

Protection of Cultural Identity - Against the Criminalisation of the National Flag of Eelam Tamils

Summary

For many people, the Eelam Tamil flag represents their cultural identity, language, and connection to their historical heritage. It is deeply rooted in the history, traditions, and collective memory of the Eelam Tamil people.

We call for a fair assessment of this flag in Germany. The peaceful display of the flag must not be treated as a prohibited symbol under Section 86a of the German Criminal Code (StGB), as it serves as an expression of cultural identity, collective belonging, remembrance, and political freedom of expression.

Recipients:

- Federal Ministry of the Interior (BMI)
- Federal Ministry of Justice and Consumer Protection (BMJV)
- The state ministries of the interior and justice
- The responsible assembly and law enforcement authorities

Since the 1990s, the flag of the Eelam Tamils has been used worldwide as a symbol of cultural identity, language, and historical heritage. Particularly at public gatherings, commemorative events, and cultural occasions, it has established itself over decades as an important expression of collective identity.

Since around 2021, there has been an increasing trend in Germany toward criminal prosecution related to the public display of the flag. In our view, this has created significant legal uncertainty due to unjustified accusations connected to a historically established national symbol.

Key demand

We demand the immediate end of the criminalisation of our national flag and a clear legal and official determination that the national flag of the Eelam Tamils, as an expression of identity, remembrance and self- determination, must not be subject to 86a subsection 2 sentence 2 of the German Criminal Code (StGB).

Justification

1. Historical and Cultural Placement

The symbolism of the Eelam Tamil flag is deeply rooted in Tamil history. Its central symbol, the tiger, can be historically traced, among other influences, to the Chola Empire — one of the most significant Tamil kingdoms in history.

The national flag and its individual symbols represent a free, equal, and self-determined society. Traditionally, the tiger stands for protection, strength, and cultural identity. This symbolism existed long before modern political conflicts and has been passed down through generations within Tamil culture. For Eelam Tamils around the world, the flag therefore serves as an expression of their language, history, and cultural heritage.

2. Contemporary Significance

In today's Tamil diaspora, the flag is widely used at public events, commemorative gatherings, and community occasions where identity, remembrance, freedom of expression, collective memory, and solidarity are at the forefront.

The Eelam Tamils have been, and continue to be, systematically oppressed, disenfranchised, and displaced in their historical homeland. Representatives from the fields of human rights and international law have described this historical and ongoing development as a form of structural genocide. Against this background, the flag carries a deep emotional and identity-forming significance for many Eelam Tamils.

In this context, the flag serves several important functions: it supports the preservation and transmission of the Tamil language, contributes to the safeguarding of cultural traditions, and acts as a visible expression of a shared historical identity. Furthermore, it plays an important role in passing on cultural values, a sense of homeland, remembrance, and belonging across generations.

3. Significance for Social Cohesion

Germany is a country shaped by cultural diversity. Many communities bring their history and identity into public life through symbols. As citizens, we value the freedoms and democratic principles upheld in Germany. At the same time, our experiences of displacement and migration bring additional perspectives that enrich social coexistence.

For this exchange to succeed, a differentiated and context-sensitive approach to our symbols is essential. It fosters mutual understanding and strengthens social participation. Just as Germany protects and embraces its own cultural identity, it is also our aspiration as Eelam Tamils to preserve our cultural and historical heritage. We are committed to maintaining these roots and passing them on to future generations, thereby building a bridge for our children between their heritage and their home in Germany.

The criminalisation of the Eelam Tamil flag:

- facilitates the continuation of structural genocide against the Eelam Tamils by the Sri Lankan regime
- contributes to the stigmatisation of Eelam Tamils in Germany,
- undermines legitimate forms of remembrance and commemoration,
- creates legal uncertainty regarding democratic participation and
- stands in direct contradiction to the values of an inclusive and diverse society

For these reasons, we call for the immediate implementation of the following necessary measures:

- **Recognition of the National Flag**
A binding clarification that the flag of the Eelam Tamils does not constitute a prohibited symbol within the meaning of Section 86a subsection 2 sentence 2 of the German Criminal Code (StGB).
- **Termination of Ongoing Proceedings**
The immediate discontinuation of all investigations and criminal proceedings based on the public display of the flag.
- **Protection of Cultural Visibility and Identity**
Ensuring the constitutionally protected rights of Eelam Tamils to freely develop their personality and express their opinions when publicly and peacefully expressing their identity and collective grief.

We, the Eelam Tamils, are an integral part of German society and are fully committed to the values of the free democratic constitutional order. It is precisely because of this deep democratic conviction that we place great importance on the consistent protection of the rights guaranteed under the German Basic Law. We exercise our freedoms of assembly and expression under Articles 5 and 8 of the Basic Law not only to freely live our cultural identity and make historical realities visible, but also to participate in public discourse as active members of society.

Please support this petition!

We kindly ask for your support in ensuring that the flag of the Eelam Tamils is treated in a legally secure, nuanced, and fair manner in Germany. Through this petition, we seek a solution that is developed through constructive dialogue among all parties involved, provides legal certainty, and at the same time sustainably strengthens the social inclusion of the Eelam Tamils in Germany.