

To: African Heads of State and Foreign Ministers,

Re: Election of Sri Lanka onto the HRC

As a diverse group of African human rights and civil society organizations, we are writing to you to express our concern for the possibility that Sri Lanka might be elected onto the Human Rights Council in May 2008. Such an election would clearly undermine membership standards, to which all States seeking election must be held, and weaken the chances of ensuring that the forthcoming African Presidency of the Council will be a productive one.

In 2006 the U.N. General Assembly created the new Human Rights Council to strengthen intergovernmental efforts to promote and protect human rights. The resolution establishing the Council stipulated that UN member states are required to select human rights leaders that “uphold the highest standards in the promotion and protection of human rights,” and would “fully cooperate” with international human rights mechanisms.

These criteria for membership make the Human Rights Council different from other U.N. bodies, which are open to all member states. Where to “draw the line” is never easy, but there are a small number of states that very clearly fail to “uphold the highest standards” of human rights at this moment in their history and should not be elected.

Sri Lanka is one state which clearly fails to “uphold the highest standards” and therefore does not meet the membership standard for the Council. The human rights situation has in fact significantly deteriorated since Sri Lanka was initially elected onto the Council in 2006. Severe human rights violations occur on a daily basis in Sri Lanka at the hands of both state and non-state actors.

The vast majority of victims of government abuse are of Tamil origin, targeted for alleged but unproven affiliations to the Tamil nationalist organisation in conflict with the government. Sri Lanka is the country in the world where the highest number of complaints of disappearances has been recorded. The majority of those ‘disappeared’, arbitrarily detained, held incommunicado, and often tortured or killed, are young Tamil men.

Of particular concern is the Sri Lankan government’s complicity in the continued forcible recruitment of mostly ethnic Tamil child soldiers by pro-government militias. Attacks and unlawful killings of humanitarian workers and human rights defenders, notably journalists, continue to increase. And yet, despite such gross violations the Sri Lankan government continues to largely escape international scrutiny.

As a result, human rights violations in Sri Lanka occur in a climate of impunity. The government has made token gestures to investigate violations, setting-up a number of inquiries and commissions, but these have not yielded any results and are primarily a tool aimed at minimizing domestic and international criticism. At a time when impunity is rife in many countries,

notably in the Horn of Africa, the international community must make it clear that the HRC will not grant international legitimacy to countries refusing to hold human rights violators accountable.

Electing gross human rights violators to the Council not only legitimizes other governments committing similar abuses, but misses an opportunity to grow its pro-human rights membership. Sri Lanka's candidacy provides an opportunity for the African Group to work together and block the attempt by an abusive government to use the Council for damaging ends.

The African group took the first step towards ensuring its presidency would be a productive one by putting forward a slate of pro-human rights candidates of its own. In order to protect the credibility of the Council in the eyes of the world, African States must now reject the candidacy of abusive governments from other regions.

This will also increase the Council's legitimacy amongst those NGOs in Africa still reluctant to give this at times distant mechanism, the support and attention necessary for it to truly meet its aim of upholding the highest standards of human rights.

Sri Lanka also largely fails to meet the membership criteria of full cooperation with international human rights mechanisms. The 2005 World Summit which provided for the creation of the Human Rights Council also doubled the budget of the Office of the High Commissioner for Human Rights (OHCHR), especially to support expanded field missions. The human rights situation in conflict-affected countries can greatly improve thanks to such missions. Nepal, which as Sri Lanka has faced ongoing conflict between the government and a rebel faction, has benefited enormously from an OHCHR human rights monitoring mission, which helped lead to a peace settlement and successful elections. Yet Sri Lanka refuses to consider a UN human rights monitoring mission, despite having been urged to do so by the special procedures of the Council and by OHCHR.

Timor Leste, which is a competing candidate in the forthcoming elections, offers a much better example of working with human rights assistance from the U.N. in a conflict situation, including an OHCHR monitoring mission. This first-hand experience of working with the U.N. human rights system (rather than evading it as does Sri Lanka) will be invaluable as a member of the Council.

We urge your government to reject the candidacy of Sri Lanka, which abuses human rights and refuses to cooperate with international human rights mechanisms. Please ensure that the forthcoming African Presidency will be a productive one by supporting pro-human rights candidates such as Timor Leste, and saying no to countries determined to undermine the Council for their own ends.

Many thanks for your kind consideration.

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