



**MINISTRY OF PRISON REFORMS, REHABILITATION, RESETTLEMENT AND  
HINDU RELIGIOUS AFFAIRS**

**NATIONAL POLICY ON DURABLE SOLUTIONS  
FOR CONFLICT-AFFECTED DISPLACEMENT**

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## I. PREAMBLE

The search for durable solutions for internally displaced persons (IDPs), refugee returnees and displacement-affected populations resulting from Sri Lanka's 30 year civil conflict is both a human rights imperative and a critical step towards national reconciliation and peace consolidation. This policy acknowledges the adverse impact of the war on all communities in Sri Lanka and accordingly affirms the need to respond to all IDPs and displacement-affected populations in a manner that is non-discriminatory (e.g., on the grounds of ethnicity, religion, caste, gender or age), fair, just and equitable. To this end, the policy provides a rights-based set of principles and standards to guide all stakeholders working with IDPs and displacement-affected populations, in accordance with Sri Lankan law and policy and international law and humanitarian standards, including the UN Guiding Principles on Internal Displacement.

Well over a million Sri Lankans were displaced by the war, both internally and externally to other countries. A majority of those displaced have returned to their places of origin or relocated in other areas of Sri Lanka. While most have received some assistance to return, relocate or locally integrate, many still await the assistance and protection to which they are entitled. Uprooted from their homes and deprived of the normal protection of community services and structures, those still displaced continue to require assistance to address their vulnerabilities, and to remedy and repair the damage and loss inflicted by long-standing, and in many cases multiple and protracted, displacement. Even among populations who have returned, there are those who have not found a durable solution and continue to be vulnerable as a result of their displacement.

The policy recognizes that the provision of durable solutions to displacement, whether this is return to places of origin, local integration, or relocation in other areas of the country, is central to addressing the rights of IDPs and displacement-affected populations. The provision of durable solutions is also inextricably linked with the wider political task of healing the wounds of war and forging a strong sense of unity within a diverse polity. The policy takes a conflict-sensitive approach, paying due regard to the perspectives of the various groups of displaced communities, as well as communities hosting IDPs, to ensure that assistance is designed and implemented in a manner that resolves rather than exacerbates tensions, strengthens peace and promotes justice, unity and reconciliation.

The rights of IDPs must be respected, protected and fulfilled while they remain in displacement, and at all stages of their search for durable solutions. More than six years after the war, it is time for urgent and comprehensive solutions that leave no one behind. The new Government has since 2015 made its intention clear that the displacement relating to the war needs to be urgently addressed and durable solutions found for IDPs, returning refugees and those who have chosen settlement options but are still struggling to find durable solutions.

The development of this policy has been based on wide-ranging consultations with key stakeholders, both in the war-affected areas and the centre, consultations that began in June 2015 and culminated with a presentation to, and endorsement by, the National Steering Committee (NSC) on resettlement in Colombo on 21 March 2016. This involved, *inter alia*:

- two consultations with IDPs, refugee returnees, and other displacement-affected persons in the Northern and the Eastern Provinces;
- meetings with district- and provincial-level officials;
- consultations with civil society actors working in the Northern and Eastern Provinces and at the national level;

- bilateral meetings with line ministries;
- consultations with an Advisory Group of individuals with expertise on key displacement issues such as resettlement, humanitarian assistance, protection, land, gender, child protection, transitional justice and reconciliation; and
- regular consultations and/or briefings with UN agencies, other humanitarian actors, and representatives of the diplomatic and donor communities.

In addition, the Ministry of Prison Reforms, Rehabilitation, Resettlement, and Hindu Religious Affairs (MoR) published drafts of the policy on its website and invited comments from the public.

The draft also drew upon earlier efforts to address the displacement issue including the 2011 Lessons Learnt and Reconciliation Commission (LLRC) report which recognised the importance of finding durable solutions for IDPs in the medium and long term and noted that, absent this, “a sustainable and all-inclusive reconciliation process cannot be achieved.” It incorporated the findings of the September 2008 National Consultation on the Status of Internally Displaced Persons (due to conflict) within the framework for Durable Solutions; the Draft bill on Protection of IDPs (2008 August, Human Rights Commission of Sri Lanka) and the MoR’s Draft Resettlement Policy (2013).

While the Government has taken measures, including drawing up this policy, with a view to rapidly ending the war-related displacement, this policy notes that for specific populations the struggle to achieve durable solutions, particularly in securing adequate shelter, employment, safety, security, and equal access to essential services, may take longer and will require targeted assistance. A listing of the most critical problems to be addressed if durable solutions for all are to be achieved is set out in Section VII below.

A meaningful and effective implementation of the policy will positively impact on the lives of IDPs and those affected by displacement. By adopting this policy the Government commits to taking all the necessary measures to end displacement including the commitment of adequate monetary and human resources for this task. It also commits to ensuring coordination within the State, and between all levels of government, and affirms its commitment to work with its partners in civil society, the private sector and the international community, to find durable solutions for all remaining conflict-displaced populations.

## **II. THE PURPOSE OF THE POLICY**

1. The Policy seeks to clearly set out and guarantee the rights of IDPs, refugee returnees and others persons of concern (as defined in section III-1 below) and to promote measures to address their immediate, medium and long-term protection and assistance needs, with a view to facilitating durable solutions to their displacement.

2. The policy sets out comprehensive principles and standards to be observed/upheld by all stakeholders in the provision of protection and assistance to all persons displaced and affected by displacement, based upon respect for the principles and rights enshrined in the Sri Lankan Constitution and relevant national laws, and in international human rights and humanitarian laws and standards, including the UN Guiding Principles on Internal Displacement and the Inter-Agency Standing Committee (IASC) Framework on Durable Solutions for internally displaced persons.

3. The policy sets out (in Sections II, V and VI) the rights, needs, concerns and perspectives of IDPs and others affected by displacement. It also brings displacement issues and communities to the front and centre of policy-making, planning and programming, including through ensuring their consultation and participation.

4. The policy (in Section VIII) delineates the roles and responsibilities of relevant government and state institutions and their national and international partners, towards effective institutions and mechanisms of leadership, coordination, implementation and cooperation, in order to improve overall response. It sets out a process for monitoring implementation of the policy and for redress through grievance mechanisms (in Section IX).

5. The policy describes, in Section VII, the obstacles/problems which must be addressed and resolved as a matter of urgency if the target of rapidly ending displacement is to be met.

### **III. SCOPE OF THIS POLICY**

1. Persons of Concern under this policy comprise the following:

1.1 Internally displaced persons (IDPs), specifically persons, group of persons or a community who have been asked to leave against their will, or forced or obliged to flee or leave their homes or places of habitual residence, as a result of or in order to avoid the effects of the armed conflict in Sri Lanka, including situations of generalised violence and violations of human rights arising from that conflict, and who have not left the country;

1.2 Sri Lankan Refugee Returnees, specifically Sri Lankans who fled the country as a result of the conflict, to India or elsewhere, and who have returned, either to their places of origin or habitual residence, or to resettle elsewhere in Sri Lanka;

1.3 IDPs or Refugee Returnees (as defined in 1.1 and 1.2 above), who resettled because their land was under occupation, but have not found a durable solution and therefore reserve the right to return to their places of origin or habitual residence;

1.4 Communities who are hosting or who have hosted IDPs and refugee returnees and have special needs as a result of the support they offer, or have offered, to these populations; and

1.5 New and extended IDP or Refugee Returnee families – specifically, children of IDPs or of Refugee Returnees who have married during their displacement, whether or not the spouse is another IDP or Refugee Returnee, and children of such unions who have married (second, third and successive generations).

2. Other IDPs

2.1 This policy recognizes that there are now and may in future be other IDPs in Sri Lanka whose displacement is the result of natural or human-made disasters, climate change, development projects, or possible future conflicts who do not come under the scope of this policy. Nonetheless, the principles and standards set out in this policy have implications for how the State responds to these other displaced communities.

Furthermore, some of the displaced resulting from the conflict have been or are also affected by displacement due to natural disasters (both during displacement or after they have been resettled) and by development or infrastructure projects. As such developing common standards and principles which set out the rights of such persons to protection and assistance is key.

2.2 A recommendation of this policy is that the Sri Lankan Government develop a law that addresses all displaced persons and communities, particularly relating to standards and protection noted in 2.1 immediately above, so as to be prepared for all such eventualities.

### 3. Recognition and Registration of Conflict-Affected IDPs

3.1 This policy stresses the need for the State to ensure, as a first step to addressing the displacement which resulted from the conflict, that efforts are made to identify and where necessary to register all IDPs and other persons of concern as defined in Section III-1 above. A primary step is the need to recognise continuing displacement and vulnerability. Maintaining comprehensive and disaggregated statistics and data are of primary importance for the effective implementation of this policy.

3.2 Registration of an IDP does not confer a legal status, but recognizes a *de facto* situation where a State response is required. The purpose of registration is to facilitate the administration and implementation of activities and programmes to protect and assist displaced populations.

3.3 While registration is not constitutive of being an IDP and de-registration or the absence of registration does not lead to loss of rights and entitlements set out under this policy, for the specific purpose of receiving resettlement assistance, persons must register as IDPs on or before 1 May 2017. For persons who wish to return to areas not yet released, the deadline for registration will be a year from the date the land is officially released. The May 2017 deadline does not apply to Refugee Returnees who have a year to apply for resettlement assistance from the date of their return to Sri Lanka.

## IV. General Principles

### 1. National and International Standards

1.1 In this Policy, the State recognises that IDPs and refugee returnees, like all other citizens and persons who habitually reside in Sri Lanka, are entitled to the full spectrum of rights and privileges guaranteed by the Constitution of the Democratic Socialist Republic of Sri Lanka, in particular Chapter III on Fundamental Rights, and relevant national legislation and policy. This policy demonstrates commitment to the principles of democratic governance, rule of law and human rights and international best practices.

1.2 This Policy is also in line with international instruments that Sri Lanka is a party to including but not limited to International Covenant on Economic, Social and Cultural Rights (ICESCR), International Covenant on Civil and Political Rights (ICCPR) and its Optional Protocol, Convention on the Rights of the Child (CRC), International Convention on the Elimination of All Forms of Racial Discrimination (CERD), Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and its Optional Protocol, and Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT). This Policy is informed by and upholds the relevant international standards on the rights of those displaced, including the UN Guiding Principles on Internal Displacement and the IASC Framework on Durable Solutions for internally displaced persons.

1.3 This policy also upholds the Humanitarian Principles of Humanity, Non-Discrimination and “Do No Harm” in the provision of humanitarian and development assistance. In addition, values of impartiality, neutrality, respect, self-reliance, participation, capacity building, coordination, accountability and professionalism need to be maintained in the provision of services.

## ***2. State Sovereignty and Responsibility***

2.1 The State recognises its sovereign commitment to protect all Sri Lankans from arbitrary or forced displacement, be it from State or non-State actors, or as a result of their omissions or failure to act.

2.2 The State recognizes that providing protection and assistance to displaced and displacement-affected populations in all phases of displacement and the search for durable solutions is a duty and responsibility and not an act of charity or political largesse.

2.3 The State acknowledges that it has primary responsibility for providing protection and humanitarian assistance to displaced and displacement-affected populations, to mitigate the adverse effects of displacement and take all measures to ensure that displacement does not last longer than is necessary under the circumstances. This includes dealing with obstacles to durable solutions such as, but not limited to, those set out in Section VII below.

2.4 The primary responsibility of the State to provide protection includes measures to address human rights concerns and ensure access to justice, mechanisms for redress of grievances, compensation and reparations, and resolution of conflict over housing, land and property (including occupied, utilised or given in any form) arising from displacement.

2.5 The State will implement all necessary measures (as set out in greater detail in Section IV–7.6 below) to provide security and establish the rule of law in displacement-affected communities, ensure that law enforcement activities are responsive to communities and are community-based, and ensure a secure and enabling environment for conflict-resolution and reconciliation.

2.6 The primary responsibility of the State to provide protection and assistance also extends to economic security, so that displacement, particularly multiple and/or protracted displacement, does not result in poverty or marginalization.

2.7 In addressing the needs of the displaced and displacement-affected populations, the policy recognises that finding Durable Solutions to the displacement will require the State to make financial commitments within the framework of the national budget, while also recognizing the complementary and supporting roles of other national and international actors, including civil society groups and the private sector, and the participation of representatives of the host community, with the necessary support from government to facilitate and/or encourage their engagement.

2.8 The State has an obligation to monitor governmental response at all levels to displacement situations. It also has a duty to monitor the implementation of this policy to ensure transparency and accountability to persons of concern. The State shall ensure consultation of displaced communities including through provincial- and district-level committees (see Sections VIII and IX below)

### ***3. Equality under the Law; Impartiality and Non-Discrimination; Equity***

3.1 This policy is based on the underlying recognition that IDPs and refugee returnees, like all citizens of Sri Lanka, are entitled to the full spectrum of rights and privileges guaranteed under the Constitution, national laws and policies.

3.2 IDPs and refugee returnees should not be subject to discrimination or deprived of their rights owing to their displacement.

3.3 In the provision of assistance within the framework of this Policy, all actors will be guided by the principles of impartiality and equality among various groups of displaced such that assistance is provided according to legitimate needs without discrimination based on ethnicity, religion, caste, gender, age, year or region of displacement among others. The provision of aid should not be used to further political or religious objectives. As such, groups, such as former combatants and/or their families who have been displaced, should not be excluded from assistance packages provided to other IDPs.

3.4 New IDPs or extended IDP families, as described in Section III-1.5, are entitled to assistance in their own right and should not be discriminated against on the basis of their being considered as 'new'. This needs to be recognised especially in the case of protracted displaced who may lack necessary documentation to prove their place of origin and refugees who have spent two or more decades abroad.

3.5 This policy underlines the importance of taking into account the principle of equity in developing assistance interventions. In areas such as resettlement allowance and housing assistance, the criteria for beneficiary selection should be clearly set out and widely disseminated throughout the displacement-affected community, and decisions on how beneficiaries are being prioritised should be transparent. To the extent possible, beneficiary criteria should be standardized to ensure that all who are entitled to housing assistance are treated fairly and equally regardless of where they resettle.

The criteria should not discriminate against new or extended families, nor be misused for political gain or make distinctions as to reasons for or length of displacement. Special measures to prioritize the highly vulnerable including but not limited to female-headed households, child-headed households, or persons with special needs (e.g., persons who are differently abled, the chronically ill, the elderly without caregivers) is not discrimination in the context of this policy.

#### ***4. Respecting Dignity in the Provision of Protection and Assistance***

4.1 This policy acknowledges particular vulnerabilities of displaced persons by virtue of their displacement and consequent disruption of their community lives. This exposes them to many risks—including but not limited to loss of livelihood, food insecurity, marginalisation and impoverishment, trauma—which this Policy seeks to address.

4.2 The State recognizes the right of IDPs, refugee returnees and displacement-affected populations to request and receive assistance, including but not limited to security and protection from violence, access to shelter, food and water, health care, sanitation, livelihood, education, psycho-social care, mine clearance, and other support needed to allow them to ensure basic survival and to recover and rebuild their lives in safety and dignity.

4.3 IDPs, refugee returnees and displacement-affected populations are entitled to assistance and shall have access to humanitarian and development actors until durable solutions are achieved in accordance with this policy. The State must facilitate timely and unimpeded access to them by assistance actors and vice-versa.

4.4 Protection of the family unit will be accorded the highest priority. All efforts will be made to ensure family unification, including measures to prevent separation of family members, trace missing family members, and ensure access to detained family members.

4.5 Special attention will be given and targeted measures will be taken to identify, prevent and address public health issues as well as to meet the nutritional needs of all segments of IDP, refugee returnee and displacement-affected communities. This includes prevention and urgent treatment of chronic and contagious/infectious diseases amongst conflict-affected populations.

4.6 Addressing the protection and human rights concerns of IDPs, refugee returnees and displacement-affected populations is a central tenet of this policy. This includes access to justice including through transitional justice measures, direct redress, restitution and reparations programs especially as concerns housing, land and property.

4.7 The rights, needs, and legitimate interests of IDPs, refugee returnees and displacement-affected populations are the primary considerations in planning assistance and support to them during all phases of displacement, in keeping with Section IV–5 below.

4.8 To facilitate the achievement of durable solutions, this policy promotes the integration of the assistance needs of IDP, refugee returnee and displacement-affected populations in the development plans and interventions at the national, provincial and local levels. Where provincial and district strategies and action plans are being developed to address displacement in their areas, such frameworks should be informed by the principles set out in this policy.

## ***5. Informed and Voluntary Choices, Information, Participation and Consultation***

5.1 This policy recognises the right of IDPs, refugee returnees and displacement-affected populations to be active participants in matters affecting their lives. In this regard, assistance interventions shall be designed using inclusive, consultative and participatory processes that ensure respect for their rights to make an informed and voluntary choice on durable solutions options, including return, local integration, and relocation.

5.2 Voluntary choice involves a meaningful choice between genuine alternatives, not a decision forced upon the displaced by a situation that has become untenable. As such the consent of families to relocate without the choice of return because their land was still under military occupation needs to be re-examined and these families given the right to return, or accept compensation for their lost land and property.

5.3 In keeping with the right to information, informed choice requires that all relevant information is provided to displaced, refugee returnee and displacement-affected persons in their own language and that provisions are made for the visually, hearing and mobility impaired. All of them have a right to request information and related support, such as for “go-and-see visits”, from state and non-state assistance actors, particularly on matters relating to the provision of assistance. Assistance actors shall ensure openness and transparency in their activities for the displaced, refugee returnee and displacement-affected.

5.4 This Policy recognises that special measures need to be taken to ensure that refugees in India and elsewhere have information on conditions in Sri Lanka relevant to their making a choice about return, and information about their entitlements including assistance for transport for their family and possessions, resettlement assistance and reclaiming their land and property.

5.5 On the basis of full equality, all segments of the displaced population, including women, children and youth (in accordance with their age and level of maturity), persons with special needs, the elderly and other persons or groups who are marginalised, should be involved in the durable solutions process.

5.6 This Policy recognises the importance of ensuring community-level participation and dialogue, including with host communities. In this regard, the State and its partners shall support and strengthen or help establish community-based organisations.

## **6. Age, Gender and Diversity Considerations**

In this policy, the State commits to a comprehensive age, gender and diversity sensitive approach to the development and implementation of assistance interventions to the displaced, refugee returnee and other displacement-affected persons. This requires, among other actions, disaggregated and targeted responses that address the specific vulnerabilities of various groups such as impoverished and marginalized persons, women (particularly female-headed households, nursing and expectant mothers); children and youth (in particular child-headed households); the elderly (particularly without caregivers); persons with disabilities and those with chronic or acute illnesses or health needs (such as, but not limited to: HIV/AIDS, cancer, cardiovascular, respiratory or kidney diseases, and diabetes); and members of ethnic, religious, or social minorities, including indigenous people, and those marginalized due to caste.

### **6.1 Displaced and Displacement-Affected Women:**

6.1.1 should be able to exercise their right to own property, to have titles to land and property issued in their own name or as equal partners, and to utilise and dispose of such property, either as a full- or co-owner, including equal access to land titles/permits. Where current law and practice is not in conformity with the Sri Lankan Constitution and these international standards, legislative and administrative reforms need to be taken.

6.1.2 have the right to self-development and to embark upon any employment or activity to support themselves and their family. This means, *inter alia*, that they should have access to education, including vocational training that opens up livelihood opportunities. Women should enjoy equal opportunity with men to access agricultural credit and loans, marketing facilities and appropriate technology, and should be accorded equal treatment in land and agrarian reform as well as in land resettlement schemes.

6.1.3 should have special attention given to their health needs including access to female health care providers and services, such as reproductive health care and psycho-social care.

6.1.4 have the right to physical safety and privacy, and to enjoy protection from all forms of violence, exploitation and abuse. Accordingly, the State shall establish the necessary legal and programmatic measures to protect these rights, which shall include specific measures to address sexual and gender-based violence.

### **6.2 Displaced and Displacement-affected Children**

6.2.1 The Principle of “the best interest of the child” shall be the primary consideration in all actions concerning displaced and displacement-affected children. All such children, including those with special needs, shall be entitled to the full enjoyment of their rights, including education, adequate nutritional and medical care, psycho-social care and other specific measures to promote their full development and participation in society.

6.2.2 This policy shall ensure that all such children, are protected from violence, exploitation, abuse and neglect.

6.2.3 This policy recognizes the importance of keeping orphaned, separated or unaccompanied children with relatives or with foster families in their community, and that institutionalization should only be a measure of last resort.

6.2.4 This policy recognizes the vulnerability of very poor and marginalized children and the need to find way of preventing child labour and child marriage.

### 6.3 Support for Displaced and Displacement-Affected Persons with Disabilities

6.3.1 Concrete and specific support for persons with disabilities, including those with mental disabilities and those who may not be officially recognised as disabled, shall include all necessary medical, psychological and social services, as well as practical measures to ensure accessibility of assistance in shelter, nutrition, health, sanitation, education and livelihoods.

6.3.2 In programme design and service delivery, specific attention must be paid to provide the needed structural modifications, assistive/mobility devices, specialised care and/or training or personnel, and other measures to ensure that persons with disabilities are able to access assistance and fully enjoy their rights.

### 6.4 Support for Displaced and Displacement-Affected Elderly Persons

The requirements of displaced elderly persons, especially those without caregivers, must be taken into account in the planning and implementation of assistance, including support for durable solutions. This policy recognises their specific needs for shelter, accessibility of physical and community facilities/structures, nutrition and health care, livelihood, social support and protection from violence, discrimination, abuse and neglect.

### 6.5 Assistance to Displaced and Displacement-Affected Victims/Survivors of Violence

It is important that the victims/survivors of sexual and other forms of violence have access to treatment for trauma, gender-sensitive medical care, legal assistance, safe shelter, and appropriate counselling.

## ***7. Conflict-Sensitive Approach, Co-Existence and Reconciliation***

7.1 This policy is premised on the recognition that the provision of durable solutions to the displaced and displacement-affected populations is a critical step towards reconciliation and peace consolidation at the community and national level. Addressing the root causes of conflict-related displacement within the framework of national reconciliation and transitional justice is essential to bring displacement to an end and ensure its non-recurrence. There should be a recognition of the displaced, both IDPs and refugee returnees, as agents of change with an important role to play in fostering peace. Accordingly, the State shall ensure the active participation of displaced, refugee returnees and displacement-affected persons in the development of national reconciliation and accountability processes, including specific measures to address displacement.

Additionally, action should be taken to sensitize government officials at the district and central level on obstacles and issues such as continuing challenges to return, the reclaiming of rights and successful reintegration of IDPs and refugee returnees.

7.2 Recognizing the importance that land has to the attainment of durable solutions, the State will ensure the right of IDPs and refugees to return to their former homes and land. This policy commits the State to release in a timely manner all state-held land from which people were displaced or which they owned, retaining only that land legitimately required for public purposes in exceptional cases (as described in Section VII-1 below).

7.3 The State shall support the identification and promotion of measures to strengthen co-existence and intra- and inter-ethnic/religious trust. This should be done both through ensuring even-handedness in dealing with various IDP groups, refugee returnees and host communities and creating/consolidating specific trust and confidence-building measures. These may include community-level mediation and co-existence committees to address land disputes and other sources of tension between and within ethno-religious communities. Specific groups of displaced such as and not limited to refugee returnees and ex-combatants and their families may face discrimination or hostility from within their community and government bureaucracy, so specific confidence and trust building measures may need to be designed and implemented.

7.4 This policy reiterates the need to focus on addressing the rights, including land claims of those displaced or affected by displacement. Permanent settlement of populations from other districts and provinces on contested land, particularly where the state is involved in the settlement, leads to tensions and conflicts that will undermine the efforts to maintain harmony and to build peace. A recognition of this reality does not, however, negate the fundamental rights of all Sri Lankans, guaranteed in Chapter III of the Constitution, to freedom of movement and to choose one's place of residence.

7.5 In line with the State's commitment to address the effects of war, including to deal with losses and reparations, this policy recognises the right to reparations for the conflict-affected. It commits the State to the development of an effective reparations policy for affected individuals, families, and communities as a whole. Reparations measures may include, but are not limited to, restitution in the form of land and property, compensation, medical care and psycho-social assistance, support for recovering and/or rebuilding community facilities and structures, acknowledgement of loss and suffering, memorials and other symbolic measures. Adequate reparations for loss of family members and related support must include socio-economic measures to address the specific needs of single women-headed, child-headed and other vulnerable households. For IDPs and refugee returnees who own lands in their place of origin but choose to relocate or locally integrate rather than return, the authorities must consider the extent of the land owned by them in their place of origin and provide compensation as may be just and fair under the circumstances.

7.6 The State shall take specific steps to address the wide range of human rights abuses and violations suffered by communities affected by displacement, including abuses and violations leading up to and resulting in displacement, and those experienced during or subsequent to displacement. These include measures to ensure access to justice; statements of acknowledgement of the suffering of those affected; and grievance and truth-telling mechanisms for conflict-affected individuals.

Ensuring that large scale violence does not recur requires legal, judicial and administrative reforms and a political settlement through constitutional reforms.

7.7 In keeping with State responsibility to ensure the security and welfare of its people, steps to improve public safety and security need to be taken and to ensure that harassment by the police or security forces is not tolerated. This policy recognises the need to increase representation of minority groups and women in justice and security institutions in order to improve protection and prevent future abuses. This should include, but is not limited to, expanding the number of women police officers, police officers trained to deal with women and children, and police officers proficient in the Tamil language; and to provide human rights and gender-sensitive training to all security forces.

7.8 Host communities whose needs and situations may be comparable to that of the IDPs and refugee returnees must be identified and their needs addressed in tandem with plans and interventions to address the needs of those displaced, with a view to promoting harmony and peaceful integration of displaced persons. State and non-state provided assistance shall aim to expand the capacity of the protective structures of host communities, such as their infrastructure and essential public and social services, in order to enhance their capacity to accommodate displaced individuals and families without putting excessive pressure on those structures and services. This may include, inter alia, support for expansion of economic and livelihood opportunities, public infrastructure and facilities, food security, educational facilities and programs, environmental protection, public health and sanitation.

## **V. RIGHTS & ENTITLEMENTS OF THE DISPLACED, REFUGEE RETURNEES AND DISPLACEMENT-AFFECTED PERSONS**

This policy affirms that displacement leads to specific vulnerabilities and conditions that make it difficult for those displaced to access or enjoy many of their rights and entitlements as set out in Section IV above. Accordingly, in this policy the State commits to take the necessary concrete measures to ensure that all displaced, refugee returnees and displacement-affected persons are able to access or enjoy their rights and entitlements, particularly those that are adversely impacted by displacement, or the enjoyment of which are limited, hindered or obstructed by their being displaced. In order to ensure Durable Solutions, these rights and entitlements include but are not limited to the following:

### ***1. Protection Against Displacement***

1.1 Every person shall have the right to be protected from forced and/or arbitrary displacement. Where displacement is unavoidable to ensure the safety and security of individuals, or for reasons of public purpose, environmental protection or economic development purposes, displacement must be carried out in accordance with applicable Sri Lankan laws and policies, international humanitarian and human rights law, and always in accordance with due process.

1.2 Involuntary relocation shall not be undertaken except as a last resort and in strict compliance with the requirements of the law, including but not limited to the Land Acquisition Act (LAA) and in keeping with national and international best practices and standards, including the National Involuntary Resettlement Policy (NIRP).

It must be ensured that due process is observed and that those affected are provided compensation (including for loss of land, property and livelihoods) and assistance to address their shelter, economic and other needs.

1.3 In instances of secondary occupation of land, those who lose their claim to land should be assured that the State will take measures, in consultation with those being evicted, to relocate them, so that the eviction does not result in individuals being rendered homeless or vulnerable to the violation of other human rights. Where those affected are unable to provide for themselves, the State will take all appropriate measures, to the maximum of its available resources, to ensure that adequate alternative housing, relocation or access to productive land, as the case may be, is available immediately upon the eviction.

## ***2. Durable Solutions, Equality and Non-Discrimination***

2.1 All displaced persons have equal rights as with others habitually living in Sri Lanka, including but not limited to freedom of thought, conscience, religion or belief, opinion and expression; freedom of movement and to choose one's place of residence; as well as the right to language of one's choice.

2.2 There shall be no discrimination against displaced, refugee returnees or displacement-affected persons in the enjoyment of any rights and freedoms on the ground that they are internally displaced, or on account of gender, language, religion or belief, political opinion, ethnic, caste or social origin, legal or social status, age, disability or similar reasons.

2.3 Special measures should be taken to ensure that the cultural and social rights and ways of life of the displaced, including indigenous peoples, are protected during all phases of their displacement, until durable solutions are found for and with them.

2.4 In line with the rights of the displaced to make an informed and voluntary choice on a durable solution (see Section VI-2), this policy specifically recognises that making a choice other than return does not involve the loss of the rights to land and/or property in places of origin nor the right to compensation.

## ***3. Protection and Humanitarian Assistance***

3.1 All displaced, refugee returnees and displacement-affected persons have the right to protection and humanitarian assistance during all phases of displacement and until durable solutions are found in accordance with this policy. In order not to create a culture of dependency, all persons of concern for this policy should be empowered to participate in the process of finding their durable solution.

3.2 In the context of this policy, protection means action directed at saving lives, ensuring the safety and security of persons at risk of violence and violations, alleviating their suffering, and restoring their dignity – in accordance with national and international human rights law, humanitarian law and internationally-recognized protection standards.

Protection also means that conflict-affected displaced persons have a right to seek justice, an acknowledgment of the violations they suffered, and compensation for their losses; and they have the right to call for institutional and policy reforms and measures to ensure non-recurrence of the conditions that led to their displacement.

3.3 Everyone has the right to an adequate standard of living. IDPs, refugee returnees and displacement-affected populations are entitled to assistance to ensure food security and nutrition, access to water, and sanitation and essential medical services, until they find a durable solution to their displacement.

3.4 Everyone has the right to equal access to education at all levels. Such education must ensure respect for cultural identity, language and religion. During all phases of displacement, and especially in the search for durable solutions, adequate provisions must be made to avoid disruption of children's education. At the minimum, the State must ensure that all girls and boys have access to free and compulsory primary and secondary education, and that literacy and life-skills programs are available for all. Measures must also be taken to recognize the educational and professional qualifications that refugees may have acquired outside of Sri Lanka where applicable.

3.5 All families and individuals who suffered displacement and/or the traumas of the conflict -- especially if they were children at that time, lost a family member through violence, had to deal with family or friends who were injured, were themselves injured, or were held in detention -- should have access to psycho-social counselling to deal with such suffering, trauma and loss and reintegration into their communities.

#### ***4. Livelihoods and the Right to Work; Housing, Land and Property***

4.1 Everyone has the right to work or engage in lawful economic activities. IDPs and refugee returnees shall receive livelihood support and shall be consulted in the planning and implementation of programmes aimed at restoration or the provision of livelihoods and ensuring a living wage. These must consider and address the impact that displacement and the conflict have had on the livelihoods and economic resources which existed prior to the displacement, as well as current livelihood opportunities. In responding to livelihood needs, it is imperative that assistance and other programmes take into consideration the wider economic context, including the destruction and retarding of local and regional economies and problems such as indebtedness.

4.2 Land rights and property ownership of displaced persons must be given full respect, including access previously enjoyed to communal land and water (marine and inland) for purposes such as pasture, fishing, and foraging. In order to address lack of clarity relating to land ownership, immediate measures should be taken to replace lost and damaged land documents, and to issue land titles where necessary. As appropriate, special measures must be established and mechanisms created to address disputes relating to ownership and use of land and property that may have arisen in relation to or over the period of displacement. All persons shall be protected from illegal land grab or acquisition by state or non-state elements. In the exceptional cases where the State must expropriate private land for reasons of public purpose, it shall make provisions for compensation in compliance with due process requirements (as described in Section V-1.2 above).

4.3 The State shall ensure that IDPs and refugee returnees enjoy security of tenure over all land and property that has been allocated/provided in accordance with this policy. Land allocation shall be undertaken in a manner that is transparent and allows for full participation and consultation with the displaced.

4.4 Landless displaced persons shall enjoy equal access and benefit from land allocation schemes to facilitate their relocation and integration. Given the context of the conflict, where land allocations for the landless and the regularizing of encroachment did not happen in the conflict-affected regions, the State has an obligation to take specific measures to rectify this lack of equity with the rest of the country. In this regard, the State must ensure that lands allocated for such purpose are suitable and can support viable lives and livelihoods, with the necessary infrastructure and facilities for transport, electricity, sanitation, water supply, as well as access to health and education. When allocating land to landless IDPs or refugee returnees or identifying relocation sites for them, the State shall ensure compliance with existing rural and urban settlement policies. It shall also ensure adequate protection against and/or mitigation of health and environmental hazards, natural disasters and other risks. Current relocation sites vulnerable to seasonal/periodic floods, landslides, or other natural hazards that destroy or threaten livelihoods and render shelters uninhabitable need to be assessed for the implementation of necessary mitigation measures or the provision of alternative sites in consultation with those affected.

4.5 All displaced persons, including new and extended IDP or refugee returnee families (as defined in Section III-1.5) have the right to adequate housing. The design, construction and allocation of housing shall be undertaken in a manner that allows for full participation and consultation with the displaced. Wherever possible, a portion of the job opportunities afforded by such construction should benefit the displaced and the host communities and the project should benefit the local economy. Beneficiary selection criteria for housing assistance schemes should be transparent and based on needs (as set out in Section IV-3.5); the criteria should not discriminate against new or extended families, or be misused for political gain or make distinctions as to reasons or length of displacement.

## ***5. Participation and Engagement in Civic Life***

5.1 This policy affirms the right to vote of eligible displaced persons. In the case of displaced persons, the State shall put in place measures (including those listed in Section 5.3 below) to facilitate their registration and effective participation without requiring that they return to their places of origin, unless it is their choice to do so.

5.2 Displaced persons and refugee returnees shall enjoy the right to stand for office in the same manner as other citizens and shall not be deprived of such right on the basis of their displacement.

5.3 The State shall facilitate the provision or replacement of key documents, such as those pertaining to identity, birth, marriage, death, land and property. All displaced, refugee returnee and displacement-affected persons shall enjoy access to legal information and free legal assistance where necessary with respect to the re/issuance of the above.

5.4 In line with their right to participation and involvement in decision-making on matters affecting their lives, IDPs and refugee returnees shall enjoy the right to information and be free to form community-based associations to help them advocate for their concerns in all appropriate fora.

5.5 This policy affirms the right of displaced, refugee returnees and displacement-affected persons to participate in governance, development, coexistence and reconciliation processes in order to ensure that they are designed and implemented to address their particular needs and concerns.

## **VI. DURABLE SOLUTIONS**

### ***1. Criteria for Determining that a Durable Solution has been Achieved***

1.1 This Policy recognizes that a durable solution is achieved when internally displaced persons and refugee returnees 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. Hence, choosing a settlement option and the provision of shelter does not mark the end of displacement.

1.2 IDPs and refugee returnees who have achieved a durable solution will enjoy without discrimination:

- a) Long-term safety, security and freedom of movement;
- b) An adequate standard of living above the poverty line including at a minimum access to adequate food, water, housing, health care and basic education;
- c) Equal access to employment and livelihood opportunities (a secure job and living wage);
- d) Equal access to effective mechanisms that restore their housing, land and property or provide them with just/equitable compensation;
- e) Equal access to and replacement of personal and other documentation;
- f) Voluntary reunification with family members separated during displacement;
- g) Participation in public affairs at all levels on an equal basis with the resident population;
- h) Effective remedies for displacement-related violations, including access to justice, reparations and information about the causes of violations.

### ***2. Settlement Choices, Principles and Parameters***

2.1 Durable solutions with respect to resettlement options include three options: to return to place of origin, local integration in place of displacement, or relocation in another suitable area in the country. All these settlement options are equally valid.

2.2 The exercise of a choice, in the absence of the option to return, does not preclude the right to return should that option become feasible at a later date.

2.3 The situation of IDPs in protracted displacement and refugee returnees often includes multi-faceted adaptations, coping mechanisms and survival strategies that resemble local integration but do not meet the criteria of a durable solution as defined in Section VI-1 above. In protracted displacement situations, deciding on a durable solution is often not an either/or choice and may take time.

This should not negate the right of displaced persons to pursue a durable solution of their choice, including the right to return and restitution of their lands. While they remain without a durable solution, displaced persons should be free to choose whether they want to register their residency in their area of displacement or their place of origin.

2.4 The State and its partners shall ensure early, participatory and consultative planning for an end to displacement for all persons of concern which addresses their safety and security, human rights, and recovery and development needs, inter alia, to shelter, water, health and sanitation, education, livelihood support, social protection initiatives, psycho-social support, and mine clearance.

2.5 In planning and implementing any settlement option, the authorities must take due consideration of land, zoning and environmental concerns including mitigating risks of natural hazards, pressure on fragile ecosystems and unsustainable land and water usage (as noted in Section V-4.4).

2.6 The decision as to which durable solutions option to take shall emanate from a voluntary and informed choice by displaced persons. Accordingly (as set out in Section IV-5), they shall have the right to access all relevant information on options and entitlements available.

2.7 IDPs and refugee returnees should neither be encouraged nor compelled to return or relocate to areas where their life, safety, livelihood, liberty or health would be at risk.

2.8 To provide durable solutions is not simply a matter of restoring pre-displacement conditions; durable solutions must aim at transformation of entrenched structures and institutions that facilitated displacement and related injustice and vulnerabilities or that could be detrimental to IDPs and refugee returnees. To these ends, the state shall review relevant governance, justice and security structures with a view to achieving greater responsiveness and accountability to the displaced and displacement-affected persons.

2.9 Regardless of option chosen, the State shall facilitate the reintegration of IDPs and refugee returnees into the social, cultural, political and economic life of the community.

2.10 For durable solutions to be achieved, there must be respect for the right of IDPs and refugee returnees to register as residents in the place of return, local integration or relocation.

2.11 In line with the freedom of movement of IDPs and refugee returnees, relocation movements that are spontaneous or deemed irregular should not prejudice the rights of these displaced persons as contained in this policy.

## VII. MAJOR OBSTACLES TO DURABLE SOLUTIONS

It is imperative that the Government sets out a time frame for expediting resettlement and ensure that the bulk of the displaced find a durable solution with a settlement option of their choice within this period. The following are some of the major obstacles which need to be addressed and resolved as a matter of urgency, if this objective is to be achieved.

**1. Release and Return of Land Occupied by the Military and Police to their Original Owners/Former Occupants:** The Ministry of Defence in coordination with the Ministry of Law and Order must ensure that an accurate mapping is made of all land that is or was owned, claimed or used by civilians and is currently occupied by any of the three security forces – army, navy or air force – or by the police. All such lands, particularly private land, should be released and returned to civilian use and ownership urgently, unless the State determines that it is required for public purpose. This purpose, be it national security or development, should be carefully scrutinised, including to ascertain that no alternative land can be found for the stated purpose.

This also means, inter alia, releasing land that is being used by the military for purposes not related to security including but not limited to agricultural production, tourist enterprises, or recreation. It must be ensured that land that is released is made safe from unexploded ordnance or other sources of danger, and returned in a state that can be used by former residents and owners for their residential or economic pursuits.

**2. Land claimed by Other Government Departments and Authorities.** There are a number of cases where government departments and authorities, including but not limited to the Forest Department, Wildlife Department, Archaeology Department, Mahaweli Authority, and Urban Development Authority, have demarcated lands for state usage that were formerly owned and occupied by persons now in displacement, sometimes without consulting district and provincial level authorities or adequately informing those affected. It is imperative that the relevant Ministries take steps to address this practice and to take corrective measures to ensure that the land and property rights of those being prevented from returning to their land and/or property are recognized. Where government departments or authorities have gazetted or otherwise laid claim to land belonging to displaced persons, these cases need to be reviewed in consultation with district-level authorities in a transparent manner, and where possible the land must be restored to the rightful owner.

**3. Reparations for Acquired Land and Property.** In exceptional cases if IDP land and property is required for public purposes, then this land will be acquired as per the existing laws. Those affected must be accorded their full rights in accordance with Sri Lankan law and national standards, including the NIRP. The owners/former occupants of that land and property must receive acceptable alternative land, and/or appropriate compensation for their lost land/property. For persons who have to relocate, needs such as shelter and livelihood should be met, access to essential services should be provided and social integration issues should be addressed.

**4. Addressing Land Claims and Disputes.** In addition to land problems highlighted in Section VII-1&2 above, and despite the significant work to address land claims and disputes, there are a number of lingering cases in the North and East that need to be resolved, especially those relating to state land. A key step is to ensure public awareness about land rights and any state process to address land claims.

Immediate measures are required to resolve these protracted land disputes so as to avoid their festering and exacerbation, particularly those that are between communities. This issue needs to be taken up by appropriate Ministries including Justice and Land with the advice of district and provincial level actors.

**5. Addressing the Landless.** Displaced persons and refugee returnees who never owned land, or who were made landless as a result of the conflict, need a solution, particularly if the last remaining Welfare Centres are to be closed down. Landlessness also affects persons who are currently occupying land of displaced persons or encroaching state land and can be legally evicted. As in other parts of the country, programmes addressing landlessness should be carried out in the North and East in a comprehensive manner and in consultation with the Ministry of Lands and district and provincial actors.

**6. Recognising displaced populations and providing accurate data.** Given the policy of the previous Government of not recognising specific displaced populations and the continuing problems of identifying such populations, it is imperative that the MOR undertake actions to ensure that populations/families who continue to be displaced are recognised and registered. MoR data should be comprehensive, up-to-date, accurate and disaggregated. There may be additional populations who do not fit the criteria of displaced but who continue to be vulnerable, are struggling to find durable solutions, and/or who are attempting to secure their rights; they need to be identified. Communities and families who were denied the basic resettlement assistance package or where their basic infrastructure needs have not been met need to be targeted through humanitarian and development programmes. The MoR may find it necessary to undertake a rapid resettlement programme while working with other ministries, district and provincial level actors. An example of this is ensuring that extremely poor displaced people are included among the categories of vulnerable when the Social Services Ministry determines Samurdhi beneficiaries.

**7. Facilitating Refugee Returns.** Policy decisions and actions need to be taken to address key problems faced by refugees who are attempting to return. This includes, inter alia, outreach and information campaigns to refugee communities abroad, facilitating the provision of key identification documents, assisting refugees to transport goods and personal possessions acquired in exile, ensuring that refugee returnees will be eligible to receive the same types of assistance that are available to IDP returnees, ensuring that educational and professional qualifications earned abroad are recognized where applicable including for school admission requirements, and that security screening programs are conducted without undue delays. Targeted assistance programmes, including for livelihoods and for social integration, need to be developed. Refugee returns are likely to continue over a period of several years and will extend beyond the period targeted for ending internal displacement. While the Ministry of Resettlement will play an active role in this task, including in ensuring more effective monitoring of refugee returnees at the district level, it will require the assistance of other ministries including Education, Health and Social Services amongst others.

**8. Provision of Shelter and Basic Infrastructure.** Given the continuing gaps in terms of temporary and permanent shelter the Ministry will introduce programmes to address both sets of needs. Temporary shelter is required in areas that have been and will be released.

While there have been a number of permanent housing projects, there are continuing needs across the North and East that need to be urgently addressed. Affordable housing must be provided in consultation with the affected communities. As noted in Section IV-3.5, the beneficiary selection process needs to be fair and transparent. Priority assistance must be given to vulnerable groups including the persons with disabilities, female-headed households and the elderly. In addition to the provision of shelters, basic household needs include access to safe and clean water for drinking and other household requirements, toilets, and community infrastructure including for education, health and transportation.

**9. Support for Sustainable Livelihoods.** Displacement forced many to lose their jobs, livelihoods and livelihood assets and they will only attain a durable solution once families are able to maintain a secure income. It is necessary for the Government to introduce programs to enable returnees to restart their former livelihoods, or to receive training to take up new fields of employment.

This is a particular challenge for women-headed households, persons disabled by the conflict, former combatants and youth who are now approaching adulthood. It is necessary for the Government to review existing programmes in order to devise projects that will address gaps and failings, for example to ensure that economic infrastructure for communities are strengthened including access to markets and resources such as irrigation water for farmers and jetties for fisherpersons. This requires the cooperation of other Ministries and Departments, such as Irrigation, Fisheries, and Agriculture. In the design of economic policies at both the national and regional levels, including by the Ministry of National Policies and Economic Affairs and the Ministry of Finance, the economic and social impact of the conflict including displacement need to be acknowledged and addressed.

**10. Ensuring Justice, Reparations and Coexistence.** The Government needs to ensure that the displaced and displacement-affected have access to justice, which means, *inter alia*, respect for due process, being able to bring their complaints to the police (including to officers who are proficient in Tamil and to female police officers), to the courts, and to other grievance mechanisms, be provided with legal aid where this is needed and medical and psycho-social support where required. In addition, transitional justice issues must be addressed. As part of this effort the Government should set out a comprehensive policy for reparations relating to loss, including compensation for persons killed, missing or disabled, and for economic losses, ensuring recognition of the issue of displacement and its impact. Eligibility for such reparations or compensation packages should include persons who worked in conflict-affected areas although they were not residents and therefore are not eligible for resettlement assistance packages. Given the challenges relating to tensions and hostility between and within communities, including at an ethnic level, measures to acknowledge these grievances and to create trust and coexistence should be designed. As a part of this effort, programs should be undertaken to sensitise government officials at the district and central levels on issues such as displacement and continuing problems for return and reclaiming of rights.

**11. De-Mining:** Mines and unexploded ordnance (UXO) continue to threaten the safety and security of persons in the conflict-affected areas. According to the Sri Lankan Mine Action Strategy 2016-2020, the target is for Sri Lanka to be mine-impact free by 2020.

While significant areas have been cleared, there are still areas where de-mining is required, or which need to be resurveyed, in 10 districts of the Northern, Eastern and North-Central Provinces. There is also a continuing need for Mine Risk Education, particularly because being mine-impact free does not rule out the possibility of there being residual risk. As the de-mining unit is under MoR it needs to ensure that funding is made available for the remaining work. There is an urgent need for Treasury and MoR to ensure clear budgetary allocations, especially for the next four years, so that the work can be completed.

## **VIII. INSTITUTIONAL ARRANGEMENTS FOR AN EFFECTIVE RESPONSE**

This section sets out the responsibilities of the relevant government bodies and agencies, at all levels of government, for the implementation of this Policy.

### ***1. Responsibilities of the State***

1.1 This policy is based upon recognition that the primary responsibility for the protection and welfare of displaced, refugee returnees and displacement-affected persons in Sri Lanka, including finding durable solutions for them, rests with the State. In executing this responsibility, the State should act in conformity with this policy to ensure accountability and transparency.

1.2 To achieve this end, it is critical that the State ensures adequate financial resources within the national budget to achieve the objectives of this policy.

1.3 The policy recognizes that displaced persons, returning refugees and displacement-affected communities are not just recipients of assistance but also key partners in governance, development and peace, and play a vital role in finding and implementing durable solutions for themselves.

1.4 The policy also recognises community-based organisations (CBOs), non-governmental organizations (NGOs), citizens' committees, other civil society actors and humanitarian agencies, and relevant private sector actors – both national and international – as partners in dealing with the issue of displacement and durable solutions.

### ***2. The Lead Ministry***

2.1 The Ministry in charge of resettlement and rehabilitation will act as the lead ministry<sup>1</sup> in the implementation of this Policy.

2.2 The lead ministry's responsibilities include but are not limited to the following:

2.2.1 Acting as the institutional focal point in all matters relating to IDPs, refugee returnees and displacement-affected communities at the national level, not only with government offices but with the actors described in Section VIII-1.4 above, as well as with foreign governments and other donors.

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<sup>1</sup> Currently the Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs (MoR).

This will necessarily involve coordination between the various institutions directly tasked with resettlement including the ministry itself and the Rehabilitation of Persons, Properties and Industries Authority (REPIIA).

2.2.2 Developing and maintaining a comprehensive information management and reporting system (with disaggregated data on the IDPs, refugee returnees and displacement-affected communities), which requires the coordination and consolidation of information gathered from the provincial to the GN levels.

2.2.3 Liaison and coordination with all relevant line ministries and government agencies at the centre concerning the implementation of this policy and related activities.

2.2.4 Convening and chairing the Inter-Ministerial Committee on Resettlement (IMCR) to ensure coordination and that sufficient attention is paid to issues of overlapping jurisdictions. These include, but not limited to: land use, disaster risk reduction, environmental protection, access to government services, addressing vulnerabilities, support for livelihood options, redress for violations and measures to address loss.

2.2.5 Consultation and coordination with relevant Provincial Governors, Chief Ministers and Provincial Councils from affected regions (notably in the Northern and the Eastern Regions); providing guidance and advice to provincial, district and divisional level actors concerning the implementation of this policy; supporting the development of district and provincial level action plans for the implementation of this Policy; and responding to concerns raised in the districts and provinces.

2.2.6 Working to ensure that the needs of IDPs and refugee returnees are integrated into the laws, policies, plans and programs of relevant line ministries and national agencies, as well as in those of provincial, district and division level authorities.

2.2.7 Working to ensure that requirements for IDPs and refugee returnees to reach durable solutions are identified and addressed as a matter of priority.

2.2.8 Working to ensure that the necessary resources and finances required to address displacement and durable solutions are mobilised within Sri Lanka's national budget and, if necessary, through international support.

2.2.9 Establishing and operating grievance mechanisms to which IDPs, refugee returnees and displacement-affected individuals or communities can bring concerns particularly regarding their entitlements under this Policy; and responding to the Human Rights Commission of Sri Lanka (HRCSL) regarding reported violations of human rights as well as implementing HRCSL recommendations.

2.2.10 Promoting additional measures, including the development of laws and policies, to strengthen the protection regime for IDPs, refugee returnees and displacement-affected populations as defined in this Policy.

2.2.11 Capacity-building on IDPs, refugee returnees and displacement-affected populations for relevant government agencies and employees, and continuous sensitisation of ministries and district level actors to the challenges of ensuring durable solutions.

2.2.12 Establishing a mechanism for monitoring the implementation of this Policy to ensure transparency and accountability to the displaced and displacement-affected communities, and developing concrete benchmarks and indicators and corresponding timelines.

### **3. *Other Government Ministries and Agencies***

3.1 The active engagement and cooperation of key line ministries with mandates over areas essential to the provision of assistance, protection and durable solutions is essential for the full implementation of this Policy.

3.2 Such cooperation shall include active engagement and participation in the IMCR on matters relating to their mandate.

3.3 It is also essential that line ministries and agencies review their programmes and activities to ensure integration of the specific needs of IDPs, refugee returnees and displacement-affected populations in their areas of responsibility, and to ensure that such programmes and activities are in alignment and consistent with this policy.

### **4. *The Provincial Level (Governors, Chief Ministers, Provincial Councils)***

4.1 In the Northern and Eastern Provinces, the Provincial Governor and the Chief Minister shall convene and co-chair regular Provincial Steering Committee meetings, which bring together members of the Provincial Council and relevant officials at the district and divisional level. Feedback from representatives from displaced communities should be included into these forums. Further, feedback from civil society organisations and community based organisations working with displaced persons should be encouraged. These committees were established to ensure that assistance and development needs and the protection of IDPs, refugee returnees and displacement-affected individuals and communities are provided for and integrated into national and provincial economic plans, housing and infrastructure programmes, livelihood projects, and other areas of durable solutions support falling within their responsibility.

4.2 Provincial-level actors dealing with displacement need to support MoR efforts to achieve durable solutions in their area of responsibility, to coordinate with national and district actors, and to ensure that their provincial recovery and development frameworks (strategies, programmes and activities for responding to the protection and assistance needs of the displaced, refugee returnees and displacement-affected communities) are undertaken within the framework of this policy.

4.3 The Provincial Councils dealing with displacement will work closely with MoR to secure adequate funding to support community recovery and development for all conflict-affected populations, and to rationalize budgetary and other planning cycles so as to integrate such programmes into their provincial economic plans.

4.4 The Provincial Councils will identify district and provincial responsibilities for resolving issues and undertaking specific interventions where needed.

4.5 The Provincial Councils will consolidate issues and concerns which arise at the district level to present to the MoR, with requests where necessary that these be brought to the attention of line ministries, the IMCR, donors or other stakeholders. This is to ensure, inter alia, that the rights and needs of the displaced and displacement-affected are integrated into laws, policies, plans and programs at all levels of government, and that the necessary resources are mobilized towards attaining durable solutions to end the conflict-affected displacement.

## **5. District, Division and GN level Officials**

5.1 This Policy acknowledges the critical role of district, division and GN level officials in the durable solutions process. Their input and participation in all policy-making processes shall be sought and supported, including in the identification and registration of IDPs and other persons of concern. District-level authorities have a critical responsibility in collating data and highlighting challenges to durable solutions both with the Central Government and Provincial actors so that action can be taken.

5.2 In accordance with this policy and specific guidance provided by the MoR and the Provincial Steering Committees, district, division and GN level officials shall assist in the development and implementation of action plans in their areas of responsibility to address existing challenges and obstacles to resettlement and re/integration and to report on progress being made and problems encountered. The Provincial Councils will consolidate district action plans that emanate from community consultation into the recovery and development frameworks they are developing.

5.3 There should be a strong coordination mechanism at the administrative district level which will liaise with Central Government institutions and the Provincial Councils to ensure consultation with the displaced and displacement-affected communities through community based and civil society organisations and the implementation of this policy in all communities and for all conflict-affected people under their jurisdiction.

## **6. Statutory and Other Bodies**

Various statutory and other government bodies may have specific mandates that encompass issues that impact the displaced and displacement-affected populations and valuable role to play in the implementation of durable solutions to the displacement. These include, but are not limited to, the following:

- a) Rehabilitation of Persons, Properties and Industries Authority (REPPIA)
- b) Human Rights Commission of Sri Lanka (HRCSL) (as detailed in Section IX)
- c) National Committee on Female-Headed Households
- d) National Child Protection Authority
- e) Legal Aid Commission (LAC)
- f) Office of National Unity and Reconciliation (ONUR)

## **IX. MONITORING & GRIEVANCE MECHANISM**

### **1. Monitoring Implementation**

Recognising that the provision of durable solutions is a long-term process, the State commits to monitoring and reporting on a periodic basis on the progress made and obstacles encountered towards the goal of achieving durable solutions and ending the conflict-related displacement. For this purpose, MoR will establish a committee within the ministry to monitor implementation of the policy which will:

1.1 Document progress towards attaining durable solutions including, but not limited to ascertaining the:

- (a) number of welfare centres closed;
- (b) acreage of land returned to displaced persons;
- (c) numbers of IDPs returned, locally integrated, or relocated;
- (d) number of refugees returned and who have found durable solutions;
- (e) number of land conflicts resolved;
- (f) amount of land distributed to displaced landless people;
- (g) number of houses built for the displaced;
- (h) nature and scope of programs implemented to meet the needs of the persons of concern in the areas of community infrastructure including health, education and social welfare;
- (i) nature and scope of programs of vocational training and livelihood opportunities;
- (j) developments with respect to access to justice; and
- (k) policies developed to address specific issues such as compensation and reparations for affected individuals, families and communities.

1.2 Agree on benchmarks and indicators for the implementation of the policy and monitoring whether the policy's objectives are being met.

1.3 Highlight areas where urgent work is needed, particularly as regards Section VII of this policy.

1.4 Ensure that state assistance across multiple ministries is coordinated and targeted.

## ***2. Reporting on Implementation and Oversight***

2.1 MoR will regularly share its findings with the IMCR, the forum in which it will coordinate its work with other line ministries and government bodies (as set out in Section VIII-2.2.4).

2.2 MoR will also report regularly to a high-level strategic National Policy Committee (NPC) on durable solutions, chaired by the President, which will serve as the forum where issues of a complex nature, those demanding policy directives, or requiring decisions to resolve bottlenecks will be discussed. The NPC is ultimately responsible for overseeing the implementation of this National Policy on Durable Solutions for Conflict-Affected Displacement.

2.3 The composition of the NPC will include those individuals who are members of the National Steering Committee on Durable Solutions, as well as the Governors and Chief Ministers of the Northern and Eastern Provincial Steering Committees on Durable Solutions established at the behest of the President at the end of 2015.

2.4 The implementation of the policy will be subject to an annual review, with a comprehensive review in 2018, which will include a survey to determine progress with regards to durable solutions and to identify any remaining obstacles.

### **3. Grievance Mechanisms**

3.1 Given the challenges and potential problems that may take place at the ground level with regard to ensuring that all Persons of Concern receive the assistance and protection that they are entitled to under this policy, the Ministry recognizes the importance of grievance mechanisms at the District and Central levels so that issues such as, inter alia, exclusion from services and projects in resettlement areas can be addressed. These mechanisms are established to afford due process for redress of grievances and to ensure transparency and accountability in the discharge of functions by government officials with regard to the entitlements due to IDPs, refugee returnees and displacement-affected persons.

**3.2 Grievance Panels at the District Level:** In every district where there are IDPs or refugee returnees, a Grievance Panel will be established to hear, decide and act on complaints filed by IDPs or refugee returnees and other persons of concern under this policy. These Panels will include District Secretaries or their representatives, district-level Social Service officers, district level officials from the HRCSL, representatives from civil society and retired public officials among others.

#### **3.3 Scope of the Grievance Panel at the District Level:**

3.3.1 Those affected by displacement may bring their case to the grievance mechanism at the district level if they believe that:

- a. they have been denied the right to be registered as an IDP or as a refugee returnee at the district level.
- b. they have not received, in whole or in part, the resettlement package to which they are entitled.
- c. they have been unfairly excluded from projects that MoR is directly implementing.
- d. they have been made homeless as a result of the closing of the welfare centre in which they were living.

3.3.2 Those affected by displacement may bring other grievances to the mechanism at the district level, including but not restricted to the following, which will be redirected to the appropriate body to deal with the complaint, namely, that:

- a. their land and/or property is occupied or has been acquired by the Government for national security, development, environmental or other public purpose projects and they have not received adequate compensation or acceptable alternative land/and or property.
- b. their land and/or property is being occupied by others and they have been unable to resolve the situation through legal or administrative processes.
- c. they have been denied a self-employment loan or livelihood assistance that others in a similar situation are receiving.
- d. they have not received compensation to which they are entitled for the death or injury of a family member.
- e. they have not received compensation to which they are entitled for the damage or destruction to their home, business or other property.

**3.4 An Appeals Panel:** An Appeals Panel at the Central level will be established to hear complaints which were not satisfactorily resolved at the District level.

**3.5. The Human Rights Commission of Sri Lanka:** The Human Rights Commission of Sri Lanka which is tasked with protecting and promoting human rights in the country will as part of its oversight role pay specific attention to the human rights issues faced by IDPs, refugee returnees and other communities affected by displacement. Monitoring will be undertaken by the HRCSL through its district level offices in coordination with its national office. Where there are gaps and exclusions by the Ministry, the HRCSL shall intervene directly with the MoR and may make recommendations.

## **Annex 1: Acronyms used in this Policy**

CBO	Community-based Organisation
DS	Divisional Secretary
GN	Grama Niladhari
HRCSL	Human Rights Commission of Sri Lanka
IASC	Inter-Agency Standing Committee
IMCR	Inter-Ministerial Committee on Resettlement
INGO	International Non-governmental Organisation
IDP	Internally Displaced Person
LAA	Land Acquisitions Act
LLRC	Lessons Learnt and Reconciliation Commission
MoD	Ministry of Defence
MoR	Ministry of Prison Reforms, Rehabilitation, Resettlement and Hindu Religious Affairs
NGO	Non-Governmental Organisation
NIRP	National Involuntary Resettlement Policy
NPC	National Policy Committee on Durable Solutions
NSC	National Steering Committee
ONUR	Office of National Unity and Reconciliation
REPPIA	Rehabilitation of Persons, Properties and Industries Authority
UN	United Nations

## **Annex 2. Definition of Terms used in this Policy and specific to the Sri Lankan Context**

**“Best interest of the child”** - a child rights principle which derives from Article 3 of the UN Convention on the Rights of the Child which says: “in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration”. Assessing the best interests of a child means to evaluate and balance “all the elements necessary to make a decision in a specific situation for a specific individual child or group of children”.

**Child** – a person below eighteen years of age (according to the Convention on the Rights of the Child and the Children’s Charter)

**Child-headed household** – a household where the head is a person below the age of 18, generally a household where there are several children living without an adult

**Compensation** - offsetting economically assessable damage

**Conflict-Affected IDPs** – persons or communities as defined in Section III-1 of this Policy. *See also* Displacement-affected (Populations, Persons, Communities) below

**Conflict-Induced Displacement** – the involuntary or forced movement, evacuation or relocation of persons or groups of persons within Sri Lanka, as a result of or in order to avoid the effects of the armed conflict in Sri Lanka, including situations of generalised violence and violations of human rights arising from that conflict

**Displacement** - the involuntary or forced movement, evacuation or relocation of persons or groups of persons

**Displacement-Affected (Populations, Persons, Communities)** – populations, persons, communities which are affected by displacement (as defined in Section III-1) as well as those affected by the presence of displaced persons, such as host communities in areas where displaced have sought shelter, communities in areas of return or in other areas where the displaced are seeking a durable solution to their displacement

**Durable Solutions** – a sustainable end to displacement which is achieved when internally displaced persons and refugee returnees no longer have any specific assistance and protection need that are linked to their displacement and can enjoy their human rights without discrimination on account of their displacement (i.e., defined in Section VI-1.1 of the policy).

**Economic security** - the condition of having stable income or other resources to support a standard of living now and in the foreseeable future, and having basic social security which includes access to basic needs infrastructure.

**Elderly persons (or the elderly)** – persons of 60 years of age or older

**Encroachment** – to unlawfully take possession of land and/or property of another

**Equity** - fairness and impartiality towards all concerned, taking into consideration disparities and disadvantages. While equality emphasises fairness in treatment, equity draws attention to obstacles that need to be overcome in order to access fairness.

**Family unit** – primary social group consisting of parents and children

**Extended family** – *see* New family

**Female-headed household** – *see* Woman-headed household

**to Gazette** –to announce or publish in the official government Gazette.

**Host community** – a community in which IDPs have sought shelter or settled when they were displaced from their places of origin or habitual residence

**Internally Displaced Persons (IDPs)** – according to the UN Guiding Principles, “internally displaced persons are persons or groups of persons who have been forced or obliged to flee or to leave their homes or places of habitual residence, in particular as a result of or in order to avoid the effects of armed conflict, situations of generalized violence, violations of human rights or natural or human-made disasters, and who have not crossed an internationally recognized State border”. The definition of IDPs who are Persons of Concern for this policy is set out in Section III-1.1.

**Land Grabs** - forcible acquisition or seizure of land by State and private actors, including foreign corporations

**Landlessness / Landless persons** – the condition of not-owning land / persons who own no land

**Living wage** - the minimum income necessary for a worker to meet their basic needs.

**Local Integration** – the process through which a displaced person settles in the location in which they have been living in displacement

**Marginalized Persons** – Persons who are systematically excluded from meaningful participation in economic, social, political, cultural and other forms of human activity in their communities and thus are denied the opportunity to fulfil themselves as human beings

**New families – or extended families** are defined in Section III–1.5 of this policy.

**Persons of Concern** – defined in Section III-1 of this policy

**Poverty line** - refers to the standard family income threshold below which the family is officially classified as poor.

**Protection** - all activities aimed at obtaining full respect for the right of all individuals, without discrimination, in accordance with the relevant bodies of national and international law

**Protracted Displacement** – long term displacement where the process of finding meaningful settlement options (i.e. return, local integration or relocation) is effectively stalled. Also referred to as “old IDPs” in the Sri Lankan context.

**Public Purpose** – a standard against which to evaluate the legitimacy of governmental action whereby the Government must prove a resulting public (as distinct from private) advantage or public benefit

**Refugees** – Under the 1951 Refugee Convention, the term refugee applies to any person who, “owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside of the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it.”

**Registration** – in the context of this policy, the recording and recognition of an individual’s or a family’s relevant data concerning their displacement or resettlement by district authorities.

**Relocation** – settlement by a displaced person in an area of the country that is neither their place of origin nor the area to which they were displaced (it is one of the three durable solution options)

**Reparations** - redress for harm suffered and may include restitution, compensation, rehabilitation, satisfaction and the guarantee of non-repetition

**Resettlement** - a process of temporary or permanent settlement of displaced or returning populations. In the Sri Lankan context, this is used as a catch-all term to describe all key settlement options of return, local integration and relocation

**Restitution** - restoring the situation prior to displacement

**Return** – return to place of origin or habitual residence

**Returnees** – refugees who return to their country and displaced persons who return to their place of origin

**Security of Tenure** - the legal right to protection from arbitrary or forced eviction and harassment, equally relevant to owners, tenants and squatters.

**Transitional Justice** - the set of judicial and non-judicial measures that have been implemented in order to redress the legacies of massive human rights abuses including prosecution initiatives, reparations, truth-seeking, institutional reform, or a combination thereof, in conformity with international legal standards and obligations.

**UN Guiding Principles on Internal Displacement** – A set of Principles on Internal Displacement based upon international humanitarian and human rights law and analogous refugee law intended to serve as an international standard to guide governments, international organizations and all other relevant actors in providing assistance and protection to IDPs. Although they do not constitute a binding instrument, the Principles reflect and are consistent with international law.

**Vulnerability** – In the context of this policy, it means the diminished capacity of an individual or group to anticipate, cope with, resist and recover from the impact of their displacement. Vulnerability is most often associated with poverty, but it can also arise when people are isolated, insecure and defenceless in the face of risk, shock or stress.

**Woman-headed Household** – a household in which the head is a woman (who is either unmarried, widowed, divorced or abandoned). This may also be referred to as female-headed household.