



The Rights of Indigenous Peoples

SUMMARY OF KEY ISSUES FROM PREVIOUS UPR CYCLES

Over two UPR cycles, no recommendations have mentioned indigenous or plantation groups.

NATIONAL FRAMEWORK

Sri Lanka has voted in favour of United Nations Declaration on the Rights of Indigenous Peoples adopted in 2007. However there is no special legislation or mechanism to protect the right of the indigenous people called "Veddhas". Wildlife conservation laws and regulations (Fauna and Flora protection Ordinance, Forest Ordinance and National Heritage and Wilderness Areas Act) have deprived them of hunting grounds and criminalized their livelihood. Large development projects have led to their forced resettlement, a majority of whom are socially isolated and economically and politically marginalized.

Development projects and urbanization undermine their culture, for example patriarchal rules of inheritance are displacing matrilineal ones.

CHALLENGES

IMPACT

No legislation to protect land rights of Veddhas.

Existing laws, especially wildlife conservation laws have prevented hunting and cultivation in forests. Veddhas have lived for thousands of years in harmony with nature, and their hunting and agricultural practices were not for commercial purpose but merely for survival. These regulations have criminalized their livelihood, without any considerations toward the cultural circumstances.

Diminishing culture

Resettlement efforts have changed the lifestyle of Veddhas, and have largely merged with outside Sinhalese and Tamil communities, who holds cultural dominance. This has compelled them to adapt to suit the outside world, and to give up their unique traditional lifestyle and even their surnames. Their language and matrilineal inheritance tradition are diminishing as a result.

Exclusion from participation in decision-making processes.

The Veddha community have been denied a hearing in developing policies and plans that affect them. This exclusion coupled with development that has been alienating in nature has left the community struggling to cope with changes and has left the Veddhas economically deprived as well as socially and politically isolated

Lack of school education

Around 20% of the children in the Veddha community do not attend school. Almost 60% of the girls and 15% of the boys are married before they attain the age of 18, which also hinders access to primary and further education, especially for the girls. The continued failure to change this situation through a comprehensive engagement with the Veddha community is indicative of the larger failure on the part of the State to ensure inclusion and protection of the community's broader interests.



RECOMMENDATIONS

1. Amend the Fauna and Flora protection Ordinance, Forest Ordinance and National Heritage and Wilderness Areas Act to recognize cultural rights of Indigenous people and to ensure due recognition and protection of and access to the traditional forest habitats of the Veddas.
2. Draft and pass a specific legislation recognizing the cultural practices and rights of Indigenous people in Sri Lanka.
3. Sign and ratify ILO Convention 169 on indigenous peoples and formulate—in consultation with the Vedda community—a time-bound plan of action to ensure adherence to the convention and realization of rights in the UN Declaration of the Rights of Indigenous Peoples.
4. Take concrete legal and administrative measures to ensure recognition of the distinct identity of the Vedda community in law and policy, including their separate enumeration in the census.
5. Establish an independent authority in full consultation with and participation of the community to guide and co-ordinate law and policy with a view to safeguard the interests of the Vedda community.