



21 September 2012

Open Letter to the Commonwealth Secretary-General

Dear Secretary-General,

When Commonwealth countries announced at the 2011 Commonwealth Heads of Government Meeting (CHOGM) in Australia that Sri Lanka could host CHOGM 2013, they agreed to actively promote and uphold the fundamental values and principles of the Commonwealth, including human rights and the rule of law. We therefore urge you to press for adequate and satisfactory human rights progress in Sri Lanka by CHOGM 2013. We believe that the failure of the Commonwealth and its members to do so would be contrary to the Commonwealth's values and principles, and undermine its credibility.

It has come to our attention through the media that you have called for Canada to forego its human rights related objections and fully participate in the CHOGM 2013 in Sri Lanka – where you reportedly saw no deficit in the spirit of democracy. If true, such a call to drop human rights concerns is unprecedented in Commonwealth history.

We draw your attention to grave human rights violations in Sri Lanka that have been internationally recognised and reports of ongoing human rights violations that are regularly highlighted. Despite Sri Lanka's repeated denial, these serious and persistent violations have been widely documented by the UN Secretary-General's Panel of Experts on Sri Lanka in 2011. They also led to a UN Human Rights Council resolution on the country earlier this year. In fact on the same day your statement was reported, the UN High Commissioner for Human Rights named Sri Lanka as one of 16 countries in the world that have gone unpunished for intimidation and reprisals against critics.

Even by the relatively lower standards of recommendations made by Sri Lanka's own Commission of Inquiry on Lessons Learnt and Reconciliation (LLRC), little or no progress has been made. Within the country, most mechanisms set up to comply with international and domestic standards are more cosmetic than real.

In the light of serious international criticism of Sri Lanka over its human rights record, the absence of convincing evidence on Sri Lanka's willingness to work with international human rights concerns and the absence of any publicly known Commonwealth benchmarks for progress in Sri Lanka ahead of CHOGM, we are surprised at the Commonwealth Secretariat's willingness to canvass Heads of Governments to participate in CHOGM 2013.

We urge the Commonwealth Secretariat to require that Sri Lanka must demonstrate the 'spirit of democracy' with practical steps to tackle patent gaps in human rights, democracy and governance which have repeatedly attracted international concern.

The Commonwealth Secretariat must lay down benchmarks of discernable, quantifiable and measurable steps that the government of Sri Lanka must take before it can hope to host a CHOGM that has the

wholehearted participation of both Heads of Governments and civil society. We believe such benchmarks must at a minimum lead the government of Sri Lanka to:

1. Fully restore the rule of law;
2. Lift restrictions on the enjoyment of all fundamental freedoms for all people within its borders ;
3. Restore Constitutional provisions that guarantee separation of powers and re-instate the independence of the three branches of government;
4. Restore the independence of government institutions such as the Sri Lanka Human Rights Commission and ensure meaningful domestic implementation of the International Covenant on Civil and Political Rights;
5. Repeal or amend laws, including the Prevention of Terrorism Act, that do not conform to international human rights standards,
6. Institute effective mechanisms to protect journalists, civil society groups and human rights defenders who work for the promotion and protection of human rights;
7. Allow full and credible international investigations into all allegations concerning violations of international humanitarian law in the country; and
8. Fulfil all recommendations directed to it by the UN Secretary-General's Panel of Experts and those recommendations of its own LLRC that are consistent with the recommendations of the UN Panel.

In the context of the ongoing Commonwealth reform process, only such principled action by the Commonwealth Secretariat will be indicative of the official Commonwealth's willingness to truly reform itself and to apply values of human rights, good governance and democracy.

As a part of this reform process, at the 2011 CHOGM it was agreed that your office would work with the Commonwealth Ministerial Action Group (CMAG) to address all serious or persistent violations of Commonwealth values. This was to be an important step in strengthening the CMAG. In pursuing this commitment it is imperative that your office and CMAG do not leave grave international concern over human rights violations in Sri Lanka unaddressed.

We understand that as the Secretary-General of the Commonwealth your duties include implementing political decisions taken by Commonwealth Heads of Governments, including the 2009 decision to let Sri Lanka host the 2013 CHOGM. At the same time, your position as the highest official of the Commonwealth comes with an obligation to strongly uphold, at all times, all the fundamental values of the Commonwealth. At this time of Commonwealth renewal, we believe that upholding the core values of the Commonwealth naturally has precedence over other concerns.

Sincerely,

Asian Forum for Human Rights and Development (FORUM-ASIA)

CIVICUS: World Alliance for Citizen Participation

Commonwealth Human Rights Initiative

Human Rights Law Centre (Australia)

Human Rights Watch

Sri Lanka Campaign for Peace & Justice

United Nations Association of the UK