

(C) Supplementary Agenda Items:

51. Cabinet Paper No.18/0430/702/008, a Memorandum dated 2018-03-05 by the Prime Minister and Minister of National Policies and Economic Affairs on "**Office for Reparations**" - after discussion, it was decided -

- (i) to grant approval to establish, by statute, an Office for Reparations as proposed in the Memorandum; and
- (ii) to instruct the Legal Draftsman to draft legislation for the purpose, based on the draft attached as Annex-I to the Memorandum.

It was also decided to treat this decision as confirmed and to authorize the Secretary to the Cabinet of Ministers to convey the same to the relevant authorities for necessary action accordingly.

Action by: **Secretary to the Prime Minister**
Legal Draftsman - copy of Memorandum annexed.

Copied to: **Secretary to the President** - copy of Memorandum annexed.
Attorney General - copy of Memorandum annexed.
My/Defence - copy of Memorandum annexed.
My/National Policies and Economic Affairs - copy of Memorandum annexed.
My/Finance and Mass Media - copy of Memorandum annexed.
My/Foreign Affairs - copy of Memorandum annexed.
My/Law & Order - copy of Memorandum annexed.
My/Justice - copy of Memorandum annexed.
My/Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs - copy of Memorandum annexed.



*The Prime Minister
Democratic Socialist Republic of Sri Lanka*

Confidential
PMO/CM/15/2018

**Cabinet Memorandum
OFFICE FOR REPARATIONS**

Background

There is a need for an independent institution to be set up to provide reparations, in terms of policies as may be approved from time to time by the Cabinet of Ministers, with regard to serious violations of human rights or humanitarian law which occurred:

- (i) In the course of, consequent to, or in connection with the conflict which took place in the Northern and Eastern Provinces or its aftermath; or
- (ii) In connection with political unrest or civil disturbances; or
- (iii) In the course of systemic gross violations of the rights of individuals, groups or communities of people of Sri Lanka; or
- (iv) Due to an enforced disappearance as defined in the "International Convention on Protection of All Persons from Enforced Disappearances";

Proposal

02. Accordingly, it is proposed that an 'Office for Reparations', is established by law, which will enable all Sri Lankan citizens, irrespective of race or religion, including families of police and security forces personnel, civilians in border villages that faced difficulties, and all affected persons in all parts of the country to submit claims.

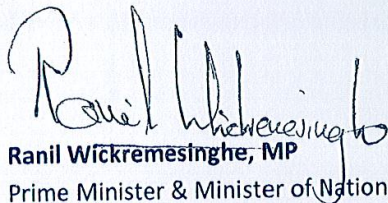
03. Sri Lanka has in fact been providing limited forms of reparation continuously since at least when the Rehabilitation of Persons, Property and Industries Authority (REPIIA) was set up. Sri Lanka has also several ongoing programmes as well, in relation to various forms of compensation and restitution including provision of land and housing for the displaced. However, Sri Lanka does not have a comprehensive, victim-centred reparations policy and programme to coordinate and direct reparations programmes across the country, and Sri Lanka has not characterized assistance programmes previously, as 'reparations'.

04. Accordingly, an Act of Parliament to set up an Office for Reparations, repealing the Rehabilitation of Persons, Property and Industries Authority Act No. 29 of 1987, and making provision for the Office for Reparations to carry out the pending work of the said Rehabilitation of Persons, Property and Industries Authority (REPPIA), will enable the setting out of policy and provide a coherent, holistic approach to reparations in the country hereafter. All the new reparation policies which will have fiscal implications will have to be approved by the Cabinet of Ministers under the new law. Reparations can also, in line with modern day practice, include non-monetary means recommended by the Office for Reparations, such as provision of health, education etc.

Approval

05. In view of the above, the approval of the Cabinet of Ministers is sought to;

- (i) Establish, by statute, an Office for Reparations, for the aforesaid purposes; and
- (ii) Direct Legal Draftsman to draft the Office for Reparations Bill in line with the Concept Paper attached hereto as **Annex I**;



Ranil Wickremesinghe, MP

Prime Minister & Minister of National policies & Economic Affairs

05 March 2018

AN ACT TO PROVIDE FOR THE ESTABLISHMENT OF THE OFFICE FOR REPARATIONS; TO PROVIDE FOR THE PROVISION OF INDIVIDUAL AND COLLECTIVE REPARATIONS TO VICTIMS OF SERIOUS VIOLATIONS OF HUMAN RIGHTS OR HUMANITARIAN LAW AS SET OUT IN THIS ACT, AND THEIR RELATIVES; AND TO PROVIDE FOR ALL MATTERS WHICH ARE CONNECTED WITH OR INCIDENTAL TO, THE IMPLEMENTATION OF THE PROVISIONS OF THIS ACT.

WHEREAS the Constitution of Sri Lanka recognises the inherent dignity and equal and inalienable human rights of all Sri Lankans and the State obligation to respect, promote and protect these rights;

AND WHEREAS a comprehensive reparations scheme, anchored in the right of all Sri Lankans to an effective remedy, will contribute to the promotion of reconciliation and non-recurrence for the wellbeing and security of all Sri Lankans including future generations.

BE IT ENACTED by the Parliament of the Democratic Socialist Republic of Sri Lanka as follows:-

Short Title and
Date of Operation

1. (1) This Act may be cited as the **Office for Reparations Act, No. of**
2017.

(2) The provisions of this Act shall come into operation on the date on which the certificate is endorsed in respect of this Act in terms of Article 79 of the Constitution.

Objectives of Act

2. The objectives of the Office for Reparations Act (hereinafter referred to as the "principal enactment") is to ensure that all necessary measures are taken -

- (a) to identify victims who are eligible for reparations as well as their level of need;
- (b) to identify and collate information relating to previous or on-going reparations programmes carried out by the State, including any expenditure on similar reparations programs through a centralized database;
- (c) to formulate and recommend to the Cabinet of Ministers,

Reparations Policies for the grant of individual and collective reparations to victims of the most serious violations of human rights or humanitarian law, as set out in this Act;

- (d) to implement or facilitate the implementation, as the case may be, of such Reparations Policies as are approved by the Cabinet of Ministers, to be implemented by the Office for Reparations, including specialized policies on public education and memorialization, on children and youth, on women victims and victims of sexual violence, and on persons with disabilities;
- (e) to manage funds that will be used to provide reparations to eligible victims through the Office and which will be used in operationalizing this Office;
- (f) to establish links to and ensure compatibility of the Office for Reparations with other mechanisms aimed at reconciliation and non-recurrence of violence and conflict; and
- (g) to monitor and evaluate the progress of delivery of reparations to eligible victims.

PART I

ESTABLISHMENT OF THE OFFICE FOR REPARATIONS

Establishment of
the Office for
Reparations

3. (1) There shall be established an Office which shall be called the "Office for Reparations"

(2) The Office for Reparations shall be a body corporate having perpetual succession and a common seal and may sue and be sued in its corporate name.

Constitution and
composition of the
Office for
Reparations;
Removal of
Members; Acting
Appointments etc

4. (1)(a) The Office for Reparations shall consist of Five (5) members who shall be appointed by the President on the recommendation of the Constitutional Council.

(b) One of the members of the Office for Reparations shall, on the recommendation of the Constitutional Council, be appointed by the President as the Chairperson of the Office for Reparations:

Provided that the Constitutional Council shall recommend three names (out

of the Members of the Office for Reparations) for consideration by the President, to be appointed as Chairperson.

(2) In making recommendations for the appointment of members to the Office for Reparations, the Constitutional Council shall have due regard to ensuring that the composition of the Office for Reparations reflects the pluralistic nature of Sri Lankan society including gender; the members of the Office for Reparations shall be persons of integrity and possess experience and qualifications relevant to the carrying out of the functions of the Office for Reparations.

(3) The President shall appoint, within fourteen days of receiving the recommendations of the Constitutional Council for such appointments, appoint out of the names so recommended, the Chairperson and the Members of the Office for Reparations.

(4) In the event of the President failing to make the necessary appointments within such period of fourteen days-

- (a) the persons recommended to be appointed as members of the Office for Reparations, and shall be deemed to have been appointed as the members of the Office for Reparations; and
- (b) the person whose name appears first in the list of names recommended to be appointed as the Chairperson, shall be deemed to have been appointed as the Chairperson of the Office for Reparations,

with effect from the date of expiry of such period of fourteen days.

(5) (a) Every member of the Office for Reparations shall hold office for a period of three (3) years, unless such member vacates office prior to the expiration of such term.

(b) Any member who vacates office, otherwise than by, removal under sub-section (7), shall be eligible to be considered for re-appointment.

(6) The office of a member shall become vacant-

- (a) upon the death of such member;
- (b) upon such member resigning such office by writing addressed to the President;

- (c) upon such member being removed from office on any ground specified in subsection 7 hereof; or
- (d) on the expiration of such member's term of office.

(7) A member of the Office for Reparations may be removed from office by the President, if such person –

- (a) is adjudged an insolvent by a court of competent jurisdiction;
- (b) is found to have a conflict of interest, which in the opinion of the President, formed on the recommendation of the Prime Minister made in consultation with the Speaker and the Leader of the Opposition, conflicts with his duties as a member of the Office for Reparations;
- (c) is unfit to continue in office by reason of illness or other infirmity of mind or body;
- (d) is declared to be of unsound mind by a court of competent jurisdiction;
- (e) is convicted of an offence involving moral turpitude; or
- (f) absents himself from three consecutive meetings without previously obtaining leave from the Office for Reparations

(8) The Chairperson may resign from the office of Chairperson by letter addressed to the President.

(9) Subject to the provisions of subsection (6) and (7), the term of office of the Chairperson shall be such member's period of membership of the Office for Reparations.

(10)(a) If the Chairperson of the Office for Reparations becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other such reason, the President may appoint any other member of the Office for Reparations to act as Chairperson.

(b) If a Member of the Office for Reparations becomes temporarily unable to perform the duties of his office, by reason of illness or other infirmity or due to absence from Sri Lanka or any other such reason, the President may appoint any other qualified person to temporarily act in place of such Member during such period.

(c) The provisions of sub-paragraphs (1), (3) and (4) of this section shall apply in respect of any person appointed to act as Chairperson or Member.

(11) No act or proceeding of the Office for Reparations shall be deemed to be invalid by reason only of the existence of any vacancy among its members, or defect in the appointment of any member thereof.

Meetings of the
Office for
Reparations

5. (1) The Chairperson of the Office for Reparations shall preside at all meetings of the Office for Reparations. In the event of the Chairperson's absence from any meeting, the members of the Office for Reparations present at such meeting shall appoint one of their membership to preside at such meeting.

(2) The Chairperson of any meeting of the Office for Reparations shall, in addition to his own vote, have a casting vote.

(3) The quorum for meetings of the Office for Reparations shall be three members.

(4) Subject to the other provisions of this Act, the Office for Reparations may make rules, to regulate the procedure in regard to the conduct of its meetings, and the transaction of business at such meetings.

Information officer
and designated
officer

(5) Within 3 months of the commencement of the work of the Commission, and from time to time thereafter as necessary, the members of the Commission shall appoint a member from amongst themselves, or any other officer of the Office for Reparations, as the "information officer" for purposes of the provisions of the Right to Information Act No. 12 of 2016. The Chairperson of the Commission shall be the "designated officer" for purposes of the said Act.

Headquarters and
Regional Offices

6. (1) The headquarters of the Office for Reparations shall be situated in Colombo.

(2) The Office for Reparations may, from time to time, establish such number of regional, temporary or mobile offices as may be necessary, for the purpose of achieving its objectives and to ensure that reparations are accessible to victims and their relatives.

PART II
POWERS & FUNCTIONS OF THE OFFICE FOR REPARATIONS

- Powers &
Functions of the
Office for
Reparations.
- 7.(1) The Office for Reparations shall have the following powers and functions -
- (a) to receive recommendations with regard to Reparations to be made to victims or to the relatives of such victims, from the Office on Missing Persons established under the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act, No. 14 of 2016 (hereinafter 'OMP'), or such other relevant bodies or institutions;
 - (b) to receive claims from the victims of serious violations of human rights or humanitarian law, or from their relatives or representatives, and to verify the authenticity of such claims, for the purpose of assessing the eligibility for reparations,
 - (c) to make rules with regard to ensure the effective functioning of the Office for Reparations, including but not limited to, the manner in which recommendations and claims shall be received; the manner in which such recommendations and claims shall be processed and verified; and the administration of the Office for Reparations;
 - (d) to issue from time to time, rules and guidelines, which shall include gender and child responsive policies, to be followed by all staff of the Office for Reparation relating to the exercise, performance and discharge of its powers, duties and functions;
 - (e) to formulate and recommend to the Cabinet of Ministers, Reparation Policies with regard to the grant of individual reparations and collective reparations, including:
 - a. the criteria for eligibility for victims to obtain reparations;
 - b. the form, and where appropriate, the quantum of reparation that will be provided to eligible victims;
 - c. the criteria of eligibility for victims to financial compensation;

- d. the criteria of eligibility for victims to urgent reparations;
 - e. a list of bodies which may assist in the provision or delivery of different forms of reparations to victims;
 - f. recommendations on reparations which may be provided directly by other State institutions;
 - g. the criteria on which verified claims for reparations shall be prioritized
- (f) to implement such Reparation Policies as may be approved and authorised by the Cabinet of Ministers to be implemented by the Office for Reparations, and grant Individual and Collective Reparations as envisaged by such approved Reparation Policies;
- (g) to provide training to all staff members, including on gender responsiveness;
- (h) to provide support, including administrative support, travel reimbursements and psychosocial support, as deemed necessary, for victims who appear before the Office of Reparations;
- (i) to provide protection, with the assistance of law enforcement authorities, if there is a positive assessment of threat to the physical integrity of a victim or relative;
- (j) to provide information and advice to victims on their rights, the procedures involved in receiving reparations, truth-seeking mechanisms, and other mechanisms through which they might receive redress or remedies;
- (k) with regard to claims made prior to the coming into force of this Act, to the Rehabilitation of Persons, Property and Industries Authority, such claims shall be deemed to have been made to the Office of Reparations, and the Office shall with regard to such claims implement, subject to the availability of resources allocated therefor, such policies as approved by the Cabinet of Ministers, either prior to or after the coming into force of this Act;
- (l) to implement such programmes of the Rehabilitation of Persons,

Property and Industries Authority approved by the Cabinet of Ministers prior to the coming into force of this Act, until such time as such programmes may be discontinued;

- (m) subject to the provisions of Reparation Policies as are approved by the Cabinet of Ministers, to facilitate the provision by other authorities, bodies or persons, of other approved forms of assistance including, restitution, rehabilitation, administrative and other assistance, and welfare services including where required, health services including psycho-social support, educational and vocational training programmes, to the victim or relatives of the victim;
- (n) to appoint and dismiss staff and consultants;
- (o) to request secondment of public officers to the Office for Reparations;
- (p) to gather information necessary for the Office for Reparations to fulfil its mandate, including requesting reports, records, documents or information from governmental authorities or any source;
- (q) to establish from time to time, and in addition to any Unit or Divisions specifically mentioned in this Act, such Committees and / or Divisions and / or Units as are required for the effective administration and functioning of the Office for Reparations, and to delegate such powers and functions as are necessary to such Committees, Divisions and Units;
- (r) to enter into such contracts as may be necessary for the exercise of the powers of the Office for Reparations and the achieving of the objectives of the Office for Reparations;
- (s) to request and receive assistance necessary for the achieving of its objectives, from any State, governmental, provincial, or local authority or agency, or any officer thereof, or from any other body or person;
- (t) to create, manage and maintain a database (hereinafter referred to as the 'database') which will include all particulars concerning recommendations made with regard to Reparations to be

granted to victims and relatives of victims, and claims received from victims and relatives of victims in terms of this Act, and reparations granted by the Office for Reparations. Such database shall also include details of reparations previously granted in respect of such violation by any other State authority or agency.

- (u) to periodically inform victims of the status of applications made for reparations, and to respond in a timely manner to queries related to the progress of such applications;
- (v) to do all such other things as are necessary for the exercise of its powers, or to achieve its objectives.

(2) In formulating Reparations Policies the Office for Reparations shall:

(a) draw upon consultations or consult through appropriate methods, victims, relatives of victims, organisations representing such relatives or victims, and any other authority, body or person;

(b) ensure the availability at all times of Advisors with relevant expertise to advise the Office for Reparations with regard to gender responsiveness, and the specific needs of victims or relatives who are women, children and persons with disabilities;

(c) be guided by the principles of non-discrimination, victim-centrality and fairness, and with due consideration to the special needs of women, children and persons with disabilities;

(d) have due regard to all relevant factors, including:

(i) the seriousness of the violation of the victim's rights,

(ii) the impact, including continuing physical, psychological and economic impact, of such violation on the victim or the relatives of such victim, as the case may be,

(iii) the need to provide special measures for vulnerable persons including women, children, and persons with disabilities,

(iv) the need to account for Reparations already received by the victim or the relatives of such victim, with regard to the

violation of the right in question,

(v) in the case of the award of monetary reparations, factors to be considered, including availability of resources, and in deciding the manner of payments including between lump sum payments and staggered payments, the best interests of the victim or the relative of the victim, as the case may be,

(vi) the appropriateness of non-monetary reparations,

(vii) in granting individual reparations which are monetary, the need to restrict such reparations for the most serious violations of humanitarian law or fundamental rights enshrined in the Constitution, as may be applicable,

(viii) the need to prioritise the grant of monetary reparations considering the severity of the violation of the victim's rights, the indigence of the victim or the relative of the victim, and the availability of resources, as the case may be,

(ix) the need to formulate a scheme of distribution where multiple relatives make a claim with regard to a deceased or missing victim.

(g) in the case of Collective Reparations, have regard to the need to ensure:

(i) non-discrimination; facilitate reconciliation; and ensure sensitivity to the experiences of all aggrieved parties,

(ii) that the design of such reparations should be informed by consultations with relevant victims, relatives of victims, organisations representing such relatives or victims, and any other authority, body or person.

(3) For the avoidance of doubt, it is specifically provided that the receipt of Reparations shall not preclude a victim, or the relative of a victim, from pursuing any remedy available in law to such person, against any person(s) who may have violated the rights of such Victim.

(4) Victims shall be informed of their ability to appear before any other appropriate body, by the Office's outreach unit.

(5) The Office for Reparations shall coordinate with the OMP and other relevant institutions, in obtaining information with regard to Victims or Relatives of Victims who have appeared before such institutions, regardless of whether those Victims or Relatives have submitted claims to the Office for Reparations.

Confidentiality

8. (1) Notwithstanding anything to the contrary in any other law, except in the performance of duties under this Act, every member, officer, servant and consultant of the Office for Reparations shall preserve and aid in preserving confidentiality with regard to matters communicated to them in confidence, except to the extent that the requirement of confidentiality is waived by the person providing such information.

(2) The Office for Reparations shall take all necessary steps including technical safeguards to ensure the security of all its databases and data.

PART III SECRETARIAT

Secretariat

9. (1) The Office for Reparations shall have a Secretariat which shall be charged with the responsibility for the administration of the affairs of the Office for Reparations.

(2) The Office for Reparations shall appoint a Director General, who shall be the Chief Executive Officer of the Office.

(3) There may be appointed, by the Office for Reparations, such other officers and staff as may be necessary to assist the Office for Reparations in the exercise, performance and discharge of its powers, duties and functions as set out in the Act.

PART IV FINANCES AND REPORTING

Finances

10. (1) There shall be a Fund of the Office for Reparations (hereinafter referred to as the "Fund");

(2) There shall be credited to the Fund –

- (a) all such balances as on the date of the coming into force of this Act that are lying to the credit of the Rehabilitation of Persons, Property and Industries Authority, with regard to claims made to the Rehabilitation of Persons, Property and Industries Authority, in terms of the Rehabilitation of Persons, Property and Industries Authority Act No. 29 of 1987;
- (b) all such sums as may be voted by Parliament from time to time for the purposes of this Act;
- (c) all such sums as may be received by the Office for Reparations by way of donations, grants or gifts, whether from within or outside Sri Lanka.

Provided that all funds received from outside Sri Lanka shall be channelled through the External Resources Department.

(3) There shall be paid out of the Fund, all such sums as may be required to defray any expenditure incurred in the administration and implementation of this Act and all such sums as are required to be paid out of the Fund by or under any provision of this Act.

(4) The salaries of the members of the Office for Reparations shall be determined by Parliament, shall be charged on the Consolidated Fund, and shall not be diminished during their terms of office.

(5) The financial year of the Office for Reparations shall be the calendar year.

(6) The Office for Reparations shall cause proper accounts to be kept of its income and expenditure, and assets and liabilities.

(7) The accounts of the Office for Reparations shall be audited by the Auditor General.

Reporting

11. The Office for Reparations shall submit annual reports, including its audited accounts, to Parliament, and shall also cause such reports to be made public within one month of such reports being submitted to Parliament.

PART V
GENERAL

Offences

12. (1) If any person-

- (a) wrongfully resists or obstructs an officer authorized under the Act in the exercise by that officer of the powers conferred on him; or
 - (b) wrongfully hinders or obstructs the Office for Reparations in the fulfillment or execution of its powers, obligations and duties;
 - (c) willfully provides false information to the Office for Reparations; or
 - (d) discloses any confidential information in contravention of the provisions of this Act
- such person shall be guilty of the offence of contempt against the authority of the Office for Reparations.

(2) Where the Office for Reparations has reasonable grounds to believe that a person has committed the offence of contempt against the authority of the Office for Reparations, the Office for Reparations shall report such matter to the Court of Appeal. Every offence of contempt committed against the authority of the Office for Reparations shall be punishable by the Court of Appeal as though it were an offence of contempt committed against the Court or Appeal.

Protection of Action

13. (1) Except as provided in section 16 of this Act, no criminal proceedings shall be instituted or maintained against any Member, officer or servant of the Office for Reparations in respect of any act done in good faith or purported to be done or committed to be done in good faith by such person under this Act.

(2) Any order, decision, act or omission of the Office for Reparations or any member, officer or servant thereof may be questioned in proceedings under Article 126 or 140 of the Constitution

(3) Subject to the provisions of sub-section (2), no civil proceedings shall be instituted or maintained against any Member, officer or servant of the

Office for Reparations in respect of any act done in good faith or purported to be done or committed to be done in good faith by such person under this Act.

(4) Any expenses incurred by such Member, officer or servant as is referred to in subsection (1), (2) or (3) in any civil or criminal proceeding instituted against such person in any court in respect of any act done or purported to be done or omitted to be done by him under this Act, shall, if the court holds that such act was done or omitted to be done in good faith, be paid out of the Fund, unless such expense is recovered by such person in such proceedings.

Rules

14. (1) The Office for Reparations may make rules for matters which rules are required to be made.

(2) Every rule made under this Act, shall be placed before Parliament and published in the Gazette within a reasonable period not exceeding three (3) months.

Members &c
deemed to be
public servants

15. (1) The members of the Office for Reparations (for the limited purpose of their functions under this Act) and the officers and staff of the thereof, shall be deemed to be "public servants" for the purposes of the Penal Code (Chapter 19), the Bribery Act and the Evidence Ordinance (Chapter 14).

(2) The Office for Reparations shall be deemed to be a "scheduled institution" within the meaning of the Bribery Act, and the provisions of that Act shall be construed accordingly.

Delegation of
Powers

16. (1) The Office for Reparations may delegate to the Chief Executive Officer, or any other Member or Officer thereof, any of its powers and duties.

(2) The Chief Executive Officer, Member or Officer to whom any of the powers or duties of the Office for Reparations has been delegated shall exercise and perform such powers and duties subject to the general or specific direction of the Office for Reparations.

Transitional
Provisions

17. (1) The Rehabilitation of Persons, Property and Industries Authority Act No. 29 of 1987 is hereby repealed.

(2) All files, records, documentation, computers, data storage devices and all other assets and liabilities of the Rehabilitation of Persons, Property

and Industries Authority are hereby vested in the Office for Reparations.

(3) All such officers and servants of the Rehabilitation of Persons, Property and Industries Authority who were holding a permanent post in the Rehabilitation of Persons, Property and Industries Authority on the day immediately preceding the date of such vesting shall, at the option of the Office for Reparations, with effect from the date of such vesting:

- (i) be offered employment on terms and conditions not less favourable than the terms and conditions which were previously enjoyed by them with the Rehabilitation of Persons, Property and Industries Authority; or
- (ii) be paid compensation in terms of a voluntary retirement scheme approved by the Cabinet of Ministers.

For the avoidance of doubt, it is specifically provided that a decision made in terms of this sub-section shall be final and conclusive and shall not be called in question in any proceedings or court.

(4) Until such time as an appropriate decision is made by the relevant authority with regard to the Cadres and Salaries of the Office for Reparations, the approvals made and prevailing in respect of the Cadres and Salaries of the Rehabilitation of Persons, Property and Industries Authority on the day immediately preceding the date of such vesting shall be deemed to be an approval of the Cadres and Salaries of the Office for Reparations.

Sinhala text to prevail in case of inconsistency

18. In the event of any inconsistency between the Sinhala and Tamil Texts of this Act, the Sinhala text shall prevail.

Interpretation

19. Unless the context otherwise requires, in this Act -

“Human rights” shall mean all fundamental rights recognised by the Constitution of Sri Lanka, and rights contained in international human rights treaties ratified by Sri Lanka;

“Victim” means a person who has suffered a serious violation of human rights or humanitarian law, as applicable:-

- (i) in the course of, consequent to, or in connection with the conflict which took place in the Northern and Eastern Provinces or its aftermath; or
- (ii) in connection with political unrest or civil disturbances; or

- (iii) in the course of systemic gross violations of the rights of individuals, groups or communities of people of Sri Lanka; or
- (iv) due to an enforced disappearance as defined in the "International Convention on Protection of All Persons from Enforced Disappearances";

"Relative" shall in relation to such victim include the following persons:-

- (i) spouse or cohabiting partner;
- (ii) children;
- (iii) parents (including step-mother and step-father);
- (iv) full or half brother or sisters or adopted brothers or sisters;
- (v) parents-in-law, brother/sister in law, sons/daughters-in-law;
- (vi) grandchildren and grandparents.

"Reparations" shall include Individual Reparations and Collective Reparations;

"Individual Reparations" shall mean such measures as are intended to recognise the right to an effective remedy and benefit an individual victim or the relative(s) of an individual victim, and shall include:

- (a) any monetary payment or material benefit provided to a victim, or to a relative(s) of such victim;
- (b) Micro-finance and concessionary loans;
- (c) Educational programmes, training, and skills development programmes;
- (d) administrative assistance, and welfare services including psycho-social support provided to a victim, or to a relative(s) of such victim;
- (e) measures of restitution, including the provision of land and housing; and
- (f) other appropriate measures identified by the Office for Reparations.

"Collective Reparations" shall mean such measures as are intended to recognise the right to an effective remedy and benefit communities or groups of victims, and shall include:

- (a) Means of commemoration of deceased Victims, including memorials;

- (b) Development of infrastructure;
- (c) Educational programmes, training, and skills development programmes, and
- (d) Community development programmes or services;
- (e) Other appropriate programmes as identified by the Office of Reparations in consultation with affected communities of victims.

DRAFT ONLY