

# OFFICE FOR REPARATIONS

## ANNUAL REPORT - 2021

### 1. INTRODUCTION

The Office for Reparations (OR) continued its operations during the year under review with a focus on implementing its statutory mandate. As it completed its second year in office in March, and commenced the third, the Office has been able to design many of its activities with a better understanding of the needs of the aggrieved community which the Office is committed to serve.

Section 2 of the Office for Reparations Act No. 34 of 2018 sets out that the objectives of the OR are -

- (1) To formulate and recommend to the Cabinet of Ministers, Policies on Reparations to grant individual and collective reparations to aggrieved persons.
- (2) To facilitate and implement such policies on reparations as approved by the Cabinet of Ministers, by the Office for Reparations, including specialized policies on public education, memorialization and on children, youth, women and victims of sexual violence and persons with disabilities.
- (3) To establish links to ensure the compatibility of the Office for Reparations with other mechanisms aimed at reconciliation; and
- (4) To monitor and evaluate the progress of delivery of reparations to eligible aggrieved persons.

### 2. MEMBERS OF THE OFFICE FOR REPARATIONS

The Members of the OR that functioned during the year under review were the following:

- |   |   |                                    |
|---|---|------------------------------------|
| 1. Mrs. Dhara Wijayatilake                | – | Chairperson                        |
| 2. Dr. J. M. Swaminathan                  | – | Member                             |
| 3. Mr. A. A. M. Fathihu                   | – | Member                             |
| 4. Ms. Sellathamby Sumithra               | – | Member                             |
| 5. Major General (Retd.) Palitha Fernando | – | Member (appointed on May 24, 2021) |

The Secretariat of the Office for Reparations comprise supporting staff led by a Director General. The Secretariat had only a part time acting Director General from the inception in April 2019, and was seriously hampered in its work output as a result, but was able to recruit a fulltime Director General on secondment from the public service with effect from 2<sup>nd</sup> August 2021.

### 3. ACTIVITIES CARRIED OUT DURING THE YEAR UNDER REVIEW

The Reparations Policies and Guidelines for the grant of reparations, formulated by the OR were approved by the Cabinet of Ministers on August 17, 2021. This completed the statutory process to obtain policy approval and provides the basis for the programme of work of the Office for Reparations. The Ministry of Justice has taken steps to submit the Reparations Policy and Guidelines to the Parliament as required in the Act.

The Policies approved by the Cabinet of Ministers identify 8 key thematic areas of intervention and 10 guiding principles to be complied with, in providing reparations to aggrieved persons.

#### **Key policy thematic areas for interventions**

1. Livelihood support
2. Compensation and Financial Support
3. Restitution of Land Rights
4. Provision of Housing
5. Development of Community Infrastructure
6. Administrative Relief
7. Psychosocial Support
8. Measures to advance unity, reconciliation and Non recurrence of violence

#### **10 guidelines that will be taken into account in determining reparations**

1. Victim centrality – All decisions will be based on what's best for the aggrieved persons.
2. Criteria for eligibility for aggrieved persons to obtain reparations,
3. The form, and where appropriate, the quantum of reparations that will be provided to eligible aggrieved persons
4. The criteria of eligibility of aggrieved persons to financial compensation
5. The criteria of eligibility of aggrieved persons to urgent reparations
6. Entities which may assist in the provision or delivery of different forms of reparations to aggrieved persons.
7. The criteria on which verified applications for reparations shall be prioritized
8. Criteria for verification of authenticity
9. Criteria for remembrance of the dead and memorials
10. Addressing the special needs of specific groups of aggrieved persons

The progress of activities undertaken by the OR are given below

#### **3.1 Livelihood support**

In order to improve the living standards of the aggrieved community, the OR developed a knowledge and technology transfer programme enabling new startups and entrepreneurship. This programme is designed to provide aggrieved persons with knowledge to initiate new businesses using locally available resources. This will enable the aggrieved community to explore new startup opportunities that are more competitive in the market than traditional industries.

The first Knowledge and Technology transfer programme was conducted for female heads of households in Thellipalai divisional secretariat in the Jaffna district in December. One Hundred and Two (102) women participated in the programme which provided both lectures and practical demonstrations on new startups such as virgin coconut oil extraction, preparation of liquid soap. Follow up activities are being coordinated with interested beneficiaries to support new ventures.

### 3.2 Compensation and Financial Support:

During the period under review, the OR processed 5,964 claims and paid Rs. 399.8 million as compensation for death, injury and loss or damage to property as a result of the North & East conflict and seven other incidents of civil commotions that occurred between 2006 and 2019.

#### COMPENSATION PAYMENTS IN 2021 - KEY FEATURES

	Item	Quantum
1	Total Budget allocation for "Recurrent expenditure"	Rs. 900 Million
2	Total sum internally allocated out of the "Recurrent expenditure" budget, for payment of compensation	Rs. 800 Million
3	Internal allocation (ie. 800 Mn) as a percentage of the total Recurrent budget	88.9%
4	Claims Applications pending at the Office for Reparations as at January 1st, 2021, to be processed	12,262
5	New Applications received during the year	5,827
6	Number of Claims applications approved for payment and awaiting settlement as at January 1st, 2021	2,950
7	Number of Claims Applications processed and approved for payment during the year	3,208
8	Total number of Claims settled	5,964
9	Total sum paid to the 5,964 Claims Applicants	Rs. 399.8 Million
10	The number of Claims approved for payment and awaiting settlement at year end	194
11	Sum required as at year end, to settle claims approved for payment	Rs. 7.9 Million

Although Rs. 800 million was assigned for the payment of compensation in 2021, frequent lockdowns and travel restrictions that became necessary as a result of the COVID19 pandemic resulted in the processing of claims being severely hampered.

In addition to the compensation payments, the OR also continued to implement a loan scheme that was commenced by REPPIA. The loans are disbursed through the Bank of Ceylon from monies released to the Bank by the General Treasury. The officers of the OR are engaged with Bank officials to evaluate and recommend Applicants to select beneficiaries. Under this scheme, financial support is provided for aggrieved persons for self-employment and housing. In addition, socially reintegrated ex-combatants are also supported for self-employment. A maximum sum of Rs.250,000 at the rate of 2% interest per annum was granted as loans. Summary of the progress under this scheme is given below

Scheme	No recommended by the OR to receive loans during 2021	No of beneficiaries that obtained loans from the BoC during 2021	Amounts disbursed as loans (Rs.)
Self-employment support for aggrieved persons	49	206*	42,350,000
Housing support for aggrieved persons	77	65	16,200,000
Self-employment support for socially integrated ex-combatants	33	18	7,550,000
<b>Total</b>	<b>159</b>	<b>289</b>	<b>6,610,000</b>

\* This includes the number of beneficiaries recommended during 2020 as well

It was observed that the Bank is not able to grant loans to all those recommended by the OR due to the applicants being unable to provide collateral. Discussions were had to redesign the scheme to achieve better outcomes for those requiring financial assistance to commence or continue self-employment projects.

### **3.3 Restitution of Land Rights; Provision of Housing; Development of Community Infrastructure; Administrative Relief**

Since many programmes have already been implemented at District level, the OR considered it necessary to engage with the district administration to identify the gaps. For this purpose, the OR met with the District Secretaries from all 25 districts in November 2021 to create awareness on the role and mandate of the OR, and to discuss the support expected of them. The OR distributed a questionnaire to collate relevant information from the District and Divisional Secretariats to identify the needs of the aggrieved community. Discussions will be held with relevant government organizations thereafter, to pursue the possibility of incorporating these needs into respective programmes.

### **3.4 Psychosocial support**

The impact of conflict on victims was identified as a serious concern that needed to be addressed. A pilot Psychosocial Support Programme was designed and the training of 26 Case Managers was completed during the year under review. The training was based on internationally accepted principles and standards. A majority of the training had to be held virtually due to the COVID19 restrictions. The pilot programme commenced during the year with the conduct of the field level engagement with 136 aggrieved persons in five Divisional Secretariat areas that were selected for the Pilot programme, ie. within the Districts of Kilinochchi, Batticaloa, Ampara, Kurunegala and Matara. The field work is scheduled to be completed by March 2022 and the Case Managers will be engaged in the process for approximately six months until June 2022.

### **3.5 Measures to advance unity, reconciliation and Non recurrence of violence**

Several initiatives have been identified and are being discussed and will be undertaken in collaboration with relevant stakeholders including government and Civil Society Organizations. An initial discussion to introduce a pictorial book to promote peace and unity among primary grade students was held with the Ministry of Education.

Given the commonality of objectives of the Office for Missing Persons (OMP), the Office for National Unity and Reconciliation (ONUR), and the OR, the Members of the OR initiated a joint

consultation grouping titled the “Unity Cluster” which meets regularly to discuss common programmes and areas for support and thereby avoiding duplication and promoting meaningful use of resources.

### **3.6 Other key initiatives**

- **Awareness creation among stakeholders**

The OR made presentations to different stakeholder groups with the objective of creating awareness of the Cabinet approved Policies and Guidelines and the role of the OR in providing reparations. Following is the summary of the presentations made-

- Development Partners- 8<sup>th</sup> October 2021
- Butterfly Peace Garden CSO-27<sup>th</sup> October
- Meeting with the Hon. Governor and the District Secretaries of the Northern Province - 29<sup>th</sup> October 2021
- Civil Society Collectives-9<sup>th</sup> November 2021
- Muslim Women Development Trust (displaced community of Puttalam district)- 25<sup>th</sup> November
- Disability Action Committee of Batticaloa district -21<sup>st</sup> December 2021.

- **Engagement with Civil Society Organizations:**

OR had previously engaged with civil society Organisation to obtain feedback, prior to drafting the Policy and Guidelines. The OR considered it important to work with and secure the support of these Organisations (CSO's) in carrying out the programmes at the field level and specially to maximise the resource utilization through collaboration. In pursuance of this, the OR organized a dialogue with CSOs on October 15<sup>th</sup>, 2021 which was attended by over 40 participants representing 30 organizations. As a follow-up to this discussion, the Secretariat had bilateral discussions with several CSOs to discuss the implementation of programmes for the benefit of the aggrieved communities.

- **Publication of the Q&A on the new reparations regime**

With a view to providing information to those who closely engage with aggrieved persons and those who aspire to know about the reparations regime of Sri Lanka, the OR printed and distributed a Questions and Answers (Q&A) booklet in March 2021. Consequent to the Cabinet granting approval for the Reparations Policies and Guidelines, it was considered important to revise the Booklet to incorporate some of the policy perspectives that have been adopted. Accordingly, a revised version of the Q & A was printed in December.

- **Transparency and dissemination of information**

In pursuance of providing appropriate and accurate information, the OR website has been revamped and all information uploaded in all three languages, subject to maintaining confidentiality with regard to details regarding aggrieved persons.

In addition, a comprehensive Information Management System is being developed to enable evidence-based decision making in relation to the grant of reparations to aggrieved persons.

- **Sensitization of OR staff:**

The OR has considered it vital to sensitize and empower its staff on the victim centric approach that needs to be adopted in dealing with victims of conflict. Accordingly, following sessions were conducted for the staff of the during the period under review-

- A session on Gender and Reparations conducted by Center for Equality and Justice (CEJ).
- Awareness Session on Domestic Violence conducted by Women in Need (WIN)
- A session to mark the World Mental Health Day 2021 to understand the mentalities of the victims and the role of the OR staff in granting relief conducted by the Psychosocial support Consultant
- A session on Stress and Coping conducted by the trained Case Managers of the OR based on their real experience
- Awareness session on the Reparations Policies and Guidelines conducted by the Director General with a main focus of adopting a common and outcome-oriented approach in service delivery.
- Awareness Session on understanding the needs of aggrieved persons conducted by the Commissioner General of the Bureau of Rehabilitation -24.01.2022

#### 4. THE SECRETARIAT

The cadre position in the Secretariat was as follows:

Cadre position	Approved Cadre	Vacancies
Director General	01	-
Director	01	01
Deputy Director/ Assistant Director	04	01
Administrative Officer	01	-
Internal Auditor	01	-
Reparations Officer	22	09
Translator	01	-
Internal Audit Assistant	01	01
Management Assistant	30	09
Driver	07	02
Office Aid	07	-
Security	01	-
<b>Total</b>	<b>55</b>	<b>23</b>

In addition to the above, the services of three (03) full time Consultants were made available to the OR by the International Organisation for Migration (IOM), for the following areas of work-

1. Consultant/Research and Programme
2. Consultant for the Psychosocial Programme
3. Consultant/Programmes

It's hoped that the vacancies in staff positions engaged in the processing of Compensation claims (ie. 41% vacancies of Reparations Officers and 30% vacancies of Management Assistants), which have posed a significant challenge to the discharge of the work in relation to the grant of reparations, can be remedied early.

#### 5. SUMMARY OF FINANCIAL PROGRESS

The OR received a sum of Rs. 910 million as the budget allocation for the year 2021. However, with the COVID 19 pandemic and frequent lockdown imposed by the government, it was unable to meet the anticipated expenditure. As a result, and as requested by the Ministry, a sum of Rs. 400 million from the recurrent budget and Rs. 3 million from the capital budget were identified as savings.

Below is the summary of the financial progress for the year under review

Item	Allocation (Rs. Mn)	Imprest received (Rs. Mn)	Expenditure (Rs. Mn)	Expenditure as a % of imprest received.	Remarks
<b>Recurrent</b>					
Salaries and personnel emoluments	42.00	40.50	40.50	100%	Additional amount of Rs. 4.12 million expenditure was met from the generated receipts
Other recurrent	58.00	29.00	29.00	100%	Additional amount of Rs. 14.04 million expenditure was met from the generated receipts
Payment of compensation	800.00	399.83	399.83	100%	
<b>Subtotal</b>	<b>900.00</b>	<b>469.83</b>	<b>469.33</b>	<b>100%</b>	
<b>Capital</b>					
Capital	10.00	7.00	2.41	0.17%	The low utilization was due to the delay in receiving a response to procurements.
<b>Grand total</b>	<b>910.00</b>	<b>476.83</b>	<b>471.44</b>	<b>99%</b>	

## 6. ACKNOWLEDGMENTS

The Office for Reparations wishes to place on record its deep appreciation of the assistance given by the International Organisation for Migration (IOM) to enable many of its key programmes to be implemented. The assistance of the IOM has contributed significantly towards the achievement of its goals.

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