

The Eleventh Article of the United Nations Universal Declaration of Human Rights and Offenders' Rights Represented in Buddhism: A Comparative Study

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The eleventh article of the United Nations Universal Declaration of Human Rights (UNUDHR) about offender's rights is a controversial topic in the present post-conflict context in Sri Lanka after its' success in defeating long term terrorism. As a well-established philosophy, where an impartial judicial system beyond spatiotemporal boundaries can be traced, Buddhism represents a humanitarian perspective towards the operation concerning offenders. The substratum of Buddhist legal system is heavily concerned about human rights and freedom. Some of these ideas were included in the governance policies of many ancient Buddhist rulers, such as Asoka, and had been in practice as attested in historical records. Therefore, it is timely and significant to investigate the Buddhist interpretation and perspective towards offender's rights in the contemporary context.

Buddhism emphasises that responsibilities and rights are interrelated phenomena. The Buddhist judicial system is an impartial, open and equitable one. It is enacted not only to perceive offences of a convict but also to reveal justifiable evidence so that they could stand as law abiding people in society. According to this, Buddhism bears a positive and progressive attitude regarding offenders. As the UNUDHR points out, Buddhism accepts that 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 they have had all the guarantees necessary for their defense. In the Buddhist legal system, no one shall be held guilty of any penal offence on account of any act or omission which did not constitute a penal offence at the time when it was committed. Thus, Buddhism has provided sufficient provision to safeguard the rights of offenders.

This paper compares the Buddhist attitude towards offenders and the UNUDHR. It emphasises the need of a humanitarian approach for democratic administration of offenders as argued and practiced by the Buddhist legal system.