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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Joint written statement* submitted by Tamil Uzhagam, ABC Tamil Oli, Action of Human Movement (AHM), African Development Association, African Heritage Foundation Nigeria, Agence pour les droits de l'homme, Alliance internationale pour la défense des droits et des libertés, Association Bharathi Centre Culturel Franco-Tamoul, Association Burkinabé pour la Survie de l'Enfance, Association Congolaise pour le Développement Agricole, Association culturelle des tamouls en France, Association des étudiants tamouls de France, Association des Jeunes pour l'Agriculture du Mali, Association mouvement pour la défense de l'humanité et abolition de la torture (MDHAT), Association of Youths with Vision (AOYWV), Association pour la Promotion de la Lutte Contre les Violences faites aux Femmes et la Participation au Développement de la Femme africaine, Association pour les Victimes Du Monde, Association Solidarité Internationale pour l'Afrique (SIA), Association Thendral, Campaign for Human Right and Development Sierra Leone, Comité des observateurs des droits de l'homme, Coordination des Associations et des Particuliers pour la Liberté de Conscience, Edfu Foundation Inc., Fundación Latinoamericana por los Derechos Humanos y el Desarrollo Social, Jeunesse Etudiante Tamoule, Le Pont, L'Organisation Non Gouvernementale des Cercles Nationaux de Réflexion sur la Jeunesse - ONG CNRJ, Mijoro Mandroso (Mi.Ma.), Reachout and Smile Initiative for Social Empowerment, Safe Campaign LLC,

* Issued as received, in the language(s) of submission only.



**Society for Development and Community Empowerment,
Turner La Page, World for World Organization, 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.

[31 May 2021]

Freedom of Expression Policy Toward Tamils History Posts Removal and Restriction, on Facebook, Google, Youtube and other social medias.

The Internet with Social Media has become “one of the most powerful instruments of the 21st century for increasing transparency in the conduct of the powerful, access to information, and for facilitating active citizen participation in building democratic societies.” The formation of an inclusive information society requires universal ability to access and contribute information, ideas, and knowledge so citizens can participate in discussions on public affairs and be part of the decision-making process. The Internet offers a new opportunity for developing policies on proactive transparency and dissemination of information and ideas of all kinds. Its speed, decentralization, and low cost allow both the State and private parties to disseminate information without barriers of borders, opportunity, or bureaucracy that once hampered such circulation

We would like to bring your kind attention regarding the blocking of Facebook pages, youtube pages and other social medias of Tamils. We are more than 120 million of Tamils living in India, Tamil Eelam and more than 90 countries across the World.

Tamil Nation across the world are making campaign on their right to Self-Determination. The right to self-determination is the right of a people or nation to decide whether they want to be independent or not. This right neither assumes a nation wants to be independent, nor does it oblige it to become independent. It limits itself to say that nations have the right to decide this question. In legal terms, it is known as a nation’s right to “choose its sovereignty and political status, without external obligations or interference.”

We are direct witness of Eelam Tamils Genocide during Mulliyavaikaal, according United Nations intern expert Charles Pietry Report there are more than 70 000 Tamils Were killed in May 2009 during the final stage of the war, but we are talking of more than 147 000 peoples, who are unaccounted betwin December 2008 and May 2009. Which United Nations Mechanism failed to Protect Eelam Tamils from the Genocide. Sri Lankan Military forces used chemical weapons, cluster bombs, and lot of non conventioned armes for killing More than 300 000 Tamils from 1980 to 2009.

The civil war, in which the Eelam Tamils fought the Sri Lankan armed forces from 1983 until their defeat in May 2009, was marked by tens of thousands of enforced disappearances.

We, Tamils Lost our Rights in our own Homeland “Tamil Eelam”, and we use the internet and social media for make awareness on our history of Struggles. There are restrictions on the operation of websites, blogs, applications or any other Internet-based electronic or other such information dissemination system, including support systems, such as Internet Services Providers or search engines, are permissible only to the extent that they are compatible with the conditions provided for the curtailment of freedom of expression

Internet Services Providers and Social Media denied Tamils Rights to inform on our Genocide and also on our History. Denied the reconnaissance of 120 Millions of Tamils Recognize our values and History.

Internet exponentially must facilitates the exercise of freedom of expression in all of its dimensions, diversifying and multiplying the media and the audience (potentially global), decreasing costs and time, and offering unparalleled conditions for the innovation and exercise of other fundamental rights. But unfortunately for last 10 years Tamils history of Resistance is totally denied and the information are censured in all social medias, depriving to the access to information to all Tamils across the world.

Access to information is also a means by which other rights can be effectively exercised, including the economic, social, and cultural rights of vulnerable or historically excluded groups and civil and political rights. Lack of access to information can contribute to or even constitute a violation of other rights enshrined in the Convention.

Every person has the right to freedom of investigation, of opinion, and of the expression and dissemination of ideas, by any medium whatsoever. Article 13 - American Convention on Human Rights.

Right to Freedom of Speech Finds place in various international conventions, including the Universal Declaration of Human Rights (UDHR).

Article 19 of the ICCPR :

- Everyone shall have the right to hold opinions without interference.
- Everyone shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of his choice.
- The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. It may therefore be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:

(a) For respect of the rights or reputations of others;

(b) For the protection of national security or of public order (ordre public), or of public health or morals.

The transformative nature of the Internet in terms of giving voice to 120 million of Tamils around the world, of significantly enhancing their ability to access information and of enhancing pluralism and reporting;

The power of the Internet to promote UDHR and the realization of other rights and public participation, as well as to facilitate access to goods and services ;

Noting that some governments have taken action or put in place measures with the specific intention of unduly restricting freedom of expression on the Internet, contrary to international law;

The Social medias like Facebook, Youtube, ... their companies violated the article 1.1, 24 and 13 of American Convention on Human Rights and Principle 10 of the Declaration of Principles of Freedom of Expression.

We, like 120 Millions of other Tamil Community activists from all over the World, have been using Facebook to share our Tamil history especially Tamil Eelam and Sri Lanka's genocide.

For the last 12 years, especially closer to November 27, 2020 when Tamils all around the world remember their fallen heroes, Thousands of Facebook accounts are restricted for several days. Most of the Tamil Community don't know exactly why their posts are marked as violation of community standards. Your company have taken action or put in place measures with the specific intention of unduly restricting freedom of expression on the Internet, contrary to international law;

Even though Facebook or other social network providers says which post violates the community standard that punish the account user with restriction for several days, the reason is not given properly. Most of the time, it says it could be one of five rational or it says the picture has dangerous individuals or organization.

Content filtering systems which are imposed by your company against 120 millions of Tamils and which are not end-user controlled are a form of prior censorship and are not justifiable as a restriction on freedom of expression.

There should be no discrimination in the treatment of information's on Internet, based on the device, content, author, origin and/or destination of the content, service, or application.

We are concerned that, even when done in good faith, many of the efforts by those companies to respond to the need noted above fail to take into account the special characteristics of the pledge of Tamil Nation, with the result that they unduly restrict freedom of expression;

Content filtering systems which are not end-user controlled – whether imposed by those companies – are a form of prior censorship and cannot be justified. Corporations that provide those companies should make an effort to ensure that they respect the rights of their clients to use the Internet without arbitrary interference.

We believe the removal and blocking was due to materials of Tamil Eelam history. Not knowing which of Tamil Eelam history photos allowed to use on Facebook, youtube and other social medias and which posts are not allowed, cause many to stay away from sharing the history. We believe this will eventually force our history to be erased completely in future.

Since many of our Tamil Diaspora faced this humiliating experience, concerned Tamils gathered to contact you to find out the real reason behind it. Please note many Tamils reported about it to Facebook via Facebook provided tools including Facebook Oversight board.¹ Since it seems a coordinated action taken on Tamils worldwide, we deeply worry and would like to understand about it from Facebook and other social medias.

We ask to the Special Rapporteur for Freedom of Expression to have an urgent meeting with social medias representatives and civil society members for have discussion on the liberticide actions from social medias.

Gouvernement en Exil du Tamil Eelam GLOBAL TAMIL MOUVEMENT, NGO(s) without consultative status, also share the views expressed in this statement.

¹ <https://www.oversightboard.com/>.