



**DISASTER RELIEF
MONITORING UNIT**

**HUMAN RIGHTS
COMMISSION OF
SRI LANKA**

ANNUAL REPORT

2006

CONTENTS

INTRODUCTION

1. THE HUMAN RIGHTS COMMISSION OF SRI LANKA

- a. Vision of the Human Rights Commission
- b. Powers of the Human Rights Commission
- c. Functions of the Human Rights Commission

2. DISASTER RELIEF MONITORING UNIT

- a. Introduction - the establishment of the DRMU
- b. The Staff of the Disaster Relief Monitoring Unit
- c. The Mandate of the DRMU

3. THE ACTIVITIES OF THE DRMU

- a. Introduction – A breakdown of DRMU activities
- b. Field Work Consulting the people
- c. Complaints and investigations
- d. Coordination
 - i. Working Group on Relief Monitoring
 - ii. Meetings with Government Authorities
- e. Lobbying for policy change
 - i. Code of Conduct for Public Servants
 - ii. Monitoring Through Surveys
- f. Human Rights of tsunami affected persons
 - i. The Tsunami and Human Rights: A Framework for the Reconstruction and Rehabilitation Process
 - ii. War and tsunami IDPs
 - iii. Women's Rights
- g. Dissemination of information
- h. Trincomalee

4. FUTURE ACTIVITIES OF THE DRMU

5. EVALUATION

- a. Evaluation in terms of the Policy Prescriptions of the DRMU
- b. Areas which require strengthening
- c. Evaluation of the post-tsunami response in general

6. PARTNERS OF THE DRMU

- a. CHA
- b. CUCEC

- c. IHR
- d. UNDP
- e. UNICEF

ABBREVIATIONS

BIBLIOGRAPHY

ANNEXURES

- a. Field Reports of the DRMU

INTRODUCTION

The tragic happenings of the 26th of December 2004 are very well known and require no further reiteration or elucidation. The devastating tsunami wave which struck the shores of Sri Lanka, Indonesia, Thailand, India, the Maldives, Malaysia and Somalia caught headline news the world over in the ensuing months, in which the massive extent of the devastation was realised and come to terms with and unprecedented relief and reconstruction efforts were initiated with support from the entire international community.

The human rights implications of a disaster of this magnitude are many. They cut across the two traditional blocks of rights, (Civil and Political Rights & Economic, Social and Cultural Rights) and pose many unique and difficult human rights challenges which a responsible government must address.

The Human Rights Commission of Sri Lanka (HRC) established the Disaster Relief Monitoring Unit (DRMU) on the 10th of January 2005 (fifteen days after the tsunami) in response to this clearly evident challenge. The Unit, which is an auxiliary body of the Commission, is answerable to the Commission and enjoys the powers of the Commission in carrying out its mandate. Since then, the DRMU has been a fully operational unit, responsible for the monitoring of relief, rehabilitation and reconstruction affairs, the protecting and upholding the rights of tsunami affected persons and the promotion of human rights friendly policy for all post-tsunami activities.

In the year of 2006 the desentralization of the Unit into regional offices occurred. Here the main tsunami affected areas were targeted and offices in the form of help desks were established. This allowed for the work to be more on a regional base which not only helped the DRMU handle its monitoring activities better, but also provided more weight for each case to be addressed individually.

The reason for structuring this annual report as such is to give the reader a general understanding of the nature of the organisation and the activities it has undertaken. It is important to note that this report does not provide a qualitative analysis of the findings of the DRMU from a human rights perspective, but is more an activity report. The human rights implications of the post tsunami situation as identified by the DRMU have been (and will continue to be) published separately.

In the annexes, an outline of the entitlements of tsunami affected persons as well as detailed reports of DRMU field visits and complaints investigations can be found.

CHAPTER ONE

THE HUMAN RIGHTS COMMISSION OF SRI LANKA

The Human Rights Commission of Sri Lanka (HRC) is an independent Commission, which was set up to promote and protect human rights in the country. The Human Rights Commission Act No. 21 of 1996 spells out its powers and functions. The Commission has 10 regional offices, with the Head Office in Kynsey Road, Colombo 10. At present, the Human Rights Commissioners are:

Retired Supreme Court Judge S. Ananda Coomaraswamy (Chairperson)
Retired Appeal Court Judge D. Jayawikrama
Mrs. N. Abeywardana
Mr. M.T Basik
Mr. M. Thilakaratne

The Vision of the Human Rights Commission

The vision of the HRC is to ensure human rights for all and promote and protect the rule of law.

To realize the Vision, the Human Rights Commission of Sri Lanka has prioritized the following:

- Freedom from Torture
- Right to Due Process
- Right to Equality and Non-Discrimination
- Freedom of Speech and Association
- Social and Economic Rights
- Group Rights, emphasizing the Rights of the Minorities, Women, Children and Marginalized Groups

It is important to note that tsunami affected persons as a group are marginalised, and consequently, catering to their human rights needs fall directly within the parameters of the vision and mandate of the HRC.

The Functions of the Human Rights Commission

The Commission has many functions in addition to inquiring into fundamental rights violations:

- To ensure that all State Procedures comply with fundamental rights guaranteed by the Constitution of Sri Lanka.

- To advise and assist the government in drawing up legislation, administrative directives and procedures in compliance with fundamental rights.
- To make recommendations to the government regarding how national laws and administrative practices can be brought in line with the international human rights obligations of Sri Lanka,
- To advise the government on acceding to international human rights treaties.
- To promote human rights awareness in the Country

(Section Ten of the HRCSL Act No. 21 of 1996)

The Powers of the Human Rights Commission

For the purpose of discharging its functions, the HRCSL has been conferred with broad powers including the following:

- To investigate and inquire into violations of fundamental rights.
- To intervene in court proceedings with the permission of the court.
- To monitor the welfare of detainees through regular inspections of places of detention.
- To undertake research on human rights issues and public education programmes on human rights.
- To summon persons before the Commission to procure evidence including documentary evidence and to examine witnesses.

(Section Eleven of the HRCSL Act No. 21 of 1996)

CHAPTER TWO

THE DISASTER RELIEF MONITORING UNIT

The Human Rights Commission of Sri Lanka established the DRMU within two weeks of the tsunami. Under the chairmanship of Mr. Lionel Fernando, the DRMU was set up in anticipation of the many human rights related issues which tsunami affected persons would face in post-tsunami life in both the short and long term.

With a special mandate of monitoring government and non-government activities which would have human rights implications on the lives of the tsunami affected, the DRMU has shaped its activities so as to be able to operate at various levels. At the field level, in direct contact with tsunami affected persons, at divisional and district level with public servants and implementers of donor relief agencies and at central level with policy makers and leaders of organisations.

The Disaster Relief Monitoring Unit works with the National Protection and Durable Solutions for Internally Displaced Persons Project of the HRC. As both units deal with Internally Displaced Persons, there is some degree of overlap in work, but whilst the DRMU focuses exclusively on tsunami affected IDPs, the IDP office works more closely with war affected IDPs.

THE STAFF OF THE DISASTER RELIEF MONITORING UNIT

1. Mr. Lionel Fernando (Chairperson)
2. Mr. Y.K.H. De Silva (Consultant)
3. Mr. Asitha Punchihewa (Researcher)
4. Mr. Supun Govinnage (Field Coordinator)
5. Mr. Suran Dissanayake (Information Officer)
6. Mr. Arun Sivagnanam (Field Coordinator)
7. Mr. Randal Nelson (IT Officer)
8. Ms. Ranjini Gomez (Secretary)
9. Mr. Malaka Ekanayake (Legal Officer)
10. Mr. J.K. Prabath (Legal Officer)
11. Ms. Praveena Periyanna (Coordinating Assistant)
12. Ms. Dulmanthi Sangakkara (Coordinating Assistant)
13. Ms. Nilupuli Jayawardane (Data Entry Operator)
14. Mr. Sumith Perera (Office Aide)
15. Mr. Mudhit Sanjeewa (Driver)
16. Mr. Boteju (Driver)
17. Mr. K. Wilman (Driver)

THE MANDATE OF THE DISASTER RELIEF MONITORING UNIT

The mandate of the DRMU is to assist the Internally Displaced Persons Project of the HRC to monitor government services and civil society activities in relation to relief, benefits, land titles and livelihood of Tsunami victims from a human rights perspective.

In accordance with this broad mandate, the DRMU acts as advisor, watchdog, investigator, activist, researcher, consultant, partner, coordinator and awareness raiser to various groups in many different activities.

The Terms of Reference (TOR) of the DRMU lists out eight specific areas of activity of the DRMU. Based on the TOR, the DRMU staff drafted a set of Policy Prescriptions which further elaborate on the mandate and preferred operational style for the DRMU.

The Policy Prescriptions place a lot of importance on creating strong partnerships with various civil society organisations, closely working with the government sector, engaging in regular fact finding missions and maintaining direct links with affected persons in order to identify the human rights issues faced by tsunami affected persons. Furthermore, in identifying human rights problems, the Policy Prescriptions direct the DRMU to maintain special focus on vulnerable groups.

Finally, the Policy Prescriptions impose a responsibility on the DRMU to lobby for State policy change based on the findings and analysis of the unit.

Following are the TOR and Policy Prescriptions of the DRMU. The sections of the TOR are in bold, with the relevant section of the Policy Prescriptions immediately after:

- 1. To assist the IDP Project in terms of monitoring government services to Tsunami victims especially in terms of relief, benefits, land titles, and support to livelihood from the perspective of human rights.**
 - This perspective of human rights includes the elimination of discrimination regarding the distribution of funds and land, the rebuilding of housing and sanitation schemes, and the re-establishment of livelihoods.
 - It is essential to take into account the sensitivities and conflicts that may arise between tsunami-affected IDPs and conflict-affected (pre-Tsunami) IDPs. (These groups may have the same or similar needs, and it is imperative that the situation is assessed, and any possibilities of discrimination between the two groups are removed)

2. To work with the IDP Project towards ensuring that basic needs are met through upholding social and economic rights of Tsunami victims (including sanitation, food, water, housing, health and education) Special attention will be given to the needs of women and children

- Social and Economic Rights are provided for in the 1966 International Covenant on Economic, Social and Cultural Rights. These rights must be subject to progressive implementation according to the ability of the national Government. In terms of the Tsunami, the aid given to the Government allows for the immediate implementation of these rights, particularly those of housing, health and education.
- Particular attention must be paid to children's right to education. It is imperative that children are given the chance to resume normal lives as soon as possible. Educational facilities are one way of achieving this. In addition, account must be taken of the general right to education in that it is not only children who have been affected by the Tsunami who should then have access to an acceptable standard of education. Policies to reconstruct and improve educational facilities should encompass all educational institutions in the Tsunami-affected areas.
- Children who have either been orphaned or have lost either parent must also be paid special attention. Their needs must be established and met.

3. To assist the Inquiries and Investigation Division to monitor human rights and rule of law violations pertaining to the Tsunami

4. To make policy prescriptions to the Government on a regular basis on human rights protection in the relief and reconstruction process

- The Unit must ensure that both immediate and longer term Government policy is in line with human rights norms and accountability, as outlined in national and international human rights instruments.
- Any policy prescriptions must make clear the importance of transparency and accountability in all governmental actions and processes.

5. To work out a code of conduct for state officials with regard to relief and reconstruction

- Any code of conduct developed must impress the importance of upholding the norms and requirements outlined in national and international human rights instruments (outlined on p11).
- A possible template for the code of conduct is the UN High Commission for Human Rights (UNHCHR) [Draft Human Rights Code of Conduct for Companies](#).
- Document found at:
<http://www.unhchr.ch/Huridocda/Huridoca.nsf/0/13e40a9bc4e3be3fc1256912003c5797?Opendocument>

6. To liaise with the government task forces and officials on a regular basis with regard to human rights protection in the relief and rehabilitation programme and to lobby for a more inclusive process involving all groups in decision making

- The outcome and information gathered from these liaisons will be particularly important in the development of policy prescriptions to the Government (see point 4. in the Terms of Reference).

7. To consult and liaise with NGOs with regard to human rights issues in the relief and reconstruction process

- Coalition-building may be a useful in preventing a duplication of efforts.
- Ensure that all NGOs the Unit liaises with, are taking human rights into account in the implementation of projects.

8. To consult and liaise with local level government officials about human rights, especially at the District level

- Raise awareness among these officials as to human rights issues that are relevant to the process of rebuilding communities, livelihoods and those human rights that relate to issues of land.

The Policy Prescriptions also list out the many organisations, both government and non-government, which the DRMU can work with in order to further its mandate.

The following activities are listed out in the Policy Prescriptions as those which the DRMU should engage in to further its mandate:

- 1. Conduct field visits to all tsunami affected districts.**
- 2. Visit and meet with**
 - District Secretary
 - Divisional Secretaries
 - Grama Seva Niladhari
 - Non-Governmental Organizations working in the area
 - IDP Camps (speak to youth, children, women, men)
 - Child Orphanages
 - Schools (speak to teachers, students, parents)
 - Hospitals (speak to doctors, nurses, patients)
 - People resettled in Tsunami affected villages (to assess community needs)
 - Clergy
- 3. Focus on**
 - Relief distribution process
 - Reconstruction process
 - Discrimination in Relief and Reconstruction process
 - Access to food
 - Access to water
 - Safety (particularly of women and children)
 - Sanitation
 - Addressing physical/ mental health issues
 - State of Orphans
 - State of Widows
 - Employment options for war widows
 - Land titles
 - Building/ Distribution of new houses transitional and permanent
 - Mechanisms of addressing Employment issues of IDPs
 - Networking with NGOs, Priest/ Clergy and IDPs to report shortcomings in the relief and reconstruction process

Finally, the Policy Prescriptions state that all activities of the DRMU must undertake to monitor and uphold the promotion and protection of the human rights norms found in the Constitution of Sri Lanka, and in International Instruments ratified by Sri Lanka.

National Human Rights Instruments

- 1978 The Constitution of the Democratic Socialist Republic of Sri Lanka
(*Particularly Ch. III*)
- 1996 Human Rights Commission Act

International Human Rights Instruments

- 1949 (UN) Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others
- 1966 (UN) International Covenant of Civil and Political Rights (ICCPR)
- 1966 (First) Optional Protocol to the International Covenant on Civil and Political Rights
- 1966 (UN) International Covenant on Economic, Social and Cultural Rights (ICESCR)
- 1966 International Convention for the Elimination of All Forms of Racial Discrimination (ICERD)
- 1966 (UNESCO) Discrimination in Education
- 1979 Convention for the Elimination of All Forms of Discrimination against Women
- 1984 Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment
- 1989 United Nations Convention on the Rights of the Child
- 1996 Guiding Principles on Internally Displacement
- 1999 Optional Protocol to the Convention on Elimination of All Forms of Discrimination Against Women
- 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography

CHAPTER THREE

THE ACTIVITIES OF THE DISASTER RELIEF MONITORING UNIT

Field Visits

DRMU officers regularly visit the field to look into the welfare of tsunami affected persons, to monitor the work of the public sector and to assess the situation in general.

Funded by UNICEF, the field visits of the DRMU form an integral part of the units work, and constitute one of its main sources of information on the prevailing situation. Furthermore, through the visits the DRMU staff has been able to make and strengthen many ties with key personnel in the public sector as well as civil society, who have become an informal but useful source of information to the unit.

The DRMU field visits also serve as a mechanism through which the DRMU continues to maintain direct contact with affected persons, enabling the unit to constantly reassess its own activity as well as State policy, with the changing needs and wants of affected persons in mind.

The following table indicates the field visits engaged in by the DRMU staff for the year 2006:

Visit to IDP Camps in Trincomalee District Date of Visit - 28 August 2006- 31 August 2006

Investigations and awareness Sessions conducted in the District of Trincomalee. Date of Visit - 2 – 5 October 2006

Investigations and awareness Sessions conducted in the District of Trincomalee. Date of Visit - 16- 20 October 2006

8 November 2006- 10 November 2006

Field Visit to Matara Date of Visit - 15- 16 June 2006

Balapitiya, Hikkaduwa and Habarauwa Date of Visit - 6-8 july 2006

Investigations and awareness Sessions conducted in the District of Hambantota Date of Visit - 14 -18 august 2006

Investigations and awareness Sessions conducted in the District of Matara

Date of Visit - 21- 24 matara august

Investigations and awareness Sessions conducted in the District of Matara and Galle

Date of Visit - 20th July 2006

Investigations and awareness Sessions conducted in the Galle Districts

Date of Visit - 25th September 2006- 29th September 2006

Investigations and awareness Sessions conducted in the Districts of Kalutara, Galle Matara and Hambantota Date of Visit - 11th- 13th October 2006 sub analysis

Investigations and awareness Sessions conducted in the District of Galle

Date of Visit – 23rd November 2006

A Meeting with Grama Niladharis in Tsunami Affected Areas of Manmunai South and Eruvil DS Division Manmunai North Date of Visit – 08th March 2006

Batticaloa and Ampara Districts 11th to 12th July 2006

INVESTIGATIONS, MEETINGS & AWARENESS PROGRAMS IN THE DISTRICTS OF AMPARA, BATTICALOA AND VAHARAI Date of Visit –10 – 15 September 2006

Field Visit Batticaloa District Date of Visit –13 November 2006- 17 November 2006

Visit to Ampara, Batticaloa, Trincomalee Date of Visit –11 December 2006- 15 December 2006

INVESTIGATIONS, MEETINGS & AWARENESS PROGRAMS IN THE KALUTARA DISTRICT Date of Visit –28 to 30 of August 2006

*The field visit reports of the DRMU have been annexed to the annual report.

Consulting the People

The Follow up to the People's Consultations on Post Tsunami Relief, Reconstruction and Rehabilitation in Sri Lanka – Substantive Analysis

The DRMU, in collaboration with the Colombo University Community Extension Centre (CUCEC) and the UNDP embarked on the people's Consultation Programme with the ultimate objective of filling the lacuna caused by the non-consultation of affected persons in the drafting of tsunami related policy.

As a follow up to the People's Consultation Programme, both CUCEC and the DRMU launched Phase II of consultations in the first few months of 2006. The Phase II Programme was a substantive analysis of the issues identified through the consultations. This study identified and focused in particular the vulnerable groups and communities. It also focused on the dissemination of information and lobbying for policy change based on the Consultations Report.

More details of the intended activities in this regard can be found within this report.

Complaints and Investigations

Addressing the complaints of those affected by the Tsunami is one of the primary activities of the DRMU. The Institute for Human Rights (IHR) works with the DRMU on complaints.

A special complaints unit has been established to handle the many complaints which the DRMU receives on a daily basis. At present the unit comprises two legal officers, two administrative assistants and one data entry officer. Officers from the IHR work closely with the DRMU complaints unit in handling complaints.

All complaints received are processed, categorised and entered into a database. The majority of complaints are the result of ignorance prevailing regarding government policy resulting in the victims asking for what they are not entitled to. In those instances, replies informing the complainants of their entitlements according to prevailing policy are sent.

Certain complaints concern specific instances of withholding entitlements from the rightful beneficiaries. In such situations the DRMU intervenes by writing to the relevant authorities (Grama Niladharis, Divisional Secretaries, District Secretaries etc) and requesting their explanations. The more complex cases are followed up with a more detailed investigation by the Field Officers.

Some complaints requesting changes in specific policy are separately processed. Accordingly, the relevant authorities are approached regarding possible policy changes.

Complaints Database

The Database of the Disaster Relief Monitoring Unit was designed with the objective of providing comprehensive and timely access to information of complaints received, thus facilitating the efficient handling of complaints and enabling officers to make informed decisions.

The database also serves as a valuable tool for the processing and analysis of information with regard to complaints. The database is constantly expanded and enriched with new information.

The information in the Database is categorised into three main sectors. Namely, Basic Information, Complaint Information and Meetings.

The **Basic Information** section provides information on the locality of the complainant with details of the District, Divisional Secretariat and the address. It also provides personal information of the complainant such as name of the complainant, ID number, gender, contact details and family details.

The second section, **Complaint Information**, provides information as to the nature of the complaint and a detailed summary of the complaint. Further, information as to the status of the complaint (ie. whether it is rejected, closed or is a special complaint) is provided in this section.

The final section details the **meetings and follow up activities** conducted by the DRMU with the objective of finding solutions for complaints. The outcome of such activities is also detailed.

Grama Niladhari (GN) meetings to address individual complaints

In order to streamline the complaints handling process, DRMU field staff travel to each DS Division on a regular basis where they meet with all the *Grama Niladharis* operating in affected areas of the division in order to take up the complaints pertaining to each GN division.

These meetings, though primarily focused on addressing complaints, also serve as a forum which can be used to educate *Grama Niladhari* officers on State policy with regard to the tsunami as well as their duties towards affected persons. Hence, each meeting is divided into two sections, the first of which is the education section. In the second part of each meeting, all *Grama Niladharis* are given copies of the complaints made by persons from their divisions. Each individual complaint is discussed with the *Grama Niladhari* and they are instructed to respond to the complaint in writing within two weeks.

Upon receiving the response of the *Grama Niladhari*, the same is communicated in writing to the complainant. If either the complainant or the DRMU is not satisfied by the response, the complaint is treated as a special complaint and more in depth investigations are carried out.

Whilst the GN meetings are an efficient way of handling complaints, there are drawbacks. On occasions, *Grama Niladharis* do not attend the meetings, and tracking them down is not always easy. On other occasions, they do not respond within the stipulated timeframe, causing logistical problems to the DRMU staff.

Another set of meetings were arranged with the *Grama Niladharis* in all of the tsunami affected districts. This was arranged due to the rising in the number of complaints received to the DRMU based on the issues of Bribery and corruption. The program targeted issues such as corruption and accountability as well as touching on human rights issues and entitlements. The GNs were advised on transparency and accountability issues.

Handling Special Complaints

Complaints are categorized as Special Complaints if either the complainant or the DRMU is not satisfied with the GN response, or if the reports produced by the GN and the issues raised by the complainants are contradictory.

When addressing special complaints,

1. The DRMU staff visits the complainants to discuss the nature of the complaint as well as to assess the validity of the complaint.

2. If necessary, relevant persons such as Technical Officers, Samurdhi Authorities, Divisional level Tsunami Housing Reconstruction Unit (THRU) or Task Force for Rebuilding the Nation (TAFREN) Officers, Divisional Secretaries, Host Communities, Civil Society Organizations, the Police, Donor Organizations, are visited in the course of investigations.
3. Based on the findings of the DRMU, a report detailing the nature of the complaint, the findings and the recommendations of the DRMU is forwarded to the relevant authority and copied to the complainant.
4. In cases where policy alterations are necessary, DRMU advocates for policy alternatives through conducting meetings with relevant authorities or by writing to them. (i.e., to appoint a new technical committee to re-assess the damaged houses, promote equal treatment between war affected and tsunami affected IDPs, etc)

Some of the special complaints addressed by the DRMU have been elaborated on in the annexures.

Handling Group Complaints

The DRMU also receives group complaints pertaining to alleged discrimination or malpractices in the relief and rehabilitation process. Such complaints are handled as matters of high priority, following a process similar to the one followed in the addressing of special complaints.

Some of the group complaints addressed by the DRMU have been elaborated on in the annexures.

Coordination

Working Group on Relief Monitoring

The DRMU in partnership with the Consortium for Humanitarian Agencies (CHA) established a Working Group on Relief Monitoring. The objectives of the working group are:

- To discuss the field situation and inconsistencies in the relief distribution process
- To determine discrepancies in relief distribution activities carried out by the Government and NGOs
- To protect the right of access to relief of Children, Women and Minority communities
- To develop policy recommendations on appropriate measures of relief distribution.

The Working Group conducts weekly meetings for National Level Stakeholders in the Post-Tsunami Relief Distribution process, including UN Organizations, INGOs and National Level NGOs. The group functions mainly as an information sharing network at which the members update each other on the work carried out by their respective organisations. But is also a useful forum at which issues pertinent to tsunami related relief and rehabilitation activities are discussed and plans for future activities are drawn out.

The members of the Working Group are as follows-

#	Name	Organization
1	Mr. Lionel Fernando	DRMU
2	Mr. Y.K.H. De Silva	DRMU
3	Ms. Nirekha De Silva	DRMU
4	Mr. Asitha Punchhewa	DRMU
5	Mr. Amal de Chickera	DRMU
6	Mr. Supun Govinnage	DRMU
7	Ms. Shanti Faiia	DRMU Women's Division
8	Mr. Jeevan Thiagarajah	CHA
9	Ms. Parveen A Gaffer	CHA
10	Mr. Kannan Arunasalam	CHA
11	Ms. Dhanya Ratnavale	CHA
12	Ms. Dinusha Pathirajah	CHA
13	Mr. Rory Mungoven	UN Country Team
14	Ms. Derene Aponso	UNHCR
15	Mr. Bo Victor Nyland	UNICEF
16	Mr. Debert Eric	UNICEF
17	Mr. David Evans	UN OCHA (VSO)
18	Mr. Namal Gunaratna	UN OCHA
19	Mr. Harsha De Silva	THRU
20	Ms. Cyrene Siriwardhana	Centre for Policy Alternatives (CPA)

21	Mr. Nikhil Narayan	CPA
22	Mr. William Knox	Non Violent Peace Force (NVPF)
23	Ms. Dharshini Croos	NVPF
24	Ms. Ayomi Miriyagalla	NVPF
25	Mr. Nimalan Karthekayan	Tamil Rehabilitation Organization (TRO)
26	Dr. Jehan Perera	National Peace Council (NPC)
27	Mr. Nilhan De Mel	NPC
28	Ms. Maria Bermew	Foundation for Co-Existence (FCE)
29	Mr. Dinidu Endaragalle	FCE
30	Ms. Jane Thomson	Oxfam Australia
31	Ms. Ronnate Asirwatham	Oxfam GB
32	Mr. Rohana Hettiarachchi	PAFFREL
33	Mr. Buddika Hapuarachchi	ITDG South Asia
34	Ms. Wasana Ellawalla	Institute of Human Rights

The Terms of Reference of the Working Group on Relief Monitoring and the organisations responsible for each aspect are as follows-

#	Terms of Reference	Responsible Organization
1	Study the available structures of relief distributing and monitoring on National, District and Divisional levels and report any inconsistencies.	UNHCR UNICEF FCE
2	Analyse the human rights impact of Government policies on relief and reconstruction activities.	NPC CPA CHA TRO PAFEREL
3	Develop minimum standards for the District Secretaries to report on relief and reconstruction activities on a weekly basis.	DRMU
4	Analyse the relief and reconstruction activities carried out by District Secretaries and report on inconsistencies and discrimination.	DRMU
5	Follow-up to complaints received by DRMU and partners from affected persons.	DRMU IHR
6	Carry out research on different sectors of relief and reconstruction activities and develop recommendations on effective implementation of activities.	

7	Develop effective information dissemination processes.	CHA DRMU
8	Discuss mechanisms of addressing discrimination based on Gender.	DRMU Women's Unit
9	Develop alternative relief policies for Tsunami victims who do not qualify under the Government criteria.	
10	In collaboration with IDP Project, monitor for equity between Tsunami affected IDPs and War affected IDPs.	DRMU HRC IDP Unit CHA

Meetings with Government Authorities

Throughout the first twelve months of its operations, the DRMU has regularly met with various State officials and government authorities, taking up various issues of importance for discussion with them.

The backlog of containers of relief goods which were stuck at the Port was cleared through one such DRMU intervention.

Similarly, the DRMU initiated many meetings with the Government Agents and Divisional Secretaries of affected areas, in which the progress of post-tsunami activities were discussed in great detail.

Meetings with Line Ministries, RADA were also conducted regularly, with special emphasis on housing and livelihood related issues.

Lobbying for Policy Change

Lobbying for policy change is one of the primary functions of the DRMU. The previous section on Coordination detailed some of the efforts of the DRMU to encourage policy change through meetings with policy makers as well as civil society. Through the DRMU head office, it has been possible to disseminate information about the people's issues to the NGOs, Government and other relevant bodies.

DRMU head office has acted as a hub in bringing people's voices into the National level through making note of important issues at various forums at the National level.

Dissemination of Information

The dissemination of information is a key activity of the DRMU. Apart from the dissemination of information carried out by DRMU officers when on the field or engaging in programmes like the People's Consultation Programme, the DRMU has some regular activities, the sole objective of which is the dissemination of information.

Radio Programmes

The DRMU and CHA joint radio programme was inaugurated on Monday the 30th of May. The purpose of this programme is to disseminate information to the public regarding Govt. policy on tsunami relief and reconstruction as well as to address significant issues pertaining to the reconstruction process.

The project consists of two fortnightly programmes broadcast by the Sri Lanka Broadcasting Cooperation (SLBC), one in Sinhala and the other in Tamil. To date, four Tamil and four Sinhala programmes have been produced and given airplay.

The Tamil programme is broadcast every other Wednesday from 10.00am to 10.30am on the SLBC Tamil Commercial Service (101.9 FM). It is coordinated and compered by Mr. Sivaprakasam Jeevaratnakumar.

The Sinhala programme was broadcast every other Wednesday from 10.30am to 11.00am on the SLBC Sinhala Commercial Service (106.9 FM). It is coordinated by Mr. Sudath Dias, Marketing Officer SLBC and compered by Mr. Swarna Gunawardene.

Mr. Supun Govinnage of the DRMU was the overall coordinator of the project.

Posters/ Leaflets

The DRMU has distributed RADA leaflets in Sinhala and Tamil on State Housing Policy to tsunami affected persons island wide. The Consultations had with the people accelerate this endeavour. These leaflets were distributed to persons from each affected village/ GN Division.

Posters illustrating the details of the State livelihood policy were printed in Tamil and Sinhala by the DRMU and distributed to be put up in all affected areas in public places such as GN offices, DS offices, religious institutions, community centres etc. The DRMU staff has monitored the display of these posters on field visits. Five thousand such posters have been put up for display to-date.

DRMU Website

The website contains information on the activities of the DRMU including its field reports, surveys and analyses.

The website can be found at www.drmu.gov.lk

One new addition to the website in the year of 2006 is the addition of the upload facilities for the regional centers. Here the field staff can upload documents, statistics and any other details which can be seen by any who visit the site. This allows anyone an easy access route to for information to available unless you visit the region.

CHAPTER FOUR

FUTURE ACTIVITIES OF THE DISASTER RELIEF MONITORING UNIT

The DRMU was initially set up to operate for three months, and then extended to six months and later one year. However, two years after the tsunami, tsunami related rehabilitation, reconstruction and development operations show no sign of ending in the near future. Affected persons continue to face human rights related problems and the Human Rights Commission has a continuing obligation to serve the people in this regard. Hence, it has been decided to extend the term of the DRMU by another year.

In the coming year, the DRMU will continue its operations as before. Regular field visits and the handling of complaints will figure high on its priority and activity list. One new addition to the DRMU work will be the War IDP related issues. This will be one of the main activities planned for the coming year.

In addition to this, the DRMU will undertake specific programmes in order to render a more meaningful and efficient service to tsunami and conflict affected persons. In addition to this, the DRMU will embark on a special programme for the dissemination of information gathered from investigations around the country and also conduct several workshops on policy issues throughout the coming year.

Capacity building of the DRMU and the establishment of Regional Offices

(Project funded by Oxfam GB and the UNDP)

The DRMU was originally located solely in Colombo is at present. As the workload of the DRMU was too heavy for six officers to efficiently handle resulting in the work of the unit has suffering. The DRMU was strengthened in 2006 both through the provision of more resources to the Colombo office as well as through the establishment of regional offices.

Regional offices staffed by four persons each will be established in Jaffna, Trincomalee, Batticaloa, Ampara, Kalmunai, Hambantota, Matara, Galle and Kalutara. These offices were provided with basic infrastructure as well as transport facilities. The regional DRMU offices are now housed in

regional Human Rights Commission offices where they exist. In the districts of Hambantota, Galle and Kalutara new offices are withi the Legal Aid Commission premesis.

All officers recruited to serve in the regional offices will undergo training in human rights.

Through the strengthening of the DRMU at both central and regional level, we are proud that the unit is now in a position to better fulfil its mandate and meaningfully serve the people in the coming year.

Phase II of the People’s Consultation Project – the dissemination of information

(Project funded by UNDP)

Many of the findings of the People’s Consultation programme as well as the findings of the DRMU in general need to be communicated to policy decision makers as well as to middle and lower rung public servants.

Hence, the DRMU intends to conduct a series of workshops for policy makers. The structure of the Government Administration is such, that policy decisions and their implementation are carried out both by the centre and the districts. Therefore, the most appropriate forums at which to disseminate information regarding such findings would be through District Level workshops as well as through a workshop for the Centre. Thus, the DRMU proposes to conduct ten such workshops for high powered authorities involved in tsunami relief rehabilitation and reintegration throughout the island. The workshops will be as follows:

1. Central Authorities - This workshop will be for representatives of central policy making and implementation authorities such as RADA and the line Ministries.
2. District Level Authorities - Nine such workshops will be conducted throughout the island for all Government Agents, Additional Government Agents, Divisional Secretaries and representatives of Line Ministries. The Nine workshops will be conducted in :
 - a. Colombo - For Colombo, Gampaha & Puttalam Districts.
 - b. Jaffna - For Jaffna, Mullaitivu & Killinochchi Districts.
 - c. Trincomalee
 - d. Batticaloa
 - e. Ampara
 - f. Hambantota
 - g. Matara
 - h. Galle
 - i. Kalutara

CHAPTER FIVE

EVALUATION

Evaluating the work of the DRMU over the last year is one of the most important aspects of this final report. It is not easy to do, because the difficult nature of the task of the DRMU as well as the law which provides a framework within which the DRMU must operate must be fully understood.

From a legal perspective, the Human Rights Commission Act of Sri Lanka empowers the Commission to only make recommendations based on its findings. The DRMU which is an auxiliary unit of the Commission is controlled by this same law. Hence, the DRMU has limited power to act upon its findings and strongly depends on the cooperation of the various implementing agencies (both governmental and non-governmental) to see its recommendations implemented. Thus, the DRMU often finds itself in the precarious position of depending on the collaboration of the very organisations they are monitoring in order to ensure the implementation of its recommendations.

From a practical perspective, the DRMU, has an island wide mandate to monitor post tsunami activities throughout the nation, to handle complaints and to make recommendations based on its activities. The limited resources of the DRMU were a massive constraint which renders it practically impossible for the DRMU to carry out all aspects of its mandate effectively. Thus the DRMU decentralised its presence by adding offices in the Human Rights Commission regional offices. These offices were set up as help desks. The offices act as a field office which receives complaints, inquire, investigates and also conducts research and awareness.

Another practical problem faced by the DRMU has been the inaccessibility of the Mullaitivu and Killinochchi Districts due to the prevailing situation in the country. Consequently, the DRMU has not been able to carry out routine activities such as field visits in these two districts. This is an unfortunate but inescapable reality which the DRMU has had to come to terms with, when planning and conducting its affairs.

Having understood the nature and magnitude of these major constraints, the activities of the DRMU can be further evaluated.

f. Field Visits

The field visits of the DRMU formed the most important aspect of the Units activities throughout the year. The valuable information and insights gathered by the unit on the field, and the interventions it was able to make on behalf of many affected persons, justified the allocation of a significant percentages of the Units time and resources for work on the field.

The ability of the DRMU to successfully follow up on all matters unearthed during field visits has probably been the biggest advantage this year due to its field offices. The service it has done to the affected is clear in the hundreds of success stories claimed by the field staff.

g. Consulting the people

The DRMU in the year 2006 engaged in many consultaions with affected people. The consultations were no as in a large scale as with the People's Consultaions in 2005 but were also directed with the aim of gathering an insight to the exact situation. This year the DRMU also focused on the conflict affected as well as the tsunami affected.

The tensions in the east of the country and the displacement caused as a result led to the DRMU conducting consultaions in the area. This was mainly activated via the Oxfam GB project activities.

h. Complaints and investigations

The work of the complaints division of the DRMU has been an integral part of the units operations from its inception. The enormous rise in the number of complaints received after the People's Consultation Project necessitated the initialization of the field offices of the DRMU for complaint handling. Only the complaints which needed a higher concern were handled in Colombo. As with the field offices baing set in place, the number of complaints coming increased throughout the year. Also the awareness programs conducted at the grass root level mainly on entitlements and human rights added to the increase in complaints.

The efficiency of the complaints unit has been hampered by the inability of the DRMU to enforce the findings of the Complaints Unit on the perpetrators of violations of the rights of tsunami affected persons. This has come about due to the lack of evidence at present, mainly on cases concerned about eligibility. But to those who were found eleigble the have been given compensation with the inquiries and investigations conducted by the DRMU.

i. Coordination

The Working Group on Relief Monitoring has been meeting on a weekly basis for the greater part of the year 2006. The ensuing discussions have been both of an experience and information sharing, as well as an activity planning nature. Through the Working Group, the DRMU has been able to gain insight into the work of partner organisations and consequently, the various actors have been able to better coordinate their affairs.

The DRMU has with less regularity also met with government officials from RADA, the line ministries and the district administrative systems to coordinate affairs and address pertinent issues.

One of the main pitfalls in the relief and rehabilitation process has been the lack of coordination between the various actors on the field. This being the case, the effectiveness of the DRMU in promoting better coordination amongst the various actors can be questioned. However, it is unfair to impose a task as massive and complex as ensuring a better coordination mechanism amongst all actors on a unit such as the DRMU. The most the DRMU can be expected to do in terms of coordination is to ensure that it coordinates the activities it is a part of as well as possible. When analysing the coordination work of the DRMU in this light, it can be concluded that such coordination has been satisfactory.

j. War IDPs and Tsunami IDPs

Due to the armed conflict in the Eastern regions of the country, many people were left homeless. Officers from the DRMU head office visited the IDP camps regularly in order to assist the IDPs affected by the war (Most of those people were left homeless by the war as well as the Tsunami).

DRMU has gone a step ahead from all the other Government agencies by entering into the LTTE controlled area in the East (Vakarai) to monitor the assistance delivery by the Government and the NGOs within the LTTE controlled areas. In this exercise, DRMU officials were able to consult the people, the CBOs, local and national level NGOs, government officials such as the Grama Niladharis and Samurdhi officers and most importantly the LTTE regional leadership including Elilan.

Through the above intervention and eventual dissemination of up to date information to the donor community it was possible to bridge the assistance delivery gap to a certain extent. Namely, assistance by the Danish International Development Agency (DANIDA) was coordinated after the intervention of the DRMU

k. Promoting the Village Rehabilitation Advisory Committees (VRACs) concept

Influencing in establishing Village Rehabilitation Advisory Committees that would safeguard the beneficiaries (people) and the stakeholders through a mechanism that coordinate local, national/ international organizations, civil societies and Government organisations with relation to assistance delivery and utilization of assistance in a meaningful, transparent and accountable manner.

At various forums at the National level, DRMU has been able to induce the initiation of the VRACs to be formed and to perform.

l. Human Rights of tsunami affected persons

The three reports of the DRMU – the final report of the Women’s Division, the report on the rights of tsunami and war affected IDPs and the Framework for Reconstruction and Rehabilitation have been well received by those to whom they were circulated to. In addition this, the regular field reports of DRMU officers also highlight pertinent human rights issues which need addressing.

m. Dissemination of information

The radio programmes carried out by the DRMU and CHA have been considerably successful in taking many tsunami related issues into the public sphere. The poster and leaflet campaigns of the DRMU have also been successful in disseminating housing and livelihood related information to all tsunami affected areas.

The DRMU Website operational and serves as a reference point to persons interested in the work of the unit as well as the general situation with regard to post tsunami affairs.

CHAPTER SIX

PARTNERS OF THE DRMU

Consortium of Humanitarian Agencies

The Consortium of Humanitarian Agencies is an association of agencies which engage in humanitarian work in Sri Lanka and which support such work.

In the past seven years the CHA has continued to function as a network of humanitarian agencies and developed a full-fledged secretariat with its own specific capabilities.

The CHA has partnered the DRMU in its activities by being a part of the Working Group on Disaster Relief. The CHA has hosted working group meetings and provided administrative assistance for the operations of the group.

Colombo University Community Extension Centre (CUCEC)

The Colombo University Community Extension Centre (CUCEC) is Sri Lanka's first multidisciplinary centre in a university devoted to community development activities. The centre undertakes challenging and innovative research and offers relevant training on key social and economic development issues and also functions as a centre for information exchange, dissemination and debate and links to the national as well as regional level policy making process and community level development activities.

CUCEC partnered the DRMU and UNDP in the People's Consultation Programme. CUCEC was responsible for conducting the 'consultations' segment of the Focus Group Discussions carried out in all tsunami affected villages, and to report on the findings of these consultations. CUCEC implemented this project in partnership with other universities, namely University of Jaffna, Eastern University, South-eastern University and University of Ruhuna.

Institute of Human Rights (IHR)

The Institute of Human Rights (IHR) was incorporated in 1994 with the objectives of establishing supporting initiatives to constantly engage the public in human rights dialogues, enhancing public awareness of human rights and mobilising civil society to foster an environment which respects and upholds human rights.

The work of the institute can be categorised into three sections:

1. Legal advice and representation

IHR provides professional legal services and represents clients in fundamental rights cases.

2. Human rights education and Training

Designing and carrying out training programmes, workshops and study courses, to educate the public, empower victims of human rights violations and to build the capacity of resource persons.

3. Empowerment of detainees and conflict affected persons

IHR also provides legal aid, advocacy, physical and financial aid to detainees and conflict affected persons.

IHR has partnered the DRMU by releasing its lawyers to assist with the complaints handled by the Complaints Investigation Unit of the DRMU.

United Nations Development Programme (UNDP)

The United Nations Development Programme (UNDP) has initiated many projects to help streamline relief activities, build capacity in organizations, restore livelihoods, restore basic infrastructure, and provide social service in the post tsunami scenario.

Some of the projects undertaken by the UNDP in this regard are:

Capacity development of public sector

UNDP supported a programme for Capacity Development of the public sector aimed at enhancing the capacity of local authorities in the recovery process and thereby enabling the efficient sourcing of infrastructure and services for recovery and reconstruction.

Development assistance database

UNDP supported and funded a Development Assistance Database launched by TAFREN to better coordinate and monitor post tsunami recovery aid utilization.

Micro enterprise development

UNDP helped redress the damage sustained by micro and small enterprises by initiating a project to enhance a broad array of capacities of such industries.

Restoration of fisheries sector

UNDP was involved in activities to restore the fisheries sector, focusing mainly on rebuilding fisheries infrastructure.

Rehabilitation of partially damaged houses

UNDP helped restore shelter by focusing on the recovery and repair of partially damaged homes on the Southern and Eastern belts.

The UNDP partnered the DRMU by providing funding for the People's Consultation Project in which representative groups from all tsunami affected villages were consulted on their opinions suggestions with regard to post tsunami operations.

United Nations Children's Fund (UNICEF)

The United Nations Children's Fund (UNICEF) has reshaped its activities to adjust to the post-tsunami situation and to provide service to tsunami affected persons (with an emphasis on children) in Sri Lanka. The three main areas in which UNICEF has operated in this regard are:

1. Providing immediate emergency relief
2. Providing basic services on an ongoing basis to displaced families.
3. Planning and consensus-building to empower people to take charge of their own destinies.

UNICEF in collaboration with governmental and non governmental bodies concentrated on offering guidelines for a 'child-friendly' recovery, including criteria for new schools, recommendations on foster care for orphaned children, standards for safe wells and water systems, and the building blocks for a national psychosocial care programme for traumatised children.

UNICEF has provided ample support to the DRMU by funding the field visits and complaints investigation of the Unit.

Legal Aid Commission (LAC)

The Legal Aid Commission works with the UNDP projects of the DRMU. In the regions where the Human Rights Commission does not have a field presence, the DRMU offices are housed in the Legal Aid Commission premises. The advantage of such an agreement is that the complainers not only get to lodge a complaint but also have an opportunity of getting first hand legal advice.

ABBREVIATIONS

BOI - Board of Investment of Sri Lanka
CCF - Christian Children's Fund
CENWOR- Centre for Women's Research
CHA - Consortium for Humanitarian Agencies
CHA – Consortium of Humanitarian Agencies
CPA - Centre for Policy Analysis
DDHS - Divisional Director of Health Services
DRMU – Disaster Relief Monitoring Unit
DS/GA – Divisional Secretary/Government Agent
FAO - Food and Agriculture Organisation
GN/GS – Grama Niladhari/Sevaka
HRCSL – Human Rights Commission of Sri Lanka
ICTA - Information and Communication Technology Agency of Sri Lanka
IDP – Internally Displaced Persons
ILO - International Labour Organisation
IOM - International Organisation for Migration
JVP – Janatha Vimukthi Peramuna
LTTE – Liberation Tigers of Tamil Eelam
Ministry of RRR – Ministry of Relief, Restoration and Reconstruction
NGO – Non-Governmental Organisation
NPC - National Peace Council
NVPF - Non-Violent Peace Force
OCHA - Office for the Coordination of Humanitarian Affairs
PHI - Public Health Inspectors
RRAN - Resettlement and Rehabilitation Authority of the North
SC - Save the Children
SCF - Save the Children Fund
TAFOR – Task Force for Relief
TAFREN – Task Force for Rebuilding the Nation

THRU – Tsunami Housing Reconstruction Unit
TRO - Tamil Rehabilitation Organization
UNCT - United Nations Country Team
UNDAC - United Nations Disaster and Assessment Coordination
UNDP - United Nations Development Programme
UNDPMG - United Nations Disaster Preparedness and Management Group
UNEP - United Nations Environmental Programme
UNESCO - United Nations Educational, Scientific and Cultural Organization
UNFPA - United Nations Population Fund
UN-HABITAT - UN Centre for Human Settlements
UNHCHR – United Nations High Commission for Human Rights
UNHCR - United Nations High Commission for Refugees
UNICEF - United Nations Children’s Fund
UNIFEM - United Nations Development Fund for Women
UNP – United National Party
WB - World Bank
WFP - World Food Programme
WHO - World Health Organization

BIBLIOGRAPHY

Human Rights Instruments

Government of Sri Lanka (1978) *The Constitution of the Democratic Socialist Republic of Sri Lanka (Particularly Ch. III)*

Government of Sri Lanka (1996) *Human Rights Commission Act*

United Nations (1949) *Convention for the Suppression of the Traffic in Persons and International Covenant of Civil and Political Rights (ICCPR)*

United Nations (1966) *(First) Optional Protocol to the International Covenant on Civil and Political Rights*

United Nations (1966) *International Covenant on Economic, Social and Cultural Rights (ICESR)*

United Nations (1966) *International Convention for the Elimination of All Forms of Racial Discrimination (ICERD)*

UNESCO (1966) *Discrimination in Education*

United Nations (1979) *Convention for the Elimination of All Forms of Discrimination against Women*

United Nations (1984) *Convention against Torture, and other Cruel, Inhuman or Degrading Treatment or Punishment*

United Nations (1989) *United Nations Convention on the Rights of the Child*

United Nations (1996) *Guiding Principles on Internally Displacement*

United Nations (1999) *Optional Protocol to the Convention on Elimination of All Forms of Discrimination Against Women*

United Nations (2000) *Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography*

Other Publications

INFORM Human Rights Documentation Centre (2005), *Human Rights Issues in the post Tsunami Context*

Steele, Paul (2005) *Phoenix from the Ashes – Economic Policy Challenges and Opportunities for Post-Tsunami Sri Lanka’ Research Study Working Paper No.7 April 2005, Institute of Policy Studies.*

Jayasekara, Gaminie(District Secretary, Matara District); (2005)*Tsunami Experience in the Matara District*

Kalin, Walter (2005) *Protection of Internally Displaced persons in situations of natural disaster*

Human Rights Commission (2005) *Human Rights Situation in the Southern Province*

Websites

Lonely Planet – Tsunami Update <http://www.lonelyplanet.com/tsunami/>

Department of Census and Statistics
http://www.statistics.gov.lk/Tsunami/Map_affected%20DS%20division.htm

United Nations High Commission for Human Rights
<http://www.unhcr.ch/Huridocda/Huridoca.nsf/0/13e40a9bc4e3be3fc1256912003c5797?Opendocument>

ANNEXURE A

THE ENTITLEMENTS OF TSUNAMI AFFECTED PERSONS ACCORDING TO GOVERNMENT POLICY

Immediately after the tsunami, all sections of society sprung into what has been identified as the largest collective humanitarian operation in recent history to provide for the hundreds of thousands of persons who were affected by the tsunami. This spontaneous collective burst of relief aid lasted for approximately one month, by which time the government relief mechanism was beginning to fall into place. The three main areas of focus of the Government have been:

- Short term- recovery/ relief
- Mid term- reconstruction
- Long term- development

Programmes were designed to aid the victims of the tsunami at every stage utilizing aid that was donated predominantly by the international community.

Food security

As a short term measure to ensure food security for the Tsunami affected, mainly focusing on the IDPs, each tsunami affected person was entitled to receive a cash grant and a dry food ration worth Rs. 375 per week. Furthermore, every house that was affected by the Tsunami was provided with Rs. 2,500 in order to replace basic kitchen utensils. Unfortunately the Government of Sri Lanka did not have the capacity to compensate for destroyed electrical appliances or furniture.

Many electrical appliances and basic furniture items were provided for the Tsunami affected, by non- governmental actors.

Ensuring a regular income

In order to replace lost regular income due to the Tsunami, a livelihood allowance of Rs. 5,000 was paid to all households which had lost their permanent income because of the tsunami. Even though initially this allowance of Rs. 5,000 was planned to be paid on a monthly basis for a period of six months, the policy was later altered and the six installments were not regarded as monthly payments.

The first two installments of the above Rs. 5,000 cash grant were paid to every directly and indirectly affected household which had lost its income, regardless of the source of income. The Grama Niladharis were then advised through the Divisional Secretariats not to consider households that include one or more persons who have not lost their livelihood due to the Tsunami for the cash grant of Rs. 5,000. Therefore households that included a Government servant, a pensioner, a person engaged in a regular income generating activity, a person whose livelihood has been restored

through Government or NGO assistance were not entitled to receive the 3rd and consequent installments of the cash grant.

Shelter

The reconstruction phase of the Tsunami recovery programme of the Government mainly focused on providing shelter for the IDPs. Firstly, the Government looked at transferring people from temporary shelter (tents) to transitional shelter in the interim period during which permanent houses were being constructed.

Transitional shelter

All families displaced by the Tsunami were considered as eligible recipients of transitional shelter made of wood and/or tin sheets according to standards stipulated by the Government.

Permanent Shelter

The permanent housing programme was categorized under the donor driven housing programme and the home owner driven housing programme. The home owner driven housing programme was designed to restore the damaged houses outside the buffer zone whereas the donor driven housing programme was designed to resettle the tsunami affected families within the buffer zone.

Considering the frequent requests by the affected communities themselves to amend the buffer zone, the success of the home owner driven housing programme, unavailability to find alternative lands to be selected as relocation sites and the relatively slow progress of donor driven housing programme a further eleven thousand or so houses were absorbed into the homeowner driven housing programme.

Homeowner driven Housing programme

Under the homeowner driven housing programme, the owners of houses affected by the Tsunami are entitled to receive either Rs. 100, 000 (for less than 40% damage) or Rs. 250,000 (for more than 40% damage) depending on the extent of damage to their houses. Additionally, the recipients of Rs. 250,000 are able to apply for a low interest loan of Rs. 500,000 to further improve the houses constructed. According to the regulations of the homeowner driven housing programme, the affected households are entitled to receive the above housing grants even if a donor assists in constructing the relevant houses. Even though this was the case initially, the damaged or destroyed houses that were repaired or replaced by various organizations were later excluded from this programme.

Donor driven Housing Programme

Under the donor driven housing programme, each affected house within the buffer zone would be replaced with a house of a floor area larger than 480 ft² on a location outside the buffer zone. The owners of unauthorized houses within the buffer zone were also considered eligible to receive such houses. The donor driven housing programme further details that “the people who owned land within the affected area of the buffer zone will not lose the possession of these lands”.

Livelihood restoration

With regard to the long term recovery process, the Government had to mainly look at restoring the affected livelihoods of tsunami affected persons. The fisheries sector and the tourism sector were the worst affected.

Fisheries

Apart from the repairing of fishing crafts through the Ministry of fisheries and aquatic resources, International assistance for the fisheries industry was coordinated through the Government mechanism.

Tourism

The Government introduced several incentives for hotels and tourism-related enterprises including Import duty waivers for hotel refurbishment, Susahana loans of up to US\$ 0.1 million - which do not require repayment in the first year and the replacement of tourism-related vehicles

Small and Medium scale Enterprises

The Government decided to make low interest loan schemes available to uplift and to develop tsunami affected industries. Lending institutions were requested to provide relief on existing loans and other financial arrangements, e.g. rescheduling, moratorium, postponement of settling loans, write-off of accumulated interest etc. The two major loan schemes in place are run through the Central bank of Sri Lanka (Susahana Loan Scheme) and National Development Trust Fund

Similarly, people whose agricultural lands were affected by the Tsunami were supported through the Susahana loan scheme and National Development Trust Fund loan schemes. International assistance for the agriculture sector was also coordinated through the Ministry of Agriculture and livestock development.

ANNEXURE B

FIELD REPORTS OF THE DISASTER RELIEF MONITORING UNIT

The DRMU established decentralised in the year of 2006, thus the head office in Colombo lead to the work also being divided locally in the regions. The visits made in the year 2006 are as follows.

District Of Trincomalee

Visit to IDP Camps in Trincomalee District

Date of Visit - 28 August 2006- 31 August 2006

Areas of Concern:

Tensions in the Muthur, Thopur, Selvanagar, Allanagar, 58, 59, and Sampur districts lead to a large scale movement of individuals from those areas into the Seruwila, Kinnya, Mullipothana, Kanthale, Thambalagamuwa, Town and Gravets where they resided in makeshift shelters, schools, playgrounds, and on the sides of the road.

Aid delivery through the Divisional Secretariat's of the respective regions involves the distribution of rice, lentils, sugar and tinned fish. The other assistance comes in the form of INGOs and local NGOs who provide water, sanitation, tents and other necessary needs and basic infrastructure. But another problem arises as the villagers complain that eating rice and lentils each day is very inconvenient and they also complain that the NGOs were providing them with food earlier but now they have stopped. Adequate clothing is also needed in the centers. Education is also an issue that has arisen, as the children of the IDP camps are not attending schools. Host community conflicts were also present at the time of investigation.

Issues Addressed:

- ▶ Water/ sanitation/ health
- ▶ Shelter
- ▶ Food
- ▶ Clothing
- ▶ Education
- ▶ NGO/INGO presence

- ▶ Government coordination mechanisms

Investigations and awareness Sessions conducted in the District of Trincomalee.

Date of Visit - 2 – 5 October 2006

Areas of Concern:

The investigation team discovered many appalling and serious human rights issues and also much suffering and pain of those who were displaced due to the tensions in the region. Afterwards, most people have returned to their homes and villages and the team revisited the region on the 2nd of October 2005. The objective of the mission was to conduct an assess the current situation in the district with regard to the Tsunami and conflict IDPs in order to conduct awareness programmes, investigate complains and to strengthen the presence of the Disaster Relief Monitoring Unit field office to act as a link to create a two way dialog amongst the affected and the respective authorities.

Issues Addressed:

- ▶ Awareness on entitlements
- ▶ Basic Needs assessments
- ▶ Education
- ▶ Health and hygiene of children
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms

Setbacks faced by the team

The only set back faced by the team was the time factor. It takes a fair amount of time in traveling and back to places like Muthur and Polmottai curtailing consulting time with affected people.

Investigations and awareness Sessions conducted in the District of Trincomalee.

Date of Visit - 16- 20 October 2006

Areas of Concern:

The objective of the mission was to conduct an assessment of the district with regard to the Tsunami and conflict IDP situation to conduct awareness, investigate complaints and to strengthen the presence of the Disaster Relief Monitoring Unit field office in the district and to act as a link to create a two way dialog amongst the affected and the respective authorities.

The team was also involved in the task of arranging meetings with the DS and office staff respective to tsunami related work and to make them aware about the substantive analysis of the people's consultation report and how to utilize the resources in a meaningful manner for the post tsunami recovery to development process.

The team being aware that Bribery, corruption has taken toll position amongst the problems the people face and all the other issues such as housing and livelihood are directly affected as a result. The DRMU team planned to visit Kinnya, Muthur, Pullmoddai and Town and Gravets, but the incidents which took place during the week dampened the hopes of proceeding with most of the plans. The bomb blast on Monday 16th of October 2006 on which many unarmed soldier died also affect the visit as the team was forced to take camp in Mihinhale as the roads were declared unsafe. The team was not able to make a visit on the Wednesday the 18th of October 2006 as the whole of Trincomalee was declared a day of HARTHAL by the Sinhala Youth movement.

Issues Addressed:

- ▶ Security of affected communities
- ▶ Basic needs of the displaced
- ▶ Education of affected children
- ▶ Housing status of tsunami affected
- ▶ Sensitivity of the conflict and tsunami affected IDPs
- ▶ Government coordination mechanisms in place and recommendations

8 November 2006- 10 November 2006

Areas of Concern:

Visits were made to the Muttur Divisional Secretariat and to the Seruvila Divisional Secretariats. The discussions were based on practically implementing the recommendations of the DRMU.

According to both the Divisional Secretaries, the immediate problem within their DS Divisions is to provide immediate assistance to the conflict IDPs. It was also observed that more emphasis was not given on Tsunami recovery activities since most of the Tsunami affected areas have become vulnerable to conflict.

Issues Addressed:

- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms
- ▶ Conflict and Tsunami IDP sensitivity
- ▶ Education and well being of affected children

Field Visit to Matara

Date of Visit - 15- 16 June 2006

Areas of Concern:

The Disaster Relief Monitoring Unit conducted awareness raising programmes on housing policies, and to discuss about current situations and issues of importance. Meetings were held involving IDPs from different camps at the four Divisional Secretariat Divisions of Matara District affected by the Tsunami. Further, a meeting was arranged with the District Secretary and the Additional District Secretaries of Matara to discuss about the issues arising from the Matara District.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted

Balapitiya, Hikkaduwa and Habarauwa

Date of Visit - 6-8 july 2006

Areas of Concern:

The Disaster Relief Monitoring Unit conducted awareness raising programmes on housing policies, and to discuss about current. Meetings were held involving IDPs from different camps at Balapitiya, Hikkaduwa and Habaraduwa in the district of Galle. the team conducted awareness raising programmes on housing policies, and to discuss about current situations and issues of importance

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted

Investigations and awareness Sessions conducted in the District of Hambantota

Date of Visit - 14 -18 august 2006

Areas of Concern:

The team from the Disaster Relief Monitoring Unit Colombo head office visited the district to conduct awareness to the tsunami affected people in shelters and resettlement camps. Special attention was directed at the vulnerable groups within these camps. The team also with the already in place field office staff, also took in complaints in these meetings. The awareness was raised generally on the new policies, human rights and on the institutes which would aid them in their quest for obtaining entitlements.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms

Investigations and awareness Sessions conducted in the District of Matara

Date of Visit - 21- 24 matara august

Areas of Concern:

Disaster Relief Monitoring Unit conducted a fact finding and awareness raising campaign in the Matara district. The officers were in the district for five consecutive days and the many issues were found as they visited 13 tsunami affected villages. According to our investigations, the major issues were bribery and corruption, descriptions, favourations, and also the discretion of the governmental officers in the region who seem to be working to a political mandate.

The major issues to be highlighted as a result of this assessment are as follows:

- Housing
- Livelihood
- Bribery.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms

Investigations and awareness Sessions conducted in the District of Matara and Galle

Date of Visit - 20th July 2006

Areas of Concern:

DRMU visited Matara District to participate at a workshop organized by the United Nations Development Programme (UNDP) and to look into concerns of the newly resettled communities under the Donor Driven Housing Programme.

The workshop was organized by UNDP where the target group was social mobilisers from Galle, Matara and Hambantota attached to the “Strong Places” project of the UNDP. At the workshop, social mobilisers were educated about practical approaches of problem solving and human rights perspective to be considered within the social mobilization framework.

Issues Addressed:

- ▶ New methods and best practices
- ▶ The situation in the grass root level
- ▶ Recommendations of the DRMU

Investigations and awareness Sessions conducted in the Galle Districts

Date of Visit - 25th September 2006- 29th September 2006

Areas of Concern:

A field visit was conducted in the District of Galle from the 25th September to 29th September 2006 to Identify specific issues of Tsunami victims in transitional shelter and in newly constructed permanent shelter. It was also to educate prospective beneficiaries about the Tsunami specific policies of the Government and to educate people about the complaints procedure and the availability of the Human Rights Help Desk in the District of Galle.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children’s and women’s issues were highlighted

Investigations and awareness Sessions conducted in the Districts of Kalutara, Galle Matara and Hambantota

Date of Visit - 11th- 13th October 2006 sub analysis

Areas of Concern:

DRMU Head Office, with the support of the National UNVs based in Kalutara, Galle, Matara and Hambantota held workshops at the Divisional Secretariats in the Tsunami affected areas of those respective Districts.

The main objective of the workshops was to make the Divisional Secretaries, senior staff members of the Divisional Secretariats, officers of line ministries attached to the Divisional Secretariats and the Grama Niladharis from the Tsunami affected areas aware about the substantive analysis of the People's Consultations Report and how to utilize the resource in a meaningful manner for the post Tsunami recovery to development process.

In the process, workshops were held at the Divisional Secretariats of Panadura, Kalutara, Beruwala, Balapitiya, Ambalangoda, Hikkaduwa, Galle Four Gravets, Habaraduwa, Weligama, Matara Four Gravets, Devinuwara, Dickwella, Tangalle, Ambalantota, Hambantota and Tissamaharama.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms

Investigations and awareness Sessions conducted in the District of Galle

Date of Visit – 23rd November 2006

Areas of Concern:

The Disaster Relief Monitoring Unit conducted awareness raising programmes on housing policies, and to discuss about current situations and issues of importance. Meetings were held involving IDPs from different camps within the district. Special attention was given to the camps of Monrovia watte, Sirikandura watte as many complaints were made from these places. The major issues were on the lack or poor quality of basic infrastructure. Education and hygiene were also two topics discussed with interest.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted

A Meeting with Grama Niladharis in Tsunami Affected Areas of Manmunai South and Eruvil DS Division Manmunai North

Date of Visit – 08th March 2006

Issues Addressed:

DRMU conducted a field visit to Batticaloa and Ampara Districts from the 7th to the 10th March 2006 to Investigate complaints and requests lodged by people in the Divisional Secretariat Divisions of Manmunai North, Manmunai South and Eruvil (Kaluwanchikudy). Issues in providing permanent shelter for the Tsunami IDPs in Transitional Shelters in the Kalmunai DS Division, Issues in the damage assessment of houses within the Thirukkivil DS Division Permanent shelter programme (Donor Driven Housing Programme) Ampara District as a whole were analyzed.

A sum of over a 1,000 complaints has been made by people in the Tsunami affected areas of Batticaloa District. Majority of the complaints have come from the Manmunai North and Kaluwanchikudy Divisional Secretariat Divisions. On the other hand, the regular Grama Nladhari meetings in these areas could not be held as a result of the poor security situation that prevailed in the area during the past few months. Many people were getting anxious to know the result of the complaints and requests that they have forwarded to the DRMU of the HRC.

Areas of Concern:

- ▶ Awareness on entitlements
- ▶ Basic Needs assessments
- ▶ Education
- ▶ Health and hygiene of children
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms
- ▶ Coordination in in-between the administrating bodies and the grass root

Batticaloa and Ampara Districts 11th to 12th July 2006

Issues Addressed:

DRMU along with Ms. Shana Kaiser and Vassiliki Lembesis, interns from York University, Canada conducted a field visit to Batticaloa and Ampara Districts. The DRMU planned to raise awareness among the IDPs in the above Districts on the latest housing policy released by the Government and also to investigate and thereby to identify the specific requirements of Tsunami affected at the grassroots level.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted

- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms

INVESTIGATIONS, MEETINGS & AWARENESS PROGRAMS IN THE DISTRICTS OF AMPARA, BATTICALOA AND VAHARAI

Date of Visit –10 – 15 September 2006

Issues Addressed:

Disaster Relief Monitoring Unit of the Human Rights Commission of Sri Lanka and International and National United Nations Volunteer officials (I/UNV's) under the UNDP Help desk project visited the Ampara and Batticaloa Districts on the 10th of September 2006. On a fact finding and awareness raising campaign. The officers were in the district for six consecutive days and the many issues were found as they visited the tsunami affected villages and also traveled into the Vaharai area which is currently under LTTE control.

The major issues which arose in the course of the investigations and programs conducted dealt with housing, livelihood and bribery and in the LTTE area the major issue which arose from their perspective was that there is an inadequacy to the Humanitarian Assistance to the region due to the fact that the government is not providing the clearance for the aid workers to penetrate into the Uncleared areas. But the view of the team was that it may not be safe for anyone or any organization to enter into the area as the current situation does not permit such activities.

Areas of Concern:

- ▶ Awareness on entitlements
- ▶ Basic Needs assessments
- ▶ Education
- ▶ Health and hygiene of children
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms

Field Visit Batticaloa District

Date of Visit –13 November 2006- 17 November 2006

Issues Addressed:

The objective of the mission was to conduct an assessment of the district with regard to the Tsunami and conflict IDP situation to conduct awareness, investigate complaints and to strengthen the presence of the Disaster Relief Monitoring Unit field office in the district and to act as a link to create a two way dialog amongst the affected and the respective authorities.

The team was also involved in the task of arranging meetings with the DS and office staff respective to tsunami related work and to make them aware about the substantive analysis of the people's consultation report and how to utilize the resources in a meaningful manner for the post tsunami recovery to development process. The main incidences which hindered the work were the harthal that spread for two days.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted

Visit to Ampara, Batticaloa, Trincomalee

Date of Visit –11 December 2006- 15 December 2006

Issues Addressed:

DRMU along with the IUNVs and UNVs attached to the DRMU based in the Districts of Ampara (Kalmunai), Batticaloa and Trincomalee and the Regional Coordinators based in the respective Districts.

To hold human rights awareness programmes for Grama Niladharis within the Tsunami affected GN Divisions of the respective Districts. Find out the progress of the activities related to reconstruction of the educational and health infrastructure destroyed and damaged by the Tsunami.

Human Rights Awareness Programmes

Following programmes were held in the Ampara District

District	DS Division	No. of affected GN Divisions	No. GNs/ Location	Date/ Time
Ampara	Lahugala	03	23 Grama Niladharis	12 th Dec
	Potuvil	20	Potuvil DS	
	Thirukkovil	16	37 Grama Niladharis Alayadivembu DS	14 th Dec
	Alayadivembu	02		
	Akkaraipattu	06		
	Addalachchena	13	35 Grama Niladharis Karativu DS	15 th Dec
	Ninthavur	12		
	Karativu	15		
	Sainthamaruthu	09		
Kalmunai	44	44 Grama Niladharis Kalmunai DS	15 th Dec	

INVESTIGATIONS, MEETINGS & AWARENESS PROGRAMS IN THE KALUTARA DISTRICT

Date of Visit –28 to 30 of August 2006

Issues Addressed:

A team from the Disaster Relief Monitoring Unit and the National United Nations Volunteer for the Kalutara district under the UNDP help desk project conducted investigations, meetings and awareness programs with an intention of empowering the people of these welfare centers for three consecutive days commencing from 28th of August 2006. The Participants were represented from 17 tsunami affected GN divisions in Panadura division, 23 GN divisions from Kalutara and 13 GN divisions from Beruwala. The major issues that were encountered were related to the buffer zone, lack of awareness concerning different entitlements and the executed permanent shelter programs, misunderstanding of owner and donor driven housing programs and the misguidance of beneficiaries by some organizations.

Issues Addressed:

- ▶ Housing policy
- ▶ Human rights
- ▶ Tsunami related issues on camp base approach
- ▶ Children's and women's issues were highlighted
- ▶ NGO/INGO presence
- ▶ Government coordination mechanisms