

**Denial of
Economic, Social and Cultural rights
to Tamil people in Sri Lanka**

**MEMORANDUM
to**

**the 56th session of the Sub-Commission on the
Promotion and Protection of Human Rights**

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Agenda item 4
Economic, social and cultural rights

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Tamil people in Sri Lanka**

Preamble

In February 2002, the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) signed a Cease Fire Agreement (CFA) [1] with the support of the Royal Norwegian Government and the International Community (IC). As a result, the GoSL and the LTTE were involved in six rounds of negotiations to resolve the long-standing ethnic conflict that claimed more than eighty thousand civilian lives, mainly in the Northern and Eastern parts of Sri Lanka. One of the main objectives of the negotiations was to find an effective interim administrative structure to oversee the urgent humanitarian and development projects in the war affected areas of Sri Lanka. The need of an interim administrative structure in the Tamil areas was discussed at great length, and ultimately accepted by the GoSL, LTTE and the IC.

Sadly, 30 months after the CFA was signed and \$4.5 billion of humanitarian and development aid promised by the IC, there is at present very little progress in the economic, social and administrative conditions of the North and East of Sri Lanka.

In practice the GoSL prohibits Tamil people from exercising their economic, social and cultural rights through an effective interim administrative structure. There has been no progress in peace negotiations since April 2003, due to the power struggle between two main Sinhala political parties led by Ranil Wickremasinghe and Chandrika Kumaratunga. President Kumaratunga sacked the stable government lead by Prime Minister Ranil Wickremasinghe and called for elections in April 2004. In these elections, a coalition of several parties, lead by President Kumaratunga formed an unstable government. This unstable government's inability to form a unanimous policy on the peace process is the major tumbling block that denies the war affected people of the North East, to restore their inalienable rights under international bill of human rights.

Education, health and infrastructure developments are still at primitive stages in the North and East of Sri Lanka. More than 500,000 internally displaced people (IDP) are living in temporary shelters. There are no proper health and transport infrastructures. Many schools are still completely closed. Large proportions of the agricultural land and houses in the North and East are termed "high security zones" (HSZ) and are occupied by the Sri Lankan armed forces.

This report examines three major social and economic indicators — education, health and economy.

I. Education

The Committee on Economic, Social and Cultural Rights has described education as an 'empowerment right'. It is an essential factor in sustainable development and also 'the primary vehicle by which economically and socially marginalized adults and children can lift themselves out of poverty and obtain the means to participate fully in their communities.

“ I went to a school in Chavakachcheri where I saw students using broken furniture to sit on and learn. The school is without a laboratory and library facilities. Even the basic facility of a blackboard was not provided. Only one room was available for students to study. I have not seen such a situation anywhere I visited. There is an acute dearth for English teachers in Jaffna, ”

Mr.Rajaguru.

Senior Consultant from Malaysia who visited north East for an international mission to study the educational situation. 5th Feb 2004.

“The Asian Development Bank funded National Institute of Education (NIE) functioning under the line ministry of education is preparing textbooks only in Sinhala language for Sinhalese students...”

Audio and videocassettes supplied to Tamil medium schools under the cultural programme are only in Sinhala. Some video cassettes depicting Kandyan dance have been supplied to Tamil schools, ”

Mr. Mahasivam ,

General Secretary of the Ceylon Tamil Teacher’s Union

In the North East of Sri Lanka, the GoSL continue to deny Tamil people the basic right to education. Currently, 156 schools are closed due to the refusal of SL armed forces to vacate these places. Another 144 schools are functioning in shifting locations under trees and in poorly built huts. Further, the SL armed forces occupy one third of a major city (Jaffna) in the North and identifies it as high security zone (HSZ). These forces prevent people from returning to their homes and resuming their education. UNICEF estimates that in the Vanni region of north, one third of school aged children have dropped out from or have never attended schools.

The Jaffna civil administration recently observed that the Jaffna student population, which was more than 240 000 in 1995, has now dwindled to 140 000.

According to one study carried out with the assistance of World bank and Asian Development bank;

- The drop out rate in the North East is 15 - four time higher than the national average;
- The vacancy rate in the North East for primary teachers is more than 40%;
- Nearly 15000 classrooms and 500 schools were severely damaged or totally damaged during the conflict;
- Water and sanitary facilities in the most Schools of North East are damaged;
- Universities are damaged and lacks facilities to continue and upgrade their services.

Literacy levels, once the highest level in the whole of Sri Lanka, have been reduced drastically in the North and East in the last 15 years. Children have missed years of schooling as they and their families have been displaced several times within the last 10 years due to war. According to the Ceylon Tamil Teachers Union (CTTU) there are thousands of vacancies for teachers in the North East schools. The war has left many severely disabled and mentally traumatized children in the North East. The special needs of these children are not recognized and hence they are left as destitute.

II. Health

“Two decades of war has destroyed many hospitals. In Liberation Tigers controlled areas of Vakarai, Pullumalai, Unnichchai and Karadiyanaaru areas in Batticaloa district efforts are underway to renovate damaged hospitals. However, work is being delayed by the inability of the Sri Lanka Government to provide adequate funds.

“Provincial Health Ministry is unable to fund rehabilitation of damaged hospitals or to make permanent more than 2065 volunteer health service workers who have been helping the hospitals for the last 15 years without any wages. Basic health service provision to people of NorthEast is deteriorating to dangerously inadequate levels,”

(Dr.M.Kumaravetpillai, Commissioner of Health Services of NorthEast. 26 Jan 2004)

The Health infrastructure in North East has been ruined. Only two teaching hospitals and a general hospital are in service for whole northeast region. These hospitals do not have sufficient facilities to handle even basic needs of the people. The other small base hospitals and dispensaries are practically functioning only as emergency centers.

In his recent presentation (15 July 2004) the chief of Jaffna teaching hospital, Dr.S.Sathurmugam, told that many patients are sleeping on the floors in the wards. He requested for an intensive care unit and children ward for his hospital.

Tamil people in Vanni area of the North of Sri Lanka have no basic health care. Over 400,000 people are serviced by one district hospital. This hospital lacks infrastructure, specialist doctors and support staff. Many peripheral health institutions are non-functional due to the economic embargo during the war and need urgent repair.

Recently the Government of Japan provided support to this hospital.

In the needs assessment study dated 07 april 2004, assisted by World Bank, summarized the health situation as follows:

- the referral system has broken down in North East;
- health infrastructure has suffered heavy damage or destruction in the North East;
- 25% of health institutions are totally damaged or closed;
- 50% of mothers are malnourished;
- 52% of the population have no access to sanitations;
- Nearly 50 % of children under age 5, are underweight.

Multiple displacements of persons led to a high level of malnutrition in the North and East. Health indicators such as the infant mortality rate, neo-natal mortality rate, malnutrition rate among children under age 5, and iron deficiency rate among pregnant and lactating mothers are the worst in the North and East.

Child trauma is common and other needs to be addressed urgently. The needs of severely disabled children due to war and special needs children are completely ignored.

Lack of water and sanitation facilities, transport infrastructure and unhygienic temporary shelters for IDPs in war torn North and East are the main causes for an increase in preventable diseases (diarrhea, malaria, cholera, typhoid, etc) and child infant and maternal mortality rates. Women and children have the extra burden of walking long distance to fetch water.

III. Economy and infrastructure

The Asian Development Bank (news release dated 15th June 2004) estimates the poverty level of north east is 60%-90%. It is much higher than the rest of Sri Lanka.

The Press statement of ADB further states,

“..A cease-fire agreement was signed in feb.2002, bringing a measure of normalcy to the country. However, the vast majority of affected people still suffer from lack of basic infrastructure and social service.”

A.

The economic life in northeast mainly consists of agriculture and fishing. This region does not have industrial or IT developments.

The denial of economic development since 1948 was one of the major causes behind the armed conflict. Relentless military offensives combined with complete isolation of north east by the GoSL, worsened by The Economic Embargo, severely affected these basic sectors.

Fishing:

Fishermen in the North and East undergo immense difficulties in running their day-to-day lives due to several restrictions imposed by the Sri Lankan Navy (SLN). Some fishermen were killed or injured by the SLN during fishing after CFA [1].

Fishermen were also harassed and their nets and fishing boats were damaged by the SLA on regular basis.

While Tamil fishermen were not allowed to fish in their seas, foreign nations are allowed to take the sea resources from the North and East with the help of the GoSL with out the consent of natural owner of the sea, the people of the region.

One estimation points that nearly 65% - 75% IDPs are from coastal areas of the region, engaged in fishing for their live livelihood.

According to the need assement study, 90% of fishing boats and engines were lost or unusable and 12000 fisherman lost their houses. No infrastructure development in fisheries industry area.

Agriculture:

There are an estimated 55% of men and women were engaged in farming activities in the region. As a result of the displacement and economic embargo, the agriculture sector started to dwindle. A continuous embargo on fertilizer costs severe damages to the productivity. Even after CFA, many farming families are denied of their livelihood. Many farm lands of the Tamil people in the North and east are occupied by the Sri Lankan armed forces under the name of HSZ or declared as areas with anti-personnel mines.

Tamil people still rely on old methods in cultivation as no modern machineries, fuel or farming fertilizers are available. An un-official embargo is still in affect. This has led to the destruction of a once thriving food production. Agro-industry as a whole is kept at the primitive stages of development.

B.

The continuous military offensive against this part of the region has severely damaged the infrastructure. The GoSL did not invested in this sector for nearly two decade.

Almost all the roads have been damaged. The power supply has been cut off to most of the region. Telecommunication and other sectors were nonfunctional.

After CFA, some selected projects were carried out. But these initiatives only helps the southern business community to market their products. The local population does not feel any real sense of development in these small initiatives.

GoSL asked 621 million dollars from donors to invest on this sector. But donors are reluction to allocate fund to these projects as there are no effective mechanisms in the region to carryout this major work.

C.

Tamil people used to be proud to own a home for their livings. Prior to the military offensives, nearly 90% of the Tamil population in the region of NorthEast owns a house. But military offensives and aerial bombardments shattered their life and houses. Nearly 400 000 houses in Jaffna damaged and owners of those houses are living somewhere in refugee camps, homes of their relatives or living as refugees in some other places.

According one IDP survey states, 90% of the houses of these IDPs were damaged, representing 43% of damaged houses.

D.

The need assement study funded by the World Bank estimates nearly a 1.3million workforce in the north East affected by the war. Other report estimates that 40% unemployment level persists in northeast. Due to lack of educational and vocational training facilities the major part of the Tamil work force is unskilled. The GoSL does not have any of its own programmes to provide employment to them.

The GoSL listed its outdated handloom rooms and pottery projects as their industrial development programme. Yet only a few hundred people are employed in this with meager pay.

Conclusions

Article 1 of the International Covenant on economic, Social and cultural Rights states that all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development. And article 1.2 states, In no case may a people be deprived of its own means of subsistence.

Tamil people of Sri Lanka are denied this basic right. During the six rounds of peace talks between the LTTE and GoSL, an agreement was reached on 18th November 2002 to form a taskforce; the Sub-committee on Immediate Humanitarian and Rehabilitation Needs in the North and East (SIHRN), to oversee the humanitarian and development projects. Unfortunately, to date no effective interim mechanism has been established due to delaying tactics and power struggle in the majority Sinhala political community. The LTTE submitted a proposal to establish an interim self-government authority (ISGA) to the GoSL and asked to restart the direct talks on this basis.

The Tamil people of northeast voted in the last parliamentary elections to support the proposal for this Interim Self-Governing Authority (ISGA).

Various International donor nations and agencies, including the World Bank, recognised the necessity for institutionalising an Interim Authority. But the GoSL, by various means of delay, has refused to accept this urgently needed arrangement for the Tamil People.

We appeal to the 56th session of the Sub-Commission on the Promotion and Protection of Human Rights to recommend to the commission on Human Rights and the High commissioner of Human Rights;

To recognise the right of Tamil people to exercise their rights under the international covenants, in particular the right to form an interim self administration.

To urge the GoSL to vacate all its military camps and to facilitate the return of the Tamil people to their homes.

To Urge the GoSL to vacate all its military camps to facilitate the children to resume education.

To Urge GoSL and LTTE to restart direct talks and to institute an interim mechanism for North East.

To Urge to the GoSL to submit its periodical reports on this subject to the Committee on Economical, Social and Cultural Rights.



International Federation of Tamils

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