



# General Assembly

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## Human Rights Council

### Fortieth session

25 February–22 March 2019

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

**Albania,\* Australia, Austria, Belgium,\* Bulgaria, Canada,\* Croatia, Czechia, Denmark, Finland,\* France,\* Georgia,\* Germany,\* Greece,\* Iceland, Ireland,\* Italy, Luxembourg,\* Malta,\* Montenegro,\* Netherlands,\* New Zealand,\* North Macedonia,\* Norway,\* Poland,\* Romania,\* San Marino,\* Slovakia, Sri Lanka,\* Sweden,\* United Kingdom of Great Britain and Northern Ireland: draft resolution**

### 40/... Promoting reconciliation, accountability and human rights 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,

*Reaffirming* Human Rights Council resolutions 30/1 of 1 October 2015 and 34/1 of 23 March 2017 on promoting reconciliation, accountability and human rights in Sri Lanka,

*Recalling* Human Rights Council resolutions 19/2 of 22 March 2012, 22/1 of 21 March 2013 and 25/1 of 27 March 2014,

*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* its commitment to the sovereignty, independence, unity and territorial integrity of Sri Lanka,

*Recognizing* the strong role played by democratic institutions in Sri Lanka in the peaceful resolution of the political situation that arose in Sri Lanka from October to December 2018,

*Welcoming* the establishment of the Office on Missing Persons in September 2017 and the appointment of its commissioners in February 2018, and the assumption of its work to fully implement its mandate,

\* State not a member of the Human Rights Council.



*Welcoming also* the visits made by the Special Rapporteur on the promotion and protection of human rights while countering terrorism, from 10 to 14 July 2017,<sup>1</sup> the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, from 10 to 23 October 2017, the Working Group on Arbitrary Detention, from 4 to 15 December 2017,<sup>2</sup> and the Independent Expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights, from 3 to 11 September 2018,<sup>3</sup>

*Noting with appreciation* the return of some private land previously occupied by the military to civilian ownership, while recalling the repeated public commitments made by the Government of Sri Lanka to release all private land occupied by the military to enable local populations to resume their livelihoods,

*Noting* other steps taken by the Government of Sri Lanka to implement Human Rights Council resolution 30/1, including the progress made towards establishing an office on reparations and the submission to cabinet of a concept paper on a bill to establish a truth and reconciliation commission, the proposed repeal of the Prevention of Terrorism Act of 1978 and the preparation of a draft counter-terrorism act, while reiterating in this context the need for further significant progress and encouraging in this regard the adoption of a time-bound implementation strategy,

1. *Takes note with appreciation* of the comprehensive report presented by the United Nations High Commissioner for Human Rights to the Human Rights Council at its fortieth session,<sup>4</sup> pursuant to the request made by the Council in its resolution 34/1, and requests the Government of Sri Lanka to implement fully the measures identified by the Council in its resolution 30/1 that are outstanding;

2. *Welcomes* the positive engagement of the Government of Sri Lanka with the High Commissioner and the Office of the High Commissioner since October 2015, and with relevant special procedure mandate holders, and encourages the continuation of that engagement in the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

3. *Requests* the Office of the High Commissioner and relevant special procedure mandate holders, in consultation with and with the concurrence of the Government of Sri Lanka, to continue to strengthen their advice and technical assistance on the promotion and protection of human rights and truth, justice, reconciliation and accountability in Sri Lanka;

4. *Requests* the Office of the High Commissioner to continue to assess progress on the implementation of its recommendations and other relevant processes relating to reconciliation, accountability and human rights in Sri Lanka, and to present a written update to the Human Rights Council at its forty-third session, and a comprehensive report, to be followed by a discussion on the implementation of Council resolution 30/1, at its forty-sixth session.

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<sup>1</sup> See A/HRC/40/52/Add.3.

<sup>2</sup> See A/HRC/39/45/Add.2.

<sup>3</sup> See A/HRC/40/57/Add.2.

<sup>4</sup> A/HRC/40/23.