

Summary of the Bill on the Office for Reparations

Objectives of the Bill

Main purpose: The Bill on the Office for Reparations is presented as a remedy for aggrieved persons eligible for reparations and as an effective measure that will contribute to the promotion of reconciliation for the wellbeing, and security of all Sri Lankans.

1. The objectives of the Bill:

- To formulate and recommend to the Cabinet of Ministers, Policies on Reparations to grant individual and collective reparations to aggrieved persons;
- To facilitate and implement such Policies on reparations as approved by the Cabinet of Ministers by the Office for Reparations, including specialized policies on public education, memorialization and on children, youths, women and victims of sexual violence and persons with disabilities;
- To establish links to ensure the compatibility of the Office for Reparations with other mechanisms aimed at reconciliation.
- Monitoring of the proper implementation of the reparation processes for victims.

Office for Reparations

- **Chairperson**
- **Consist of five (5) members**

Functions of the Office for Reparations;

- To receive recommendations with regard to reparations to be made to aggrieved persons from the Office on Missing Persons (OMP);
- To receive applications for reparations from aggrieved persons or representatives of such aggrieved persons and to verify the authenticity of such application, for the purpose of assessing the eligibility for reparations;
- To identify the aggrieved persons who are eligible for reparations as well as their level of need;
- To identify and collate information relating to previous or on-going reparation programmes carried out by the State, including any expenditure on similar reparation programmes through a centralized database;

- In order to carry out the functions of the Office for Reparations in an efficient manner, formulation of administrative rules, developing processes and methodologies to obtain, investigate and verify requests and recommendations;
- To make rules with regard to ensure the effective functioning of the Office for Reparations, in a manner in which recommendations and claims shall be received, such recommendations and claims shall be processed and verified and the administration of the Office for Reparations;
- To formulate and recommend to the Cabinet of Ministers, Policies on Reparations and guidelines with regard to the grant of individual and collective reparations including;
 - (i) The criteria for eligibility for aggrieved persons to obtain reparations,
 - (ii) The form, and where appropriate, the quantum of reparations that will be provided to eligible aggrieved persons,
 - (iii) The criteria of eligibility of aggrieved persons to financial compensation,
 - (iv) The criteria of eligibility of aggrieved persons to urgent reparations,
 - (v) A list of bodies which may assist in the provision or delivery of different forms of reparations to aggrieved persons,
 - (vi) Recommendations on reparations which may be provided directly by other State institutions,
 - (vii) The criteria on which verified applications for reparations shall be prioritized;
- To implement such Policies on Reparations and guidelines as may be approved by the Cabinet of Ministers and grant individual and collective reparations as envisaged by such approved Policies and guidelines;
- To provide training including gender responsiveness to the staff of the Office for Reparations;
- To provide support, including administrative support, travel reimbursements and psychosocial support, where necessary, for the aggrieved persons who appear before the Office for Reparations

Appointment of Members

- The Chairperson will be appointed by the President. (The Constitutional Council shall recommend three names out of the members of the Office for Reparations to be appointed as the Chairperson of the Office for Reparations)
- On the recommendation of the Constitutional Council the President shall appoint other members.

The Constitutional Council will consider the following when submitting recommendations for members of the Office for Reparations

- Ensure that the composition of the Office for Reparations reflects the pluralistic nature of Sri Lankan society including gender;
- Ensure that the members of the Office for Reparations shall be persons of integrity and possess experience and qualifications relevant to the carrying out of the functions of the Office for Reparations.

The process of appointing the Chairperson and Members of the Office for Reparations

- The President shall appoint the Chairperson and the Members of the Office for Reparations within 14 days of receiving recommendations from the Constitutional Council.
- In the event of the President failing to make the necessary appointments within fourteen days, the persons recommended to be appointed as members of the Office shall be deemed to have been appointed.
- If the President fails to appoint the Chairperson from amongst the names recommended by the Constitutional Council within 14 days, the person whose name appears first in the list of names recommended to be appointed as the Chairperson, shall be deemed to have been appointed as the Chairperson of the Office.

Maintenance of finances of the Office for Reparations

- The Office for Reparations shall have its own fund.
- On the date of the commencement of this Act, all funds lying to the credit of the Rehabilitation of Persons, Properties and Industries Authority will be transferred to the Office for Reparations.
- Funds for the Office will be obtained through Parliament periodically.
- In addition, the Office may receive funds as grants or gifts from local and international sources provided that international funds are channelled through External Resources Department.