



# General Assembly

Distr.: General  
4 June 2014

English only

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## Human Rights Council

Twenty-sixth session

Agenda item 3

**Promotion and protection of all human rights, civil,  
political, economic, social and cultural rights,  
including the right to development**

### **Report of the Special Rapporteur on the human rights of internally displaced persons, Mr. Chaloka Beyani**

**Addendum**

**Mission to Sri Lanka: comments by the State on the report of the  
Special Rapporteur\***

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\* Reproduced in the annex as received.



## Annex

### **Comments by the Government of Sri Lanka on the advance, unedited Report of the Special Rapporteur on the Human Rights of IDPs following his visit to Sri Lanka, 2-6 December 2013**

1. The Government of Sri Lanka thanks Dr. Chaloka Beyani, the Special Rapporteur on the Human Rights of Internally Displaced Persons (IDPs) for the visit undertaken to Sri Lanka from 2 to 6 December 2013, and for the draft, unedited version of his report on the visit shared with the Government of Sri Lanka. The Government of Sri Lanka has implemented a comprehensive and coherent policy for the resettlement of IDPs since the end of the conflict in May 2009. Detailed information in this regard is provided in the comments given below. The Government's policy on IDP resettlement is in line with accepted principles in achieving durable solutions of IDPs. It also includes, inter alia, the implementation of all recommendations of the LLRC which have relevance to the resettlement of IDPs, through the National Plan of Action for the implementation of the LLRC. The Government reiterates its commitment to continue with the provision of support for the resettlement of IDPs towards achievement of durable solutions.

2. Para 3 - No persons who met with the SR on IDPs during his visit were threatened or intimidated at any point, and there have been no reports or complaints to that effect. The SR himself acknowledges that the IDPs shared their experiences with him even in the presence of security and other officials. Hence the comment contained in the Report that the Special Rapporteur 'would welcome assurances from the Government that persons, whether officials or private individuals, who contacted him in relation to his official visit pursuant to his mandate, will not as a result be intimidated, threatened, or prosecuted', is unnecessary and unwarranted, and the Government would like to request that this sentence be deleted. Additionally, the Government extended unfettered access to the SR and facilitated all his meetings including interactions with civil society and field visits to the North. This may be acknowledged in the Report.

3. Paras 6 and 31 - Sri Lanka takes note of the definition of durable solutions provided by the SR. While he draws a distinction between durable solutions and relocation, the Government is of the view that resettlement of IDPs in their original habitats as well as development of livelihood support, can be clearly interpreted as provision of durable solutions, especially when perceived in the context of the comprehensive support provided by the Government to IDPs for safe return (including mine clearance), right to land and resolution of land issues, provision of housing, access to clean water and sanitation, reintegration, livelihood support and options, education and vocational training, healthcare, the right to vote, etc. Therefore the assertion in the SR's Report that recommendations with regard to durable solutions following national consultations have not been implemented is erroneous. It may be noted Livelihood support is neither a new focus nor has it been neglected by the Government, and development in the livelihood sector is providing a durable solution to the IDPs. Focus on livelihood aspects of IDPs commenced with the early recovery phase of the resettlement in the early part of 2010, immediately after fulfilling the urgent humanitarian needs of the IDPs. The main purpose of the early recovery phase was to enhance income generating activities for the IDPs, i.e. provision of support to immediately start agricultural activities through provision of equipment, seed paddy, fertilizer and other inputs after clearing cultivable paddy lands which were abandoned for a long time during the conflict period. This was followed by provision of

livestock, mainly, poultry, goat rearing and cattle farming. Major efforts were made to rehabilitate the fisheries sector which was almost devastated during the conflict. Another aspect which was considered as a priority was to renovate all damaged minor tanks. These activities have continued for at least two years and the outcome of these efforts were visible through the results achieved in each of the livelihood sectors, not only supporting individual family economies, but also contributing to the increase of provincial GDP of the national economy. Of all the INGOs involved in providing humanitarian aspects, nearly 75 per cent were involved in livelihood activities. At present, 31 out of 39 INGOs working in the Northern Province are exclusively supporting livelihood activities. Development of infrastructure ie. roads, schools, water and sanitation, health and energy sectors have contributed largely to the enhancement of livelihood environment of all the IDPs. Development actors including bilateral and multilateral partners are involved in livelihood support in the reconciliation process in the North and the East, including for IDPs, returnees and relocated persons, in the provision of durable solutions.

4. Para 9 - With regard to the discrepancy in the figure of IDPs between the Government of Sri Lanka and international organizations, referred to in the Report, the Government wishes to note that it has already highlighted the need to address this discrepancy seriously, and to this end it has discussed this important issue on several occasions with the UNHCR and other international organizations both in Colombo and in Geneva.

In order to arrive at a consensus on the IDP figures, a series of meetings were conducted during January to March 2014 at the district level covering all districts in the Northern and Eastern provinces with the participation of representatives of the Ministry of Resettlement, the Presidential Task Force for Resettlement, Development and Security of the Northern Province (PTF) and the UNHCR. The objective of this exercise was to ascertain the ground reality of the IDP situation and to reconcile discrepancies. The detailed discussions held with the District Secretaries, Divisional Secretaries and the Representatives of UNHCR in the respective areas, reveal the availability of 1,534 hitherto unreported IDP families consisting of 4,556 persons in the Northern and Eastern districts. The district wise breakdown of the figure is given in Table below:

District	No. of families	No. of Persons
Mullaitivu	60	164
Trincomalee	263	609
Kilinochchi	100	296
Mannar	169	421
Vavuniya	434	1413
Batticaloa	508	1653
Ampara	Not available.	Not available.
Jaffna	To be finalized.	To be finalized.
<b>Total</b>	<b>1,534</b>	<b>4,556</b>

*Source: Ministry of Resettlement, Sri Lanka, April 2014*

Accordingly, the total number of IDP families in the Northern and Eastern provinces without any potential revision to the already published figures of IDPs in Jaffna district being taken into account, would be 8,237 families consisting of 26,919 persons. The final figure of IDP families, which may include any new IDPs in Jaffna will be finalized shortly with the involvement of all relevant stakeholders. Annex I portrays the current situation of IDPs in the Northern and Eastern provinces. This demonstrates the action taken by the Government to address discrepancies in IDP figures.

Additionally, the Permanent Representative for Sri Lanka to the UN in Geneva has also on several occasions discussed the need to address this discrepancy in IDP figures with the UNHCR, including at meetings with the High Commissioner for Refugees himself (on 25th January 2013 and more recently on 21st January 2014). Additionally, the Permanent Representative has discussed this issue with the UNHCR Representative in Sri Lanka during a visit of the latter to Geneva on 3rd February 2014. At these discussions, the UNHCR has assured Sri Lanka that this discrepancy is being addressed, and that the UNHCR is examining their own IDP figures in this regard.

There is therefore ongoing cooperation between the Government of Sri Lanka and the UNHCR in addressing the discrepancy in IDP figures as detailed above. The Government would therefore appreciate if this section is updated to reflect the action underway to address this issue to reconcile IDP figures more comprehensively.

5. Para 9 – The Report says ‘the SR visited a welfare centre in Jaffna where people have been displaced for 24 years, without electricity, water or sanitation.’ This information is incorrect. The Ministry of Resettlement has confirmed that common water and sanitation facilities and electricity have been provided to all welfare centres in the Jaffna district.

6. Para 10 - With regard to protracted IDPs displaced due to expulsion by the LTTE from the North in 1990, the majority of whom are now living in Puttalam, it is incorrect to say that only a few of them live permanently in their areas of origin because they lost land documentation or because their land is occupied by the military or because some of them feel discriminated against by local authorities. There are in fact a range of reasons for some of this protracted category of IDPs to not live permanently in places of origin, including socio-economic issues related to their having lived for a long period in a place outside of their original habitat. A major problem is the landlessness of the extended Muslim families. During the period of almost 30 years of displacement, this community has expanded and dependent families require new lands. Having understood this problem, the Government has taken action to release nearly 3,200 acres of state lands to such families as an incentive for them to return to their original places. Additionally, when the resettlement process commenced, only the Muslim IDP families who volunteered to return were registered as having returned, and not the entirety of returnees. It may be further noted that the problem of dealing with land when the claimant has lost land documentation, is not singular to the North and the East, but is also applicable to any part of the country.

It is also incorrect to say that this category of protracted IDPs are discriminated against or are not ‘prioritised for assistance’, considering that (i) the Government has not and does not draw a distinction between old and new IDPs in provision of resettlement support, and (ii) the Government continues to specifically address the issues of this protracted category of IDPs, mainly Muslim IDPs, including within the framework of the LLRC NPoA. With regard to the claim that Muslim families in return areas are not being prioritized for assistance by local authorities, it should be noted that notwithstanding the requests made by the Government, I/NGOs as well as UN Agencies have opted to assist or prioritized their assistance to IDPs who were predominantly Tamil. The bulk of assistance granted to such Muslim families was from the Government and from some Arab countries. The situation remains the same even at present.

Additionally, 96 percent of demining is completed by the Government of Sri Lanka with a total area of 1,982 SqKm cleared as of March 2014 with a view to addressing resettlement issues. The significant and incremental progress made in demining by the Government has facilitated rapid resettlement.

The Government would appreciate if this section with reference to protracted IDPs is corrected to reflect facts accurately as detailed above.

7. Para 10 – While the Report acknowledges the expulsion by the LTTE of the entire Muslim population of some 75,000 people from the Northern province in 1990, it may be noted that in fact it was the Sinhalese community of the Northern Province that was first expelled by the LTTE. In 1971, there were 20,402 Sinhalese residing in the Jaffna and Kilinochchi districts, all of whom fled their homes in 1978. In 1981, there were 3,948 Sinhalese in Mullaitivu and 8,710 in Mannar. They were all expelled by the LTTE in the 1980s. Altogether 35,000 Sinhalese were displaced from the Northern Province during the conflict.

8. Para 11 – While the SR says that ‘tens of thousands’ among the 760,000 IDPs who have registered as having returned to areas of origin since April 2009, are ‘reported not to have reached durable solutions’, there are no specific instances or information cited to substantiate this point. This therefore remains a mere generalisation. The Government therefore requests that this reference be deleted.

9. Para 12 – The SR’s claim that among those registered as having returned are ‘thousands whose land remains closed for return, but whom the Government relocated in new villages in the Jaffna, Kilinochchi, Mannar, Trincolamalee and Mullaitivu districts’ does not comprehensively reflect the ground situation. It may be noted that relocation was resorted to in the case of some IDP returnees due to their original land being earmarked or already utilized for public purposes as in the case of similar acquisition of land in other parts of the country. It may be further noted that the number of relocated families is very small compared to the nearly 759,995 IDPs resettled between 2009 and 2013 in the Northern Province. For example, a total number of 252 families claim that they have been displaced from their original lands in Keppapilavu GN division in the Mullaitivu District. Considering the tactical and national security requirement, security forces were deployed in the lands of Keppapilavu GN Division after the humanitarian operation. Due to this reason, the above families were resettled in the Keppapilavu Model Village since 25 September 2012. However, out of the above 252 families, only 185 families have been able to prove their ownership of lands.

With regard to the SR’s claim that the original lands have been occupied by the military and it is unclear whether IDPs will receive compensation for their land, it should be noted that all relocated families have been provided with state land. Only the original lands of 185 families have been occupied by the military. Although the balance 67 families have not been able to prove their ownership, steps were taken to provide lands in the Keppapilavu Model Village. Each resettled family has been provided with 40 perches land plot for the house. Land has also been released for cultivation. (MOD) The Government has also taken action to release 250 acres of land suitable for agriculture to be distributed among relocated families at ¼ acre per family.

With regard to the SR’s claim that there was little or no consultation prior to resettlement, it may be noted that the Government Agent in Mullaitivu visited the Transitional Welfare Villages at Menik Farm and conducted discussions with regard to provision of alternative lands for the above families. The community leaders were facilitated to visit the proposed lands prior to taking them to the area of resettlement. These families have agreed to occupy the proposed lands on condition that permanent houses, basic infrastructure facilities and alternative lands for cultivation would be provided, which has been done.

With regard to the claim that the village built by the military has permanent houses of standard size regardless of each family’s size, it may be noted that the Ministry of Resettlement has designed spacious standard houses considering the size of the family, and only the construction component of the houses has been undertaken by the military. It may also be noted that apart from amenities such as electricity and water that are being provided to the village, facilities such as frequent mobile clinics, educational facilities, places of religious worship for Hindus and Christians and a market place have also been made

available. With regard to livelihood opportunities, a majority of villagers go for fishing in the Nanthikadal Lagoon located in the vicinity. A considerable number of villagers are employed as farmers, laborers and shop assistants. Some villagers run private boutiques within the village. Some are doing private businesses such as hiring tractors and three wheelers.

The Government requests that this section be appropriately amended with the information provided above.

10. Para 13 – The reference in the Report, which is attributed to international and national civil society representatives, that the ethnic Sinhalese people originating from the south of country were supported officially to settle in the North, is entirely without basis and erroneous. Such unsubstantiated claims are also made by parties with vested interest in order to politicize issues and in effect impede reconciliation between the two communities.

The SR himself makes reference to the eviction of the entire Muslim population, some 75,000 people from the North, by the LTTE in 1990. Prior to this ethnic cleansing, in the early 1980s, this Muslim community as well as over 35,000 Sinhalese co-existed peacefully in the North of Sri Lanka. Today, over 51 percent of the population in Colombo city is non-Sinhalese which is testimony to the fact that the people of Sri Lanka can freely choose where they want to live, and there are no efforts made to create mono-ethnic niches within the country. This is further substantiated by the fact that only 32 per cent of the Tamil population live in the North while the remainder live among other communities in the rest of the country.

The Government therefore requests that this erroneous reference be deleted from the Report.

11. Para 14 – The statement in the SR's Report indicating that the Urban Development Authority (UDA) functioning under the Ministry of Defence has evicted hundreds of families from their homes in Colombo, and durable solutions were not provided for those who were displaced is not correct and is a misinterpretation of the resettlement programme implemented by the UDA.

The actual position is that the UDA has undertaken several projects in the city of Colombo with a view to developing it as the country's commercial capital in line with the Government's policy directives on urban development. The Government has implemented a programme to construct high-rise apartments targeting 65,000 housing units to be constructed to provide decent houses to low-income families living in underserved settlements scattered in the city of Colombo covering an area of nearly 900 acres. This is one of the strategic programmes underway to achieve the expected urban development in the city of Colombo among many other current rejuvenation projects. Under this programme, no families will be displaced and all families will be provided with permanent houses, while releasing a large acreage of underutilized lands for productive purposes in accordance with the Colombo Development Master Plan.

A Plan of Action is underway by the UDA for the construction of around 15,000 housing units in high-rise apartment with all necessary facilities and amenities. Under this scheme, the first housing complex was completed in December 2013 and was handed over to the respective families. The balance housing projects are at different stages of completion. This scheme is being carried out based on a proper resettlement plan. The objective of some families in having appealed to the Supreme Court is not to protest against the displacement from their present locations but to seek an assurance from the UDA to obtain housing units from the housing scheme of their preference. Since there was a slight delay in completing this particular housing scheme, the UDA has provided the families with monthly rent alternatives until the required houses are completed. Settlement in this regard was reached

by mutual consent with those families, and the UDA has assured them that they will be provided with decent permanent houses as agreed to in the Supreme Court.

It may be further noted that the project in the Colombo city is an urban development project to upgrade the social and economic conditions of the people, which is being conducted in accordance with statutes governing land acquisition and payment of compensation. The project will provide permanent houses to all displaced families. The prevailing legal system is sufficient for the general public to seek legal redress in relation to land acquisition.

The Government requests that the above information be accurately reflected in the Report.

12. Para 14 – The reference in the Report to 550 families having been displaced from land sold to an Indian private company to build apartments is also a misinterpretation of the correct position. The actual position is as follows:

The 550 families referred to in the Report were living in a block of land situated at Colombo 02 in the heart of the city of Colombo. It was one of the most overcrowded settlements with unsafe dilapidated slum houses and contained unhygienic health conditions without even the basic facilities and amenities. This particular land block has been fragmented over the years into smaller pieces of land, even broken into less than one perch of different sizes and different shapes without having proper access. As such, none of those families were able to develop or construct their houses due to the small plot sizes which were far below the permissible standard, and also due to unclear land titles. Under such circumstances, the occupants of this settlement were deprived of their rights to develop the properties and therefore the UDA's intervention was essential to clear these bottlenecks and to provide them with decent houses with all necessary facilities and amenities as state intervention to solve their housing problem.

The UDA has planned to develop this particular low income settlement as a Public Private Partnership (PPP) Project with an Indian investor. The project was planned following the conduct of a series of community consultations and awareness programmes where it was mutually agreed to pay the families a monthly rental to vacate the premises temporarily for a two-year period to commence the construction of resettlement housing apartments for all the families. Fifty per cent of the dwelling units had a floor area of less than 300 Sq.ft. While the UDA has kept the minimum floor area as 400 Sq.ft. per unit, this particular scheme has provision for different types in different floor areas to cater to their varying requirements.

Accordingly, the UDA entered into agreements with the families guaranteeing their rights to get houses in required extent and quality, and for the UDA to acquire the said land block under the Land Acquisition Act for title clearance purposes. The families have agreed to renounce their rights to claim compensation for the respective land plots as they are provided with permanent houses with all facilities within two to three years in lieu of their individual properties. The investor company has to initially invest own funds to build the relocation apartments to the quality standard specified by the UDA. The balance land extent released through this process will be alienated to the investor on a conditional lease to develop high rise apartments and commercial uses based on a proper urban design layout with all facilities and amenities whereby the investor could recover his investment, while there will be a planned development with a multiple value addition to the properties of occupants. This strategy will pave the way to achieve a win-win situation for the occupants as well as the developer. The UDA will act as facilitator throughout the project. This concept was approved by the Cabinet of Ministers on 18 August 2012, and in pursuance of the matter, the respective families have been provided with monthly rental for them to find rental housing as per their wishes, thus enabling the UDA to clear the site for intended development work.

The Case filed by a few families in the Supreme Court in this regard was not due to displacement or disagreement to this housing programme, but with the expectation of a guarantee that they should not be resettled outside the city of Colombo. This matter was clarified at the Supreme Court where the UDA has assured that those families will be provided with decent permanent houses of which the floor area will be more than that of their existing houses with all necessary facilities and amenities, on part of the same land/location. Also, out of 550 families less than 60 families claimed that the value of the houses being offered to them was less than their property value. The UDA agreed to assess their properties through the Government Chief Valuer and to give them the option to either accept compensation or accept alternative houses taking into account the actual value of the properties. The families have agreed to this proposal and the matter has been resolved.

The Government requests that the above information be accurately reflected in the Report.

13. Para 17 – The claim in the Report that little action has been taken to effectively implement LLRC's recommendations on IDP resettlement including creation of a uniform state policy aimed at resettlement, is erroneous, and no specific information is provided in the Report in support of this claim. The claim is also inherently contradictory as the very next paragraph (Para 18) makes reference to the National Plan of Action for the Promotion and Protection of Human Rights (NHRAP) having dedicated a whole section to the rights of IDPs. It may be noted that the NHRAP is co-terminus with the National Plan of Action for the implementation of the recommendations of the LLRC (LLRC NPOA) which was established in July 2012.

It may be noted that the LLRC's entirety of recommendations on resettlement and reintegration of IDPs, including Muslim IDPs and Sinhalese families evicted from Jaffna and the rest of Northern Province, and provision of durable solutions is comprehensively addressed through the LLRC NPoA. The LLRC NPoA has two thematic sections dedicated to 'land return and resettlement' and 'restitution and compensatory relief', both of which have relevance to the resettlement of IDPs. All 18 recommendations of the LLRC pertaining to the issues of IDPs, including land, housing, infrastructure and livelihood needs as well as their emotional and spiritual needs, are comprehensively addressed in the LLRC NPoA. Of these, 06 recommendations specifically refer to the rights and resettlement of Muslim IDPs, 01 Recommendation relates specifically to resettlement of Sinhalese families who were evicted from the Northern Province, and another Recommendation relates to resolution of land and livelihood issues of families who were displaced due to LTTE attacks in the former "Threatened Villages". The relevant sections of the latest Progress Report of the LLRC NPoA of March 2014 is at Annex II to this response, giving detailed information on progress (LLRC NPoA website: <http://www.llrcaction.gov.lk/>).

Additionally, land, being one of the most complex and sensitive residual issues of the conflict related to resettlement, continues to be comprehensively addressed by the Government. In line with the LLRC recommendations, the Land Commissioner General is implementing the Special Land Circular giving effect to Government's land policy concerning "Return and Resettlement of Displaced Persons and Associated Programme" which provides for the granting of land to IDPs who had lost land, and legal ownership to those who have been resettled. In fact, the Government has taken a policy decision not to alienate new lands to landless people until the land problems of the affected people in the conflict affected areas are resolved. The LLRC NPoA monitors 14 Recommendations directly related to the implementation of this Special Land Circular, and considerable progress is being made by the Land Commissioner General in this regard. Land Ministry offices in the Northern and Eastern Provinces have been strengthened by inclusion of officers competent in land matters, while the Government has allocated Rs 400 M in the 2014 Budget to implement the LLRC recommendations under the Special Circular. In March 2014 alone, 1,382 land requests have been received in the Northern Province,



making a total of 153,126 requests to date, of which 26,746 have been resolved. In the Eastern Province, 763 land requests have been received in March 2014 (total of 14,576 to date) and 1,793 have been resolved thus far. The Terms of Reference of the Fourth Land Commission are under preparation.

Taking the above into consideration, the Government would like to request that this section be corrected to reflect the very comprehensive and concrete action taken by the Government including via the LLRC NPoA to implement the LLRC's recommendations on IDP resettlement, as well as in addressing the issue of IDP resettlement through a coherent, uniform policy.

14. Para 19 – The Report calls for revision of the Government's Framework of Resettlement Policy which the SR criticizes as not being adequate, and indicates that it falls significantly short of both the goals of the NAPHR and of the comprehensive 2008 Draft IDP Bill. It may be noted that the Government's 'A Framework for Resettlement Policy' revised draft as of 6 November 2013 (please see LLRC NPoA website, <http://www.llrcaction.gov.lk>) outlines the framework for resettlement policy comprising the administrative, logistical, advisory, humanitarian and other forms of support available to IDPs, returnee refugees of legitimate Sri Lankan origin and resettled communities. The policy has been prepared taking into account the very special nature of the circumstances within which the displacements occurred and as to what kind of support and assistance are required by the persons concerned to counter the twin challenges of resettling and reintegrating within society and the economy while reinvigorating their already diminished social and economic potential. The Policy details the policy objectives, policy goals, basic principles, strategy, scope, resettlement options, assistance, resettlement of refugees, land and property rights, access to schooling and health care, gender equality and children's rights, host community, auditing, training, international cooperation, psycho-social assistance, rights of IDPs and Returnee Refugees, profiling IDPs and Returnee Refugees, IDPs in protracted situations, policy implementation mechanism, review of policy and definitions. The Framework may be read in tandem with the LLRC NPoA and the NHRAP.

The Ministry of Resettlement is in the process of organizing broader consultations to finalise this draft Framework, as was indicated to the SR during the debriefing session of the Government of Sri Lanka presentation on 5 December 2013. The Government requests that reference to this ongoing consultation process be included in the Report.

15. Paras 21 and 22 - The criticisms in the Report that the Government resorted to deregistration of IDPs while they were still displaced is incorrect. It may be noted that registration with Government authorities as IDPs was undertaken solely for the purpose of providing them with the much needed assistance, including dry rations. Deregistration was undertaken based on a factual assessment, and as soon as IDPs report for resettlement, they are registered as returnees and given assistance. No sooner the person is resettled in his/her own land, the person's identity is changed from IDP status to that of a resettled person. This method was adopted by the Government with a view to speeding up the resettlement process and without prejudice to provision of continued support to the resettled person to achieve durable solutions.

The statement in the Report that the closing of IDP camps has led to the deregistration of IDPs without ascertaining whether they had been able to return home, or still had specific displacement related needs, is also incorrect. All IDPs accommodated in major welfare centres in Menik Farm were resettled in their original habitats, while some have opted to stay with host families. Prior to the resettlement of the IDPs, they were taken to their original lands on a "Go and See" mission to show them that the area is cleared for resettlement and to ensure safety and confidence of the IDPs. On resettlement, they were looked after by the Divisional Secretaries, other local officials and the military until their basic needs were fulfilled and they were made comfortable.

The Government requests that the errors in these two paragraphs be corrected.

16. Para 22 – The SR’s assertion that ‘tens of thousands of those who returned or were relocated’ being in need of support to reach durable solutions is without basis and remains unsubstantiated (Please also refer to Government response under Paragraph 11 above). The Government has made every effort to provide those who were resettled with livelihood support, including commencement of agriculture, fisheries, as well as assistance provided for livelihood support through local banks. The Government has paid special attention to those whose livelihood are dependent on fisheries to ensure that they have access to their traditional means of livelihood. Fishermen who were unable to engage in their livelihood during the conflict have been able to recommence fishing activities since the end of the conflict, and are provided with livelihood and technical support. The Government has enhanced the infrastructure and support facilities for the fishing industry in the North and the East including with the support of bilateral and multilateral donors. The Government requests that this paragraph be modified to accurately reflect the ground situation.

17. Paras 23 and 24 – The Government takes due note of the Guiding Principles on Internal Displacement that recognize that IDPs have the right to choose among three settlement options which if sustainable will lead to a durable solution that includes (i) return to their place of origin, (ii) integration in the area of displacement, or (iii) settlement in another part of the country. The IDP resettlement policy followed by the Government has adhered to the criteria, i.e., the three resettlement option, stipulated in the Guiding Principles. No IDPs were forcibly resettled at any point. The Government has had a comprehensive plan to achieve the ‘Five Rs’, namely, resettlement, rehabilitation, reintegration, reconstruction and reconciliation in the post-May 2009 period. This plan meets the criteria stipulated in the Guiding Principles on Internal Displacement referred to in the paragraph.

The Government also takes note of the definition of the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for IDPs that ‘a durable solution is achieved when internally displaced persons no longer have any specific assistance and protection needs that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement’. The Government agrees with this definition. In the nearly 5 years since the end of the conflict in May 2009, the Government has incrementally shifted its focus from provision of humanitarian assistance to IDPs to provision of more durable solutions through a more development oriented focus. This is precisely why livelihood development of already resettled IDPs as well as IDPs to be resettled, their reintegration into society, schooling, education, and health needs, etc., are issues which continue to be addressed by the Government through reconciliation and development work.

Progress with regard to these development issues continue to be addressed through the LLRC NPoA (as detailed in the Progress Report of March 2014 at Annex II), as well as through the relevant line Ministries including the Ministries of Resettlement, Economic Development, Education, Health, etc. The Government has not begun to view IDP resettlement as a closed issue despite resettlement of the majority displaced by the conflict. While physical resettlement alone is not adequate, the Government is firmly of the view that provision of conditions for physical resettlement including provision of relevant infrastructure such as housing, schools, hospitals, as well as basic services are a prerequisite for the resettlement process. While much has been addressed and achieved, there are many challenges that remain and continue to be addressed by the Government, land issues being one such complex challenge.

We also note that the IASC Framework on Durable Solution has its focus on a situation of an “optimal level achievement” (100%) of IDP resettlement and reintegration into society. Such results cannot be practically achieved, let alone within a short period of five years, given the complicated nature of Sri Lanka’s post-conflict challenges. IASC also recognizes

that “a solution becomes durable only years, or even decades, after the physical movement to the place of origin or place of settlement has taken place, or the decision to locally integrate has been made”. In this context, it has to be accepted that even after all IDPs are resettled, durable solutions for some issues will come their way only after some time. In this context, Sri Lanka’s progress within the IASC framework deserves greater acknowledgement. It is suggested that the Report includes acknowledgement of the Government’s policies on resettlement of IDPs, which are in line with internationally accepted principles in achieving durable solutions of IDPs.

18. Para 26 – The Government rejects the claim in the Report that some tens of thousands of IDPs who have returned or have been relocated in the Northern and Eastern provinces ‘live in very precarious conditions’. No specific information is provided to substantiate this assertion which is without basis and incorrect. In the absence of any evidence to substantiate this claim in the Report, the Government would like to request the SR to delete this erroneous reference.

19. Para 27 – The Report makes reference to a recent WFP survey which notes that nearly seven out of ten households in Vavuniya and Mullaitivu districts were food insecure and faced a rising level of debt in coping with the lack of livelihood opportunities. It may be noted that the reference details of this survey, which are given in the related Footnote 16 refers to an article which appeared in “IRIN” magazine, a news service of the UN Office for the Coordination of Humanitarian Affairs. However, the survey does not reflect the full picture of the situation as it had been carried out on a sample of 300 persons only. The article itself indicates that “This report does not necessarily reflect the views of the United Nations”. The Government requests that this reference therefore be deleted as it is misleading in the circumstances.

There were three stages in the Government’s policy in the provision of shelter for IDPs in a phased manner, which included the construction of (i) transitional shelters, (ii) semi-permanent shelters, and (iii) permanent shelters. The provision of transitional shelters was considered only during the first few months of resettlement, and thereafter the focus was shifted to construction of semi-permanent shelters and then permanent houses. The semi-permanent structure that was developed by the PTF in association with the IOM was later introduced as the IOM model, which consists of two rooms built on a plinth area of 200 sq.ft. and possibly with a toilet. All donors accepted this model and provided support during the phase of provision of semi-permanent shelters. The Government then moved to the provision of permanent shelters or full-fledged housing to IDPs with a view to providing durable solutions. The Government’s achievements in the provision of houses to IDPs, which was carried out with some support from bilateral and multilateral donors, is indeed significant.

The statistics provided in the Report on housing built for IDP resettlement is not correct. The Government has built 206,686 houses for resettlement of IDPs in the Northern and the Eastern Provinces during the period 2004 to March 2014 at a cost of SL Rs. Mn. 54,588. This includes 49,488 houses built under the North East Housing Reconstruction Programme (NEHRP), 2,122 houses built under North East Community Restoration and Development Project (NECORD), 7,146 houses built to date under the Indian Housing Programme, as well as 24,529 houses built by INGO/NGOs.

The number of resettled families in Jaffna after 2009 is 31,188, for whom 22,826 new houses have been completed, and another 2,334 houses are being built, leaving 4,523 houses to be built, making a total of 29,683 houses. This means 95 per cent of the resettled families in Jaffna district have been provided with permanent houses. Accordingly, in Mullaitivu district 40 per cent, in Mannar district 75 per cent, and in Kilinochchi district 52 per cent of the resettled families have been provided with new permanent houses.

As per the information gathered by the Government from District Secretaries, the total permanent shelter requirement among resettled families in the Northern and Eastern provinces in Sri Lanka stand at 70,886 units (additionally 25,093 damaged houses are required to be renovated), after taking into account what has been constructed, what is being built and committed to be built during the next three years. Currently 16,646 fully damaged houses are being reconstructed and 189 houses are being renovated. A significant proportion of houses have been built on 'owner-driven' basis. The Government is further committed to reconstructing 11,061 fully damaged houses and renovating 3,095 partly damaged houses.

It may be noted from the above elaboration that addressing the housing needs of the IDPs has been a priority in the Government's resettlement policy as well as the reconciliation process right from the inception. The Government continues to make every endeavor to address the housing needs of the remaining IDPs including with bilateral and multilateral support. The Government requests that this section be duly updated including with the housing figures duly corrected.

20. Para 28 – The claim in the Report that all humanitarian projects in the North require the approval of the PTF is incorrect. All projects in the Northern Province, as in the case of all the other provinces, require the approval of the Department of External Resources and the relevant line Ministry / Ministries. Additionally, the Report's reference that the PTF 'has rarely approved protection projects such as psycho-social support, legal assistance, family tracing and reunification' is incorrect. Every I/NGO or UN agency working on these areas are required to work with the respective Government institution / agency, and many have been working with the Ministry of Health and the Department of Probation and Childcare. The authorization for such projects does not come under the purview of the PTF, as detailed above. PTF coordinates support for such projects through the Government machinery. The Government requests that this error be duly corrected in the Report.

21. Para 30 – While the Government agrees that persisting regional disparities need to be addressed in the Government's move towards achieving the MDGs, the Report refers to regional disparities being 'most visible' in the Northern and Eastern Provinces, especially in access to health services, education facilities and employment opportunities'. While the Government has acknowledged the considerable development challenges in these two provinces as the former theatre of the conflict, education, health and provision of employment are areas where significant achievements have been recorded within a short period after the conflict. The recent Advanced Level examinations results, improved medical facilities & hospitals, livelihood programmes, and contribution to the GDP are examples.

The Northern Province has recorded a Provincial GDP (PGDP) growth rate of 23.6 per cent in 2013 contributing 4.3 per cent to the national economy up from 3.7 per cent in 2011, while the Eastern Province registered the second highest growth of 26.6 per cent in the PGDP with an increase in its GDP share to 6.9 per cent in 2013 from 5.8 per cent in 2011. (Hon MEA statement to HRC 25 in March 2014).

The Government has restored the education system in the North and ensured equal access to education to the students of the Northern and Eastern Provinces. Education Department statistics reveal that there is an increasing trend by the school children in the Northern and Eastern Provinces to perform significantly better than other provinces at all island public examinations. This is reflected by the securing of the top and third slot in the last all island Advanced Level examination performance by students in the Northern and Eastern provinces respectively. All schools damaged during the conflict have been repaired and rehabilitated. The number of schools opened in the Northern Province has increased from 840 (in 2010) to 982 (in 2012). The number of students has increased from 214,262 to 255,106 and the number of teachers has increased from 12,205 to 14,826 during the

corresponding period. The Student/Trained teacher ratio of the Northern Province is 32 whereas the corresponding national level figure is 31.

There are 6,820 “Sinhalese” schools, 2,223 “Tamil” schools, and 856 “Muslim” schools. There are 887 “Tamil” schools outside the Northern and Eastern Provinces (with 475 “Muslim” schools). There is not a single “Sinhalese” school functioning in the three districts of Jaffna, Mullaitivu and Killinochchi.

The highest success rate in performance of school candidates by Province (63.88%) at GCE Advanced Level 2013 has been recorded from the Northern Province. The Eastern Province is placed third, with a percentage of 60.72%. The highest success rate in performance of all candidates by Province (62.23%) has also been recorded from the Northern Province. The Eastern Province is placed fifth, with a percentage of 58.35%. The five districts in the Northern Province are in the first five places in the performance of school candidates by district, and a district in the Eastern Province is placed 6th in the list.

The Government has taken measures to ensure access to quality health care services to the people in the North. As of January 2014, there is one Teaching Hospital, 04 District General Hospitals, 07 District Base Hospitals, 57 Divisional Hospitals, 33 Primary Medical Care Units, 30 MOH Offices and 381 Clinic Centres in the Northern Province. In 2013, the Government opened a fully equipped new three story building complex in the Jaffna Teaching Hospital. The number of Curative Care Institutions and number of beds per population in the Northern Province (Population - 1,060,023) are 102 and 5,348, respectively. The corresponding figures in the Western province (Population - 5,837,294) are 149 and 20,955, respectively.

The unemployment rate in the Northern Province has declined from 6.1 per cent to 5.2 per cent, and in the Eastern Province from 15.5 per cent to 4.9 per cent in the period 2005 to 2012.

The Government has taken the initiative to establish a Vocational Training Centre (Sri Lanka-German Training Institute) in the Kilinochchi district with the assistance of GIZ to service the vocational training needs of the entire Northern Province with international training certification standard. The Institute which comes under the Ministry of Youth Affairs and Skills Development is now under construction and will be completed by 2015.

The food ratio is one of the principal indicators used to measure living standards of a population. Food ratios for the Northern and Eastern Provinces have declined from 59 per cent to 44.8 per cent, and from 57 per cent to 55 per cent, from 2009/10 to 2012/13, respectively.

The Government suggests that the Report includes acknowledgement of the above elaborated facts.

22. Para 31 – The Joint Needs Assessment (JNA) between the Government of Sri Lanka and the UN Humanitarian Country Team will also address the issue of provision of durable solutions for IDPs. The Government requests that this be included in this paragraph.

23. Para 32 – While the Report calls for greater clarity in the relationship between the PTF and the Provincial and District authorities in relation to IDPs, it may be noted that the relevant line Ministries, such as the Ministries of Resettlement, Economic Development; the relevant District and Provincial authorities are directly involved in the development process, including in the provision of durable solutions to IDPs. The PTF since its inception has continued to work with these authorities in line with its mandate. While the Report asks the Government to allow donors to partner directly with relevant local authorities to support solutions for IDPs, it is not possible to remove the relevant line Ministries which work in coordination with the local as well as the provincial administration as well development partners from the equation given the need to maintain coherent policy direction on IDP

resettlement, as well as to work in accordance with stipulated administrative guidelines. All such coordination now comes under the civil administration. There is no impediment as has been cited in the collaboration and coordination between the Ministries, the PTF and the local administration as evidenced through the implementation of a vast number of development projects and activities in the North and the East. The SR's call for greater clarity in the relationship of the PTF is therefore without basis and the reference may be amended appropriately.

Additionally, the Government has an effective coordination mechanism to ensure complementarity of action between relevant partners and stakeholders, including IDPs. The following are examples of such "effective coordination" by the GoSL;

- Advertisement of de-mined areas and invitations to resettle,
- Land kachcheri initiative to address land issues
- Systems put in place to accept requests/appeals on land issues
- Work carried out by the local administrative agencies such as the Divisional Secretariats in resolving land issues and in addressing the grievances
- Conducting of elections in the North and the East
- Employment of Tamil speaking police officers
- Recruiting competent people for government service in respective areas
- The GoSL's joint work with INGOs and NGOs.

The Government requests that these be acknowledged in the Report.

24. Paras 34 and 35 – The Government has recognized need to harmonize data on IDPs and returnees, and the needs linked to their displacement, as well as data desegregated by gender and age. The resettlement data are desegregated by gender to capture vulnerable groups and to address resettlement in a comprehensive manner. The Letter of Agreement (LOA) relating to the Joint Needs Assessment (JNA) which was signed between the Government of Sri Lanka and the UN Humanitarian Country Team (UNHCT) on 25th March 2014 will address these issues further, including the specific needs linked to the displacement of IDPs, and to reconcile the discrepancies in relation to the number of remaining IDPs to be resettled. The Steering Committee of the Technical Working Group of the JNA met on 7th April 2014 and the proceedings have commenced. The exercise is expected to end by 30th June 2014.

The Government has not maintained an exclusive focus on the categories of 'old' and 'new' IDPs, based on the time of displacement, nor does it maintain a distinction between 'old' and 'new' IDPs in the context of support, as made clear earlier. However, it may be noted that there was an urgent need in the immediate aftermath of the end of the conflict in May 2009 to focus on those IDPs displaced recently given that their needs were more urgent, and thus needed to have a humanitarian focus. For example, the resettlement of those who got displaced as a result of the final stage of the conflict in May 2009 and were housed at the Menik Farm welfare village, was completed by the Government by 30 September 2012. The number of IDPs resettled from 05 August 2009 to 30 September 2012 from Menik Farm Welfare village amounted to 281,701. The current focus is therefore in addressing their needs from a durable solutions point of view.

As already indicated in the Report, the Government has acknowledged the need to harmonise data on IDPs, returnees and relocated persons, and assurances in this regard were given to the SR by stakeholders at the debriefing session held on 5 December 2013 in Colombo. Subsequently, the PTF, the Ministry of Resettlement and UNHCR jointly

discussed this issue in January 2014 to finalise the correct numbers of IDPs as detailed in Paragraph 9 above.

The Government would appreciate if this paragraph is appropriately amended to reflect the above.

25. Paras 37, 38, 39 – The Report refers to security issues which affect IDP's freedom of movement, the continuation of armed conflict measures, including the Prevention of Terrorism Act (PTA), and the continued heavy presence of military in the former conflict zone. Following the termination of military operations against the LTTE in 2009, the Government has undertaken a gradual process of reduction of military presence in the former conflict affected areas. The total strength of the military in the Northern Province has been reduced by approximately 30 per cent from 2009 to October 2013, a process which is continuing to take place. In the Eastern Province, an approximately 26 per cent reduction of troop presence has been undertaken. Also 50 per cent of the troops have been deployed in areas which were not affected by the conflict. The Government continues to evaluate and rationalize military presence according to national security imperatives. The timelines for such activities correlates directly to the threat perceptions of the Government to national security and is one which evolves as situations unfold. The references in the Report to the continuation of armed conflict measures and the continued heavy presence of military in the former conflict zone is therefore erroneous, as is the reference to an increase in military presence in Jaffna since the September 2013 Provincial Council election, as reported by civil society organisations, and the Government therefore requests deletion of these references.

The Prevention of Terrorism Act (PTA) comes into force for individuals who are suspected of being involved in terrorist activity and have no bearing on IDPs freedom of movement, unless the IDPs have been found to be involved in terrorist activity. No restrictions have been placed by the PTA on the freedom of movement of Sri Lankan citizens. It should be noted that the UNHCR Report of June 2013 referenced at footnote 22 of the Report of the SR, states that a vast majority (96%) reports no restrictions on their freedom of movement in and out of their village (Figure 1.19 in page 17).

The statement made that the involvement of the military in civilian issues affects the security climate in particular for women, whose position is made more vulnerable by the breakdown of social networks and communities, is without basis. Whilst reiterating that the military has no involvement in civilian matters, no information is provided on how such an eventuality would affect the security climate of women and lead to them becoming more vulnerable through breakdown of social networks and communities. No evidence is provided to arrive at such a conclusion. The civilian administration in the North and the East is fully functional with social and community networks involving civil society groups, I/NGOs, assisting the civilian administration in the discharge of duties.

The activities carried out by the Sri Lankan military are within the ambit of Civil Military Cooperation and are not intended to usurp the powers of civil administration. These activities are similar to post-conflict activities undertaken by military forces across the globe and involve reconstruction/renovation of houses, provision of adequate safe drinking water, construction of sanitary facilities, reconstruction of religious places for communities, improving access roads, irrigation projects etc. Whilst these were undertaken more intensively in the immediate post-conflict period, these activities have also become limited due to the strengthening of civilian institutions and their capacity to undertake such work. The Report of the UNHCR (June 2013) referenced by the SR at Footnote 22 states in its analysis that "a positive note about military presence is that the military is involved in settling disputes, helping people to build houses and assisting with development activities in the villages" (page 10).

The Government rejects the claims made in the Report that the military has undertaken commercial activity which impacts on local small farmers and impacted on their commercial interests, and requests that this reference be corrected. No commercial activities are undertaken by the military in the North. All agricultural/other projects maintained by the Sri Lanka military, are on State owned land, and have been undertaken to meet the basic food requirements of military personnel and is not being undertaken as a commercial activity. This issue was comprehensively addressed during the visit of the SR to Sri Lanka in December 2014 by stakeholders.

The hotels run by the Sri Lankan military are for the purposes of welfare of the families of military personnel to provide leisure activities at a lesser cost. These facilities are also open to the public in order to obtain revenue which would facilitate granting welfare prices to military personnel and their families. It may also be noted that similar projects have been undertaken in the South and elsewhere in the country as well. Similar examples in cantonment areas exist in many parts of the world where militaries engage in such activities as welfare measures for service personnel.

26. Para 38 – With regard to the SR’s claim that a Presidential palace is being built in the North of Jaffna in the HSZ, it may be noted that whilst the Government is well within its rights to build suitable premises for the use of the Head of State anywhere in its territory, the point which the SR is attempting to make with regard to this reference is unclear as well as irrelevant to the subject matter of the Report.

The Report’s claim that the PTF has denied civil society organizations access to IDPs is baseless and erroneous. With regard to civil society, the PTF deals exclusively with I/NGOs registered with the NGO Secretariat. No complaints have been received or made by any of those I/NGOs with regard to denial of access to IDPs by the PTF. The Government therefore requests that this erroneous reference be deleted.

The Government also requests that the erroneous claim that the civil society representatives are reported to be under constant surveillance by the Government and the military be deleted, as there is no constant surveillance by either party on civil society representatives.

27. Para 40 - This paragraph identifies the reasons preventing IDPs from accessing their lands as (a) presence of land mines (b) set up of special military and economic zones (c) lack of documentation of their land of origin. The Report has overlooked that (a) only about 82 Sq.Km. remain to be cleared of landmines, (b) the Military is restricted to cantonments and High Security Zones have ceased to exist, and (c) Special Economic Zones are major development projects and help generate development and livelihood programmes for the IDPs. The Government has given sufficient solutions with regard to land acquisitions for Economic Zones. (d) New land policies are designed to address land issues of all Sri Lankans including the IDPs, according to documentation on land or origins. (Please also refer to the section on Land with reference to Para 17 above.) The Government requests that these facts be acknowledged in the Report.

28. Para 42 - The section makes reference to a land area of 62,000 Sq. Miles as still uncleared of landmines, out of a total land area of 1.4 million Sq. Miles contaminated with mines at the end of the armed conflict. The land area indicated as remaining uncleared is incorrect. As of now, about 96 per cent of the areas identified for demining has been cleared, and only 82 Sq. Km. remain to be cleared from land mines out of total area of 2,064 Sq. Km. The Government requests that these errors be corrected in the Report.

29. Para 43 - The Report makes reference to the demarcation of large areas in the 1990s as High Security Zones (HSZs) and that ‘significant tracts of land continue to be used by the military for cantonment and other activities’. It may be noted that former High Security Zones (HSZs) have ceased to exist. The Palaly cantonment is now the only area in which some security restrictions remain although civilians have unrestricted access to the Palaly



airport and the KKS Harbour. Similarly, former HSZs in the Eastern Province located in the Sampur area from 2007 has been reduced in extent by 65 per cent and declared a licensed zone under the Board of Investment. To date a total of 20,011 acres of private land and 5,740 acres of state land have been released in the North and East. Further, access has been given to land owners inside military cantonments and HSZs for cultivation purposes.

It should be noted that for 30 years much of the former conflict affected areas in the North and East were illegally occupied by the LTTE which prevented the GoSL from establishing permanent military establishments in areas of strategic importance for national security purposes. Following the elimination of the LTTE, the GoSL which regained full control of its territory is in the process of establishing military installations in areas which are of significance from a national security perspective. The statements made that families are unable to access lands due to military "occupation" are misplaced and misleading. The Sri Lankan military is not an occupying force as the areas concerned are within the territory of Sri Lanka. It is the national military, deployed by the Government for purposes of securing its territorial integrity and sovereignty, in line with security considerations.

In all instances in which private land has been acquired, it has been done through proper procedures and by providing compensation/or alternate land to owners. Similar processes have also taken place elsewhere in Sri Lanka. The land owners have access to justice and can challenge such processes through courts if they feel proper procedures have not been followed. There is no truth whatsoever in the claim made that military personnel have intimidated persons who have challenged acquisition of lands in these areas through court procedures. The Government requests that such erroneous references be deleted from the Report.

The Government has allocated SL Rs. 200 Million to pay compensation for those who have lost their lands to the Palaly Cantonment, and steps have been taken to provide alternate land for these people. Additionally, a sum of SL Rs. 200 Million has been allocated in 2014 to pay compensation for land acquired by the Government for development activities. The Government is in the process of making amendments to the Lands Act to resolve a number of contemporary issues. Action has been taken to introduce amendments to Land Development Ordinance, Land Acquisition Act and the Land Grant (Special Provision) Act in order to meet the timely requirements and repeal the laws which do not meet the needs of the public. Amended Bills of the Land Development Ordinance and the Land Acquisition Act have been finalized.

The Government requests that this information be reflected appropriately in this section.

30. Para 44 - The main reason preventing access to land is not lack of land ownership documentation as indicated in the Report. The mechanism set in motion by the Government for the Commissioner General of Land to resolve land related issues in each district has been formulated to ensure that the loss of documentation will not be the major impediment in relation to resolution of land matters. In actuality, the applications received for lost land documents are very few. The major impediment to address land issues is in effect landlessness, which is not a problem peculiar to the Northern Province. (Please also refer to Para 10 above in this regard). All issues related to land are being addressed by the direct mechanism already set in motion by the Government. The Government recommends that this section be amended to reflect this.

31. Para 45 – The Amendment to the Prescription Ordinance will be presented to Parliament in May 2014. Steps are being taken to Gazette the necessary Orders under the Special Mediation Board Act, to establish relevant Boards in certain areas where armed conflict prevailed, and to address certain identified land disputes that have arisen in those areas. This action is being undertaken with a view to implementing the relevant recommendations of the LLRC to grant legal ownership of land to those (IDPs) who have

been resettled, and amend the law pertaining to prescription in its application to land transfers / occupation effected during the period of conflict in order to prevent legitimizing of forced eviction and secondary occupation of private lands in the North and the East. The Government recommends that this section be updated to reflect this information.

32. Para 46 – In exceptional cases where land cannot be returned, the Government is taking necessary steps to follow due process, provide compensation and support for sustainable relocation.

33. Para 47 – The references in the Report to lack of effective remedies for violations of International Humanitarian Law and International Human Rights Law and the comments of the Panel of Experts (PoE) report on Sri Lanka are erroneous and politicized, and are therefore categorically rejected by the Government of Sri Lanka. These references also have no relevance to the mandate of the SR on the Human Rights of IDPs, as himself acknowledged during his meeting with GoSL interlocutors in December 2013. The PoE report is a discredited document containing unverified and unsubstantiated information from questionable sources. The Report has also not received the endorsement of the intergovernmental process. The Government has placed on record its views on the PoE Report in its Comments on the OHCHR Report on Promoting Reconciliation and Accountability in Sri Lanka presented to the 25th session of the Human Rights Council (A/HRC/25/G/9). The Government therefore requests deletion of reference to the above, including specific reference to the PoE on Sri Lanka. Alternatively, the Government requests that its views on the subject be reflected in the SR's Report.

34. Para 48 – The reference in the Report to alleged attacks by Buddhist extremists who have targeted Muslim and Christian sites in different parts of the country is irrelevant to the subject of IDPs, and therefore to the mandate of the SR, as himself acknowledged during his interactions with GoSL in December 2013. In fact there have been in the recent past, sporadic incidents focusing on places of worship of all four religions. In such instances the police has taken steps to report facts to magistrates, and action has been taken to produce suspects before magistrates where credible information has been available. The reference to some mosques and churches frequented by IDPs having been destroyed in the North is without basis and factually incorrect. No specific references and information have been provided to substantiate this claim. The Government therefore requests deletion of reference to alleged attacks by Buddhist extremists as well as the general unsubstantiated reference to mosques and churches in the North being destroyed.

35. Para 49 – The reference in the Report that in the Kilinochchi district alone 16,000 applications of missing persons was collected by the Commission on Disappearances is erroneous and misleading. As at end March, the Commission had received approximately 18,000 complaints, inclusive of 5,500 complaints from relatives of security forces personnel, from all parts of the country. The complaints are submitted to the Commission both by post as well by relatives during public sittings, hence there is reasonable opportunity for multiple submissions to be made in relation to a single complaint. The reference to this is also irrelevant to the mandate of the SR and his subject in the Report. The Government therefore requests its deletion.

The SR also exceeds his mandate in his call for the involvement of the UN Working Group on Enforced or Involuntary Disappearances to assist and complement the work of the Commission on Disappearances established by the GoSL. The Government therefore requests its deletion.

36. Paras 51 and 52 – The references in the Report to the alleged gross violations of human right of internally displaced women, including sexual violence, is unsubstantiated and incorrect. While challenges remain, specifically in the context of the particular vulnerability of women in the post-conflict resettlement process, the Government has taken

every effort to address the specific concerns of internally displaced women in a gender sensitive manner. The Government has set up special women's protection units with female police officers and women centres in the IDP welfare centres, and continues to provide counseling services. Strict legal action has been taken to combat sexual violence. There have been no allegations of gross violations of human rights of Internally Displaced women. The Government requests that this section be appropriately amended.

37. Para 52 – The Government categorically rejects the unsubstantiated allegation of reported forced prostitution by elements of the military. The Government places highest priority on the protection of women and children, and significant efforts have been made including through the establishment of Women and Children Desks at Police stations to ensure access to justice and also create a suitable environment in which to report abuses and violence. Steps have also been taken by the Government to establish new police stations. In line with the recommendations of the LLRC, the new Ministry of Law and Order was created in August 2013, under which the Police Department is now placed. The Government deplores all acts of violence against women and girls and has taken concrete action against reported cases and will continue to do so. There exists no basis for concern with regard to the presence of the security forces contributing to the vulnerability of women to sexual violence in the North which is not borne out by available data.

The Government has acknowledged the challenges faced due to lack of sufficient Tamil speaking officers in the police, and have taken steps to address this. For this reason, under the Trilingual Policy, civil servants and police officers have been recruited and trained to serve the public in the North and the East in the language of their choice. Special focus is being placed in enabling police officers serving in the North to have a sound knowledge of Tamil. The Police Department has deployed 900 Tamil police officers and 1,500 Sinhala police officers fluent in the Tamil language in police stations in the Northern and Eastern provinces. Preparations are also underway to recruit 150 Tamil speaking women police officer in 2014 to augment all units of Women and Children's Bureaus at all Police Stations in the Northern and Eastern Provinces. Under the Trilingual Policy, the Government has initiated a programme to make public sector workers bilingual in the vernacular, with the ability to converse in both Sinhala and Tamil, and Government officers are regularly encouraged to participate in language competency training.

The Government therefore requests that this information be appropriately reflected in the Report.

38. Para 53 – All schools destroyed as a result of the conflict have been repaired. All schools in the Northern Province used by the Sri Lanka military have been handed over to civilian use. The schools occupied by the LTTE were renovated by the Government and handed over to the respective Zonal Directors of Education in the Northern Province. It may be further noted that children in the former conflict affected areas attend school, and internally displaced children continued to attend schools while even living in welfare villages. (Please see Para 30 above on education in the North and the East). Resettled children are not prevented from attending school due to the lack of a birth certificate. The Government therefore requests that this erroneous reference be deleted.

39. Para 56 – It may be noted that the LLRC's recommendations on IDPs (Chapter 5) and on Land (Chapter 6) are already under implementation within the framework of the LLRC NPoA as stated under Para 17 of the Report above. Most of these recommendations are already at a high level of implementation.

The Government further notes that the SR's recommendations with regard to the Commission on Disappearances and the Working Group on Enforced or Involuntary Disappearances are not relevant to the subject of IDPs nor the mandate of the SR.

With regard to the SR's recommendation to address impunity for security forces personnel in relation to offences against civilians, the Government rejects the claim of impunity, which is made without any justification whatsoever and is unsubstantiated and uncorroborated. The Government categorically states that on no occasion has the Sri Lanka military engaged in offences against civilians. Any offences by the security forces, for which credible evidence is available, are promptly investigated and action is taken under the existing legal system.

## Annex I

Ministry of Resettlement  
IDP's to be resettled as at 24/04/2014

District	Place	No of welfare Centres	To be Resettled as at 24.04.2014		Results of Join Study with UNHCR and PTF(IDPs with Friends and Relatives)		Total to be Resettled	
			Families	Persons	Families	Persons	Families	Persons
<b>Northern Province</b>								
Jaffna	Open Welfare Centre	34	1228	4410			1228	4410
	With Friends and Relatives	-	4650	15355	to be decided		4650	15355
<b>Sub Total</b>		<b>34</b>	<b>5878</b>	<b>19765</b>	<b>0</b>	<b>0</b>	<b>5878</b>	<b>19765</b>
Killinochchi	With Friends and Relatives	-	*374	1140	100	296	100	296
Vauniya	With Friends and Relatives				434	1413	434	1413
Mullaitivu	With Friends and Relatives				60	164	60	164
Mannar	With Friends and Relatives				169	421	169	421
<b>Total</b>			<b>6252</b>	<b>20905</b>	<b>763</b>	<b>2294</b>	<b>6641</b>	<b>22059</b>
<b>Eastern Province</b>								
Trincomalee	Welfare Centre	3	266	836	-	-	266	836
	With Friends and Relatives	-	559	1762	263	609	822	2371
<b>Sub Total</b>		<b>3</b>	<b>825</b>	<b>2,598</b>	<b>263</b>	<b>609</b>	<b>1088</b>	<b>3207</b>

## Annex I

Batticaloa	With Friends and Relatives					508	1653	508	1653
Ampara								-	-
<b>Total</b>			825	2,598	771	2,262	1,596	4,860	
<b>Grand Total</b>		37	7,077	23,503	1,534	4,556	8,237	26,919	

\* Out of this No, 274 families are apparently registered in Jaffna District .Therefore, this number has to be reconciled with Jaffna statistics to be received.

Source: Ministry of Resettlement, Sri Lanka, April 2014

## Annex II

National Plan of Action for the Implementation of LLRC Recommendations –  
Recommendations relating to IDPs (March, 2014)

1

Recommendation	Activity	Partner Agencies	KPI	Time Frame	Progress
<b>HUMAN RIGHTS</b>					
1. 9.88* - Facilitate cooperation of and engage the services of relevant international organizations and civil society groups, community level associations and support groups to assist single mothers, those recently resettled, and those who are disabled to address the issues they confront and also to address emotional and spiritual needs of those who have been under trauma.	1. Undertake collaborative programmes with relevant international organisations, CBOs etc to assist single mothers, those recently resettled, and those who are disabled.	<ul style="list-style-type: none"> <li>o M/Social Services</li> <li>o M/Child Devt &amp; Women's Affairs</li> <li>o M/Rehabilitation &amp; Prison Affairs</li> <li>o M/Health</li> </ul>	<ul style="list-style-type: none"> <li>• Collaborative programmes implemented.</li> </ul>	Dec 2014	<ul style="list-style-type: none"> <li>• Several international organizations are engaged by government ministries to assist displaced and resettled persons: These include: GoSL, Govt of India, UN agencies, INGOs, NGOs collaboration in constructing and renovating houses for returnees etc. World University Services of Canada support to set up 03 Vocational Centres and 03 Recognition of Prior Learning Centres for re-settled people in Northern province.</li> </ul>
2. 9.103* - Provide assistance to returnees to repair or build permanent houses. Self-help and mutual assistance programmes such as "Shramadana" must be encouraged. Adequate provision should be made to provide infrastructure needs such as roads, schools and hospitals in the areas where people have been resettled.	1. Implement programmes to construct or renovate houses for returnees with required infrastructure in place with the engagement of NGOs, CBOs.	<ul style="list-style-type: none"> <li>• M/Resettlement</li> </ul>	<ul style="list-style-type: none"> <li>• Housing and infrastructure needs are fulfilled.</li> </ul>	Dec 2014	<ul style="list-style-type: none"> <li>• As at April 24, 2014, 70,886 fully damaged houses have been constructed and 25,093 partly damaged houses have been renovated.</li> <li>• Currently, 16,646 fully damaged houses are being reconstructed and 189 houses are being renovated. A significant proportion of houses have been built on "owner-driven" basis. Government is further committed to reconstructing 11,061 fully damaged houses and renovating 3,095 partly damaged houses.</li> </ul>
3. 9.104* - Grant the legal ownership of land to those [IDPs] who have been resettled.	1. Continue implementation of circular which provides for grant of ownership.	<ul style="list-style-type: none"> <li>o M/Lands</li> <li>o M/Justice</li> </ul>	<ul style="list-style-type: none"> <li>• Circular implemented.</li> </ul>	On going	<ul style="list-style-type: none"> <li>• Land Commissioner General's Circular No. 2013/01 giving effect to Government's land policy concerning "Return and Resettlement of Displaced Persons and Associated Programme", is continuously monitored with Provincial Land Commissioners (North and East) and District Secretariats. Accordingly, 153,126 land requests have been received by end March 2014 in the Northern Province under 03 categories in the Circular, i.e new land requests, regulating documents and other land problems. 26,746 have been resolved to date. In the Eastern province, 14,576 land requests have been received by end March and 1,793 have</li> </ul>

Recommendations approved by the Cabinet in July 2013 as an Addendum to the NPOA

National Plan of Action for the Implementation of LLRC Recommendations –  
Recommendations relating to IDPs (March, 2014)

2

Recommendation	Activity	Partner Agencies	KPI	Time Frame	Progress
4.	9.105 - Encourage civil society to engage in community development at the grass roots level to help IDP communities who are making a collective effort to reconstruct and rebuild their lives.	<ul style="list-style-type: none"> <li>M/Resettle ment</li> <li>M/Youth Affairs &amp; Skills Devt</li> <li>M/Child Devt &amp; Women's Affairs</li> <li>M/Construct ion</li> </ul>		On going	<ul style="list-style-type: none"> <li>been resolved.</li> <li>By end March, 405 Divisional Days were held in the North and 187 in the East for the public to make representations relating to their lands. 288 Land Kacheris have been conducted in North to distribute land. 547 Tsunami Deeds have been issued in Eastern Province.</li> <li>Steps are being taken to establish Special Mediation Boards in certain areas where armed conflicts prevailed, to address certain identified land disputes that have arisen in those areas.</li> <li>Field officers attached to M/Child Devt &amp; Women's Affairs in Ampara and Jaffna districts are engaged in promoting and mobilising community contribution for reconstruction and rehabilitation. Also, CBO women leaders have been trained with the support of GIZ to strengthen their role in community work.</li> <li>Community Based Organizations' active participation in the execution of community infrastructure projects that are targeted for the benefit of resettled IDPs and returnee refugees is evident and they bid competitively for contracts.</li> </ul>
5.	9.106 - Create awareness among IDPs about policies [with regard to the areas that are available for people to resettle] and the options available to them.	<ul style="list-style-type: none"> <li>M/Lands &amp; Land Devt</li> </ul>	<ul style="list-style-type: none"> <li>Awareness programmes conducted</li> </ul>	March 2014	<ul style="list-style-type: none"> <li>IDPs awareness on Land Circular No. 2011/4 has been enhanced through 20 Divisional Secretariat level awareness programmes completed in Northern Province and 18 Divisional Secretariat level awareness programmes completed in Eastern Province.</li> </ul>
6.	9.108 - 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.	<ul style="list-style-type: none"> <li>M/ External Affairs</li> <li>M/ Re-settlement</li> </ul>	<ul style="list-style-type: none"> <li>Refugees return to Sri Lanka.</li> <li>Bilateral discussions held and decisions implemented</li> </ul>	Dec 2014	<ul style="list-style-type: none"> <li>A policy with regard to refugees in India is included in the draft Resettlement Policy. (Please see <a href="http://www.resettlement.gov.lk">www.resettlement.gov.lk</a> for draft policy)</li> <li>From 2011 to April 24, 2014, 1,330 families (3,850 persons) of refugee status living in India have voluntarily repatriated to Sri Lanka.</li> <li>Government has consistently encouraged voluntary return of Sri Lankan refugees presently in Tamil Nadu through its mission in Chennai. Return is facilitated through UNHCR</li> </ul>

Recommendations approved by the Cabinet in July 2013 as an Addendum to the NPOA



*National Plan of Action for the Implementation of LLRC Recommendations –  
Recommendations relating to IDPs (March, 2014)*

Recommendation	Activity	Partner Agencies	KPI	Time Frame	Progress
7. 9.111 – Introduce a uniform State policy aimed at resettlement of Muslim IDPs and/or integrating them into the host community so that they may make a considered decision with regard to resettlement options available to them either in their original place of habitat or in host communities.	1. Resettlement of Muslim IDPs is underway in terms of accepted government policy. 2. Formulate policy based on an examination of the feasibility and advisability of integration into host community.	• M/Resettle ment	• Policy formulated	March 2014	<ul style="list-style-type: none"> <li>• which provides a basic cash package to the refugees. In addition, booklets and documentary videos have been produced to provide information on the type of assistance available to returning refugees which would positively impact on refugees to return to Sri Lanka. Discussions were also held at the 8<sup>th</sup> Session of the India-Sri Lanka Joint Commission meeting in January 2013 where the two countries agreed to work together to facilitate voluntary repatriation to Sri Lanka.</li> <li>• The integration of Muslim IDPs in the Puttalam District with the host community is taking place at a rapid pace. 3,000 such families have refused to return to their places of origin, instead opting for local integration.</li> </ul>
8. 9.112 – Introduce an assistance package in above State policy including financial assistance and other material support for housing construction for Muslim Community in North & East		• M/Resettle ment • M/Construct ion			<ul style="list-style-type: none"> <li>• In order to provide housing support for the Muslim community in North and East, 2,303 houses have been constructed in Musali DS Division in Mannar, where resettled Muslim IDPs are predominant.</li> </ul>
9. 9.113 - 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.	1. Presidential Task Force for the North and East (PTF for the N&E) to formulate a policy on the issue of Muslim IDPs. 2. Issue necessary directions to implement policy.	○ PTF for NP	<ul style="list-style-type: none"> <li>• Policy formulated</li> <li>• Policy implemented</li> </ul>	June 2014	<ul style="list-style-type: none"> <li>• A major policy initiative taken by the government to implement a comprehensive resettlement programme is the appointment of a Presidential Task Force for Resettlement, Development and Security in the Northern Province.</li> </ul>

**LAND RETURN AND RESETTLEMENT**

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:

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National Plan of Action for the Implementation of LLRC Recommendations -  
Recommendations relating to IDPs (March 2014)

4

Recommendation	Activity	Partner Agencies	KPI	Time Frame	Progress
10. 9.126 - Assure people through a publicity effort that the <i>Land Policy and the Associated Programme</i> , 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.	1. 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	○ M/Lands & Land Devt	• Implementation of the activities in keeping with the the <i>Land Policy and the Associated Programme</i> .	On going	• To be discussed under the 4 <sup>th</sup> Land Commission
11. 9.133 - Launch a well-designed, communication campaign in simple Tamil and Sinhala language to help displaced persons come forward to benefit from the <i>Land Policy and the Associated Programme</i> .		○ M/Lands & Land Devt			• IDPs awareness on Land Circular No. 2011/4 has been enhanced through 20 Divisional Secretariat level awareness programmes completed in Northern Province and 18 Divisional Secretariat level awareness programmes completed in Eastern Province.
12. 9.140 - Apply strict controls to prevent any alienation of State Land other than for IDPs until the proposed Programme is implemented.				Completed.	• Completed.
13. 9.143 - Extend livelihood assistance to 'new IDP' families as needed, on an area by area basis for a longer period of time than planned, to ensure family sustenance.		• M/Resettlement			• Currently there are no "New IDPs". Resettlement Policy has been revised taking in to account comments, observations received from stakeholders. It will be submitted to the Cabinet for approval shortly. (For updated version, visit: <a href="http://www.resettlement.gov.lk">www.resettlement.gov.lk</a> )
14. 9.144 - Effectively and expeditiously resolve the land issues of Muslim families who were forcibly ejected by the LTTE from their agricultural land in the Eastern province, and whose living conditions have drastically deteriorated as a result	1. Collect information from relevant District Secretariats and formulate a programme to address land issues of displaced Muslims.	• M/Resettlement • M/Lands & Land Devt	• Land issues identified and resolved.	Dec 2014	• See also Recommendation 9.104 • 6,391 plots of land have been alienated by the Land Commissioner General to resettle Muslim families to facilitate their resettlement. Land Kachcheries to select suitable allottees is in progress and so far 1,993 allotments have been alienated. • An Inter Agency Committee has identified requirements for provision of land, rehabilitation of schools, roads, irrigation works etc.

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National Plan of Action for the Implementation of LLRC Recommendations -  
Recommendations relating to IDPs (March, 2014)

Recommendation	Activity	Partner Agencies	KPI	Time Frame	Progress
15. 9.145 - Review official data with regard to the eviction of Sinhalese families from the Jaffna district in order to arrive at more precise data. Facilitate Sinhalese families who were evicted from Jaffna and the rest of the Northern Province, and who volunteer to go back, to return to own land or be resettled in alternate land as expeditiously as possible.	1. Advertise paper notice to collect data on eviction of Sinhalese families from the Jaffna District and the rest of Northern Province. 2. Collect existing data from Ministry of Resettlement regarding the eviction of Sinhalese families	<ul style="list-style-type: none"> <li>M/Resettle ment</li> <li>M/Land &amp; Land Devt</li> </ul>	<ul style="list-style-type: none"> <li>Review of official data completed.</li> <li>Follow up action taken as appropriate.</li> </ul>		<ul style="list-style-type: none"> <li>In progress.</li> <li>According to data received from the District Secretaries in the Northern province, there are 3,714 Sinhala families evicted from that province and 4,414 families have now returned.</li> </ul>
16. 9.146* - LLRC Recommendation, but not included in NPoA as it is repeated at 9.194 in the NPoA (See below)					
17. 9.147 - Designate a focal agency to study the special nature of problems and displacement of families in former Threatened Villages, with a view to designing a special mechanism to resolve their land issues and livelihood issues expeditiously, as they lack the political patronage or power to influence the existing governmental administrative machinery as well as the evolving national post-conflict development agenda.	1. Identify former Threatened Villages and collect accurate and specific information relating to land issues	<ul style="list-style-type: none"> <li>M/Land &amp; Land Devt</li> <li>M/Resettle ment</li> </ul>	<ul style="list-style-type: none"> <li>Specific categories of land issues in former Threatened Villages are identified and recommendations are in place to resolve them.</li> </ul>		<ul style="list-style-type: none"> <li>A Committee, represented by M/Resettlement, M/Economic Development, M/Social Services and M/Lands and Land Development, has been appointed to study the special nature of problems and displacement of families in former Threatened Villages. Several issues were identified and discussed at a workshop held on 18.02.2014 with Divisional Secretaries from districts of Anuradhapura, Polonnaruwa, Puttalam and Monaragala. Final report of the Committee will be submitted shortly.</li> </ul>
<b>RESTITUTION/COMPENSATORY RELIEF</b>					
18. 9.165 - Address housing needs for returning IDPs on an urgent basis. Access all possible sources of assistance from institutions and individuals both national and international to cater to housing needs of returning IDPs.	1. Ref. Recommendation 9.103	<ul style="list-style-type: none"> <li>M/Resettle ment</li> </ul>			<ul style="list-style-type: none"> <li>Please refer to Recommendation 9.103</li> </ul>

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Recommendations relating to IDPs (March, 2014)*

Recommendation	Activity	Partner Agencies	KPI	Time Frame	Progress
<b>RECONCILIATION</b>					
19. 9.194 - Facilitate the early return of the displaced Muslims to their places of origin in the Northern Province.	1. Formulate and implement a policy for the resettlement and reintegration of the displaced Muslims.	o M/Resettlement o PTF for N & E	• Publication of the report identifying the requirements with recommendations for implementation	Dec 2014	<ul style="list-style-type: none"> <li>• A Study is underway to ascertain the actual number of families from all communities who have been evicted from the Northern and Eastern Provinces prior to May 2009, but have not been adequately compensated by way of land or housing or cash to facilitate policy decision on assistance. This would facilitate new policy guidelines on construction of houses on lands to be alienated affected families.</li> <li>• Ministry of Resettlement has allocated a sum of Rs. 13.47 M to improve water and sanitation facilities in Mannar District in 2014.</li> </ul>

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