



Sri Lanka: Government must ensure the independence of the Human Rights Commission of Sri Lanka

(Bangkok, 28 March 2019) – The Asian NGO Network on National Human Rights Institutions (ANNI) expresses deep concern over the accusations made by the President and Members of the Parliament against the Human Rights Commission of Sri Lanka (HRCSL). ANNI strongly condemns the effort of personal attacks and false allegations against the Chair and other commissioners of HRCSL. ANNI stands in solidarity with the HRCSL and urges the Government of Sri Lanka to create an environment conducive for the commission to function independently without fear of intimidation and reprisals, in accordance with the Paris Principles and the international standards.

On 6 February 2019, President Maithripala Sirisena made a statement in Parliament attacking the HRCSL for carrying out its duty to vet soldiers who are to participate in United Nations Peacekeeping Missions.¹ He also stated that the Commission was acting in an obstructionist manner by questioning the Special Task Force deployment to Angunakolapelessa Prison.² On 21 February 2019, further statements were made by Members of Parliament during the parliamentary debate, including on how the HRCSL has given adverse comments regarding the Sri Lankan Government in Geneva³. The statements falsely allege that Dr. N. Deepika Udagama, the Chair of HRCSL, receives two salaries and is enjoying perks through political patronage.⁴ Similar allegation was also made against one of the Commissioners, Ambika Sakunathan, on her ties to militant organisations.⁵ Those allegations appear to be an attempt to undermine the credibility of HRCSL.

The Paris Principles and the HRCSL Act No. 21 of 1996 set out the necessary guarantees of independence. One of the requirements relates to National Human Rights Institutions (NHRIs) is being able to determine their own findings, conclusions and recommendations over the course of their work, whether in providing advice to Parliaments and Governments, undertaking investigations and inquiries or handling individual complaints of human rights violations.⁶

In 2018, the HRCSL was upgraded to an 'A' Status NHRI by the Global Alliance of NHRIs (GANHRI), a decade after its downgrade to 'B' Status. This upgrade was in recognition of the prolific work executed by the current Commission and its significant efforts in restoring faith and public legitimacy in the Commission.⁷

In undertaking their mandate, NHRIs should be able to implement their activities in full independence, free from any political pressure, physical intimidation or harassment.⁸ The statements made by these

¹ <http://hrctl.lk/english/wp-content/uploads/2019/02/HRCSL-response-to-H.Es-statement-in-Parliament-E.pdf>

² <https://www.asiapacificforum.net/news/commission-deeply-concerned-presidents-attack/>

³ <http://hrctl.lk/english/wp-content/uploads/2019/03/Parliamentary-Debates-HANSARD-Volume-268-No.-6-Thursday-21st-February-2019.pdf>

⁴ <http://hrctl.lk/english/wp-content/uploads/2019/03/HRCSL-letter-to-Hon-Speaker-on-07032019.pdf>

⁵ <http://hrctl.lk/english/wp-content/uploads/2019/03/HRCSL-Letter-to-Hon-Speaker.pdf>

⁶ <https://www.asiapacificforum.net/support/what-are-nhris/independence/>

⁷ <https://www.forum-asia.org/uploads/wp/2017/12/ANNI-Report-Final.pdf>

⁸ <http://undocs.org/en/A/HRC/39/L.19/Rev.1>

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two powerful bodies of the Government could affect negatively to the legitimacy and independence of the Commission.

The relationship between the State and the Commission should enable collective support and respect for each other's duties and responsibilities. As the Belgrade Principles suggests, both the NHRI and Parliament have much to gain from each other's performances in the promotion and protection of human rights.⁹ Adhering to its international obligations, it is the duty of the Government of Sri Lanka to fully enable the HRCSL to remain independent and able to work to restore and protect human rights in Sri Lanka, and to have its own voice in these efforts.

About the Asian NGO Network on National Human Rights Institutions (ANNI)

The Asian NGOs Network on National Human Rights Institutions (ANNI) was established in December 2006. It is a network of Asian non-governmental organisations and human rights defenders working on issues related to National Human Rights Institutions (NHRIs). ANNI has members that are national organisations from all over Asia. ANNI currently has 33 member organisations from 21 countries or territories. The work of ANNI members focuses on strengthening the work and functioning of Asian NHRIs to better promote and protect human rights as well as to advocate for the improved compliance of Asian NHRIs with international standards, including the Paris Principles and General Observations of the Sub-Committee on Accreditation (SCA) of the Global Alliance of NHRIs (GANHRI).

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⁹ <https://www.forum-asia.org/uploads/wp/2017/01/Belgrade-Principles-Final.pdf>