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## Human Rights Council

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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**

## **Letter dated 11 March 2022 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

I write further to my letter to you dated 28 February 2022 on providing equal visibility for States' responses to reports and updates presented to the Human Rights Council, and the subsequent communication received from the Council secretariat conveying a decision made by the Council Bureau on 14 December 2021 in this regard.

As explained in my previous letter, on 22 February 2022, the Government of Sri Lanka requested that its comments on the report of the United Nations High Commissioner for Human Rights on Sri Lanka (A/HRC/49/9) be published as an addendum, alongside and on the same list of documents as the report. This request was made with a view to upholding the integrity between the report and the State's comments, and to ensure, in the interests of equity and fairness, that the comments of the State concerned receive the same visibility as the High Commissioner's report.

While appreciating the Bureau's decision to initiate a discussion on this matter, we regret to note that the solution proposed by the secretariat in this regard, i.e., posting the State's response on a separate web page as a government communication, with only a hyperlink thereto near the High Commissioner's report, does not satisfactorily address the concerns raised by a large number of States Members of the United Nations, including Sri Lanka, in this regard.

We reiterate that publishing the response of the State concerned alongside and on the same list of documents as the report of the High Commissioner is the most reasonable solution in this regard, as publication thereof on an entirely different web page among various other government communications, albeit with a hyperlink, falls short of equal visibility and does not enable Member States to read both sides of the story at the same time.

Therefore, we urge you to continue to discuss this matter with the Council Bureau as well as with regional and political groups at Council sessions with a view to seeking an equitable solution that is agreeable to States Members of the United Nations and is in line with the clear guidance found in this regard in the rules governing Council mechanisms, such as the special procedures.



Pending consultations on this matter and without prejudice to the position outlined by Sri Lanka above, the secretariat may, as an interim measure, proceed to publish the comments of the Government of Sri Lanka on the report of the High Commissioner (see annex)\* as outlined in the secretariat's communication of 28 February 2022.

(Signed) C.A. Chandraprema  
Ambassador/ Permanent Representative

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\* Reproduced as received, in the language of submission only.

## **Annex to the letter dated 11 March 2022 from the Permanent Mission of Sri Lanka to the United Nations Office at Geneva addressed to the President of the Human Rights Council**

### **Observations of the Government of Sri Lanka (GoSL) on the written update on Sri Lanka by the UN High Commissioner for Human Rights (A/HRC/49/9)**

#### **General comments of the GoSL:**

1. The Government of Sri Lanka (GoSL) wishes to make the following comments on the written update on Sri Lanka by the UN High Commissioner for Human Rights contained in document A/HRC/49/9 of 15 February 2022.
2. As this document is prepared pursuant to HRC Resolution 46/1, the GoSL wishes at the very outset to state its position in relation to this resolution as follows:
3. HRC Resolution 46/1 adopted in March 2021 was presented to the HRC without the consent of Sri Lanka as the country concerned following a divided vote in the Council. This resolution politicized and divided the Council by flouting its founding principles of impartiality, objectivity and non-selectivity as enshrined in the UNGA resolution 60/251 and the IB package HRC Resolutions 5/1 and 5/2.
4. Notwithstanding this Resolution, Sri Lanka will continue its decades-long policy of engagement with the United Nations as well as with the international community in a spirit of cooperation and dialogue with regard to the promotion and protection of human rights. We will abide by our human rights obligations guaranteed by our Constitution and the international obligations we have voluntarily undertaken. We will also continue to demonstrate to our people and to the international community including through the Office of the High Commissioner for Human Rights our progress on matters related to reconciliation, accountability and human rights through domestic processes.
5. Sri Lanka rejects Resolution 46/1 containing the external evidence gathering mechanism in operative paragraph 06 (OP6). Sri Lanka is of the view that this mechanism is unhelpful to the people of Sri Lanka, will polarize Sri Lankan society and adversely affect economic development, peace and harmony at a challenging time. It created opposition and division in the Council on North–South lines and is contrary to the objective of dialogue and international cooperation in the promotion and protection of human rights. It is an unhelpful and unproductive drain on Member State resources at a time of severe financial shortfalls across the entire multilateral system including in the High Commissioner’s Office arising from one of the most severe economic recessions faced by Member States in recent history aggravated by the pandemic.
6. In addition to the following observations regarding this report, we regret the tendency in numerous instances to make unsubstantiated allegations and even to exceed the mandate of the Office by commenting on matters that lie entirely within the domestic jurisdiction of Sri Lanka such as the comments pertaining to the process of Constitutional reform, a matter which has not yet been debated even in our own Parliament. Furthermore, we deeply regret the ultra vires recommendations of the report which extend to the regrettable and questionable point of recommending sanctions affecting the people of Sri Lanka, a disturbing view from an Office that was established by UN Member States including Sri Lanka with the objective of protecting and promoting the human rights for our people.
7. Sri Lanka has been a victim of terrorism twice in the recent history; firstly, by a three decade long terrorist campaign unleashed by the LTTE and then by the gruesome terrorist attack on Easter Sunday in 2019. We have defeated LTTE terrorism and restored peace security and stability in the country for the benefit of our people, and we are determined to bring economic social and human progress despite severe challenges including in the aftermath of the COVID-19 pandemic. As elsewhere in the world, and following the Easter Sunday attacks in 2019 which deprived innocent civilians of their right to life even while

engaged in religious observance in holy precincts, we remain vigilant against contemporary transnational dimension of extremism and terrorism including through open access to social media. Despite these challenges, we have held firm to our democratic traditions and the present Government which enjoys a 2/3 majority in Parliament was elected at the 2019 Presidential and 2020 Parliamentary elections with a record level of participation by the electorate. While it is clear that our people have been economically adversely affected by the COVID-19 pandemic, we are proud to have addressed its human health related impact in a manner that minimized adverse impact on our people who have responded in a socially responsible manner.

8. As we move forward in addressing the residual reconciliation, accountability and human rights issues arising from the past conflict, we are appreciative of the input, encouragement and concerns received from our local and international partners including domestic and international civil society partners. We are committed to a continuing process of advancing, securing and protecting the rights of our people.

9. Without prejudice to the above position, and reiterating that the tenor and substance of the report is highly intrusive in relation to matters clearly within the purview of the Parliament and people of Sri Lanka and demonstrably contravenes the core principles of impartiality, objectivity, non-selectivity and non-politicization, the GoSL wishes to make the following observations.

10. A summary of progress made with regard to domestic processes advancing human rights and reconciliation is contained in **Attachment I**.

### **COVID-19 pandemic and its impact**

11. Like most of the countries in the world, Sri Lanka was significantly impacted in economic terms due to the COVID-19 pandemic. Currently, we are in the process of recovery and efforts are being made to revitalize the economy. Vaccination plays a critical role in the endeavor of transitioning to a new normal.

12. The Government is implementing a number of health measures to curb the pandemic, focusing on ensuring equitable access to COVID- 19 vaccines, strengthening of preventive measures and island-wide treatment facilities.

13. As a country which has guaranteed free universal healthcare to all its people since 1953, with one of the highest per capita health expenditures in the region, Sri Lanka adopted an inclusive, non-discriminatory and holistic approach to contain the COVID-19 pandemic, which has been commended by the World Health Organization (WHO), with the objective of safeguarding the health and safety of not only its people but foreign nationals in its territory.

14. Although still a developing nation, Sri Lanka has been very successful in its vaccination programme. As of 21 February 2022, 95% of population (over 12 years) have received the first dose, while 80% of the population (over 12 years) have received the second dose. 46% of the population (out of the fully vaccinated) have received the booster vaccine<sup>†</sup>.

### **Protests/ demonstrations**

15. As in many parts of the world, regulations are in place to prevent large public gatherings including funerals, weddings and in the conduct of government offices. Any action taken to disperse public gatherings flouting the covid-19 health regulations in force was taken in order to ensure the right to health of the general public in the context of the COVID-19 pandemic. All measures taken in regard to the COVID-19 pandemic, in line with initiatives all over the world, were necessary to promote overriding interests relating to public health and well-being, and indeed served to prevent a health catastrophe of major proportions. All

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<sup>†</sup> Vaccination Dashboard: <https://www.presidentsoffice.gov.lk/index.php/vaccination-dashboard/>.

these measures have been acknowledged by the courts of the country through a series of orders.

## **Protection from online falsehoods and manipulation Bill**

16. A new law is proposed to be introduced to ensure that online falsehoods do not undermine democratic practices and freedom of speech, especially for the purpose of protecting such vulnerable groups as women and children. The draft Bill is currently being formulated by an Advisory Committee appointed by the Minister of Justice. Several countries have encountered similar disruptive outcomes as a result of online falsehood, and have adopted safeguards to address this issue, which have the potential to create social disharmony, and spread hatred. Any Bills which are formulated in this regard will be amenable to review by the Supreme Court.

## **Legal and institutional developments**

### **Independence of key institutions**

17. The assertion that the 20th Amendment has fundamentally eroded the independence of key Commissions and institutions is factually incorrect in view of the judicial oversight provided under the Constitution under the 19th Amendment which remains unaffected under the 20th Amendment.

18. It may also be noted that the Parliamentary Council under the 20th Amendment consists of Members of Parliament and comprises the following:

- (a) The Prime Minister;
- (b) The Speaker;
- (c) The Leader of the Opposition;
- (d) A nominee of the Prime Minister, who shall be a Member of Parliament; and
- (e) A nominee of the Leader of the Opposition, who shall be a Member of Parliament:

- Provided that, the persons appointed in terms of sub-paragraphs (d) and (e) above shall be nominated in such manner as would ensure that the nominees would belong to communities which are communities other than those to which the persons specified in paragraphs (a), (b) and (c) above, belong.

19. The functional independence of the key Commissions including the Human Rights Commission, the Election Commission and the National Police Commission has not been eroded and continue to function under the Constitution and law governing their establishment, powers and functions without any compromise to the independence of such Commissions. Contrary to the misconception entertained in the report, the provisions of the 20th Amendment enhance, rather than diminish, the scope for judicial review of Executive action.

### **Status of the HRCSL**

20. The Human Rights Commission of Sri Lanka (HRCSL) is an independent Commission, established under the Human Rights Commission Act No. 21 of 1996, to promote and protect human rights in the country. The HRCSL is mindful of Sri Lanka's international human rights obligations and strives to ensure that the country abides by these obligations.

21. The National Human Rights Commission (HRCSL) has been reconstituted in accordance with the procedure mandated by the Constitution and financial provisions have been allocated to implement its statutory mandate.

22. In order to strengthen the HRCSL, a new Chairperson who is a retired Supreme Court judge and a Commissioner for the HRCSL were appointed in December 2021.

**Appointment of the Chair of the RTI Commission**

23. Appointments are made following a process specified by the Constitution as described paragraph 17, which ensures the independence of the institutions such as the RTI Commission.

**Drafting a new Constitution**

24. In 2020, a nine-member expert Committee was appointed by the President to make proposals pertaining to Constitutional amendments /draft a new Constitution. The public has been invited to submit their proposals under nine themes including Fundamental Rights. The assertion in the report that the draft Constitution has been presented to H.E. the President, and the criticism that this has not been made available to the public, is totally incorrect. The draft Constitution is still work in progress and has not yet been presented to the President at all. Criticism therefore on the subject of unavailability to the public is unfair and wholly unwarranted. This gives rise to serious doubts as to the accuracy of sources upon which reliance has been placed in the preparation of this report. In any event, the Constitution of Sri Lanka contains explicit and detailed provision governing the procedure for enactment of a new Constitution. These provisions conclusively militate against any element of secrecy in the formulation of a new Constitution.

**Allegation of militarization of civilian government functions**

25. The GOSL rejects the allegation of militarization of civilian Government functions. The appointment of key government officials is entirely a domestic matter of a sovereign country, as per the Constitution. All these appointments have been made in conformity with the governing provisions of the Constitution and other applicable laws. With regard to the appointment of retired military personnel, the GoSL maintains that denying an eligible person his/her opportunity to hold a position in the public service merely on the grounds of their past military service, runs contrary to the principles of fairness.

26. Deployment of military personnel in support of civilian authorities to counter and mitigate catastrophic effects on natural or manmade disasters is one of the secondary tasks of the Sri Lankan Armed Forces which play a vital part of the national security. The Sri Lankan Armed Forces playing a complementary role in association with relevant institutions of Government have been successfully engaged in managing natural disasters such as the Indian Ocean Tsunami (2004), flood relief and landslides as well as in the resettlement of displaced persons in the aftermath of the conflict. In the current context, the Armed Forces played a significant role in support of the efforts made by the health sector to manage the COVID-19 spread across the country.

**Re. Gazette notifications under section 12 of Public Security Ordinance**

27. This comment is based upon a fundamental misconception relating to the Public Security Ordinance which specifically authorizes recourse to the Armed Forces in circumstances where the performance of police functions requires to be strengthened. The State of Emergency is no longer in force. Under the then prevalent challenges of the COVID-19 pandemic, the government had to ensure the uninterrupted supply of essential food for the people. Sri Lanka just like many other countries in the world underwent tremendous hardship including economically in dealing with the pandemic. Consequently, several measures were put in place in order to safeguard food security. However, certain commercial institutions and persons have misused this mechanism thus putting a heavy pressure in the supply of essential goods. In that context, in order to maintain public order and welfare, several steps were taken by the government in good faith. The regulations for the maintenance of essential supplies and services were gazetted on the 30th of August 2021. The said declaration has been promulgated in terms of Section 2 of the Public Security Ordinance. The objective of the regulation is to prevent the hiding, interrupting the distribution, charging high prices for special food and causing market irregularities which cause inconvenience to the consumers and welfare of the people.

28. According to the Public Security Ordinance (PSO), emergency regulations can be declared for the purpose of maintenance of supplies and services essential for the life of the

community. The regulation promulgated only deals with the above objective and not for any other purpose. Accordingly, it has been promulgated for the common good of the public. Similar provisions have been used by many other countries in order to prevent artificial price hikes and hoarding of goods. A State of Emergency was declared on 30 August 2021 and it's no longer in force. The military is not given any mandate to intervene in civilian functions under these regulations.

### **Release of land occupied by the military**

29. A process is already in place, led by the Ministry of Defence, in order to expedite releasing of remaining private lands occupied by the security forces, in accordance with a proper land release process, without compromising the vital national security concerns of the country.

30. As at present, a majority (more than 92%) of the private lands occupied by the military at the end of the conflict in year 2009 have been released to legitimate land owned civilians by the military forces through local government authorities. Total number of private lands released by the Armed Forces from year 2009 to 31 October 2021 is 26,017.96 acres, which is 92.42%. Total number of private lands proposed to be released in the next round is 53 acres which is 0.19%.

31. Once the final decision has been taken with regard to the exact number of private lands which could not be released due to national security concerns and requirements, necessary compensation mechanism will be initiated, in accordance with the procedures established by law.

32. Only government land which had subsequently been taken over by private parties for various purposes is being reclaimed by the government to ensure conservation of national heritage and protection of forests. It is recalled that many of these areas were under LTTE control and were substantially destroyed during the armed conflict. Therefore in the present context, responsible government agencies are in the process of identifying these sites and preserving them for the benefit of future generations of all religions and communities. These actions are taken according to powers vested through the protection of archaeological sites Act. One of the major obstacles for releasing more land is the inability to conduct surveys due to protests by certain Tamil political parties.

### **Task Force for Archaeological Heritage Management in the Eastern Province**

33. It is observed that heritage sites in the Eastern Province were continuously at risk due to violent extremism, strongly indicating an element of security in relation to this matter. Considering archaeological sites are the common heritage of all Sri Lankans, as well as national security points of view, involvement at the highest level of bureaucracy is required for such matters. Accordingly, Secretary of Defence was appointed as the President of the subject Task Force. In any case it needs to be understood that the only function of a Task Force is to make recommendations which certainly do not have the force of law.

34. Archaeology is a subject that needs technical expertise and is not based on any ethnic or religious community. It must be specifically noted that said Task Force includes representation from all communities including the Tamil and Muslim communities. The Presidential Task Force comprises public servants with technical expertise related to archaeology, those who hold appointments that are relevant to the tasks mandated to it and also civilians whose expertise can be made use of to making our national heritage a part of Sri Lanka's common national identity. When investigating the destruction of archaeological sites in the Eastern and Northern provinces, which has taken place during the three decade long conflict and when the LTTE controlled certain land areas of the country, it was revealed that the vast majority of destroyed sites were ancient Buddhist monuments and temples. Hence, the nomination of Buddhist monks as members of the Task Force was reasonable and indeed essential.

35. The Presidential Task Force on Archaeological Heritage Management in the Eastern Province was appointed for a purpose which has special relevance to the Eastern Province. In order to serve its mandate, the Task Force needs to have relevant experts who can deal with specific issues related to Archaeology, falling within their expertise.

**Measures to enhance reconciliation**

36. The Government of Sri Lanka (GoSL) remains committed to building a society where the rights of all communities are secured and their safety and security is ensured. Thus, human dignity is valued and equal treatment of every person irrespective of their religion, ethnicity or race is an accepted norm of public life. Steps are continuously being taken to ensure that all communities have the space to express their identity, including the right to enjoy their own culture, profess and practice their own religion and use, nurture and promote their own language. All communities participate fully in the life of the nation, whether it be at national, provincial or local level.

37. Article 12 (1) of the Constitution of Sri Lanka guarantees to all persons equality before the law and equal protection of the law. Meanwhile Article 12(2) guarantees the fundamental right to non-discrimination on the grounds of “race, religion, language, caste, sex, political opinion, place of birth or any such grounds.”

38. The Government does not condone any act of religious hatred or intolerance, and maintains a zero-tolerance policy on any such acts, and has taken measures to combat same. The laws are strictly enforced against those committing violence against religious groups and those practicing hate speech. Action has been taken to investigate and take legal action against perpetrators of alleged attacks on religious minorities, with parallel measures aimed at preventing tensions through awareness programmes.

39. With regard to reconciliation, the domestic institutions including ONUR, OR and OMP are carrying out their respective mandates to provide relief to those affected by the three decade old conflict. All Sri Lankan communities including Sinhalese, Tamils and Muslims have been beneficiaries of these domestic processes. Details on the progress made by these institutions have been shared with the Office of the High Commissioner for Human Rights (OHCHR).

**Presidential Task Force for One Country One Law**

40. The Terms of Reference of the Task Force is to present proposals for formulating a conceptual framework ideally suited for Sri Lanka after making a study of the said concept, taking into account the views and opinions held by various parties with regard to the implementation of the concept: "One Country, One Law". In doing so, the Task Force is required to focus on:

(i) the fact that administration of justice, its implementation and protection under the law should be fair by all as set out in the Constitution of the Democratic Socialist Republic of Sri Lanka,

(ii) that it is indicated under fundamental rights therein that no citizen should be discriminated against in the eye of law or meted out special treatment on grounds of nationality, religion, caste or any other grounds,

(iii) that the implementation of the concept; one country, one law within Sri Lanka is reflected as a methodology of ensuring nationally and internationally recognized humanitarian values,

(iv) that equal treatment to all citizens should be further ensured.

In addition, it needs to be understood that the only function of a Task Force is to make recommendations which certainly do not have the force of law.

**Amendment to the Muslim Marriage and Divorce Ordinance**

41. Sri Lanka's legal system is a unique blend of customary and personal laws enriched by history, culture and sacred beliefs of the people who are subject to such laws. This includes laws provided for the self-management of Islamic religious institutions, marriage, divorce and succession laws particular to Sri Lankan Muslims.

42. The objective of introducing amendments is to bring the personal laws into conformity with prevailing international and domestic standards. Personal laws will remain in operation as an integral part of the country's legal system.



43. In this manner, the Muslims of Sri Lanka are governed by their own laws in keeping with their religion and culture.

44. Currently, the Legal Draftsman is in the process of drafting the relevant amendment to the Civil Procedures Code. The General Marriages Ordinance which prohibited those professing Islam to register their marriages under its provisions is to be amended. This will provide an option for Muslims, to either register their marriages under the Muslim Marriage and Divorce Act, or to register their marriages under the General Law, thus expanding the option open to those professing Islam. The purpose of the proposed innovation is to introduce a compulsory requirement relating to the minimum age of marriage. This is to address the serious anomaly of underage girls being given in marriage contrary to basic principles relating to independence of judgment, an out of step with the general laws of the country. This initiative is required to give effect to the country's Treaty obligations.

#### **Safe disposal of human remains of COVID-19 victims**

45. With regard to the protocol for the safe disposal of human remains of victims of COVID-19 followed by Sri Lanka, the adoption of protocol of cremation had been based exclusively on scientific and public health grounds, with the sole objective of eliminating all possibilities of transmission of the virus. In this regard, it is recalled that the World Health Organisation (WHO) stated at that time (March 2020) that it was uncertain as to how the pathogen behaved and was transmitted. The interim guidance released by the WHO also guided states to determine handling and disposal of COVID-19 victims' human remains according to national regulations. It was in this context that this decision was made by the Director General of Health Services on the recommendations of the "Technical Committee on the Safe Management of the Dead in the context of COVID-19" which comprised microbiologists, hydro geologists, epidemiologists, physicians and judicial medical officers.

46. In accordance with periodic reviews carried out by the healthcare authorities on the evolution of the virus and its reaction on human remains with a view to exploring alternative methods of safe disposal applicable to the pluralistic Sri Lankan society of multiple faiths, ethnicities and cultures, the Government has amended the relevant local regulations allowing burial or cremation of human remains of the victims of Covid-19 in accordance with the directions issued by the health authorities.

47. Since the end of February 2021, the Government of Sri Lanka has initiated the Covid-19 vaccination campaign, in conformity with the relevant international guidelines, giving highest priority to healthcare staff and other support frontline workers, while giving due recognition to high risk categories.

#### **The misunderstanding with regard to a ban on burqas**

48. The Government of Sri Lanka has made no decision to ban any item of clothing that is culturally specific to any religious community.

49. In the immediate aftermath of the Easter Sunday bombings in April 2019, the then Government instituted a nine member Parliamentary Select Committee (PSC) to inquire into this incident and provide recommendations to prevent future attacks. The leader of the Sri Lanka Muslim Congress was a prominent and active member of this Parliamentary Select Committee. Several political and religious leaders of the Muslim community came before the Commission and gave evidence.

50. Subsequently, on 19 February 2020, the Sectoral Oversight Committee on National Security presented to Parliament a Report of the 'Proposals for Formulation and Implementation of relevant laws required to ensure National security that will eliminate new forms of terrorism and extremism by strengthening friendship among Races and Religions'. One of the recommendations of this Committee was that any face coverings which hinder identification of individuals in public places should be prohibited in the interests of national security. The proposed ban on face coverings applies to all communities and both sexes which would include full face helmets used by motorcyclists.

51. Restrictions on concealing facial features in public places that preclude identification is a concern that has been shared by many countries who have implemented appropriate laws

and regulations in this regard as per national requirements. In fact, the Muslim community of Sri Lanka has acknowledged this need for collective security. Muslim religious authorities, including the All Ceylon Jamiyathul Ulama, in the aftermath of the Easter Sunday bombings, issued a press release requesting Muslim ladies not to wear face coverings which may impede identification.

### **Protection of freedom of expression and civil society space**

52. The Government is committed to protecting and promoting freedom of expression and civil society space. NGOs have over the years made a significant contribution towards the development and community enrichment of Sri Lanka. The Government is maintaining vigorous engagement with civil society to obtain their insights and to harness their expertise experience and support in achieving reconciliation and development.

53. All parties alleged to have experienced harassment can submit their complaints to the different national mechanisms that have the competence and jurisdiction to receive and investigate such claims. These include the law enforcement authorities as well as independent institutions such as the Human Rights Commission of Sri Lanka or the National Police Commission, so that action can be taken to investigate the alleged incidents.

54. There are no restrictions on civil society space in any part of Sri Lanka. Over the decades, a large number of community and national level civil society partners have assisted the Government in its development and other activities at grassroots level. This extensive outreach is demonstrated by the large number of NGOs operating in the Northern and Eastern Provinces as follows:

- **Northern Province** - The Total No. of NGOs, INGOs and CBOs registered (excluding the inactive organizations) in the Northern Province is approximately 170.
- **Eastern Province** - The Total No. of NGOs, INGOs and CBOs registered (excluding the inactive organizations) in the Eastern Province is approximately 247.

Also, there are a number of applications for district and divisional levels registration which are being processed by the NGO Secretariat for approvals.

55. Pursuant to the existing legal procedures; obtaining approvals from the relevant district or divisional secretaries is mandatory as those officials are legally and administratively responsible for all activities and projects implemented not only by non-governmental organizations but also by governmental and private sector organizations within the limits of their respective geographical jurisdictions.

56. Also, the National Secretariat for Non-governmental Organization (NGO Secretariat) has initiated a comprehensive and open consultative mechanism with all stakeholders of the NP90/NGO sector in all matters concerning their activities. Accordingly, “open- door” approach to access to NGO Secretariat Office and direct access to Director General/Registrar via digital and telephone communications systems are available.

57. The NGOs in Sri Lanka play a very robust and vibrant role including public interest litigation in advancing rights of the people. In this context, it may be noted that the NGOs in Sri Lanka have challenged Bills submitted to Parliament and taken the initiative to file Fundamental Rights Applications and Writ Applications in the apex Courts of this country.

### **Engagement with the civil society**

58. For decades, civil society has been an important partner for Sri Lanka’s progress in matters related to social and human development as well as human rights issues. The government has maintained an active interaction with civil society at all times. At a recent meeting, civil society expertise was solicited to contribute to the process of reconciliation and implementation of the SDG 16 through engagement with the Office for National Reconciliation (ONUR) and the Steering Committee on SDG 16.

59. As per the provision of the Extra-ordinary Gazette notification No. 2254/30 dated 17 November 2021, the functions, powers and administration of the NGO Secretariat has been placed under the scope of the Foreign Ministry.

### **Re. proposed revision of the existing Voluntary Social Services (Registration and Supervision) Act No. 31 of 1980**

60. The proposed revision of the existing Voluntary Social Services (Registration and Supervision) Act No. 31 of 1980 is a routine process since the existing laws require revision and updating from time to time due to the emerging new socioeconomic conditions.

61. With regard to possible further revision, the NGO Secretariat of Sri Lanka has adopted a process by publishing a public notice in the official website calling for comments, views and suggestions from all registered NGOs/INGOs and general public on the existing law relating to the voluntary social service organizations. A broad-based subcommittee was appointed and they have met many times.

62. The review process will take into account general principles including ensuring accountability, transparency; facilitation of assistance and support to non-governmental organizations and compliance with the regulatory framework established by the National Secretariat, as well as laws and legal systems of the country, in the conduct of activities of NGO/ INGOs.

63. The scrutiny of financing is required in order to comply with Sri Lanka's Anti-Money Laundering and Countering Financing of Terrorism (AML/CFT) strategy which is based on statutory obligations of the Financial Intelligence Unit of the Central Bank of Sri Lanka.

64. A consultative process has been followed to obtain the views of civil society on the revision of the existing Voluntary Services (Registration and Supervision) Act No. 31 of 1980.

### **Memorialization**

65. There are no restrictions whatsoever for individual family members to memorialize loved-ones with their relatives. However, it is noted that, in certain cases, in the guise of memorializing deceased members of the LTTE, certain elements attempt to glorify and promote LTTE – a proscribed terrorist organization, by way of displaying the flags and the logo of the LTTE. In this background, what the Government sought to prevent was glorification of terrorism through public gatherings and events with the use of symbols of a terrorist organization.

66. Memorialisation has been recognized through legislation governing the Office for Reparations Act as a form of individual or collective reparation. As such, all steps taken were never intended to prevent memorialization but only to ensure that no glorification of a proscribed terrorist organization takes place in the guise of memorialization.

67. As in many parts of the world, regulations are in place to prevent large public gatherings including funerals, weddings and in the conduct of government offices. Any action taken to disperse public gatherings flouting the covid-19 health regulations in force was taken in order to ensure the right to health of the general public in the context of the COVID-19 pandemic. All measures taken in regard to the COVID-19 pandemic, in line with initiatives all over the world, were necessary to promote overriding interests relating to public health and well-being, and indeed served to prevent a health catastrophe of major proportions. All these measures have been acknowledged by the courts of the country through a series of orders.

### **Prison overcrowding and prison reforms**

68. Steps were taken by the Attorney General by way of revising guidelines on granting bail to the police to be followed on specified circumstances which reduce the remand population during the pandemic situation. As a result, it was possible to reduce the prison population which was around 32,000 in October 2020 to 18,903 as at 17 of February 2022.

69. The five-year plan prepared by the Department of Prisons covers nine areas including dealing with prison overcrowding, prison management reforms, prison officers training, and implementation of e-prison concept. A proposal has already been submitted to implement the house arrest mechanism in the country for applicable offences as an alternative to imprisonment. This mechanism will help to further reduce the prison overcrowding in the

country. Further, several initiatives were taken with regard to capacity development of the prison authorities in 2021. Accordingly, the Department of Prisons was able to arrange around 20 training sessions on different subjects for approximately 1000 officials with the assistance of UNODC and other agencies.

70. Steps have also been taken to control the Covid-19 pandemic in prison by setting up quarantine centers for new inmates; establishing five treatment centers for infected inmates; establishing an information center to provide information of inmates to relatives; providing necessary Covid-19 protective materials and facilities for inmates. Telephone and video connection facilities have also been introduced to inmates to connect with families. The booster vaccine has also been given to inmates to protect them from the Covid-19. In addition, the Department of Prisons and the Department of Health Services together with the United Nations Office on Drugs and Crime (UNODC) developed a COVID-19 contingency plan which consists of guidelines for prison institutes on how to preventing COVID pandemic while managing daily functions in prisons.

### **Treatment of detainees**

71. Government of Sri Lanka recently enacted laws compelling Magistrates to visit the Police and other remand facility within their jurisdiction to ensure fair and equitable treatment of those who are detained. Once the death of a suspect occurs in police custody, the matter will immediately be brought to the notice of the relevant Magistrate's Court with the view of commencing a magisterial inquiry and of its subsequent proceedings. It is in the legal framework of Sri Lanka that the judges of the courts have been conferred the power of intervention against any action of the police where it acted in the manner of which is alleged to be ultra vires or illegal. There exists numerous legal provisions to guarantee the right not to be tortured and inhuman treatment of the suspects when they are in police custody. Legal provisions have been made vesting with the Magistrates and the third parties' members such as the representatives of the Human Rights Commission of Sri Lanka the power to visit the suspects in police custody at any time.

72. There are also provisions for the suspects in police custody to obtain legal assistance. The arrest and detention of the suspects is carried out in accordance with the procedures prescribed by law. A separate police Division, namely, the Human Rights Division has been established within the Sri Lanka Police. Furthermore, the ICRC has provided technical assistance in facilitation of video visitation for the prisoners. Training is conducted by the ICRC and UNODC for the prison authorities and assistance is provided by the ICRC for several infrastructure development projects in prisons.

73. The GoSL denies the allegations regarding deaths in custody. When a person dies while in police custody, the competent Court holds an impartial inquiry and post-mortem examinations will be performed on court orders. An independent investigation will be conducted. The Magistrate will also record independent witnesses at the inquest, and law enforcement agencies will inevitably face legal action if they cause the death of a suspect. If it is revealed that the police have engaged in any misconduct or illegal activity, the law will be applied to them.

### **Prevention of Terrorism Act**

74. On 10 February 2022, the PTA Amendment Bill was presented to the Parliament. Once passed into law following debate in Parliament, the Bill would amend the present PTA after almost 43 years. The reform of the PTA is an important pillar of the Governments priority to address human rights and reconciliation through domestic processes. The proposed amendments are an initial step towards the promulgation of a more comprehensive anti-terror legislation.

75. The Prevention of Terrorism Temporary provisions Act was enacted in 1979 in the context of the then existing security situation in the country. Although initially enacted as a 'temporary' provision, the Act has been in place for 43 years as past efforts to amend the PTA were not successful. It may be noted that the Bill which confers several rights is presently under judicial review pursuant to several petitions filed by civil society organizations.

76. The recent process of reviewing the PTA was initiated with the objective of bringing its provisions in line with contemporary national security requirements as well as with Sri Lanka's human rights obligations and international best practices. Accordingly in June 2021 a Cabinet approved Committee, subsequently chaired by Foreign Minister Prof. G.L. Peiris, was established to review the PTA in order to align it with these objectives. Following extensive consultations among several government Ministries and institutions as well as external agencies, civil society, parliamentarians, the Law Commission of Sri Lanka and the Bar Association of Sri Lanka, a Bill containing the proposed amendments was published in the Government Gazette on 27th January 2022. As parallel supportive measures, the release of long-term detainees under the PTA was expedited in accordance with relevant procedures. Law enforcement officials were reminded by administrative instructions issued by the IGP of the due processes to be followed in the conduct of investigations under the PTA. Law enforcement officials were further advised to use the PTA only in instances of extreme necessity.

77. The process of deliberation on amendments to the PTA has taken into consideration the many constructive comments and concerns expressed by domestic and international stakeholders. While these initial amendments do not deal with all elements of the PTA that have been subject to criticism and scrutiny over the past years, it is an important initial step forward in addressing the outstanding issue of alleged misuse and abuse of the PTA. It is also a progressive step in advancing, securing and protecting the rights of persons subject to investigation detention and trial. As a result of the amendments, persons subject to the provisions of the PTA will have better recourse to the fundamental rights guaranteed under the Constitution.

78. In an increasingly vulnerable global security context, new forms of aiding and abetting terrorism threaten national security and the right to life of civilians worldwide. At the same time we must ensure that any measures taken to counter terrorism comply with all human rights obligations under the Constitution and internationally undertaken. Effective counter-terrorism measures and respect for human rights, fundamental freedoms, and the rule of law are complementary and mutually reinforcing and constitute an essential part of successful counter-terrorism efforts.

#### **Detainees under the PTA**

79. The President of Sri Lanka has appointed the Advisory Board in terms of Section 13 of the PTA and two other members of the Advisory Board on 24 August 2021. Any person who has been issued a Detention Order or a Restriction Order under the PTA, or any person representing him/her, can make representations to this Advisory Board. The Advisory Board may then advise the Minister on the Order issued. This Board therefore, presents an opportunity for those detained or restricted under the PTA to request a review of the Order.

80. The legal and administrative process has been set in motion to release detainees who have been in judicial custody for extended periods under charges relating to the PTA. As at 18 February 2022, the GoSL has taken action to release 81 persons who were detained under the PTA.

81. Details of the suspects detained under the PTA (As at 18.02.2022) are as follows:

The number of the suspects who are in prison custody, in connection with the offences related to LTTE terrorism – 83

Total number of suspects who have been released (since 24.06.2021 to 18.02.2022) – 81

- Presidential pardon – 16
- In terms of the conditions under the section 11(1) of PTA - 12
- On Attorney General's advice from the remand prison – 13
- Enlarged on bail – 34
- Discharged by High Court – 06

The process with regard to consideration of bail, discharge and indictment of the remaining is presently ongoing.

82. Hejaaz Hizbullah, who had been detained under the PTA was granted bail by the High Court on 7 February 2022.

### **Deradicalization regulation**

83. In the aftermath of the three decades conflict against terrorism in May 2009, the Sri Lankan government decided on the more humane path of rehabilitating and releasing of over 12,000 former LTTE cadres instead of prosecuting them. They have been given a second chance at rebuilding their lives without a criminal record to stymie their future prospects. Due to the Government's progress and commitment with regard to children and the former LTTE child soldiers and considering Sri Lanka's successful completion of Security Council-mandated programmes to end the recruitment and use of children in armed conflict, Sri Lanka was delisted from the Secretary General's list of shame (Annex II of the UN Security Council Resolution 1612 on Children and Armed Conflict) in June 2012.

84. The purpose of the regulations issued in Gazette No. 2218/68 dealing with suspects related to the Easter Sunday attacks is to rehabilitate the suspects being arrested in this latest investigation into terrorism, instead of prosecuting them and the provisions therein are identical to the provisions applied to the former LTTE cadres who were successfully rehabilitated. This process of rehabilitation contemplated under the aforementioned regulation would be subject to judicial oversight.

85. The Prevention of Terrorism (de-radicalization from holding violent extremist religious ideology) Regulations No. 2021 published in the Gazette Extraordinary No. 2218/68 dated 12.3.2021 have been challenged by Fundamental Rights Applications before the Supreme Court of Sri Lanka. These Fundamental Rights cases are due to be taken for hearing before the Supreme Court on 21st and 23rd March 2022 as a matter of priority. The operation of the de-radicalization regulation has been suspended following a majority decision by the Supreme Court.

### **Progress in reconciliation and accountability**

86. The Government of Sri Lanka has undertaken substantial efforts with a view to fostering greater accountability, restorative justice, and meaningful reconciliation through domestic institutions.

87. On accountability, the Presidential Commission of Inquiry (COI) has submitted its Second Interim Report to the President of Sri Lanka on 18 February 2022. Further update in this regard will be provided in due course.

### **Office on Missing Persons (OMP)**

88. In order to meet the grievances of those affected and to meet the reconciliation efforts, the Office on Missing Persons (OMP) takes a victim-centric approach in its public engagement and decision-making process. The Office on Missing Persons (OMP) continues to operate with financial provisions allocated for its statutory functions. The Commissioners have been appointed based on their expertise and experience, who have taken measures to expedite the OMP's work. The appointments of the chairperson and the commissioners are based on expertise and professional qualifications, with a view to effective implementation of the mandate of the OMP detailed in the Act and its Action Plan. The functions of the OMP are regulated by the OMP Act. The board of members of the OMP includes ethnic and gender diversity and professional experiences. The board takes decisions independently through consultations and discussions.

89. With regard to OMP's engagement with the public, the OMP has published a newspaper notification in which the general public were informed to view/verify the details of the complaints on the OMP website and it was requested that if the details of their complaints are not available in the website, to provide information no later than 03rd of February 2022. A high turnover was received in response to this newspaper notification. More than 68% (of 5,454 families) have responded to the OMP in which the families have submitted additional information. The OMP also conducted panels of inquiries on 583 complaints as a part of the verification process. There was a high turnout at the inquiries conducted by the OMP. More than 78% persons (323 of the people out of 412 applicants who

have been invited for inquiries) have met the panel members and provided information. These examples show the level of confidence in the OMP, and the OMP will take efforts continuously in improving confidence, and building trust of the public by adopting strategies in the near future.

90. With regard to Certificate of Absence, a Gazette notification<sup>‡</sup> was issued on 2021.10.26 to extend the validity of the operation of the provisions of Registration of Deaths (Temporary Provision) Act, No. 19 of 2010, by another two years from 09th of December 2021 to 09th of December 2023. The OMP has requested the Central Bank of Sri Lanka to re-circulate guidelines to all the financial institutions, emphasizing the importance of recognizing Certificate of Absence (CoA) as a legal document.

### Office for Reparations

91. **Payment of monetary compensation:** the Office for Reparations (OR) processed 5,964 claims for payment by the end of 2021 and paid a sum of Rs. 399.8 million in settlement, and Out of the allocated sum of Rs. 800 million (88.9% of its total Recurrent expenditure budget), the OR needed only Rs. 399.8 million to make payments to the claimants of files that were processed and hence requested only that sum from the Treasury. The restrictions imposed during the COVID-19 pandemic to ensure the safety and the health of the staff affected the capability of the Office to complete the processing of more claims.

92. **Disaggregation of data regarding compensation payment:** The OR records disaggregated data only according to the incident of violence (ie. whether North East conflict, Easter Bomb attack, or other incidents from 2006 to 2019) and the category of the claim, ie, whether for death, injury or damage to property. The concept of reparations is based on the need to provide relief for violations that breach human rights and hence any other disaggregation is not possible.

93. The Reparations Policy has been tabled in the Parliament on 09 February 2022. The Policy and Guidelines were approved by the Cabinet previously in August 2021 and implementation of activities to support aggrieved persons had commenced even prior to that, in compliance with the statutory provisions. As set out in the Policy, the OR has identified several initiatives under the 8 support areas which are – Provision of Livelihood Support, Compensation and Financial Support, Restitution of Land Rights, Provision of Housing, Development of Community Infrastructure, Administrative Relief, Psychosocial Support and Measures to advance unity, reconciliation and non-recurrence of violence. Currently, the OR has engaged in developing required programmes for field level implementation.

### Office for National Unity and Reconciliation (ONUR)

94. The Office for National Unity and Reconciliation (ONUR) continues to execute its mandate under 8 thematic areas with a view to building national unity and reconciliation. The ONUR organized its first international research conference under the theme “Resolving difference through understanding sustainable peace, security and reconciliation in the modern society” from 30 to 31 October 2021. It provided a premier interdisciplinary platform for researchers, practitioners, and educators to present and discuss the most recent innovations, trends, and concerns as well as practical challenges encountered and solutions adopted. The ONUR is in the process of developing its long-term Strategic Roadmap for National Healing, Peace-building and Reconciliation to provide a coherent strategy and coordination framework, to organize the multiple government and civil society initiatives on peace-building and reconciliation. It outlines responsibilities for key government actors, working closely with the civil society, to deliver on a programmatic framework for its implementation around three themes: Accounting for the past; managing the present; and Planning for the future. The Roadmap is aligned with the Government policy of Sri Lanka.

95. The ONUR is engaged in a dialogue with civil society to identify possible areas of collaboration under 8 areas as follows: development of a Reconciliation Road Map, Strengthening of the existing Reconciliation Mechanisms and establishing an Early Warning

<sup>‡</sup> Extraordinary Gazette No. 2251/21 dated 2021.10.26-  
[http://documents.gov.lk/files/egz/2021/10/2251-21\\_E.pdf](http://documents.gov.lk/files/egz/2021/10/2251-21_E.pdf).

System, conducting awareness programmes and identifying training needs, collating documentation of the International Research Conference and develop activities for implementation, Facilitate a mechanism on consultation with Political Parties, establishing Harmony Centres, supporting the University Reconciliation Units and conducting donor coordination.

Cases referred to in the update:

96. At the outset it must be noted that all the **steps taken by the Attorney General with regard to prosecution** has been in accord with the Constitution and the law. It may also be observed that all such steps are amenable to judicial review and as in the case regarding Admiral Wasantha Karannagoda, jurisdiction of the Court of Appeal was invoked and the Court of Appeal had determined that the prosecutorial discretion of the Attorney General was in accordance with the law.

97. **Admiral Wasantha Karannagoda:** The case is pending adjudication before the Court of Appeal and has been fixed for hearing on 6th April 2022. A stay order has been issued by the Court of Appeal with regard to the proceeding against Admiral Wasantha Karannagoda in the High Court. The aggrieved parties have filed objections before the Court of Appeal and are also to be heard by Court of Appeal at the hearing of this application.

98. **Alleged Abduction of 11 persons:** Indictments have been filed against fourteen members of Sri Lanka Navy under the Case No. 1448/2020 in High Court-at-bar, Colombo.

99. With regard to **Welikada Prison Riot**, indictments have been filed and the Court decision has been given.

100. **2019 Easter Sunday Attacks:** Extensive investigations have been carried out by the Government. Several suspects have been detained and interrogated for evidence. The direct perpetrators were all suicide cadres and thus the investigation has been complicated to identify the wider connections. Despite such challenges and in terms of the Sri Lankan law, investigations have to be carried out by law enforcing agencies such as different departments under the police. Information gathered through such investigations will be reviewed by the independent office of the Attorney General who has to subsequently take a decision, and whether the evidence is sufficient to charge any suspects, or whether anyone detained should be released for lack of evidence.

101. On 04 October 2021, Colombo High Court Trial-at-Bar served charges on 25 suspects accused over the Easter Sunday terror attacks. The Attorney General has preferred several indictments to several other High Courts and the Trials in this regard are proceeding.

102. At present, subsequent to investigations, 25 persons have been charged and a High Court-at-Bar is pending in respect of the same. In addition to the same, cases have been filed in the High Courts of Colombo, Kegalle and Puttalam in 8 other cases. Preferring further indictments is under consideration in respect of investigations thus far conducted.

103. Apart from that, on 11.01.2022, a live grenade was discovered at a Church in Borella, prompting an independent investigation by the Sri Lanka Police. In connection with the incident, several suspects have been arrested and brought to court. The police are currently conducting a thorough investigation into the incident. In this regard, the Attorney General's Department has also provided legal assistance.

104. It is specifically noted that the reference with regard to the use of prosecutorial discretion which is an internationally accepted legal norm has been exercised by the Attorney General having regard to the facts and circumstances of each case upon evaluating the evidence placed before him. In this regard it must be noted that the reference "the recent use of his discretion to withdraw these long-standing cases without clear justification" is factually incorrect as no such cases have been withdrawn without proper evaluation of the available evidence. Further as noted above the matter with regard to Admiral Wasantha Karannagoda is presently pending before the Court of Appeal.

#### **Sri Lanka's position on the Resolution 46/1**

105. HRC Resolution 46/1 adopted in March 2021 was presented to the HRC without the consent of Sri Lanka as the country concerned following a divided vote in the Council. This



resolution politicized and divided the Council by flouting its founding principles of impartiality, objectivity and non-selectivity as enshrined in the UNGA resolution 60/251 and the IB package HRC Resolution 5/1 and 5/2. Sri Lanka rejects the Resolution 46/1 containing the external evidence gathering mechanism in operative paragraph 06 (OP6). Sri Lanka is of the view that this mechanism is unhelpful to the people of Sri Lanka, will polarize Sri Lankan society and adversely affect economic development, peace and harmony at a challenging time. It created opposition and division in the Council on North –South lines and is contrary to the objective of dialogue and international cooperation in the promotion and protection of human rights. It is an unhelpful and unproductive drain on Member State resources at a time of severe financial shortfalls across the entire multilateral system including in the High Commissioner’s Office arising from one of the most severe economic recessions faced by Member States in recent history aggravated by the pandemic.

106. Notwithstanding this Resolution, Sri Lanka will continue its decades-long policy of engagement with the United Nations as well as with the international community in a spirit of cooperation and dialogue with regard to the promotion and protection of human rights. We will abide by our human rights obligations guaranteed by our Constitution and the international obligations we have voluntarily undertaken. We will also continue to demonstrate to our people and to the international community including through the Office of the High Commissioner for Human Rights our progress on matters related to reconciliation, accountability and human rights through domestic processes.

## Attachment I

### Briefing Note

The Government of Sri Lanka has undertaken substantial efforts with a view to fostering greater accountability, restorative justice, and meaningful reconciliation through domestic institutions. Some of the key areas of progress are as follows:

- On accountability, the Presidential Commission of Inquiry (COI) is in the process of finalizing its Second Interim Report to be submitted in the coming days to H.E. the President.
- On 10 February 2022, the PTA Amendment Bill was presented to the Parliament. Once passed into law following debate in Parliament, the Bill would amend the present PTA after almost 43 years. The reform of the PTA is an important pillar of the Government's priority to address human rights and reconciliation through domestic processes. The proposed amendments are an interim measure towards the promulgation of a more comprehensive anti-terror legislation.
- The legal and administrative process has been set in motion to release detainees who have been in judicial custody for extended periods under charges relating to the PTA. As at 14 February 2022, the GoSL has taken action to release 72 persons who were detained under the PTA.
- The Office on Missing Persons (OMP) as its core function, is finalizing the list of missing persons in collaboration with other agencies. The Office for Reparations (OR) has processed 5,601 claims in 2021. During 2021, the OR received a total sum of LKR 399.8 million for the payment of compensation. The total allocation set aside for the payment of compensation in 2022 is Rs. 759 million. In February 2022, a further Rs. 53 million was received by the OR for the payment of compensation. The Reparations Policy will be submitted to the Parliament shortly. The Office for National Unity and Reconciliation (ONUR) continues its 8 point action plan. The National Human Rights Commission is carrying on its mandate. A steering committee on SDG 16 is working towards enhancing peace, justice and strong institutions. Civil society partners have been engaged to assist the efforts of all these entities.
- In dealing with residual matters relating to the past conflict, more than 92% of the private lands occupied by the military at the end of the conflict in year 2009 have been released to the legitimate civilian owners, through local government authorities. A process is already in place, in order to expedite releasing of remaining private lands, in accordance with a proper land release process. We are also in the process of dealing with the last remaining 8,090 IDPs.
- We recognize the important role civil society plays, including at the grass roots level as stakeholders on development and human rights issues over decades. During the past year, Foreign Minister has engaged with a broad range of civil society and their concerns on human rights issues have been received. The functions, powers and administration of the NGO Secretariat has been placed under the scope of the Foreign Ministry.
- Sri Lanka will continue to fulfil its ongoing reporting obligations under 09 core UN Human Rights Treaties. Sri Lanka continues to engage constructively with the UN special procedures mandate holders. Accordingly, the Special Rapporteur on Contemporary forms of Slavery visited Sri Lanka, at the invitation of the GoSL, from 26 November to 3 December 2021.

### Approach at the HRC:

- Sri Lanka reiterates its commitment to remaining engaged with the United Nations as well as the international community in a spirit of cooperation and dialogue with regard to the promotion and protection of human rights.

- We are ready to engage with all domestic stakeholders, and to obtain the support of our international partners and the United Nations in this process of building a prosperous stable and secure future for all Sri Lankans, regardless of ethnicity, religion, or gender.
- At the upcoming 49th Session of the HRC in Geneva, we seek the support of the international community to encourage Sri Lanka's efforts under challenging circumstances, and to engage constructively with Sri Lanka, during the Interactive Dialogue on the **written update on Sri Lanka by the High Commissioner scheduled on 03 March 2022.**

**Sri Lanka's Position regarding HRC Resolution 46/1:**

- Sri Lanka's position with regard to the HRC Resolution 46/1 adopted in March 2021 is that it was presented to the HRC without the consent of Sri Lanka as the country concerned and it was adopted by a divided vote in the Council.
- Sri Lanka **rejects the establishment of an external evidence gathering mechanism.** It was presented in spite of Sri Lanka's continuous engagement with the UN and the Council and the continued and tangible progress demonstrated by Sri Lanka, within the domestic legal framework of Sri Lanka. Sri Lanka is of the view that this Resolution will polarize Sri Lankan society and adversely affect economic development, peace and harmony at a challenging time.
- Notwithstanding Sri Lanka's rejection of this country specific resolution for very specific reasons, we are committed to achieving tangible progress on the entire range of issues relating to accountability, reconciliation, human rights, as well as sustainable peace and development and we are also open in acknowledging our challenges as a responsible and democratic government.

Foreign Ministry,  
Colombo, Sri Lanka  
15.02.2022

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