

**NATIONAL PLAN OF ACTION TO IMPLEMENT THE RECOMMENDATIONS OF THE LLRC**

**Theme area: International Humanitarian Law Issues**

Recommendation	Activity	Key Responsible Agency	Key Performance Indicator (KPI)	Timeframe
<p><b>9.9, 9.37a.</b> - Ascertain more fully the circumstances under which specific instances of death or injury to civilians could have occurred, and if such investigations disclose wrongful conduct, prosecute and punish the wrongdoers.</p>	<ol style="list-style-type: none"> <li>1. Complete ongoing disciplinary process being conducted in terms of Armed Forces statutes.</li> <li>2. Upon conclusion, take follow up action to prosecute, where relevant.</li> <li>3. Use the existing system as provided for in the Criminal Procedure Code to originate a complaint and give such mechanism sufficient publicity.</li> </ol>	<ol style="list-style-type: none"> <li>1) Ministry of Defence</li> <li>2) Ministry of Defence</li> <li>3) Ministry of Justice</li> <li>4) Attorney-General's Department</li> </ol>	<ol style="list-style-type: none"> <li>1) Disciplinary inquiries concluded</li> <li>2) Offenders prosecuted</li> <li>3) Cases filed in Court</li> </ol>	<ol style="list-style-type: none"> <li>1) 12 months</li> <li>2) 24 months</li> <li>3) 24 months</li> </ol>
<p><b>9.23</b> - Launch a full investigation into allegations of disappearances after surrender/arrest and where such investigations produce evidence of any unlawful act on the part of individual members of the Army, prosecute and punish the wrongdoers.</p>	<p>1) , 2) and 3) above.</p>	<p>1), 2) and 3) above.</p>	<p>- do -</p>	<p>-do -</p>
<p><b>9.37b</b> - Conduct a professionally designed household survey covering all affected families in all parts of the island to ascertain firsthand the scale and circumstances of death and injury to civilians, as well as damage to property during the period of the conflict.</p>	<p>Conduct survey.</p>	<p>Department of Census &amp; Statistics. (Presidential Secretariat will oversee)</p>	<p>Mechanism launched to conduct survey</p>	<p>Ongoing</p>
<p><b>9.39</b> - Initiate an independent investigation into the Channel 4 Video to establish the truth or otherwise of the allegations arising from the video footage.</p>	<ol style="list-style-type: none"> <li>1. Assess current processes being pursued to examine the authenticity of the allegations in Channel 4 namely, the inquiry currently conducted by the Army.</li> <li>2. Based on such results take follow up action as appropriate.</li> </ol>	<p>Ministry of Defence, Presidential Secretariat</p>	<ol style="list-style-type: none"> <li>1. Assessment completed</li> <li>2. Follow up action identified and pursued, as appropriate.</li> </ol>	<p>06 months</p>

## Theme area: Human Rights

Recommendation	Activity	Key Responsible Agency	Key Performance Indicator (KPI)	Timeframe
<p><b>9.48</b> - Direct law enforcement authorities to take immediate steps to ensure that allegations [of abductions, enforced or involuntary disappearances, and arbitrary detention] are properly investigated into, and perpetrators brought to justice.</p>	<ol style="list-style-type: none"> <li>1. Identify impediments, if any, to the effective enforcement of the law. That the offences are visited with serious sanctions</li> <li>2. Strengthen investigation skills of Police.</li> <li>3. Strengthen access to justice.</li> <li>4. Enhance the capacity of the Police to put in place a more effective surveillance mechanism of the locality in cooperation with the local community and establish community policing.</li> </ol>	<p>Ministry of Defence/ Police Department</p> <p>Legal Aid Commission, CBO's, Ministry of Justice, Police Department</p>	<ol style="list-style-type: none"> <li>1) Impediments identified and remedial action taken</li> <li>2) Programmes to strengthen skills integrated into Police training modules</li> <li>3) Access to justice programmes identified and implemented by establishing community policing units</li> </ol>	<p>6 months</p> <p>12 months</p> <p>12 months</p>
<p><b>9.51</b> - Appoint a Special Commissioner of Investigation to investigate alleged disappearances and provide material to the Attorney General to initiate criminal proceedings as appropriate. Provide the Office of the Commissioner with experienced investigators to collect and process information.</p>	<ol style="list-style-type: none"> <li>1. Invoke the present procedures as available in the Code of Criminal Procedures with priority given to such complaints.</li> <li>2. Sensitize the public with regard to availability of the various mechanisms through the GIC (1919).</li> <li>3. Enhance the capacity of the present GIC (1919) to entertain the receipt of information.</li> </ol>	<p>Police, Attorney-General's Department, Ministry of Justice, ICTA</p>	<p>The launching of appropriate mechanisms to inform the public of the present facilities via the media</p>	<p>3 months</p>
<p><b>9.51</b> - Devise a centralized system of data collection at the national level, integrating all information with regard to missing persons</p>	<p>Establish an integrated data base to collate information regarding missing persons. <b>(Amalgamate with activity relating to para 9.37b above)</b></p>	<p>Dept of Census &amp; Statistics Ministry of Defence</p>	<p>Data base established and information included</p>	<p>6 months</p>

<p><b>9.52</b> - Take all necessary measures for the implementation of the [Registration of Deaths Act] at the administrative level.</p> <p>Give adequate publicity to the relevant provisions of the Act through media, Grama Niladharis etc., especially in the conflict affected areas</p>	<ol style="list-style-type: none"> <li>1. Review of progress of implementation of the Registration of Deaths Act in terms of instructions already issued.</li> <li>2. Give adequate publicity of the availability of information through the Governments 1919 IT facility, to people in conflict affected areas</li> </ol>	<p>Ministry of Public Administration &amp; Home Affairs</p>	<p>Instructions issued to implement the provisions of new legislation.</p>	<p>Ongoing</p>
<p><b>9.57</b> - Appoint an Independent Advisory Committee to monitor and examine detention and arrest of persons taken into custody under any regulations made under the Public Security Ordinance or the Prevention of Terrorism Act</p>	<p>See activities under recommendations 9.9, 9.37 (a) (b), 9.23, 9.39</p>	<p>Ministry of Public Administration &amp; Home Affairs</p>		
<p>Create a special mechanism to examine cases of persons being held in detention (for long periods without charges] on a case by case basis and recommend a course of action in regard to disposal of each case.</p>	<ol style="list-style-type: none"> <li>1. Identify and establish procedures in the existing system to address the issue</li> <li>2. Complete decision making regarding detainees through a dedicated Unit in the Attorney General's Dept. mandated to examine detention cases.</li> </ol>	<p>Attorney-General's Dept.</p>	<ol style="list-style-type: none"> <li>1) Processes identified and established</li> <li>2) Reduction in the number of detainees.</li> </ol>	<p>24 months</p>
<p>Establish a focal point in the Attorney General's Department to support the process of examining detention cases.</p>	<p>-As above -</p>	<p>Attorney-General's Dept.</p>	<p>Unit established</p>	<p>24 months</p>
<p><b>9.59</b> - Frame domestic legislation to specifically criminalize enforced or involuntary disappearances</p>	<ol style="list-style-type: none"> <li>1) Examine the need for legislation</li> <li>2) Formulate and present law to Parliament, if law reform is found to be necessary with emphasis on the need to impose heavy terms of imprisonment as a deterrent.</li> </ol>	<p>Ministry of Justice Attorney-General's Dept. Police Department</p>	<ol style="list-style-type: none"> <li>1) Review of laws completed</li> <li>2) Legislation drafted and presented to Parliament, if found necessary</li> </ol>	<p>24 months</p>
<p><b>9.60</b> - Provide comprehensive, island-wide human rights education programmes targeting the school children, youth, members of the Security Forces, and the Police etc.</p>	<ol style="list-style-type: none"> <li>1) Implement activities identified in the NHRAP</li> <li>2) Formulate a module for inclusion in secondary school curriculum</li> </ol>	<ol style="list-style-type: none"> <li>1) NHRC, Ministry of Education, Armed Forces, IGP</li> <li>2) NIE</li> </ol>	<ol style="list-style-type: none"> <li>1) Implementation of NHRAP monitored</li> <li>2) Module formulated and included in curriculum</li> </ol>	<p>Governed by the time frame as per the NHRAP</p>
<p><b>9.63</b> - Create a centralized comprehensive database containing a list of detainees, which should be made available to the next of kin with names, place as detention as well as record of transfers</p>	<p>The present database to be enhanced with easy access to information being available to NOK</p>	<p>Ministry of Defence</p>	<p>Enhanced database</p>	<p>6 months</p>

<p>(1) Publish a list of names of those in detention.</p> <p>(2) Issue a certificate when a person is discharged so that that the same person is not taken into custody again, unless new evidence is discovered against him.</p> <p>(3) Look into the general issue of law delays to expedite prosecution or discharge detainees.</p>	<p>1. Continue current practice of informing next of kin regarding location of detainee. (NB: NHRC is also informed).</p> <p>2. Examine and report on the practical application of such a procedure and its feasibility.</p> <p>3.(a) Formulate a programme to divert suspects from the criminal process to voluntary rehabilitation in appropriate cases;</p> <p>(b) Enable indictments to be filed in an additional number of courts to ease the backlog.</p>	<p>Police Department</p> <p>Attorney-General's Dept.</p> <p>AG's dept. + Police Dept.</p> <p>Ministry of Justice</p>	<p>The availability of a comprehensive list of names and relevant data to the NOK.</p> <p>Report published</p>	<p>Ongoing</p> <p>End 2012</p> <p>End 2012</p> <p>End 2012</p>
<p><b>9.68, 69</b> - Screen detainees and give special attention to young detainees and special cases [those with young children, physically disabled, recovering from injury and medical interventions, requiring counseling]</p>	<p>Review the status of the remainder of the detainees with a view to assessing whether special attention to certain groups or individuals is needed.</p>	<p>Commissioner General of Rehabilitation</p>	<p>Status required to be submitted</p>	<p>3 months</p>
<p><b>9.73</b> - Conduct proper investigations in respect to allegations against the illegal armed groups. Institute criminal proceedings against offenders</p>	<p>During the time of the conflict, illegal armed groups were known to operate in the theatre of conflict. Steps have been taken to completely eliminate this activity. These measures will be continued to be implemented to ensure that these groups do not re-emerge.</p>	<p>Ministry of Defence</p>	<p>The effective maintenance of law and order</p>	
<p><b>3.</b> Introduce specific measures to ensure the maintenance of law and order, particularly the disarming of any illegal armed groups</p>	<p>1) Examine crime statistics and trends to identify critical issues;</p> <p>2) Take necessary measures to improve law enforcement.</p>	<p>Ministry of Defence</p> <p>Police Department</p>	<p>1) Effective Vigilance</p> <p>2) Decrease in incidents of crime</p>	<p>1) Ongoing</p> <p>2) Ongoing</p>

<p><b>9.78, 9.82</b> - Examine on a case-by-case basis the cases relating to young LTTE suspects with a view to instituting legal action without delay or rehabilitating and/or releasing them. Ensure that no sooner than they complete the rehabilitation program, children be allowed to live with their families and assisted to continue their studies or earn a living</p>	<p>See para 1 above</p> <p>This concern has been fully addressed with large numbers pursuing academic activities followed by reunification with their families. This process to be continued by CG/R.</p>	<p>CG/Rehabilitation</p>	<p>Programme for re-integration designed and implemented</p>	<p>Ongoing</p>
<p><b>9.79</b> - Investigate any such instances where there is prima facie evidence of conscription of children as combatants and ensure that offenders are brought to justice.</p>	<p>Investigations completed.</p>			
<p><b>9.81</b> - Consider establishing a national, Government led, multidisciplinary task force to develop and implement a comprehensive child-tracing program</p>	<p>Child conscripts identified, rehabilitated and re-integrated.</p>			
<p><b>9.92</b> - Establish an Inter-Agency Task Force mandated to address in a comprehensive manner the needs of women, children, elderly and other vulnerable groups such as disabled affected by conflict, and provide necessary relief</p>	<p>Implement activities identified in the NHRAP to achieve this objective.</p>	<p>As contained in the NHRAP</p>	<p>NHRAP implementation monitored</p>	<p>Ongoing</p>
<p><b>9.104</b> - Grant the legal ownership of land to those [IDPs] who have been resettled.</p>	<p>Continue implementation of circular which provides for grant of ownership.</p>	<p>Ministry of Lands</p>	<p>Circular implemented.</p>	<p>Ongoing</p>
<p><b>9.106</b> - Create awareness among IDPs about policies [with regard to the areas that are available for people to resettle] and the options available to them.</p>	<p>Conduct awareness programmes with relevant groups on the implementation of circular No. 2011/4 of 22.07.2011 issued by the Commissioner General of Lands</p>	<p>Ministry of Lands</p>	<p>Awareness programmes conducted</p>	<p>6 months</p>
<p><b>9.108</b> - Initiate a formal bilateral consultation process between Sri Lanka and India to enable the displaced persons living in India to take considered decisions with regard to their return to Sri Lanka</p>	<p>1. Formulate policy with regard to IDPs in India;</p> <p>2. Conduct bi-lateral discussions with India in terms of policy</p>	<p>1. Ministry of Lands, Ministry of External Affairs, Ministry of Re-settlement, Ministry of Defence</p> <p>2. Ministry of External Affairs, Ministry of Defence</p>	<p>Bi-lateral discussions held and decisions implemented</p>	<p>24 months</p>
<p><b>9.113</b> - Appoint a special committee to examine durable solutions and formulate a comprehensive State policy on the issue [of Muslim IDPs displaced from the North] after extensive consultations with the IDPs and the host communities</p>	<p>1. Presidential Task Force for the North and East (PTF for the N&amp;E) to formulate a policy on the issue of Muslim IDPs.</p> <p>2. Issue necessary directions to Implement</p>	<p>PTF for N&amp;E</p>	<p>1. Policy formulated</p> <p>2. Policy implemented</p>	<p>9 months</p>

	policy.			
<p><b>9.115a-c</b> Take all steps to prevent harassment and attacks on media personnel and institutions. Give priority to the investigation, prosecution and disposal of such cases. Properly investigate past incidents of such illegal action.</p>	<p>1. Take appropriate action to ensure media freedom. (a) Pursuit of grievance mechanisms - Complaints to Police, FR Applications to SC, Complaints to Press Council (with a wider jurisdiction and enhanced powers) (b) Complaints to NPC against Police inaction. 2. Complete investigations into current cases 3. Promote responsible journalism and consider a code of conduct for journalists.</p>	<p>1. Ministry of Mass Media &amp; Information  2. Dept of Police  3. Press Council.</p>	<p>1. Effective redress to grievances of media personnel  2. Investigations completed</p>	12months
<p><b>9.115d</b> - Ensure the freedom of movement of media personnel in the North and East</p>	<p>1. Identify impediments to free movement, if any, of media personnel in the North and East 2. Take appropriate action to remove impediments, if any</p>	<p>Ministry of Mass Media and Information  Dept of Police</p>	<p>1. Impediments identified, if any  2. All impediments, if any, removed</p>	6 months
<p><b>9.115e</b> - Enact legislation to ensure the right to information</p>	<p>Cabinet to decide the suitable time frame for drafting legislation.</p>	<p>Ministry of Mass Media and Information</p>	<p>The Cabinet Office will be the interface for the interaction with the Cabinet of Ministers on the acceptance of such legislation by the legislature.</p>	TBC
<p><b>9.117</b> - Remove any remaining restrictions on visiting places of worship</p>	<p>1. Identify existing restrictions, if any 2. Remove restrictions, if any</p>	<p>Ministry of Religious Affairs</p>	<p>Restrictions if any, removed</p>	12 months
<p><b>9.118</b> - Ensure people, community leaders, and religious leaders have the freedom to organize peaceful events and meetings without restrictions.</p>	<p>Monitor monthly at GA's conference, whether there are constraints to enjoying this freedom.</p>	<p>Ministry of Public Administration</p>	<p>Zero complaints re inability to organize events</p>	Ongoing

<p><b>9.119</b> - Allow visitors from overseas to visit their friends and relatives in recently resettled areas without any undue restrictions</p>	<p>Identify whether there are undue restrictions to visits and remove such restrictions, if any.</p>	<p>Ministry of Defence, Department of Police, respective GA's</p>	<p>The formulation of a report which confirms that no such restriction exists</p>	<p>6 months</p>
<p><b>9.120</b> - Implement recommendations of past commissions of inquiry, particularly those relating to further investigation and prosecution of offenders involved in the death of –</p> <p>a) 5 students in Trincomalee in January 2006 ; and</p> <p>b) 17 aid workers of the ACF in August 2006</p>	<p>1. Examine recommendations of Committees</p> <p>2. Ensure follow up on recommendations are implemented</p>	<p>Attorney General and Department of Police</p>	<p>Recommendations implemented.</p>	<p>Ongoing</p>

#### LLRC Final Report: Land Return and Resettlement

Recommendation	Activity	Key Responsible Agency	Key Performance Indicator (KPI)	Timeframe
<p><b>9.124</b> Ensure that -</p> <p>(1) Any citizen of Sri Lanka has the right to acquire land in any part of the country, in accordance with its laws and regulations, and reside in any area of his/her choice without any restrictions or limitations.</p> <p>(2) land policy of the Government is not an instrument to effect unnatural changes in the demographic pattern of a given Province.</p> <p>(3) distribution of State land continues as provided for in the Constitution</p>	<p>1. (a) Conduct study to ascertain whether practices infringe on legal rights to acquire land</p> <p>(b) Take appropriate steps to remove infringements, if any exist</p> <p>c) Effective implementation of the policy on land use with a view to identifying appropriate state land available for settlement.</p> <p>2. Appoint a 4<sup>th</sup> Land Commission with a TOR similar to the previous three (i.e. the LC's of 1927, 1936 and 1985) to recommend policy to address issues.</p> <p>3. Ensure effective implementation of Statutes, i.e. The State Lands Ord., Land Development Ordinance, Land Grants (Sp. Provisions) Act.</p>	<p>1. Ministry of Lands</p> <p>2. P.T.F. for N &amp; E</p> <p>3. Presidential Secretariat</p>	<p>1. A completed study of the alienation of state land with specific reference to the N &amp; E</p> <p>2. Appointment of the 4<sup>th</sup> Land Commission</p>	<p>12 months</p> <p>24 months</p>

Issue of a clear statement by government that private lands would not be utilized for settlements by any Government agency.	Formulate a Policy to deal with the issue of settlements.	Ministry of Lands	Policy formulated	12 months
<p><i>The LLRC offers the following recommendations in order to ensure that the land policy and the associated Programme proposed in July 2011 is effectively implemented:</i></p> <p><b>9.126</b> - Assure people through a publicity effort that the Programme seeks to make available land to all returning IDPs as expeditiously as possible and is not a substitute for recourse to the Courts of Law where people are in possession of valid legal proof of their claim to the land in question</p> <p><b>9.128</b> - Provide the needed human and financial resources</p> <p><b>9.129</b> - Supervise civil administration officers tasked with the implementation of the Programme by respective Government Agents and monitor implementation quality at the national level by the Land Commissioner General</p> <p><b>9.131</b> - Organize a well-planned media seminar on the Programme to enable the Media to project an accurate and clear view of the Programme</p> <p><b>9.132</b> - Conduct well designed training programmes for all officers and community leaders selected for various Committees</p> <p><b>9.133</b> - Launch a well-designed, communication campaign in simple Tamil and Sinhala language to help displaced persons come forward to benefit from the Programme</p> <p><b>9.134</b> - Confine the participation of security forces officers to expediting the release of maximum extents of lands being utilized for security purposes</p> <p><b>9.135, 136</b> - Organize and hold a well-publicized 'Community Consultation Meeting' in each District Secretariat area prior to the launch of the First Committee investigation process. Establish a mechanism to rapidly consider constructive</p>	<p>The proposed 4<sup>th</sup> Land Commission to take cognizance of the recommendation 9.126, 9.128, 9.129, 9.131 to 9.136 and consider the feasibility of the implementation of such recommendations</p> <p style="text-align: center;">-do-</p>	<p>Ministry of Lands</p> <p style="text-align: center;">-do-</p>	<p>Implementation of the activities in keeping with the findings of the 4<sup>th</sup> Land Commission</p> <p style="text-align: center;">-do-</p>	<p>24 months</p> <p style="text-align: center;">-do-</p>

suggestions made through this process				
<b>9.140</b> - Apply strict controls to prevent any alienation of State land other than for IDPs until the proposed Programme is implemented	Ensure implementation of provisions of the Circular of the M/Lands which incorporates this principle.	Ministry of Lands	Implementation of circular	3 months
<b>9.141</b> - Actively seek the cooperation of a development partner to support the Programme, based on the understanding that Government of Sri Lanka will be responsible for Programme policy, decision making, and implementation	1. Evaluate the need for an external partner 2. Formulate a project proposal if external resources are found to be needed. 3. Secure assistance as appropriate, if feasible	Ministry of Lands Ministry of Resettlement Department of National Planning	A report dealing with activities 1, 2 & 3	3 months
<b>9.142</b> - Review the 2 existing HSZs in Palaly and Trincomalee-Sampur, as well as small extents of private land currently utilized for security purposes, with a view to release more land while keeping national security needs in perspective. Complete the provision of alternate lands and or payment of compensation within a specific time frame	Consequent to the review already completed – a) Release lands where possible; b) Take steps to re-locate or to pay compensation acting under applicable Statutes (Land Acquisition Act).	(a) Ministry of Defence (b) Ministry of Lands	a) Lands released b) Re-location completed c) Compensation paid	a) Ongoing b) 6 months c) 3 years
<b>9.150</b> - Expedite action on the establishment of a National Land Commission (NLC) in order to propose appropriate future national land policy guidelines as required under the 13th Amendment	Include the proposal to establish a NLC in the TOR of the PSC with a view to receiving recommendations.	1. Presidential Secretariat 2. Ministry of Lands	Proposal included in TOR of PSC	To be confirmed
<b>9.151</b> - Develop a land use plan for each district in the North and East with the participation of district and national experts drawn from various relevant disciplines to guide the district administration <i>in land conservation and alienation</i> in order to ensure protection of environment and bio-diversity, sustainable economic development, leisure and recreational standards, religious, cultural, and archeological sites with a view to improving the quality of life of the present and future generations	1. Provide Ministry of Lands with resources to prepare the Land Use Plan for North and East. 2. Acting under the Land Use Policy adopted in 2007, develop Land Use Plan for the North and East.	1. Ministry of Finance and Ministry of Public Administration. 2. Ministry of Lands	1. (a) Budgetary provisions made available to Ministry of Lands; (b) Staff provided to M/Lands; 2. Land Use Plan for N&E developed.	36 months
<b>9.152</b> - Arrive at a bi-partisan understanding that restitution of land is a national issue and will not be used as a tool by political parties to gain narrow political advantage	Refer recommendation to PSC	Presidential Secretariat	Recommendation referred to PSC.	Ongoing

## LLRC Final Report: Restitution/Compensatory Relief

Recommendation	Activity	Key Responsible Agency	Key Performance Indicator (KPI)	Timeframe
<p><b>9.155</b> - Review the role and capacity of Rehabilitation of Persons, Properties and Industries Authority (REPIIA) with a view to streamlining and augmenting its role and resources in undertaking post-conflict requirements [for compensatory relief].</p> <p>Procure funding to clear the backlog of cases as well as to prevent lack of funds being the reason for delays and non-payment in the future. Set a time limit for completion of payments</p>	<ol style="list-style-type: none"> <li>1. Examine the issues that affect the effective implementation of the REPIA.</li> <li>2. Take appropriate action to deal with issues identified.</li> <li>3. Provide funds for payment of compensation based on an acceptable victim identification process.</li> </ol>	<ol style="list-style-type: none"> <li>1. M/Rehabilitation and Prisons Reforms</li> <li>2. – do –</li> <li>3. M/Finance and Planning</li> </ol>	<ol style="list-style-type: none"> <li>1. Report on REPIA received.</li> <li>2. Action taken as appropriate.</li> <li>3. Issues resolved</li> </ol>	Ongoing
<p><b>9.162</b> - Revisit the problem of public servants being disqualified from NGO assistance programs</p>	<ol style="list-style-type: none"> <li>1. Examine government policy to identify what disqualifications exist;</li> <li>2. Determine and introduce provisions to ensure equitable assistance.</li> </ol>	Ministry of Public Administration	<ol style="list-style-type: none"> <li>1. Policy examined and problem areas identified, if any.</li> <li>2. New policy determined, if necessary.</li> </ol>	3 months
<p><b>9.164</b> - Take a decision on compensatory relief for death and injury for those involved with the LTTE.</p>	Continue with Government programme for the rehabilitation and re-integration of ex-combatants and a reconciliation programme for the next of kin.	Ministry of Resettlement and PTF – N & E	The effective implementation of the relief programmes granting relief to those NOK affected by death or injury as a direct result of the conflict	24 months

## LLRC Final Report: Reconciliation

Recommendation	Activity	Key Responsible Agency	Key Performance Indicator (KPI)	Timeframe
9.171, 9.227 - Phase out the involvement of the Security Forces in civilian activities and use of private lands by the Security Forces with reasonable time lines being given	1. Formulate Plan for further reducing involvement of Security Forces in civilian work. (95% already withdrawn from civilian duties) having regard to the experiences of the reconciliation programmes	Ministry of Defence	A marked reduction or withdrawal of security force personnel for civil activities	6 months
9.195, 195 - Facilitate the early return of the displaced Muslims to their places of origin in the Northern Province. Take immediate steps to assist in rebuilding of the mosques, houses and schools destroyed or damaged by the LTTE	Formulating and implementing a policy for the resettlement and reintegration of the displaced Muslims.	PTF for N & E and M/Resettlement	The publication of the report identifying the requirements with recommendations for implementation.	18 months
5. Encourage free movement of persons on A9 to ensure greater participation in the economic, social and cultural activities.	Identify and remove unnecessary obstacles that impedes free movement on the A9, if any.	Ministry of Defence	Unnecessary impediments, if any, removed	02 months
6. Maintain greater coordination and communication between the GAs and security authorities in normalizing civilian administration.	1. Identify impediments, if any, that hinder normal civil administration. 2. Remove impediments. 3. Review progress at the monthly GA's Conference conducted by the Ministry of Public Administration	Ministry of Public Administration & Home Affairs	1) All impediments , if any identified. 2) All impediments, if any removed and normal civil administration restored.	12 months
9.201 - Ensure that post conflict development agenda and programmes for reconciliation take account of the essential needs of the Tamils of Indian origin. Improve the health and educational facilities and also provide better living conditions in the estate areas	1. Assess the impact of existing programmes to improve the health, education and housing facilities for the estate sector, to identify areas that require improvement  2. Revise programmes to make interventions more effective.	M/Health M/Education M/Plantation Industries M/Child Dev & Women's Affairs	The publication of a report indicating the effectiveness of banks existing programmes	6 months

<p><b>9.204</b> - Take immediate action to disarm persons in possession of unauthorized weapons and prosecute such offenders</p>	<p>Ensure strict enforcement of the provisions of the Offensive Weapons Act/The Firearms and Explosives Act and the successful prosecution of legal action against offenders.</p>	<p>Dept of Police</p>	<p>A complete disarming of persons in possession of unauthorized weapons.</p>	<p>6 months</p>
<p><b>9.212</b> - Set up units of the Attorney General's Department in the Provinces to guide and advise the police regarding criminal investigations, prosecutions and other matters touching upon the criminal justice system</p>	<ol style="list-style-type: none"> <li>1. Formulate TORs for Units in the AGs dept. and establish same.</li> <li>2. Include relevant modules in the training programmes for Police Officers.</li> <li>3. Enhance capacity of the Trainers of the Police Training College.</li> </ol>	<ol style="list-style-type: none"> <li>1. AG's Department</li> <li>2. Police Department</li> <li>3. Police Department</li> </ol>	<ol style="list-style-type: none"> <li>1. Enhanced capacity of AG's Department units</li> <li>2. Improvement in the quality of investigations</li> <li>3. Greater success in prosecution and a general improvement in the Criminal Justice System</li> </ol>	<p>12 months</p>
<p><b>9.213</b> - Ensure that all allegations are investigated and wrongdoers are prosecuted and punished irrespective of their political links (<b>9.206-209</b> Includes examples of uninvestigated allegations related to Bhareti, Karuna, EPDP extortion, and a gang led by a person called Major Seelan)</p>	<p>Conduct investigations speedily and ensure that the Rule of Law prevails having due regard to the Constitution. Guarantee of the equal protection of the law</p>	<ol style="list-style-type: none"> <li>1. Dept of Police</li> <li>2. AG's Department</li> <li>3. Ministry of Justice</li> </ol>	<p>An increased rate of successful prosecutions.</p>	<p>6 months</p>
<p><b>9.214, 215</b> - De-link the Police Department from the institutions dealing with the armed services.</p> <p>Establish an independent permanent Police Commission to monitor the performance of the police service and ensure that all police officers act independently and maintain a high degree of professional conduct.</p>	<p>Refer this recommendation to the PSC as it deals with an entirely policy/political issue</p> <p>[Independent Police Commission has already been established]</p>	<p>Proposed Parliamentary Select Committee</p>	<p>Not applicable</p>	<p>Not Applicable</p>
<p><b>9.218, 219</b> - Establish an independent institution with a strong investigative arm to address the grievances of all citizens, in particular the minorities, arising from the abuse of power by public officials and other individuals involved in the governance of the country. Ensure that any citizen of this country who has a grievance arising out of any executive or administrative act, particularly those based on ethnicity or religion, should have the right to seek redress before the independent institution</p>	<ol style="list-style-type: none"> <li>1. Review the provisions of existing Institutions to identify additional and more effective measures that need to be taken to strengthen citizens rights.</li> <li>2. Introduce measures/ mechanisms/ amendment to laws to strengthen citizens grievance mechanisms</li> </ol>	<ol style="list-style-type: none"> <li>1. Presidential Secretariat</li> <li>2. Ministry of Defence</li> <li>3. AG's Department</li> <li>4. Ministry of Justice</li> </ol>	<p>Report submitted by major stakeholders to the Cabinet of ministers</p>	<p>6 months</p>

<p><b>9.224</b> - Conceive and implement a specific program to bring about attitudinal change through training programs to enhance the work ethic of the public service</p>	<p>Implement the National Human Resources Policy</p>	<p>Office of the Sr. Minister for HR development</p>	<p>1. HR Plan of Action formulated. 2. Implementation of HRP A commenced.</p>	<p>3 months</p>
<p><b>9.226</b> - Establish an independent Public Service Commission to ensure that there is no political interference in the public service and that recruitment and promotions in the public service are in conformity with the equality provisions in the Constitution</p>	<p>An independent Public Services Commission has been established</p>			
<p><b>9.228</b> - Establish a constitutional provision for judicial review of legislation. Reach a consensus on an appropriate constitutional amendment to provide for an adequate timeframe to challenge proposed legislation</p>	<p>Refer to the PSC.</p>	<p>Presidential Secretariat</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p><b>9.236, 237</b> - Take initiative to have a serious and structured dialogue with all political parties, and those representing minorities in particular, to develop consensus on devolution. The dialogue must take place at a high political level and with adequate technical back-stopping.</p>	<p>Refer to the PSC</p>	<p>Presidential Secretariat</p>	<p>Not Applicable</p>	<p>Not Applicable</p>
<p><b>9.245</b> - Make necessary budgetary provisions available on a priority basis for teacher training and staffing for a trilingual nation by the year 2020</p>	<p>1. Formulate an Action Plan to ensure effective implementation of the Language policy. 2. Examine the role of the Official Languages Commission and identify areas that need strengthening. Include remedial steps to be taken, in the Action Plan. 3. Implement recommendations of the "Presidential Task Force on Trilingual Society by 2020." 4. Design a monitoring and evaluation Plan to assess whether the programmes implemented are effective and whether there is compliance with policy.</p>			
<p><b>9.246, 247, 249</b> - Make it compulsory that all Government offices have Tamil-speaking officers at all times. No district or province should be categorized in terms of language. Police stations should have bi-lingual officers on a 24 hour basis. A complainant should have the right to have his/her statement taken down in the language of their choice. As a temporary measure, software programs can be used for translation until long term policies and measures take effect</p>				
<p><b>9.248</b> - Ensure that the Language Commission is an authority with effective powers of implementation and branches in every province.</p>				
<p><b>9.250</b> - Implement Interim Recommendation regarding language. Station interpreters at Police Stations using retired police officers with bilingual fluency</p>				
<p>1. Ministry of National Languages and Social Integration 2. Presidential Task Force on Trilingual Society</p>			<p>Effective Monitoring of the implementation of the Trilingual Initiative</p>	<p>Ongoing</p>

Use interpreters in public offices as appropriate to facilitate communication until long term programmes are put in place.	1) Monitor observance of language rights recognized in the Constitution 2) Identify additional remedial measures required to ensure observance of language rights	Ministry of National Languages and Social Integration	1) Monitoring activity completed 2) Additional remedial measures identified and implemented	1) 12 months 2) 24 months
<b>9.251</b> - Select a committee of experts in education to review the quota system with a view to introduce a merit based admission system. (Admission to Universities?)	Examine the current admission policy with a view to recommending any changes that would improve the criteria for admissions.	UGC / Ministry of Higher Education	Expert Committees Established.	12 months
<b>9.252</b> - Reduce and eventually eliminate the inequality in the availability of educational facilities in different areas of the country	Implement the current programmes in keeping with the "Mahinda Chintana" to upgrade facilities in schools islandwide	Ministry of Education	Upgrading of educational facilities in schools	36 months
<b>9.253, 254</b> - Develop a proactive policy to encourage mixed schools serving children from different ethnic and religious backgrounds and greater interaction among students [e.g. twinning schools, student exchange programs, Reconciliation Clubs, National Youth Council exchange programmes]	1. Formulate a policy that would encourage ethnically mixed schools 2. Ensure that schools include programmes to promote inter-community interactions.	Ministry of Education	The establishment of a policy encouraging ethnically mixed schools	24 months
<b>9.257</b> - Ensure public Universities have ethnically mixed student populations with a choice of courses offered in all three languages.	The present policy caters to this requirement in an appropriate manner. However a group of experts can be mobilized to consider the present system and recommend any changes that would promote the trilingual process	UGC/ Ministry of Higher Education	Identification of a group of experts	12 months
<b>9.258</b> - Conduct inter-provincial and national sports competitions.	Presently, national competitions ensure Islandwide participation. However, a programme could be implemented to actively promote sports in the former conflict areas.	Ministry of Sports	No. of such competitions successfully conducted.	Ongoing

<p><b>9.261, 263</b> - Constitute a Multi-Disciplinary Task Force that includes representatives from the Presidential Secretariat, External Affairs, Defense, Foreign Employment, the Private Sector, and Academia, to propose a programme of action to <b>harness the untapped potential of the expatriate community, and to respond to the concerns of the so-called 'hostile diaspora groups,'</b> and to engage them constructively with the Government and other stakeholders involved in the reconciliation process.</p>	<ol style="list-style-type: none"> <li>1. Formulate programme to harness the untapped potential of the expatriate community, through Sri Lankan overseas Missions.</li> <li>2. Implement programme through Overseas Missions</li> </ol>	M/External Affairs	<ol style="list-style-type: none"> <li>1. Programme formulated.</li> <li>2. Programme implemented</li> </ol>	<p>3 months</p> <p>3 months</p>
<p><b>9.270</b> - In consultation with inter-faith groups, facilitate the establishment of a mechanism that serves as an early warning and early diffusing system to ensure that communal or religious tension or friction does not lead to conflict</p>	<ol style="list-style-type: none"> <li>1. Continue implementation of the Civil Defence Committee programme of the Police and Community Policing programme.</li> <li>2. Implement capacity building programmes for the Police officers in the CDC's</li> </ol>	Dept of Police	Implementation of such programmes and wide publicity of such programmes	6 months
<p><b>9.274, 275</b> - Create greater awareness of linguistic and cultural affinities. Translate and publish major literary works from Tamil into Sinhala and Sinhala into Tamil and disseminate them among school children and youth. Encourage cinema, TV and stage drama productions that highlight commonalities and mutual understanding between communities.</p>	<ol style="list-style-type: none"> <li>1. Examine and introduce appropriate measures that could be adopted to create awareness of cultural affinities including through translation of literary works</li> <li>2. Engage the cultural sector to highlight commonalities and mutual understanding between communities.</li> </ol>	<ol style="list-style-type: none"> <li>1. M/Cultural Affairs</li> <li>2. M/Cultural Affairs</li> </ol>	Programmes that would promote cultural affinities and commonalities between communities	12 months
<p><b>9.277</b> - Maintain and support current practice of the National Anthem being sung simultaneously in two languages</p>	Examine the implementation of this recommendation vis a vis the current Constitutional provisions, at the PSC.	Presidential Secretariat	The implementation of the recommendations of the PSC	1 year
<p><b>9.283</b> - Enact and strictly enforce deterrent laws to deal with '<i>hate speech</i>' relating to ethnicity, religion, and literature</p>	<ol style="list-style-type: none"> <li>1. Examine the adequacy of penal legislation to deal with hate speech.</li> <li>2. Introduce law reform if necessary.</li> </ol>	M/Justice	Submission of draft legislation to Parliament.	1 year
<p><b>9.285</b> - Set aside a separate event on National Day to express solidarity and empathy with all victims of the tragic conflict and pledge our collective commitment to ensure that there should never be such blood-letting in the country again</p>	Continue the present practice of expressing solidarity as one nation and one people and of pledging a collective commitment to non-violence and peace so as to ensure a non-recurrence of the past events that led to the internecine conflict	<ol style="list-style-type: none"> <li>1. Presidential Secretariat</li> <li>2. Ministry of National Languages and Social Integration</li> <li>3. Ministry of Public Administration &amp; Home Affairs</li> </ol>	Sustainable peace and harmony amongst all people	---