

Guide to UN HRC Resolution on Sri Lanka (March 2013)

Centre for Policy Alternatives
February 2013

What is the United Nations Human Rights Council?

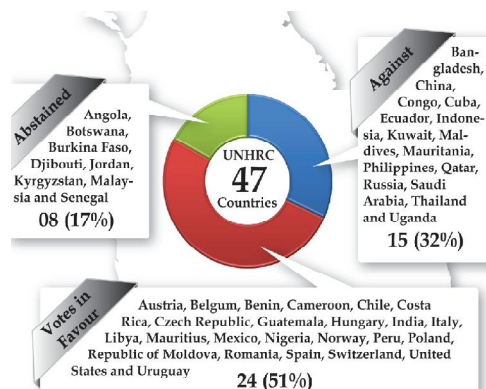
The United Nations Human Rights Council (UNHRC) is an inter-governmental body within the United Nations (UN) system responsible for strengthening the promotion and protection of human rights around the world, as well as addressing situations of human rights violations and making recommendations in respect of them. The UNHRC is made up of 47 UN member states elected by the UN General Assembly in New York. The UNHRC is based in Geneva.

Is Sri Lanka a member of the UNHRC?

No. Sri Lanka lost its seat at the UNHRC in an election held in the UN General Assembly in 2008.

What happened at the March 2012 Human Rights Council Session?

The United States of America (USA), along with forty cosponsors, on 7th March 2012 tabled the draft resolution on Sri Lanka titled “Promoting Accountability and Reconciliation in Sri Lanka” at the 19th Session of the United Nations Human Rights Council (UNHRC) to address the human rights situation in Sri Lanka including the implementation of the Government’s own Lessons Learnt and Reconciliation Commission (LLRC). On 22nd March 2012 the resolution was passed with 24 votes in favour, 15 votes against and 08 abstentions. The diagram depicts votes obtained for and against the resolution at the resolution.



On the sidelines of the council deliberations there were complaints that Sri Lankan civil society activists were being harassed within the UNHRC building in Geneva by Government representatives and their supporters. The President of the UNHRC, Ms. Laura Dupuy Lasserre, issued a statement expressing concern about reports of civil society representatives being harassed and intimidated by state and other representatives.

What did the resolution call for?

There were three main points addressed in the resolution.

- The first calls on the Government of Sri Lanka to implement the constructive recommendations in the LLRC report and take all necessary additional steps to fulfil its

relevant legal obligations and commitment to commence credible and independent actions to ensure justice, equity, accountability and reconciliation for all Sri Lankans.

- The second point requests that the Government of Sri Lanka present a comprehensive action plan as soon as possible to detail the steps that the Government has taken and will take to implement the LLRC recommendations and also to address alleged violations of international law.
- The third encourages the Office of the High Commissioner for Human Rights (OHCHR) and relevant special procedures to provide, and the Government of Sri Lanka to accept, advice and technical assistance on implementing those steps. It also requests the OHCHR to present a report to the Council on the provision of such assistance at its 22nd Session. The special procedures are experts appointed by the UN to report and advise on thematic areas (such as the Special Rapporteur on the Right to Education and the Working Group on Enforced or Involuntary Disappearances) or countries (such as the Special Rapporteurs on the situation of human rights in the Palestinian territories occupied since 1967).

Why was there support and opposition for the resolution within Sri Lanka?

Within Sri Lanka there was both support for and hostility towards the resolution. Some political parties, civil society groups and war-affected communities supported the resolution and continue to do so, on the basis that it focuses on getting the Government of Sri Lanka to implement the recommendations of its own commission. Even the LLRC in its Final Report pointed out that the Government had not implemented the Interim Recommendations of the LLRC despite setting up an inter-ministerial committee to do so.

There have been other commissions prior to the LLRC, including those appointed by this Government, that have submitted reports which have not been made publicly available and whose findings have not been implemented. The English version of the LLRC Final Report was made public in December 2011. The translation of the entire text of the LLRC Report, into Sinhala and Tamil was completed only in August 2012, but there has been no attempt by the Government to publicise the findings of the report. Given the limited progress in addressing the substantive issues of peace, human rights and reconciliation, passage of the resolution was intended to and seen as, facilitating progress in these areas.

The Government, some political actors and civil society groups have criticised and opposed the resolution as being an attempt to intervene in the domestic affairs of Sri Lanka. Furthermore, there were some who stated that the Government has taken numerous measures to address human rights, peace and reconciliation and that outside involvement would negatively impact the steps taken so far. **The resolution does not contain provisions providing for external interference in the domestic affairs of Sri Lanka. Instead, it has provisions to support the Government of Sri Lanka to fulfil its obligations.** The resolution provides for the support of the UNHRC, other member states of the UN and other actors who can provide technical assistance to fully implement the LLRC findings. Some coalition parties within the Government took the position that those

who support the US sponsored resolution are against Sri Lanka and termed them as 'traitors'.

What has the Government done since the resolution?

The Government announced the appointment of a Task Force in May 2012 to implement the recommendations of the LLRC and released the National Plan of Action to Implement the Recommendations of the Lessons Learnt and Reconciliation Commission (NPA), all of which are positive moves by the Government. The NPA which identifies activities, actors and time frames (ranging from 3 to 36 months) was approved by Cabinet in July 2012. **There are however, concerns relating to the NPA, including selectivity in the choice of recommendations made by the LLRC and the disconnect between suggested activities and the problems on the ground.**

In March 2012 the Government extended an invitation to United Nations High Commissioner for Human Rights Navi Pillay to visit Sri Lanka. However, the High Commissioner for Human Rights sent a delegation from her office to visit in September 2012 and to assess the situation. The three-member delegation toured the north and also had discussions in Colombo with government officials, representatives from political parties and civil society members. A report of its findings has now been published and will be presented by High Commissioner at the 22nd Session of the UNHRC.

Will the situation in Sri Lanka be taken up for discussion at the upcoming UN HRC session?

Yes. The High Commissioner for Human Rights, Navi Pillay is to present her report on Sri Lanka at the 22nd Session of the UNHRC which is from 25th February to 22nd March 2013. The USA and other member states have stated that they will support a resolution on Sri Lanka at the 22nd Session.

What is in the Report by the High Commissioner?

The report of OHCHR issued on 11th February 2013 examines whether the recommendations by the LLRC have been implemented, plans by the Government to implement them and provides its own recommendations for consideration. The report is based on findings from the technical mission by the OHCHR and the letter by the High Commissioner to the Government of Sri Lanka in 2012 proposing possible areas of technical cooperation. The report makes a number of recommendations to the Government including the passage of legislation that the Government has previously stated it will introduce such as a Victim and Witness Protection Bill, and the Government's positive response to the requests by some of the special procedures to visit Sri Lanka.

*(The report of the OHCHR can be found on-
http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session22/A-HRC-22-38_en.pdf)*