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Agenda item 2

Annual report of the United Nations High Commissioner for Human Rights and reports of the Office of the High Commissioner and the Secretary-General

Austria, Belgium*, Bulgaria*, Canada*, Croatia*, Denmark*, Estonia, Finland*, France*, Georgia*, Germany, Greece*, Hungary*, Iceland*, Ireland, Italy, Liechtenstein*, Lithuania*, Malta*, Monaco*, Montenegro, Norway*, Poland, Portugal*, Romania, Saint Kitts and Nevis*, Slovakia*, Slovenia*, Spain, Sweden*, Switzerland, United Kingdom of Great Britain and Northern Ireland*, United States of America: draft resolution

22/... Promoting reconciliation and accountability in Sri Lanka

The Human Rights Council,

Reaffirming the purposes and principles of the Charter of the United Nations,

Guided by the Universal Declaration of Human Rights, the International Covenants on Human Rights and other relevant instruments,

Bearing in mind General Assembly resolution 60/251 of 15 March 2006,

Recalling Human Rights Council resolutions 5/1, on institution-building of the Council, and 5/2, on the code of conduct for special procedures mandate holders, of 18 June 2007,

Recalling also Human Rights Council resolution 19/2 of 22 March 2012 on promoting reconciliation and accountability in Sri Lanka,

Reaffirming that it is the responsibility of each State to ensure the full enjoyment of all human rights and fundamental freedoms of its entire population,

Reaffirming also that States must ensure that any measure taken to combat terrorism complies with their obligations under international law, in particular international human rights law, international refugee law and international humanitarian law, as applicable,

Welcoming the announcement made by the Government of Sri Lanka that elections to the Provincial Council in the Northern Province will be held in September 2013,

* Non-Member State of the Human Rights Council.

Welcoming and acknowledging the progress made by the Government of Sri Lanka in rebuilding infrastructure, demining, and resettling the majority of internally displaced persons, and noting nonetheless that considerable work lies ahead in the areas of justice, reconciliation and the resumption of livelihoods, and stressing the importance of the full participation of local populations, including representatives of civil society and minorities, in these efforts,

Taking note of the report of the Lessons Learnt and Reconciliation Commission of Sri Lanka and its findings and recommendations, and acknowledging its possible contribution to the process of national reconciliation in Sri Lanka,

Taking note also of the national plan of action to implement the recommendations of the Lessons Learnt and Reconciliation Commission of the Government of Sri Lanka and its commitments as set forth in response to the findings and recommendations of the Commission,

Noting that the national plan of action does not adequately address all of the findings and constructive recommendations of the Commission,

Recalling the constructive recommendations contained in the Commission's report, including the need to credibly investigate widespread allegations of extrajudicial killings and enforced disappearances, demilitarize the north of Sri Lanka, implement impartial land dispute resolution mechanisms, re-evaluate detention policies, strengthen formerly independent civil institutions, reach a political settlement on the devolution of power to the provinces, promote and protect the right of freedom of expression for all and enact rule of law reforms,

Noting with concern that the national plan of action and the Commission's report do not adequately address serious allegations of violations of international human rights law and international humanitarian law,

Expressing concern at the continuing reports of violations of human rights in Sri Lanka, including enforced disappearances, extrajudicial killings, torture and violations of the rights to freedom of expression, association and peaceful assembly, as well as intimidation of and reprisals against human rights defenders, members of civil society and journalists, threats to judicial independence and the rule of law, and discrimination on the basis of religion or belief,

Calling upon the Government of Sri Lanka to fulfil its public commitments, including on the devolution of political authority, which is integral to reconciliation and the full enjoyment of human rights by all members of its population,

Expressing appreciation for the efforts of the Government of Sri Lanka in facilitating the visit of a technical mission from the Office of the United Nations High Commissioner for Human Rights, and encouraging the Government to increase its dialogue and cooperation with the Office of the High Commissioner,

Noting the call made by the High Commissioner for an independent and credible international investigation into alleged violations of international human rights law and international humanitarian law,

1. *Welcomes* the report of the Office of the United Nations High Commissioner for Human Rights on advice and technical assistance for the Government of Sri Lanka on promoting reconciliation and accountability in Sri Lanka¹ and the recommendations and conclusions contained therein, in particular on the establishment of a truth-seeking

¹ A/HRC/22/38.

mechanism as an integral part of a more comprehensive and inclusive approach to transitional justice;

2. *Encourages* the Government of Sri Lanka to implement the recommendations made in the report of the Office of the High Commissioner, and also calls upon the Government to conduct an independent and credible investigation into allegations of violations of international human rights law and international humanitarian law, as applicable;

3. *Reiterates its call* upon the Government of Sri Lanka to implement effectively the constructive recommendations made in the report of the Lessons Learnt and Reconciliation Commission, and to take all necessary additional steps to fulfil its relevant legal obligations and commitment to initiate credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans;

4. *Encourages* the Government of Sri Lanka to cooperate with special procedures mandate holders and to respond formally to their outstanding requests, including by extending invitations and providing access;

5. *Encourages* the Office of the High Commissioner and relevant special procedures mandate holders to provide, in consultation with and with the concurrence of the Government of Sri Lanka, advice and technical assistance on implementing the above-mentioned steps;

6. *Requests* the Office of the High Commissioner, with input from relevant special procedures mandate holders, as appropriate, to present an oral update to the Human Rights Council at its twenty-fourth session, and a comprehensive report followed by a discussion on the implementation of the present resolution at its twenty-fifth session.
