



විදේශ කටයුතු අමාත්‍යාංශය
வெளிநாட்டு அலுவல்கள் அமைச்சு
Ministry of Foreign Affairs

ජනරජ ගොඩනැගිල්ල, කොළඹ 1, ශ්‍රී ලංකාව, குடியரசு கட்டிடம், கொழும்பு 1, Republic Building, Colombo 1, Sri Lanka

මගේ අංකය }
எனது இல }
My No }

ඔබේ අංකය }
உமது இல Y }
ur No }

දිනය }
திகதி }
Date }

Media Release

Foreign Minister Ali Sabry highlights Sri Lanka's commitment to continuing progress in human rights and reconciliation through a credible domestic process at the 51st session of the Human Rights Council

Addressing the 51st session of the UN Human Rights Council, the Minister of Foreign Affairs of Sri Lanka Ali Sabry stated that, notwithstanding severe constraints and challenges in the current economic situation, Sri Lanka remains firmly committed to pursuing tangible progress in the protection of human rights and reconciliation through independent domestic institutions. The Minister addressed the Council at the Interactive Dialogue on Sri Lanka following the presentation of the report by the Acting High Commissioner for Human Rights Nada Al-Nashif at the Palais des Nations in Geneva, on Monday 12 September, 2022.

In his address to the Council, the Foreign Minister informed of the continued support and resources provided to the Office on Missing Persons (OMP), the Office for Reparations (OR), the Office for National Unity and Reconciliation (ONUR) and the Human Rights Commission of Sri Lanka (HRCSL), to strengthen the functioning of these independent institutions.

The Minister of Foreign Affairs stated that the Government would endeavour to establish a credible truth seeking mechanism within the framework of the Constitution and that the contours of such a model that would suit the particular conditions of Sri Lanka are under discussion.

Recalling the indivisibility of human rights, the Minister reiterated that while an immediate concern of the Government is economic recovery, the advancement of the human rights of the people of Sri Lanka is of equal priority. He apprised the Council of the urgent and immediate steps taken by the Government to ensure the wellbeing of the people in the current economic situation, including the protection of the most vulnerable.

Reference was made to the expansion of dialogue with and outreach to the overseas Sri Lankan community through the establishment of an Office for Overseas Sri Lankans.

The Foreign Minister also updated the Council on the substantive amendments made to the Prevention of Terrorism Act (PTA), as well as on the Government's intent to replace the PTA with a more comprehensive national security legislation, in keeping with international best practices.

The Foreign Minister noted that notwithstanding Sri Lanka's categorical rejection of resolution 46/1 and any follow-up measures and related recommendations contained in the

දුරකථන 2325372
தொலைபேசி 2325375
Te lephone

ෆැක්ස් 2333450
பெக்ஸ் 2446091
Fax 2430220

ඊමේල්
மின்அஞ்சல்
E-Mail

cypher@mfa.gov.lk

වෙබ් අඩවිය
இணைய தளம்
Web site
www.mfa.gov.lk

report of the High Commissioner, Sri Lanka remains firmly committed to engaging with the Council in a spirit of cooperation and dialogue towards protecting the human rights of its people. The Minister emphasized that measures aimed at promoting reconciliation and human rights must be based on cooperation with the country concerned and consonant with its legal framework.

The Minister apprised the Council of the proposed 22nd Amendment to the Constitution which would introduce salient changes to strengthen democratic governance and independent oversight of key institutions, and to combat corruption, including through the UN Convention against Corruption (UNCAC).

The Minister observed that the extensive reference to ‘economic crimes’ in the report of the High Commissioner, apart from the ambiguity of the term, exceeds the mandate of the OHCHR. In this regard, he recalled the paramount importance of adhering to the founding principles of the Council.

It was noted that the recent significant changes that have taken place in the country bear testimony to the Government’s continued commitment to upholding the nation’s longstanding democratic principles and norms. In this regard, the Minister observed that the constitutional rights to freedom of peaceful assembly and expression of the people as guaranteed by the Constitution have been upheld.

While acknowledging the present challenges, the Minister looked forward to receiving the support and understanding of the Council as Sri Lanka proceeds on the path to economic recovery, while attaching equal priority to the advancement of the human rights of the people.

The Acting High Commissioner Nada Al-Nashif in her remarks welcomed “the tone set” by President Ranil Wickremesinghe in his inaugural address to Parliament recognizing the diversity of the Sri Lankan nation. She further stated that she was pleased to discuss potential areas of cooperation with Sri Lanka, including policy reform, reconciliation and the strengthening of institutions.

At the interactive dialogue, Sri Lanka received overwhelming cross-regional support from a broad spectrum of countries from all regional groups in the Council, namely the Asia Pacific, Eastern and Western Europe, Latin America and the Caribbean, Africa and others. Countries commended Sri Lanka on progress made, as well as the initiatives undertaken in further advancing reconciliation and human rights, including through the current proposals for policy reform. They welcomed Sri Lanka's positive and constructive engagement with the United Nations system including the Office of the High Commissioner for Human Rights, including facilitating and providing unimpeded access for two OHCHR visits this year. They urged the international community to support Sri Lanka during the current challenging period. Cooperation with the country concerned and adherence to the Council's founding principles were also highlighted as important requirements for promoting and protecting human rights. Thirty eight (38) countries spoke in support of Sri Lanka inclusive of 11 members of the Council. The statement of support delivered by Saudi Arabia was on behalf of the Gulf Cooperation Council. (GCC).

The Foreign Minister met the Acting High Commissioner for Human Rights Nada Al-Nashif, and the President of the Human Rights Council Ambassador Federico Villegas on the sidelines of the 51st session of the HRC, among other senior interlocutors, and apprised them on further action taken by the Government in pursuit of the domestic reconciliation process, in upholding human rights and in further strengthening institutions related to governance and

democracy. The Actg. High Commissioner welcomed the Government's proposals to further strengthen independent domestic institutions, the substantive reforms envisaged through the proposed 22nd amendment to the Constitution, and the interactions and engagement with the UN Special Procedures and civil society.

Minister of Justice, Prison Affairs and Constitutional Reforms, (Dr). Wijeyadasa Rajapakshe, Permanent Representative of Sri Lanka to the UN in Geneva, C.A. Chandraprema and senior officials of the Ministry of Foreign Affairs, the Attorney General's Department and the Permanent Mission of Sri Lanka to the United Nations in Geneva were associated with the visit.

The statement delivered by the Minister of Foreign Affairs is attached.

Ministry of Foreign Affairs
Colombo

16 September, 2022

**Statement by the Minister of Foreign Affairs of Sri Lanka at the 51st Regular
Session of the United Nations Human Rights Council in Geneva on 12
September 2022**

Mr. President,
Madam Acting High Commissioner,
Excellencies,

At the outset, on behalf of our Government, I reiterate our unwavering commitment towards advancing, securing and protecting the human rights of our people, and continuing our engagement with the Council in a spirit of cooperation and dialogue. In keeping with our commitment, notwithstanding our categorical rejection of resolution 46/1, we have submitted Sri Lanka's detailed written response to the High Commissioner's Report. We have requested that Sri Lanka's Comments be placed as an Addendum to the Report, to accord with best practices.

Mr. President,

We remain cognizant of and acutely sensitive to the events that have taken place in the recent past. The severe economic crisis emanating from factors both internal and external offer many lessons for all of us. We recall in this context the indivisibility of human rights, as enshrined in the Vienna Declaration and Programme of Action. The Government is extremely sensitive to the socio-economic hardships faced by our people, and has initiated immediate multi-pronged measures to address the challenges and to ensure their wellbeing through the provision of supplies essential to the life of the community. A staff level agreement has been reached with the International Monetary Fund, and discussions on debt restructuring are in progress. The Government is in dialogue with UN agencies as well as bilateral partners to protect the most vulnerable from the adverse impacts of the crisis. In spite of multiple challenges, Sri Lanka would endeavour to remain on course in meeting the goals of the 2030 Agenda for Sustainable Development.

The recent changes that have taken place bear testimony to our continued commitment to upholding our longstanding democratic principles and norms. The constitutional rights to peaceful assembly and expression guaranteed the democratic space for our people to exercise their rights. In this regard, transgressions of the law resulting in criminal and unlawful activity were addressed in accord with the law and the Constitution, in circumstances where such freedoms were abused by elements with vested interests to achieve undemocratic political ends.

Mr. President,

Notwithstanding the severe constraints and challenges, Sri Lanka remains firmly committed to pursuing tangible progress in the protection of human rights and reconciliation through independent domestic institutions.

Sri Lanka along with several Members of this Council have opposed resolution 46/1, fundamentally disagreeing with its legitimacy and objectives. We have consistently highlighted that the content of the resolution, its operative paragraph 06 in particular, violates the sovereignty of the people of Sri Lanka and the principles of the UN Charter. Once again, we are compelled to

categorically reject any follow-up measures to the resolution, as well as the related recommendations and conclusions by the High Commissioner.

Mr. President,

It is observed that the High Commissioner's report makes extensive reference to "economic crimes". Apart from the ambiguity of the term, it is a matter of concern that such reference exceeds the mandate of the OHCHR. In this context, we recall the paramount importance of adhering to UNGA resolutions 60/251, 48/141 and the IB package.

Notwithstanding, Sri Lanka has continued to brief the Council on the comprehensive legal framework that is being established to further strengthen governance and combat corruption. The proposed 22nd Amendment to the Constitution introduces several salient changes which would strengthen democratic governance and independent oversight of key institutions, as well as public scrutiny, participation in governance, and combating corruption including the constitutional recognition of the United Nations Convention Against Corruption (UNCAC). This will include, *inter alia*, the composition of the Constitutional Council, and the reintroduction of the National Procurement Commission and the Audit Service Commission. The proposed legal framework will also strengthen the asset declaration system, protect the rights of whistle blowers, and increase the independence of the Commission to Investigate Allegations of Bribery or Corruption. A proposal to establish a system similar to an Inspector General tasked with overseeing government expenses by detecting and preventing fraud, waste and abuse in public institutions, is under consideration.

Mr. President,

Measures aimed at promoting domestic reconciliation and human rights, if they are to be meaningful and sustainable, must be based on cooperation with the country concerned, be compatible with the aspirations of its people, and be consonant with its basic legal framework. The international community is aware that unconstitutional and intrusive external initiatives have repeatedly failed to yield meaningful results on the ground, and are in effect an unproductive drain on member state resources.

The Government would endeavour to establish a credible truth-seeking mechanism within the framework of the Constitution. The contours of such a model that would suit the particular conditions of Sri Lanka are under discussion.

The recommendations of the Presidential Commission of Inquiry on "Appraisal of the Findings of Previous Commissions and Committees and the Way Forward" have, *inter alia*, resulted in the establishment of an Advisory Board under the Prevention of Terrorism Act (PTA), progressive amendments to the PTA, and the release of detainees. Further recommendations are awaited.

As we delivered on the onerous task of review and reform of the PTA this year, to further enhance human rights, we will replace the PTA with a more comprehensive national security legislation in accordance with international best practices.

The recent delisting of groups and individuals will provide further impetus for constructive dialogue.

The independent statutory bodies established to advance the rights of victims and their families, and to provide reparations, continue to vigorously execute their respective mandates.

The Office on Missing Persons (OMP) has commenced the process of inquiry and verification, set up separate units on Tracing and Victim and Family Support, and acts as an Observer on relevant judicial proceedings.

Despite economic constraints, the Office for Reparations (OR) continues to deliver on its mandate, and the recently adopted National Reparations Policy and Guidelines have expanded the work of the Office beyond monetary compensation, to other forms of support.

The necessary support and resources to strengthen the functioning of the Office for National Unity and Reconciliation (ONUR) and the Human Rights Commission of Sri Lanka (HRCSL), continue to be provided.

The outreach to overseas Sri Lankans encompassing all communities and generations will be expanded through the establishment of an Office for Overseas Sri Lankans, thus facilitating more vigorous engagement.

Mr. President,

As recognized in the Universal Declaration, human rights are interdependent, interrelated and indivisible. In upholding human rights, we have benefitted from the considerable expertise available with other countries as well as the United Nations. We will seek further advice and support on best practices as we proceed, and as deemed necessary.

We will continue our cooperation with the Human Rights Council and its mechanisms. Sri Lanka is party to the 9 core Human Rights Conventions, and has maintained regular and constructive engagement with the UN Treaty Bodies. We have extended a standing invitation to all UN thematic Special Procedures mandate holders to visit Sri Lanka, and facilitated a high number of visits in the recent past. We look forward to constructive engagement with the Council through the Universal Periodic Review process. We have delivered on our commitments at the UPR, and will proactively engage in the upcoming UPR fourth cycle.

We have facilitated two visits by the Office of the High Commissioner to Sri Lanka in May and August this year, and provided unimpeded access. The visits provided the officials of the OHCHR with the opportunity to engage with a range of stakeholders, and witness progress.

Mr. President,

It is 13 years since the end of the conflict in Sri Lanka, and since then a new generation has emerged with their own aspirations. While issues of reconciliation and accountability are being comprehensively addressed through a domestic process, it is time to reflect realistically on the trajectory of this resolution which has continued on the agenda of the Council for over a decade,

and undertake a realistic assessment on whether it has benefited the people of Sri Lanka. There is a need to acknowledge actual progress on the ground and support Sri Lanka.

The current challenges, though formidable, have provided us with a unique opportunity to work towards institutional change for the betterment of our people. Sri Lanka appreciates the solidarity and support extended by our friends and partners during this challenging time. In a message of unity and reconciliation, President Ranil Wickremesinghe in his inaugural address to Parliament said “if we come together, we will be able to invigorate the nation”.

Mr. President,

Through many a challenge, the people of Sri Lanka have remained steadfast and resilient while upholding their democratic values as one of Asia’s oldest democracies. We are not hesitant to acknowledge our challenges and forge ahead with renewed vigour. While our immediate concern is economic recovery, advancing the human rights of our people is of equal priority. We look to the genuine support and understanding of this Council, as we proceed on this path.

Thank you.