfully harassed, detained, tortured people to step them away from their freedom of speech, thought and conscience. Numerous cases of such representations submitted in the UN stands evidence for such heinous acts carried out by the Government of SL.

The constitutional framework on penalizing people for their Freedom of thought, expression and conscience is detailed as quoted in the reference links section of this document.

### **Conclusion**

While the United Nations have adopted UDHR with so much of concern after bitter outrage that the world has ever seen in the name of Second World War, it is the responsibility of all the member nations to uphold the recommendations conceived and prevent any such barbaric deprivation of Human Rights in their Territory. The GoSL, despite standing examples of adherence and commitment shown by other member nations in keeping up the UDHR, formation of newer members according to Rights of people in their territories have stood out in violating their obligation to the International Community with their Sixth Amendment Articles on Human Rights suppression.

### **References**

United Nations – Universal Declaration of Human Rights

<http://www.un.org/en/universal-declaration-human-rights/>

Sri Lanka 6<sup>th</sup> Constitutional Amendment

<http://www.lankaweb.com/news/items/2012/06/27/sixth-amendment-to-the-constitution/>

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\*Collectif La Paix au Sri Lanka, Swiss Council of Eelam Tamil (SCET), NGOs without consultative status, also share the views expressed in this statement.