Final Project Evaluation: "Support to Strengthen capacities to undertake reforms to advance peacebuilding and transitional justice processes in Sri Lanka."

Date of Report: July 30 2021
Country: Sri Lanka
Evaluation commissioned by United Nations Development Program Colombo Sri Lanka.

Project and evaluation information details

Project/outcome Information		
Project/outcome title	Final evaluation: "Support to Strengthen capacities to undertake reforms to advance peacebuilding and transitional justice processes in Sri Lanka."	
Atlas ID		
Corporate outcome and output	UNDP	
Country	SRI LANKA	
Region	SOUTH ASIA	
Date project document signed		
Project dates	Start	Planned end
	April 2017	Feb 28 2021
Project budget	USD 4,411,874	
Project expenditure at the time of evaluation		
Funding source	UNITED NATIONS PEACE BUILDING FUND (UNPBF)PEACEBUILDING RECOVERY FACILITY	
Implementing party[1]	UNDP, IOM with guidance from OHCHR, partner organizations UNWomen and UNV	

Evaluation information		
Evaluation type (project/ outcome/thematic/country programme, etc.)	PROJECT EVALUATION	
Final/midterm review/ other	FINAL	
Period under evaluation	Start	End
	26 May 2017	15 September 2019, extended twice, to 28 February 2021
Evaluators	Patrick Burgess	
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Evaluation dates	Start	Completion
	Dec 1 2020	July 31 2021

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[1] It is the entity that has overall responsibility for implementation of the project (award), effective use of resources and delivery of outputs in the signed project document and workplan.

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Acknowledgements

We would like to thank all of those who generously provided their time to contribute their knowledge and experience to this report, including the UN country teams of UNDP, OHCHR and IOM in Sri Lanka, UN officials in other offices, international experts and representatives of government, independent commissions and civil society organizations working on transitional justice and human rights issues in Sri Lanka. We would also like to recognize the courage and commitment of all of those in Sri Lanka who are committed to a more fair, free and accountable future based on justice and human rights.

List of Acronyms and abbreviations

AWF	ffected Women's Forum
BCIS	Bandaranaike Centre for International Studies
CEJ	Centre for Equality and Justice
COVID-19	coronavirus disease 2019
CPA	Centre for Policy Alternatives
CRSV	Conflict Related Sexual Violence
CSOs	Civil Society Organizations
EMRG	Evaluation Management and Reference Group
EU	European Union
FGD	Focus Group Discussion
GoSL	Government of Sri Lanka
GPG	The Good Practice Group
HRCSL	Human Rights Commission of Sri Lanka
IOM	International Organization for Migration
IRF	Immediate Response Facility
IT	Information Technology
ITC	Information and Communication Technology
JPP	Joint Programme for Peace
KII	Key Informant Interviews
LGBTQI+	Lesbian, Gay, Bisexual, Transgender, Queer (Or Questioning), and Intersex
LTTE	Liberation Tigers of the Tamil Eelam
MFA	Ministry of Foreign Affairs
MHPSS	Mental health and psychosocial support
MSEDO	Mannar Social and Economic Development Organization
MWDT	Muslim Women's Development Trust
NCEASL	National Christian Evangelical Alliance of Sri Lanka
NPC	The National Police Commission
OECD DAC	Cooperation Directorate of the Organisation for Economic Cooperation and Development
OHCHR	Office of the United Nations High Commissioner for Human Rights
OJT	On the job trainings
OMP	Office on Missing Persons
OR	Office for Reparations
PBF	Peacebuilding Fund
PBSO	Peacebuilding Support Office
PCMS	Public Complaint Management System
PMN	Prathiba Media Network
PPP	Peacebuilding Priority Plan
PRF	Peacebuilding Recovery Facility
RCO	Resident Coordinators Office
REPPIA	Rehabilitation of Persons, Properties and Industries Authority

RTIC	Right to Information Commission
RUNO	Recipient United Nations Organization
SCG	Strategic Consultants Group
SCRM	Secretariat for Coordinating Reconciliation Mechanisms
SDGs	Sustainable Development Goals
SLCDF	Sri Lanka Centre for Development Facilitation
SLFI	Sri Lanka Foundation Institute
SLIDA	Sri Lanka Institute of Development Administration
SLPI	Sri Lanka Press Institute
TJ	Transitional Justice
TOR	Terms of Reference
TOT	Training of Trainers
TRC	Truth and Reconciliation Commission
UN	United Nations
UNDAFs	United Nations Development Assistance Frameworks
UNEG	United Nations Evaluations Group
UNRCO	United Nations Resident Coordinator's Office
UNDP	United Nations Development Programme
UNHRC	United Nations Human Rights Council
UNVs	United Nations Volunteers
WHO	World Health Organization

Executive Summary

Sri Lanka's population includes approximately 70% Buddhist, the majority of whom are Singhalese; 12% Tamil, the majority of whom are Hindu, with 10% Muslim and 8% Christian. Following independence from the British in 1948, decades of over-centralized government and discriminatory practices led to increased incidence of recurrent violence. Claims for an independent state in the Northern and Eastern areas of the country that are largely populated by those of Tamil origin led to a civil war between the Liberation Tigers of Tamil Eelam (LTTE) and government security forces from 1983 to 2009. In 2010, UN Panel of Experts found that there were credible reports that a wide range of serious human rights violations, including war crimes and crimes against humanity, had been committed during the final weeks of the war. The panel also found that there were credible reports that up to 40,000 civilians had been killed during this period.

In 2015, following elections and a change of leadership, the government of Sri Lanka committed to a broad agenda of reform relating to transitional justice, including co-sponsoring the UN Human Rights Council Resolution A/HRC/RES/30/1 (Resolution 30/1.) The resolution included commitments to reform and concrete steps relating to all four pillars of the TJ framework: criminal accountability, truth-seeking, reparations, and guarantees of non-recurrence. In a public statement at the time, the Foreign Minister representing the Sri Lankan Government stated that the government was committed to creating "independent, credible, and empowered mechanisms for truth seeking, justice, reparations, and guarantees of non-recurrence within the framework of the national Constitution".[2]

Following the adoption of the Resolution, the Sri Lankan government and national parliament undertook a number of important reforms, including the adoption of the 19th Amendment to the Constitution, which strengthened the independence of nine oversight bodies, including the Human Rights Commission of Sri Lanka (HRCSL) and the National Police Commission (NPC), and introduced the Right to Information as a Fundamental Right. This was followed by the establishment of the Right to Information Commission (RTI). In 2018, the government established the Office on Missing Persons (OMP) and, in 2019, the Office for Reparations (OR).

In 2015, Sri Lanka began to receive support through the Immediate Response Facility of the UN Peace Building Fund (PBF), implementing a project focused on resettlement of IDP's on land that had been released for use in formerly 'High Security Zones." Following this, the government and UN, in close consultation with civil society and development partners, developed the Peacebuilding Priority Plan (PPP), which included four elements: Transitional Justice, Reconciliation, Good Governance and Resettlement, and Durable Solutions. The program that is the subject of this evaluation was designed to support the transitional justice element of the PPP.

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[2] http://www.mfa.gov.lk/index.php/en/media-releases/unhrc2015/6200-slfm-hrc30

The PPP adopted the following theory of change relating to the transitional justice element:

If the government and conflict affected society commit to openly discussing the past, investigating and prosecuting those involved in violations of international humanitarian law and international human rights during a conflict situation, and actively involving the victims, witnesses, civil society, and other relevant stakeholders in the consultation process in order to design a comprehensive transitional justice framework, then the process of accountability, reconciliation, and healing stands a better chance to effectively contribute to sustainable peace.

The Program that is being evaluated focused on three Outcomes:

- Outcome 1: SCRM and PBF Secretariat effectively coordinate and support delivery of high-impact peacebuilding results.

- Outcome 2: Transitional Justice: Sri Lanka undertakes reforms and establishes credible and broadly supported transitional justice mechanisms and processes that adhere to international standards.

- Outcome 3: Independent Commissions: Key independent commissions contribute to accountable and transparent democratic governance.

In order to achieve these objectives, the program provided support in three areas:

i. <u>The Government:</u>

Assistance was focused through the government office established with primary responsibility relating to transitional justice issues: the Secretariat for the Coordination of Reconciliation Mechanisms (SCRM) and the UN Peace Building Fund (PBF) Secretariat. This area of support includes support for new transitional justice mechanisms. During the life of the project, the Office for Reparations (OR) and the Office of Missing Persons (OMP) were established and became operational with support from the Program. A draft law for the establishment of a TRC was produced by a government task force without input from the project but had not proceeded past the draft stage. The government's preparation for a judicial mechanism faced significant political challenges, including a lack of sufficient government support.

ii.   Three independent National Commissions:

Two of these were existing institutions at the time the project commenced: the National Human Rights Commission (NHRC) and the National Police Commission (NPC). The Right to Information Commission (RTIC) was established to support the formal legal recognition of the right to information through the 19th Amendment to the Constitution.

iii.   Civil society organizations (CSOS.)

A range of CSO's were engaged to work predominantly on programs focused on increasing understanding and capacity of local communities and victims to engage with transitional justice initiatives. The Program provided support for a significant activity focused on archiving the results of the extensive consultations that had been carried out by a coalition of CSO's just prior to the commencement of the Program.

The overall project was coordinated by UNDP, which was responsible for providing consolidated progress reports through the PBF Secretariat to the PBSO. Each PUNO has provided the requisite bi-annual progress reports and annual progress reports to the PBSO as per the Project Document. Activities were managed and implemented by UNDP and IOM with significant assistance and technical support from OHCHR at the national level and from headquarters. A range of TJ expertise was supplied throughout the program. The Special Rapporteur on Truth, Justice, Reparations, and Guarantees of Non-Recurrence made several visits to the country, enabling interaction at senior levels of government and the security forces as well as providing direct inputs to workshops and training.

Challenges

The major challenges faced by the Program included:

Resolution 30/1 included a commitment to extremely challenging goals of establishing a full range of TJ mechanisms within a period of a few years, a process that has required decades in many other contexts. For example, the Government committed to establishing four TJ mechanisms within an initial two year timeframe: a TRC, a judicial mechanism, the OMP and a reparations mechanism.

There was a lack of political will for TJ initiatives and an accompanying view by some that intensive progress on TJ goals may deepen the political divisions within the majority population. These pressures were particularly strong in relation to the creation of a judicial mechanism that would include foreign judges and have authority to try and convict those implicated in mass crimes committed during the final days of the civil war. Those implicated in the mass violations included powerful figures within the government and security forces. The divisions led to an approach

towards transitional justice goals that was centred around identity politics rather than a commitment to human rights and accountability for all.

The Constitutional crisis in 2018 caused a delay, which also led to the project receiving a no-cost extension of one year. The crisis also affected various high-level decisions that disrupted the Project implementation. The elections caused a high degree of political instability which pushed back the implementation plans for certain project activities. The change of government in 2019 brought significant challenges for the sustainability of the Program impact as it was accompanied by reduced support of the Government to the commitments in Resolution 30/1 and the office of the SCRM was subsequently closed.

Main Findings

- **The strategy to include a combination of support to Government, independent commissions and civil society was appropriate and effective:** The three-element approach to the program was highly relevant to the context, enabling all three components in an interactive manner. For example, the capacity building activities with victims increased their knowledge and ability to engage, which led to a dramatic increase in the number of complaints to the NPC, recorded and traced by the complaints management system developed through the Program. A similar effect was achieved for victims and families' approaches to the OMP and OR after they had developed systems to receive, track, and act on the information from the victims. The development of the RTIC was also important in this regard, opening up avenues for families of the disappeared to seek information relating to loved ones. As a result, in 2016 the President Sirasena issued certificates of absence to over 65,000 relatives of those who had gone missing during the civil war. The major research focus of the NHRC on Prisons revealed many of the challenges that had contributed to mass violations. The multi-year intensive work by the senior advisors to the SCRM had a significant impact and contributed to over 100 specific products, such as contributions to the design of the OMP, the Reparations draft law, the national Transitional Justice Framework, and the Comprehensive Communications Strategy on TJ.

- **Collaboration between UN Agencies:** The dialogue, interaction, and cooperation between UN agencies involved in some way in the project or active on the ground in Sri Lanka was, according to the participants in the evaluation, extremely positive. In addition to regular coordination meetings of related issues, the country team, all agencies involved in related activities, participated in three annual multi-day events focused on TJ issues and goals.

- **Responsiveness and Flexibility:** The ability of the program to respond quickly to emerging needs was mentioned as a significant strength by many KIIs, with examples such as the significant program of support by UNV's in the Prison Study of the NHRI, the provision of senior technical expertise on TJ communications available to the OMP and used by other offices, and the ability of the senior technical advisors at the SCRM to take advantage of an unexpected openness of senior military personnel to receive repeated TJ training.

- **The support to civil society organizations was a highly strategic and effective element of the Program.** Many of the existing civil society organizations were trusted by victims and community members but lacked expertise, funding, and resources. The support of the project enabled a range of grass-roots organizations, such as those representing women victims in the north and east, to survive and strengthen. These community-based victims' organizations are an essential element of an effective TJ strategy and were recognized as such. Their very existence as a vehicle for the informed and committed voices of victims is essential for success relating to long-term TJ goals, but without donor support, they cannot continue their work.

- **Technical Assistance was of high value if practical and targeted:** The inclusion of high-level technical assistance was an extremely valuable element of the program. However, according to a number of KII's, the impact was highly dependent on a careful selection process and consultation with those working in the relevant institutions concerning their specific needs.

- **The Role of the UN Special Procedures:** The role and expertise of the Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence, Mr. Pablo de Greiff, was a significant positive element in a broad range of the activities included in the Project and greatly assisted in bringing TJ issues to the most senior levels of government and the security forces. The Special Rapporteur provided consistent engagement, advice, and assistance to the project, making four advisory visits to Sri Lanka during the relevant period (in addition to his official country visit). He was able to engage in dialogue with senior members of the government and civil society on a highly informed basis and provided expert advice relating to the technical assistance elements of the program.

- **Tools created by the Program:** The program also supported the development of a range of tools that will continue to be valuable resources in the future. These include policy and strategy documents, training modules, simple language summaries of TJ issues, short videos, and a range of publications. Products also included a national policy on transitional justice produced with the assistance of the two technical advisors in the SCRM and a national strategy on transitional justice communications produced by a senior TJ communications expert who contributed as a part-time consultant.

- **Gender and Human Rights:** International best practices in relation to TJ dictate that a gender-sensitive approach must be applied in all aspects of the program and TJ mechanisms, including preparation, participation, implementation, and follow-up. The program was allocated a Gender Marker 2 according to the PBF scoring guide note, i.e., "*Advancing gender equality is a significant objective but not the principal reason for undertaking the project and is a strongly mainstreamed program.*" [1] A gender mainstreaming approach was followed, and activity examples included the following:

- CSOs based in the northern and eastern provinces worked with families of the disappeared, war widows, people with disabilities, women from conservative Muslim families, and youth.

For example, one CSO maintained a help desk in Sinhala, Tamil, and English and selected locations that ensured the inclusion of Muslim and Tamil women in rural communities.

- Other regional CSOs addressed topics such as violence against women in rural communities, social status of females in families of the disappeared, representation of women in local councils, and reasons for low female representation in local councils.

- The SCRM had adopted a gender balanced approach even in terms of the resource persons used with priority being given to females as most victims dealt with were women.

- When the gender ratio among the proposed participants of the military TOTs was not acceptable, the military was requested to nominate participants, ensuring at least 20% were female officers. This figure was met by the military.

- The Prisons Study included inmates from the female ward, including pregnant inmates and inmates with children. The report was the most comprehensive official document dealing with these issues.

- The OR compensation priority list and psychosocial programs included women and disabled persons.

Main Conclusions

- The commitment to create at least four distinct TJ mechanisms within a short timeframe was based on an optimistic view of what was possible and a desire to take full advantage of the available opportunity. However, the broad-based foundation of society's desire for and commitment to truth, accountability, and victims' rights that is necessary for the proposed TJ mechanisms, such as a TRC and judicial mechanism, still needs to be developed in Sri Lanka. During the life of the program, there was insufficient government and societal support for some of those important TJ mechanisms to proceed to the stage of implementation. The inclusion of international judges in the reference to the judicial mechanism in Resolution 30/1 became a factor of deep divisions in society relating to accountability that ultimately contributed to a change of government, resulting in a reduction in the space and support for the TJ goals included in the Resolution.

- The establishment of the Office for Reparations, the Office of Missing Persons and the Right to Information Commission were significant achievements, and the program made a very

meaningful contribution to each. The capacity building elements of the program are essential contributions to any transitional justice context, as victims, community members, representatives of government, independent commissions and security forces all need to understand and be able to analyse transitional justice initiatives in order to build a sufficient level of consensus to move forward. The program made significant contributions to building understanding and capacity in all of those groups. This increased understanding and capacity is a resource that can contribute to building support for TJ that is necessary if important mechanisms such as a TRC and judicial mechanism are to be achievable in the years and decades to come.

Main Recommendations

1. **Maintain the focus on TJ in the face of political change and opposition to accountability:** The fact that a political change reduces support for those programs does not make them any less valuable. In fact, the opposite may be true. As the threat to the rule of law increases, the importance of recognizing and addressing root causes becomes more clear. The program has built a solid base in relation to its work on transitional justice in Sri Lanka. The end of the program should not indicate the end of this intensive work, but rather the beginning. Experience around the world demonstrates clearly that TJ goals take years and often decades to achieve, but that the efforts made towards those long term goals make important contributions to the base of an accountable society. Truth, accountability, and victims' rights are key elements of Sri Lanka's future. If, for example, the space for the judicial mechanism is closed at this particular time, it does not mean that work on prosecutions should cease, but rather that the support needs to focus on building the broad based understanding of and steady increase in society's demand for accountability. This means that the form of the support needs to be more strategic, but not that it should be reduced. The fact that the Program did not achieve all of its goals within the highly unusual and optimistic time frame and that the context has changed quite dramatically does not mean the goals are any less important. The investment in them should be constant. However, the form of the interventions, the time frame, and strategies must change according to the changing context.

2. **A holistic approach and sequencing of TJ approaches should inform future programming:** All elements of the TJ framework are equally important. Progressing the elements of truth, reparations, and guarantees of non-recurrence are essential for criminal accountability to be achieved. A successful judicial process for mass crimes cannot be conducted in a domestic setting without first building substantial public demand for that

process. The understanding of the meaning of TJ, a holistic approach, and the need for careful sequencing of initiatives should be included as essential elements of ongoing, long-term support programs and strategies. Donor projects should maintain support for initiatives that contribute to TJ goals and call for innovative approaches that can be successfully completed in a more challenging environment and continue to build on the momentum created by the program. For example, support should be given to projects that contribute to a widely accepted base of truth in relation to past violations, as this base is necessary for other TJ goals to be achieved. In the absence of a national TRC, non-official truth-seeking projects can continue and expand, focusing on sub-national areas and even villages that have been the sites of mass violations. In the current context, that may make direct work on accountability impossible. Nonetheless, official truth-seeking projects can help to provide assistance in acknowledging and repairing the lives of victims, through continued support to the OR and via grass roots direct initiatives with victims. The program successes relating to activities and capacity building of the NPC, HRCSL, RTIC, the OMP, and the OR have the potential to contribute to positive change even in a context of diminishing space and should be continued to be supported so that the impact and momentum are maintained to the maximum degree possible in the circumstances. The injection of international examples and linkages to similar experiences, particularly in the Asia-Pacific region, can help to maintain this impetus for the long-term TJ goals.

3. **The UN country team's transitional justice capacity should be maintained or strengthened.** This makeup of the country's teams should reflect the continuing importance of transitional justice to Sri Lanka and the long-term nature of the process in its staffing table and support programs. The current strength of the transitional justice experience and capacity within the office of OHCHR has been extremely important for the program goals and, if possible, should be expanded, taking into account that the intensive multi-year component of technical support in the SCRM is no longer present. The history of the violations, Resolution 30/1, and the investment and engagement of the international community should not be abandoned but maintained through the ups and downs of varying political support for accountability, justice, and victims' rights, and the UN in-country technical support available should continue to play an important role.

4. The investment in civil society and victims' capacity should continue through substantial, multi-year support:

"First, it is obvious that both civil society and parts of Government have travelled on a very steep learning curve regarding transitional justice issues. Sri Lankan civil society, with its characteristic courage, persistence, and very high capacity, continues to be fully present– in my

opinion as an insufficiently tapped resource—making crucial contributions to transitional justice debates. "

Pablo de Greiff, UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-recurrence, [3]

Support to trusted CSO's working on TJ issues is a relatively high value/low-cost undertaking as the support programs take advantage of existing and ongoing capacity and commitment that is often life-long, particularly in the case of victims and human rights defenders. An investment in their capacity is in many cases likely to produce a high level of impact in terms of the future roles advocating and working for TJ-related goals that will continue for decades. All deep TJ experiences required the substantial contribution of victims' organizations and human rights NGOs. Holding government agents to account for crimes and violations committed is an essential service. When government accountability mechanisms are unlikely to fulfil those functions the role falls to non-government organizations. These essential services are non-commercial and unlikely to be funded by government, so donors investing in peace, democracy and rights must recognize that the contribution and the need for support of those organizations are long term, as are the TJ goals. As reflected in the comments of the Special Rapporteur, above, Sri Lankan civil society has a high level of capacity and commitment and even considering the significant engagement with CSO's during the Program, the potential has been under-utilized. Experience in recent decades reveals that Sri Lankan CSO's will continue to work on rights-based issues even during periods of oppression, but they cannot plan and act effectively without continuity of funding base.

Inclusion of the security forces, Government, and academic institutions in transitional justice programming: Members of security forces are very often implicated in mass violations and this is true in the context of Sri Lanka. The Project did not initially include a significant element of training and capacity building for security forces, but the experts involved, including the Special Rapporteur, viewed this as an oversight that they took practical steps to remedy. A series of trainings and workshops with the security forces was appreciated by those stakeholders, as evidenced by repeated requests for additional sessions. Those members of the military, police, or other groups implicated in violations that are supportive of accountability, truth, and reform can play a major role in relation to non-recurrence, but they need higher levels of understanding in order to perform that role.

Main Best Practices and Lessons Learned

4.1   [3] Full Statement by Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, at the conclusion of his official visit to Sri Lanka. P 1. https://lk.one.un.org/news/full-statement-by-pablo-de-greiff-un-special-rapporteur-on-the-promotion-of-truth-justice-reparation-and-guarantees-of-non-recurrence-at-the-conclusion-of-his-official-visit/

Some of the important examples of best practices included:

- The broad-based TJ consultations that took place at the commencement of the program and the archiving program that enabled the results to be stored and effectively used were extremely comprehensive and are a resource that can be used for years to come.

- The role of the Special Rapporteur was extremely important, not only in relation to monitoring and reporting but for the contributions made to building capacity of senior government, security forces and civil society actors.

- Transitional justice initiatives require specific TJ experience and technical expertise that is different from more general human rights or peacebuilding experience, and recruitment needs to be based on these needs. The program utilized several very experienced TJ experts who made significant contributions that were often dependent on specialized TJ experience.
- The full-time deployment of senior TJ experts enabled the building of trust, relationships, and capacity building that is significantly greater and qualitatively different to that possible from short-term expert consultants.
- Broad based support for civil society not only builds the capacity of those involved but can open relationships between victims of different parties to a conflict, increasing empathy and contributing to social and personal healing.
- There are a range of institutions that can make a strong contribution to non-recurrence of violations, a key element of the TJ framework. Focus should not be limited to courts and TRC's. The Programs support to a range of institutions resulted in high value contributions to victims' rights relating to information (RTIC;) their ability to trace the fate of loved ones (OMP) lodge complaints with police (NPC) and improve prison conditions and tracing of those detained (HRCSL).

Introduction

Sri Lanka gained independence from the British in 1948. According to the 2012 census, 70.2% of the population identified as Buddhist, the majority of whom are Singhalese; 12.6% identified as Tamil, the majority of whom are Hindu, with 9.7% Muslim and 7.6% Christian. A lack of participatory decision-making processes, an overly centralized government, and discriminatory policies and practices relating to political rights, language, public employment, and education led to increasing violence in the 1970's and 1980's. Claims for independence by the Tamil minority led to the formation of the armed group, the Liberation Tigers of Tamil Eelam (LTTE), and a civil war between supporters of the LTTE and government security forces from 1983 to 2009. The conflict was marked by allegations of mass human rights violations, including tens of thousands of cases of disappearances, killings of civilians, rapes, and torture. The end of the war came about through a complete military victory by the government forces and the physical destruction of the LTTE. The end of the civil war was accompanied by allegations that during the final weeks there had been indiscriminate targeting of civilian targets and mass violations committed against combatants and civilians. In 2010, the United Nations Secretary General's Panel of Experts on Accountability in Sri Lanka found that there were credible reports of the deaths of up to 40,000 people during the final stages of the war and " *credible allegations, which if proven, indicate that a wide range of serious violations of international humanitarian law and international human rights law were committed.*"[4]

In 2015, the national elections brought to power the National Unity Government, which was formed with a cross-party political alliance of the two largest political parties - the Sri Lanka Freedom Party (SLFP) and the United National Party (UNP). The positive working relationships and cooperation with the main Tamil party, the Tamil National Alliance (TNA) provided an opportunity to advance reconciliation and facilitate peacebuilding.

The new Government co-sponsored the UN Human Rights Council (UNHRC) resolution entitled "Promoting reconciliation, accountability and human rights in Sri Lanka" (Resolution 30/1). at the 30th Session of the United Nations Human Rights Council (UNHRC). In the statement to the Human Rights Council on 14 September 2015 the Minister for Foreign Affairs of Sri Lanka committed to establishing an "independent, credible and empowered mechanisms for truth seeking, justice, reparations and guarantees of non-recurrence within the framework of the national Constitution.[5] At the 34th Session of the UNHRC, held in March 2017, the Sri Lankan government co-sponsored a fresh resolution 34/1 which reaffirmed the commitments under Resolution 30/1.

Following this, the Sri Lankan government and national parliament took a number of steps that indicated a strong commitment to reform. This included the 19th Amendment to the Constitution, which strengthened the independence of nine oversight bodies, including the Human Rights Commission of Sri Lanka (HRCSL) and the National Police Commission (NPC), and introduced the Right to Information as a Fundamental Right.

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[4] Report of the Panel UN Secretary General's Panel of Experts on Accountability in Sri Lanka.
https://news.un.org/en/story/2011/04/373152 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf
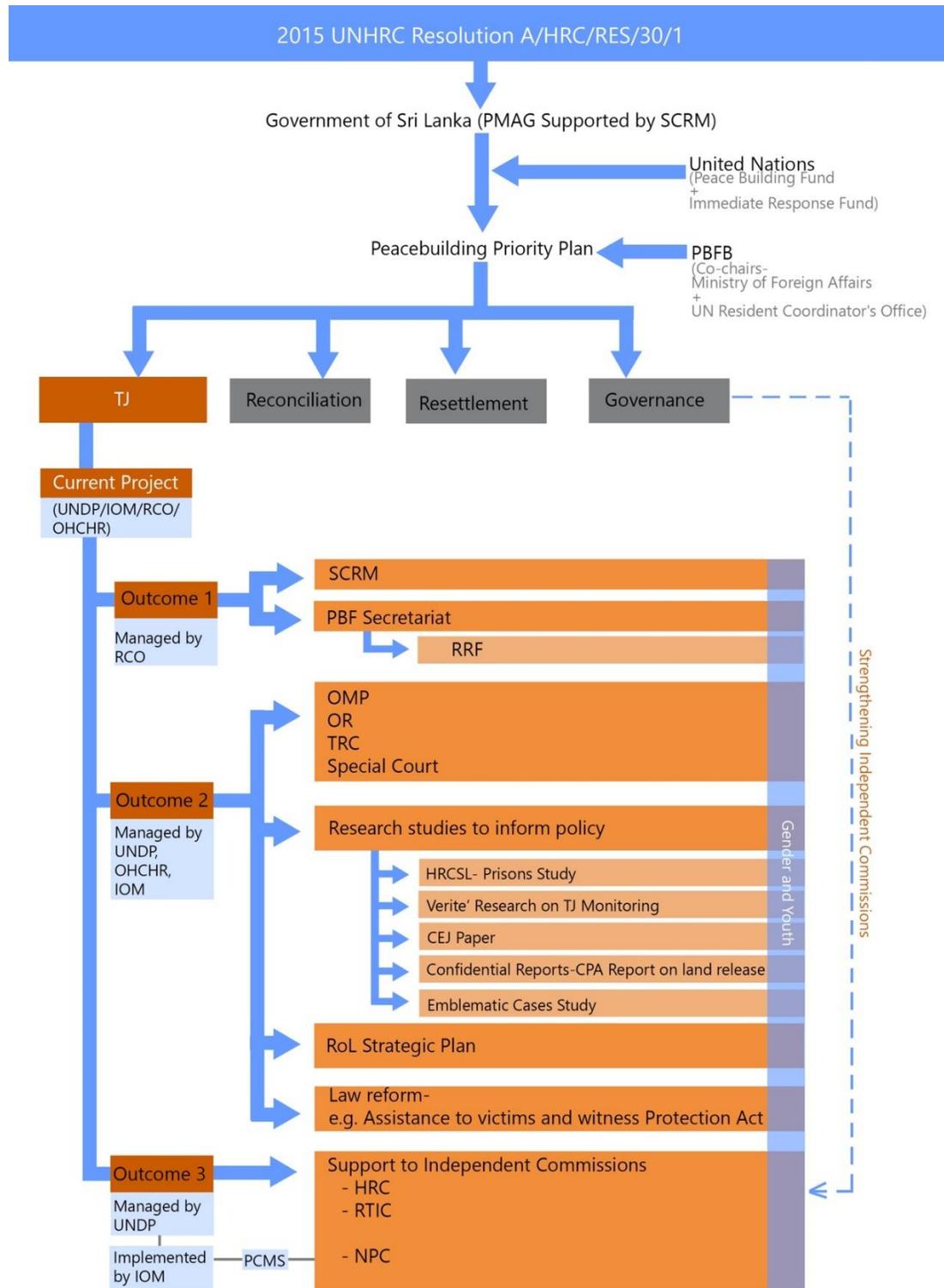[5] http://www.mfa.gov.lk/index.php/en/media-releases/unhrc2015/6200-slfm-hrc30

This was followed by the establishment of the Right to Information Commission (RTI). In 2018, the government established the Office on Missing Persons (OMP) and, in 2019, the Office for Reparations (OR).

The project that is the subject of this evaluation was designed to provide support for government initiatives focused on transitional justice. It was supported by the United Nations Peacebuilding Fund's (PBF's) Peacebuilding Recovery Facility (PRF) and valued at USD 4,411,874. The project was anchored within the Transitional Justice pillar of the Sri Lanka Peacebuilding Priority Plan (PPP) that was developed with the assistance of OHCHR. It provided the largest funding envelope for a programme jointly funded by the EU and the British Government and included support for the government, independent National Commissions, and civil society.

Description of the Intervention

Diagrammatic Representation of the Program, compiled by evaluation team

In 2015, the government and the UN, in close consultation with civil society and development partners, finalized the Peacebuilding Priority Plan as a common framework against which the development partners could form and implement their priorities to support peace in Sri Lanka for Sri Lanka. In November 2015, Sri Lanka requested, on the basis of the four priorities of the PPP (Transitional Justice, Reconciliation, Good Governance, and Resettlement and Durable Solutions), to be considered to receive financial support from the UN PBF's Peacebuilding and Recovery Facility (PRF). The UN Secretary General approved the application and the project that is the subject of this evaluation was anchored within the Transitional Justice pillar of the PPP. Implementation was overseen by the Prime Minister's Action Group (PMAG), with the support of the Secretariat for Coordinating Reconciliation Mechanisms (SCRM). Funding for the plan came from various sources, including the UN, other development partners, and government sources. The PBF Secretariat was established under the UN Resident Coordinator's Office to provide support to all PBF-funded projects in Sri Lanka.

Implementation of the PPP is governed by the Peacebuilding Board, which is co-chaired by the Foreign Secretary, the Secretary-General of SCRM and the UN Resident Coordinator. The Board includes representation from the Presidential Secretariat, thirteen-line ministries, development partners (the EU and Japan) and civil society organizations.

The project was designed to provide support for government initiatives focused on transitional justice. It was supported by the United Nations Peacebuilding Fund's (PBF's) Peacebuilding Recovery Facility (PRF) and valued at USD 4,411,874. These funds were distributed through UNDP ($USD 3,450,420) and IOM (USD $739,580) The project was anchored within the Transitional Justice pillar of the Sri Lanka Peacebuilding Priority Plan (PPP) that was developed with the assistance of OHCHR.

The program included support for the government, independent national commissions, and civil society. The initial project duration was for 29 months, starting from April 2017 and ending in September 2019. However, the project was granted one extension up to September 2020 and later another extension up to February 28, 2021 in order to successfully complete project activities. Unfortunately, the operations of SCRM ceased in March 2020 as its mandate expired, leading to the cancellation of all activities under the project relating to SCRM. TJ initiatives of CSOs supported by the Project were completed in 2019 while support to the independent commissions continued until the end of the Project.

The PPP included four outcomes relating to transitional justice, reconciliation, governance, resettlement, and durable solutions:

Outcome 1: Transitional Justice: Government leads a credible, victim-centric process of accountability, truth-seeking, reparations for past violations and guarantees of non-recurrence in line with international standards and obligations.

Outcome Statement: Transitional Justice implemented to help reconcile and heal Sri Lankan society.
Theory of Change: IF the Government and conflict affected society commit to openly discuss the past, investigate and prosecute those involved in violations of international humanitarian law and international human rights during a conflict situation AND actively involve the victims, witnesses, civil society and other relevant stakeholders in the consultation process in order to design a comprehensive transitional justice framework, THEN the process of accountability, reconciliation and healing stands a better chance to effectively contribute to sustainable peace.

The beneficiaries of the program are the people affected by the mass violations and conflict and the Government. Ultimately, the entire population of Sri Lankan society will benefit from the impact of implementing Resolution 30/1 and its contribution to truth, justice, victims' rights, and peace. Victims of serious human rights violations will benefit most through access to transitional justice mechanisms and assistance provided by governments, independent commissions, and civil society initiatives. The government will also benefit through increasing its capacity to make progress on implementing its commitments under Resolution 30/1. The government institutions that will benefit include the Prime Minister's Office, Ministry of Foreign Affairs, and Secretariat for Coordinating Reconciliation Mechanisms. Independent Commissions, including the NPC, HRCSL, and RTIC, will also benefit.

Strategic Approach

The PPP outlined the transitional justice strategy that included recognition of the holistic nature of transitional justice, requiring progress on all four elements of the framework and 'sequencing' of the elements according to priorities, opportunities, and context. This included prioritizing some key areas where tangible outcomes are possible, including the return of land currently occupied by the military, the establishment of an Office of Missing Persons, releasing political prisoners, legal measures to protect victims and witnesses, and concrete steps to build the confidence of minority communities. The strategy recognized that other elements of the long-term transitional justice goals could not be fully achieved within a short time frame and that they required more groundwork and preparation. One example is the training and sensitization of the military and other actors. The strategy included support for a broad-based consultation on

transitional justice issues and for the government's initiatives designed around the outcomes of those consultations.

The PPP strategy recognized the role of OHCHR in providing technical guidance and the important role of the Special Rapporteur.[6] It also recognized the importance of the foundations of TJ:

"The transitional justice process and mechanisms should adopt a transformative approach which seeks to address not just the consequences of violations committed during the conflict but the social relationships and structures of inequality that underpin the conflict violence and allow the violations to occur. This involves an understanding of transitional justice that is forward looking, seeking not just the absence of conflict but its permanent prevention and looking to change rather than revert to the status quo ante. "[7]

The Program:

The Program that is the subject of this evaluation was designed to support the implementation of the PPP Outcome 1, relating to transitional Justice. The following are the three outcomes of this Program:

- **Outcome 1: SCRM and PBF Secretariat effectively coordinate and support delivery of high-impact peacebuilding results**

  Theory of Change:

  IF the PBF Secretariat and the Government of Sri Lanka (through SCRM) work closely together, with access to technical expertise and financial resources, THEN, under the leadership of the Peacebuilding Board, the Peacebuilding Priority Plan will be effectively implemented, to advance accountability, reconciliation, and a political settlement through initiatives aimed at building consensus across stakeholders and facilitating a government wide approach, with the ultimate aim of avoiding a relapse into violent conflict .

  This element of the program provided support, including technical assistance to the SCRM, and supported the effective functioning of the Peace Building Fund Secretariat. In addition, the PBF Secretariat and SCRM jointly oversaw a Rapid Response Fund (RRF), designed to enable rapid response to high priority requests for catalytic technical assistance towards the more sensitive areas of the PPP.

  Note: Support to the PBF Secretariat was included in the program more for administrative efficiency than because it also fell squarely within the parameters of transitional justice support. The current evaluation is focused on the transitional justice activities, and an in-depth

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[6] PPP page 17.
[7] PPP page 17

evaluation of the mandate and functions of the PBF Secretariat is not within the scope of this evaluation.

- Outcome 2: Transitional Justice: Sri Lanka undertakes reforms and establishes credible and broadly supported transitional justice mechanisms and processes that adhere to international standards.

Theory of Change:

IF the legacy of past violations and abuses is addressed in a comprehensive, principled, rights-based, victim-centered manner, THEN Sri Lankan society will consider that justice has been done and a sense of confidence in the State is restored/generated.

This included the design and implementation of a comprehensive transitional justice framework, including the preparation of the proposed judicial mechanism, the TRC, the Office for Reparations, and the Office for Missing Persons, as well as a broad range of civil society organizations, (managed by UNDP, OHCHR-CSOs, and IOM in relation to reparations).

- Outcome 3: Independent Commissions: Key independent commissions contribute to accountable and transparent democratic governance
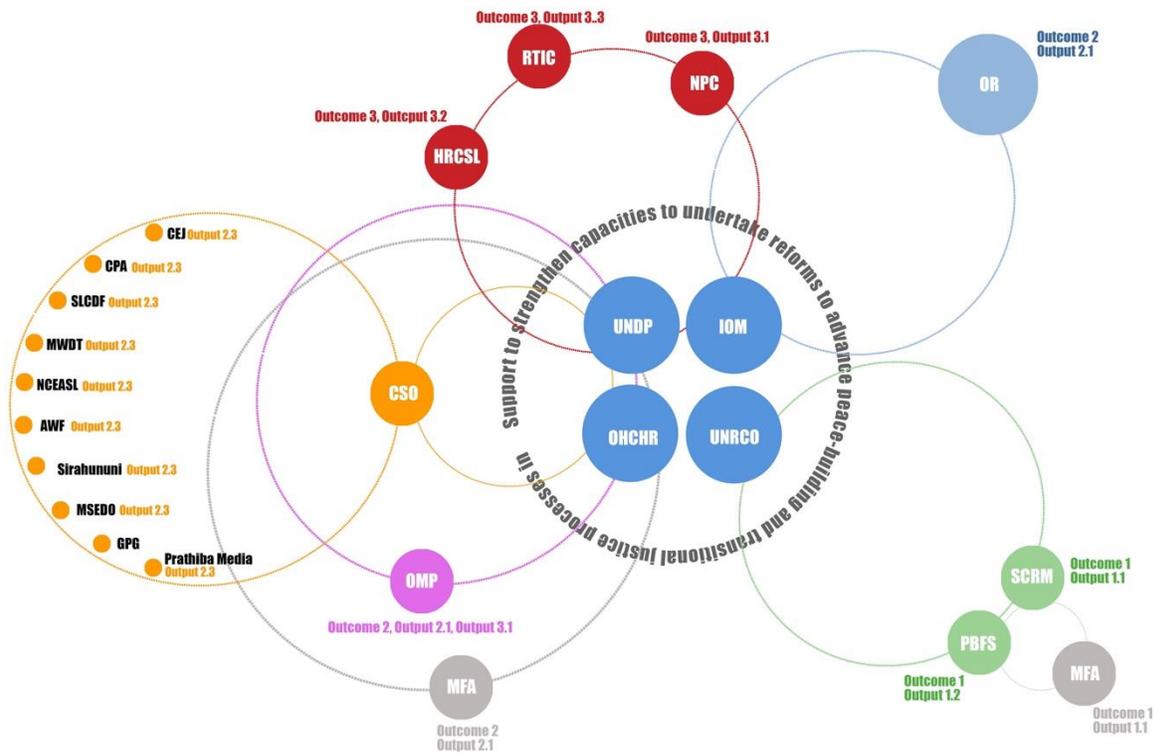
Theory of change:

IF the independent oversight commissions are enabled to fulfill their mandated functions AND greater public engagement is secured, THEN there will be greater accountability and public trust in the peacebuilding and related reform processes.

This element of the program, managed by UNDP and IOM, included the strengthening of three key independent oversight mechanisms:

- The Human Rights Commission of Sri Lanka (HRCSL),
- The National Police Commission (NPC) and
- The newly established Right to Information Commission (RTI Commission.)

The fact that there were multiple agencies and donors involved in assistance to the government, scores of civil society organizations and independent commissions created some challenges for the evaluation team in piecing together the nature and extent of the program. The following diagram is a graphical depiction of the project outcomes and outputs, compiled by the team.

Diagram labels:
- Outcome 3, Output 3..3 — RTIC
- Outcome 3, Output 3.1 — NPC
- Outcome 3, Output 3.2 — HRCSL
- Outcome 2, Output 2.1 — OR
- CEJ Output 2.3
- CPA Output 2.3
- SLCDF Output 2.3
- MWDT Output 2.3
- NCEASL Output 2.3
- AWF Output 2.3
- Sirahununi Output 2.3
- MSEDO Output 2.3
- GPG
- Prathiba Media Output 2.3
- CSO
- UNDP
- IOM
- OHCHR
- UNRCO
- OMP
- Outcome 2, Output 2.1, Output 3.1
- MFA — Outcome 2 Output 2.1
- SCRM — Outcome 1 Output 1.1
- PBFS — Outcome 1 Output 1.2
- MFA — Outcome 1 Output 1.1
- Support to strengthen capacities to undertake reforms to advance peace-building and transitional justice processes in

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Key Activities included in the project design:

- Technical support to SCRM for national expertise, skills development and knowledge exchange and research
- Support towards the effective functioning of the PBF Secretariat to enable the operationalisation, implementation, monitoring, and coordination of the PPP
- Management of a rapid response fund to enable to UN to respond to time critical requests for technical assistance towards sensitive areas of the comprehensive strategy on transitional justice.
- Support to the establishment and operationalisation of the transitional justice mechanisms
- Technical support towards justice and rule of law aimed at non-recurrence
- Engagement of civil society in the transitional justice process
- Technical support towards the effective functioning of the Human Rights Commission,
- National Police Commission and Right to Information Commission

Key Activities completed by the Project:

Outcome 1: Establishment and support of the PBF and activities of the Rapid Response Fund.

A major element of this assistance was the support through the Strategic Consultants Group (SCG). This included technical assistance provided by two very senior and experienced TJ experts who were based at the office of the SCRM for over two years, as well as other consultants and support for the activities of the SCRM.

The RRF enabled support for a wide range of initiatives including the following:

- Tackling indebtedness in Sri Lanka (particularly relating to victims.)
- Language Audit of Public Institutions of Sri Lanka (the official language was a significant issue that contributed to the conflict.)
- Social Media monitoring to support the UN Country Team and key stakeholders
- Community Based Monitoring
- Assessment of Psychosocial Service Provision in Northern Province
- Manohari- A community-based violence prevention programme designed by an expert multidisciplinary team of mental health professionals
- BCIS training course on TJ- The cost for this activity was shared between PBF/ EU Project. See above under 'Support to SCRM'.

Outcome 2: The design and implementation of a comprehensive transitional justice framework.

➢ *Office of Missing Persons (OMP)*

- The project provided technical and administrative support, including technical experts, staff, and UN Volunteers (UNVs). Service accessibility to the public was enhanced through the opening of four regional offices providing outreach to families of missing persons in Jaffna, Mannar, Matara, and Batticaloa.

- Steps towards the development of the psychosocial strategy of the OMP were undertaken with support from the project and UNICEF. Forty Government and NGO partners, key justice sector actors and 35 Judicial Medical Officers (JMOs) enhanced their awareness and acceptance of TJ mechanisms with a special emphasis on protection of the rights of children victims and witnesses.

- An extensive outreach program was conducted using innovative multimedia tools, including videos. The aim of the outreach programs was not only to inform in relation to the right to information and the new office that provided assistance in relation to the disappeared and missing, but also to increase empathy and understanding from those communities on all sides of the conflict, thereby reducing divisions

- The OMP had lobbied for greater government assistance for families of missing persons, resulting in the government's committing approximately LKR 500 million (equal to $2,754,006) to an interim reparations program for families of missing and disappeared persons. Over 23,000 cases of missing persons have been digitized, 657 Certificates of Absence (COAs) have been issued to the families of the victims since February 2020.

➢ *Office for Reparations (OR)*

The government allocated a significant amount of annual funding for the core operations of the OR through the start-up phase in 2019 and this has been maintained through the end of the project. The activities supported by the program included:

- Extensive technical support was provided during its 'start-up phase," including data gathering and research, development of the framework of the Reparations Policy, and administrative and technical support.

- Approximately 1,091 individuals, including public officials, military, victims and CSO representatives, enhanced their awareness of a survivor-centered approach to reparations through a series of trainings. Post training showed improved knowledge in more than 70% of participants, which will help ensure more responsive and effective service delivery. Additionally, victims' knowledge of how to make a claim through government institutions also improved.

- Key stakeholders, including the senior management of national institutions and NGOs, increased their understanding on the importance of an integrated approach in providing psychosocial support for reparations programmes. through a high-level dialogue with international experts. A wide national stakeholder base increased their exposure to international best practices on reparations mechanisms following the International Reparations Conference held in February 2018. These high-level dialogues have increased understanding on the wider aspects of reparations beyond compensation, such as psychosocial support to affected communities.

Archiving Project

Greater public engagement on the need for comprehensive human rights archiving in Sri Lanka as a means of serving memory and accountability processes was generated following the development of a model for archiving using material and testimonies received by the Consultation Task Force (CTF). The project provided human resources support and training and was also able to build a small pool of expertise that was previously

unavailable in the country. The OMP will set up secure databases to preserve these records, which will further inform future TJ mechanisms.

Research to Inform Policy

- The 'Tides of Violence' report, resulting from PIAC's Conflict Mapping project, which was supported by the project and complementary resources, provided insights on the scale, patterns of violence, and context of sporadic outbreaks of violence in Sri Lanka between 1983 and 2009. The evidence base derived from the study can inform future TJ initiatives and mechanisms as well as the existing OMP and OR.

- OHCHR conducted a study on the status of emblematic cases identified as part of the UNHRC process. Unfortunately, there was no real progress in these cases.

- The Project supported an unprecedented comprehensive prison study carried out by the Human Rights Commission of Sri Lanka (HRCSL). The study created an opportunity for the HRCSL to conduct unchaperoned interviews with prisoners, for the first time The Prison Study by the Human Rights Commission of Sri Lanka [1] report on the prison program was published in 2020.

- Community-Based Monitoring for Transitional Justice: A Decade In, Post-war Narratives from the Ground [1] conducted by Verite Research in partnership with CSOs. The objectives of this community-based monitoring pilot were to elicit qualitative perspectives of the victims of human rights abuses on the progress and performance of the government of Sri Lanka in the implementation of effective transitional justice measures; to communicate these views to key stakeholders, including the government; and to provide feedback to the victims themselves on the responses and planned actions to address the community's feedback.

Outcome 3: Key independent commissions contribute to accountable and transparent democratic governance

Support to the National Police Commission (NPC)

- A Public Complaint Management System (PCMS) was introduced for the NPC to streamline public complaint investigation functions, including a web-based interface for the public to record complaints against the police. It has increased public accessibility to NPC services; expedited case processing time through streamlined communication between NPC

provincial offices; and strengthened the monitoring, data analysis, and reporting capacities of the NPC. The number of complaints received through the PCMS has doubled in 2020; from 50 complaints in 2019 to 110 complaints as of November 2020. The Project provided support towards the system design, development, testing, roll out, first year maintenance, training, and public awareness raising on the system. A comprehensive telecommunication and networking solution was introduced to address the internet and telecommunication needs of all NPC offices, ensuring sufficient digital infrastructure to sustain the PCMS and for the introduction of future IT systems.

Support to the Human Rights Commission of Sri Lanka (HRCSL)

- The service delivery of HRCSL was enhanced through human resources support, enabling the Commission to clear a significant backlog of appeals. This has helped to expedite the appeals hearing process and will contribute to enhanced trust in the government's ability to protect the rights of all citizens.

- Through the RRF, the capacity of HRCSL to perform core functions was strengthened to carry out the domestic human rights screening of personnel to be deployed as UN peacekeepers. The HRCSL has a system in place for due diligence reviews following the establishment of a database of cases of human rights abuses reported between 1998 and present through project support for data entry and quality checks. This has enabled the Commission to engage in due diligence reviews and provide credible and transparent reports on reported cases of human rights abuses; easily check up on different personnel; and preserve vital information records.

- As mentioned above, a human rights approach to prison management was enhanced through the completion of a pioneering study on prisons across the island. This project, along with complementary resources, supported the completion of a study covering 21 out of 30 prisons country wide and enabled, for the first time, unchaperoned meetings with prisoners. Key results from the prison study include creating greater awareness of HRCSL and trust in the Commission among prisoners following HRCSL's support to prisoners in providing legal aid and communication channels with family members; identification of needed reforms based on UN standards, which UNDP is pursuing through other follow up grants; and positioning HRCSL as a foremost advocate of broad prison reforms.

Support to the Right to Information Commission (RTIC)

Prior to the establishment of the RTIC, knowledge relating to the right to information was relatively low. Many thousands of victims whose family members had disappeared had no effective mechanism to assist when requests for information relating to the fate of the disappeared were not answered or the answers provided were inadequate. The public sector's capacity to implement the RTI Act has been enhanced through the development of an online RTI module for new recruits, and 561 government officers have increased their understanding of RTI implementation through the course. Workshops were also conducted for 40 journalists, civil society members and members of the public.

Public access to information was improved through the resolution of 1051 RTI appeals (from a total of 1600 lodged in 2019). Additionally, a large backlog of appeals was cleared in a timely manner following the provision of recruits for research and technical support.

The development of a National Policy and Guidelines on Proactive Disclosure provides a framework whereby all public authorities are required to proactively disclose information across a minimum of 17 categories, including institutional, operational, and budgetary information relating to public services. In addition, public accessibility to RTI services was increased through the mobile application developed to enable an effective and accessible complaints mechanism.

Geographical Focus

The geographical focus included five provinces: The North, East, Central, North Central, and Southern Provinces. These areas were selected due to the potential related to the peacebuilding dividend. Reasons included the potential to address long-standing conflict related grievances and the potential to support the empowerment of highly marginalized areas.

Risks

Risks for the Project identified at its commencement included:

- A lack of momentum relating to peacebuilding and diminishing political support

- A significant change of the Coalition government to one less supportive of TJ.

- A shift of government priorities away from TJ.

- Lack of high-level political leadership supporting TJ.

- Dialogue with security forces blocked and potential deterioration of relationship between Government and the security forces.

- SCRM unable to access sufficiently experienced national consultants.

- Potential backlash due to a public perception that the Government has had their accountability and TJ strategy unduly influenced or driven by internationals or specific Member States.

- The Coalition government's approach to TJ is diffuse and insufficiently unified.

- Coalition government strategy on TJ and accountability in violation of international human rights standards.

- Insufficient technical IT capacity of the National Police Commission staff.

Social, Political, Economic and Institutional Factors

- The program was directed to support the commitments made by the GoSL under Resolution 30/1. The Resolution welcomed the commitment of the Government of Sri Lanka to undertake a comprehensive approach to dealing with the past and adopt a nationally owned and victim-centered transitional justice agenda. This included taking steps to establish a judicial mechanism to try the perpetrators of mass crimes, establishing a truth and reconciliation commission, an effective mechanism to provide reparations for victims, and reforms to guarantee the non-recurrence of mass crimes.

- In the absence of a broadly accepted objective view of what had taken place at the end of the war many of the majority population did not perceive the transitional justice goals of accountability, truth, reparations, and reform as a priority whilst victim communities felt a deep sense of injustice and strongly supported initiatives on the transitional justice goals. A 2019 report of the Sri Lanka UN Resident Coordinator's Office on the establishment of a multi-donor Joint Program for Peace stated that "*The government is committed to establishing mechanisms and processes that deal with each of these important and interconnected themes that are central to establishing transitional justice as a critical precursor to achieving sustainable peace in Sri Lanka. While the need for transitional justice has been widely welcomed by Sri Lanka's minorities, within the broader population, the*

need for, and content of, transitional justice is largely misunderstood, highly politicized, and increasingly contested.[8]"

- The challenge of undertaking an investigation and potential prosecution of those responsible for mass violations was further complicated by the UN Resolution's terms that included foreign judges and lawyers in the accountability process.[9] This issue became increasingly relevant during the life of the Project, exacerbated a deep division between those who saw the inclusion of foreign judges as a threat to national sovereignty and those who supported it. The inclusion of foreign judges in a potential transitional justice judicial mechanism became a significant issue in the elections of 2019 that led to the replacement of the government that had co-sponsored the UN Resolution 30/1 and the transitional justice reform agenda.

Evaluation Approach and Methodology

An independent evaluation of the project was commissioned in December 2020 with the objective of providing evidence of the project's relevance, efficiency, effectiveness, impact, and sustainability in achieving its objectives. The evaluation was delayed number of times due to the impact of the COVID-19 pandemic. In addition to analyzing the results and impact, the evaluators were asked to include a focus on lessons learned in relation to peacebuilding and transitional justice that could inform other future peacebuilding initiatives.

The evaluation team was led by the lead evaluator, working with two national consultants. Due to the ethical and security factors identified above, the national consultants are not identified in this report. During the initial framing of the evaluation methodology and strategy, the evaluation team met with the UN Country team, including representatives of UNDP, IOM, and OHCHR. This meeting was followed up by individual interviews with key current and former members of the UN teams, international technical experts who had worked on the project and the Special Rapporteur. The information gained from those meetings informed the approach to the evaluation.

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[8] Program-related document provided during desk review process: UN Resident Coordinators Office document, "Establishment and Operation of a Joint Programme for Peace (JPP) to provide sustainable and harmonized support towards implementation of the PPP and UNHRC Resolution 30/1"

[9] In the Resolution (A/HRC/RES/30/1) the UN Human Rights Council stated that it: "….notes with appreciation the proposal of the Government of Sri Lanka to establish a judicial mechanism with a special counsel to investigate allegations of violations and abuses of human rights and violations of international humanitarian law…..and also affirms in this regard the importance of participation in a Sri Lankan judicial mechanism, including the special counsel's office, of Commonwealth and other foreign judges, defence lawyers and authorized prosecutors and investigators;

The methodology adopted was impartial, transparent, and participatory. The overall evaluation design was non-experimental and relied primarily on qualitative data collection and analysis methods such as narrative analysis, which aligned with the principles of gender equality and human rights. The evaluation was conducted through a participatory, multi-stakeholder process that included participant UN agencies—UNDP, OHCHR, and IOM. It adopted a mixed-methods approach. It included consideration of both primary and secondary data sources to enable triangulation in order to produce credible, reliable, and unbiased findings. The methodology also adopted a gender-responsive evaluation methodology in accordance with the UNDP and UNEG Norms and Standards and informed by the UN Women Evaluation Handbook: *How to manage gender-responsive evaluation.[1]* To ensure that the complex context in which the project operated was fully understood, the evaluators utilized purposeful sampling [2] approaches in order to identify the most appropriate and meaningful sources of data. Those sources were adjusted during the process of the evaluation in order to respond to gaps and meaningful suggestions as they arose. This approach informed the evaluation techniques that combined the Desk Review, Key Informant Interviews, and In-Depth Interviews. The methodologies were all conducted electronically due to the challenges presented by the COVID 19 pandemic. The participants were selected on the informed assumption that they possess the knowledge and experience with the phenomena of interest and thus able to provide information that will contribute to both the breadth and depth of the understanding of the relevant issues.

The methodology took into consideration the limitations and challenges inherent in gathering information in the current context of the COVID-19 pandemic and the serious potential security threats posed to those who support the TJ agenda and participated in this evaluation.

According to the TOR's the evaluators were requested to focus on six areas: Relevance, Effectiveness, Efficiency, Impact, Sustainability and Gender and Human Rights issues. The questions that relate to each of those areas that were approved as part of the Inception Report process are annexed as "Annex A." "The Development and Cooperation Directorate of the Organization for Economic Cooperation and Development (OECD DAC) evaluation criteria were used to evaluate relevance, effectiveness, and efficiency. The Realist Impact Evaluation approach, which is a branch of the 'Theory of Change' approach, was employed to evaluate the impact and sustainability criteria of the project. This approach takes into consideration the contextual conditions under which the project was implemented, as those are critical for a meaningful evaluation of these criteria.

A list of direct beneficiaries was made available to the evaluation team by the UNDP at the outset of the evaluation, and was finalized in consultation with the implementing partners.

Qualitative data collection methods utilize the six stages of thematic analysis to assist in gathering information into meaningful groups, allowing for cross-checking, triangulation, and combination of information. The approach included the following steps : Discussion between the evaluation team and the UN Country team relating to available data and gaps The gaps identified included incomplete information due to the complexity of the project, whose activities included

implementation by government departments, several independent commissions, new TJ Offices, and scores of civil society organizations. The evaluation questions were adjusted accordingly, i.e., to fill in the gaps and ensure clarity. Human Rights and Gender Equality (HRGE) issues were examined in relation to all aspects of the methodology. As far as possible, the participants selected reflected an optimal balance between women and men, and a focus on all elements of gender and human rights mainstreaming was maintained, with a particular emphasis on the quality of those elements.

The following methodologies were employed:

- **Desk Review:** The evaluators faced significant challenges due to the broad and disparate nature of the program and the fact that activities had, in some cases, been partially supported by the program alongside other donors, been taken over by other donors, etc. During the inception phase, a contextual picture of the project was compiled from the available documents provided by the UN Country Team, including program reports, monitoring and evaluation reports, revisions, and publications. In addition, due to the deep relevance of UNHRC Resolution 30/1 and the international relevance of the TJ program in Sri Lanka, a broad range of international publications, United Nations publications were included in the desk review. This broad base helped the evaluation team to place the activities and impact of the project in a realistic contextual framework.

- **Key Informant Interviews (KIIs):** Key informant interviews (KIIs) were conducted remotely employing virtual platforms such as MS Teams or Zoom, as well as, in some cases, by telephone. The interviews were conducted with a range of participants, including UN country team staff, UN representatives formerly involved in the program now stationed in Geneva and Bangkok, international experts and former consultants to the program interviewed in Peru, Canada, and the USA; the Special Rapporteur on the Promotion of Truth, Justice, Reparation, and Guarantees of Non-Repetition, members of the independent Commissions, representatives of the OR, OMP, and RTIC, representatives of CSO's involved in the program, and beneficiaries.

- **In-depth Interviews:** In-depth interviews were conducted with representatives of government institutions and TJ mechanisms such as SCRM, NPC, HRC, and RTIC, and officials of partner civil society organizations. The list of in-depth interviewees was finalized in consultation with the UNDP. The interviews were conducted remotely, employing virtual platforms such as MS Teams or Zoom, or by telephone, taking the convenience and familiarity of the respondents into consideration. Twelve key informants and 17 in-depth interviewees were identified. Six additional highly relevant individuals were identified during the course of the evaluation and added to the list of those interviewed. When choosing respondents for interviews, consideration was given to gender-parity amongst respondents. A full list of those who participated in the evaluation is not supplied in this report, due to requests from participants and the ethical considerations and security concerns relating to the current context.

- **Data Triangulation:** The combination of approaches of the Desk Review, the KII's, and the in-depth interviews was employed to cross-verify the data from those methodologies and ensure that there was consistency, minimized measurement, procedural and population bias, and reliability of findings. An evaluation matrix methodology was utilized to ensure sufficient consistency between the information contained in the project documents, the international and national publications, the KII's and the in-depth interviews. The six stages of thematic analysis were utilized to enable the information to be combined and compiled into data according to the categories of focus for the evaluation.

- **Approach and Ethical considerations:** This evaluation was guided by the United Nations Evaluation Group (UNEG) "Ethical Guidelines for Evaluations." The four UNEG guiding ethical principles for evaluation, i.e., Integrity, Accountability, Respect, and Beneficence, were adhered to during the evaluation. The principles of human rights, gender equality, and achievement of the SDGs informed all steps of the evaluation. Based on these ethical considerations and the specific request of participants, a decision was made to guard the confidentiality and identity of all participants during the process and in the report of the evaluation. This decision was informed by the 2021 Report of the UN High Commissioner for Human Rights that noted significant security concerns for those who have supported the implementation of Resolution 30/1, particularly members of civil society.

Risks and limitations:

- **Access to the context**: Due to the COVID-19 pandemic, the international lead evaluator could not travel to Sri Lanka to conduct the evaluation.

  Inability to conduct face-to-face meetings and interviews: The evaluation team was unable to conduct face-to-face meetings and interviews in most cases. This limited, to some degree, the effectiveness of the data gathering process.

- **Lack of access to beneficiaries in remote communities:** The evaluation team would, in a more 'normal' context, have travelled to the remote communities to speak directly with victim beneficiaries of the TJ project. This was impossible, reducing the amount of available data.
- **Quality and scope of data:** Because all the information was provided through electronic means, some relevant information could not be assessed. For example, the project contributed to a broad range of physical products, reports, etc. that could not be accessed. The offices in which those products could easily be gathered could not be physically accessed, and it was beyond the scope of the evaluation to gather the full complement of products. The documents provided by the UN Country team did not extend to specific records relating to accounting and the allocation of amounts to the hundreds of activities implemented, making findings relating to efficiency challenging.

- **Evaluation resources:** The complexity of the project, involving multiple donor agencies, UN offices, government, independent Commissions, new TJ mechanisms and scores of civil society organizations implementing activities over several years created significant problems in relation to evaluation within the time and resources framework of the evaluation.

- **Change in contextual factors:** Following the change of government in 2019, there is a perception of significantly lower support for the TJ goals of the project and potential targeting of those who supported those goals. This may have influenced the information provided, minimized by care taken in relation to confidentiality. The change in context also had significant implications for the impact and sustainability of the project.

Findings

Relevance

Evaluation Questions: Relevance

a) To what extent were the Project's strategies/ Theory of Change relevant to national and local contexts?

b) To what extent was the Project able to contribute towards conflict transformation and promote institutional reforms through its support to institutional mechanisms, such as the OMP, independent commissions in Sri Lanka to promote peace, justice and reconciliation?

c) To what extent was the Project able to contribute towards the civil society peacebuilding initiatives including in relation to awareness-raising, victim support and monitoring and research?

Contribution of the UN Special Procedures

The role and expertise of the Special Rapporteur Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-recurrence, Mr Pablo de Greiff, was a significant positive element of this arrangement (including facilitation in the above-mentioned retreats.) The Special Rapporteur provided consistent engagement, advice, and assistance to the project, making four advisory visits to Sri Lanka during the relevant period (in addition to his official country visit). He was able to engage in dialogue with senior members of the government and civil society on a highly informed basis and provided expert advice relating to the technical assistance elements of the program. This was a highly effective way for the UN Special Procedures to contribute to the program. Other Special Procedures visits during the period also benefited from the continuing engagement of the SR.

Appropriateness of the Strategy and Theory of Change

The theory of change was appropriate for the context as it recognized that a multi-directional approach was necessary, success was dependent on a long process of building understanding, knowledge, and commitment, and it recognized that the impact and sustainability of the program was dependent on risks, including political change and insufficient support.

It was appropriate for the program to include a focus on each of the TJ pillars, particularly taking into account the need for a holistic approach and the inter-connectedness of the pillars, but the changing circumstances within the country made the achievement of some of the TJ goals, particularly prosecutions, more difficult to achieve.

In addition to the legal and normative framework and the obligation of the UN to pursue accountability, the GSL representatives had indicated that the full range of TJ mechanisms, including a judicial mechanism involving international actors, would be supported by the government. Sri Lanka co-sponsored the UN Resolution on this basis. However, some KII respondents stated that the planning for the program was based on an inappropriately optimistic view of the potential for prosecution and that a deeper understanding of the national context at the design stage of the program could have foreshadowed the inevitable deep division and opposition to the proposed judicial mechanism. They viewed as unrealistic the expectation of creating a judicial mechanism focused on prosecuting senior members of a newly victorious army to be established within a two to three-year timeframe when the actual level of government support was relatively low and the potential for divisions around this issue was extremely high. The TJ agenda must include a strong focus on prosecutions but the need to build broad-based understanding and support for accountability first, and the challenges were, in the view of those respondents, underestimated.

Coordination

According to the KIIs conducted with current and former staff of UN agencies involved in the project, the objectives were well understood and the linkage between them and the UN Secretary General's strategic vision, including alignment with the Strategic Development Goals (SDG's) was clear and consistent. The most relevant of the SDG's to the project is SDG 16.[1]

The dialogue, interaction, and cooperation between UN agencies involved in some way in the project or active on the ground in Sri Lanka was considered by participants in the evaluation to be extremely positive. In 2016-17, all 16 agencies working in Sri Lanka met for a three-day retreat and produced a strategy that only dealt with TJ, which was provided to the government. This retreat was repeated each year for the next two years. Senior UN staff and experts involved in the program commented that the level of cooperation and coordination between UN agencies was extraordinary and that there was no element of a 'turf war" struggling for program space. They considered that the retreat dedicated to transitional justice issues made a significant contribution to a unified approach.

Combination of Support to Government, Independent Commissions and Civil Society

Including Government, independent institutions and civil society not only allowed for contributing of capacity of all three components but increased the potential for interaction between the three areas as they each developed. The three-element approach to the program was highly relevant to the context. It enabled all to develop a knowledge and capacity relating to TJ that not only assisted in relation to that component but allowed for a degree of interaction that would not be possible without developing all three. This did not guarantee that cooperation and sharing of information did in fact take place, but it did provide a basis where that was possible.

Technical Assistance

The technical support required for the program included the technical advisors hired under the program for secondment to government structures (notably the SCRM) and the experts in the UN country team. It was fortunate for the program that the UN country team included both a peace-building advisor and a human rights advisor who had significant experience relating to transitional justice, as well as an additional TJ advisor within the OHCHR team. An important point stressed by experts interviewed is that the skills and experience needed for those two areas are significantly different, and if a transitional justice program is established, it is necessary to include sufficient TJ experience in the UN country team in addition to the peace-building expertise.

The inclusion of two full time consultants as TJ advisors for a multi-year engagement with the SCRM and other government agencies was a highly relevant aspect of the project, largely owing to the fact that both experts were highly qualified and experienced in other relevant contexts. The SCRM was a new institution specifically focused on TJ and reconciliation, and the two experienced international advisors were able to provide a significant contribution, notwithstanding that they were not granted access to some important aspects of the government TJ program. Although some members of civil society interviewed commented that the full-time support for two senior international advisors for more than two years is an expensive form of support, in general there was strong support for this form of contribution.

Support to Independent Commissions

The program significantly assisted the Human Rights Commission of Sri Lanka (HRCSL),) the National Police Commission (NPC), and the Right to Information Commission (RTI) by strengthening capacity and institutional resilience. The elements of the program that were particularly valuable to local counterparts were the flexibility and ability to respond rapidly to needs and the capacity to provide support as the needs became clear. Many of those needs could not have been anticipated at the time of the design of the program.

This was particularly relevant as the RTI was new and the HRCSL and NPC had significantly changed and strengthened mandates as a result of the 19th Amendment to the Constitution. The ability to provide tailored assistance in response to emerging needs of new or changing institutions that are starting new programs and initiatives was one of the major strengths of the project and was commented upon many times by the KIIs.

Project outputs and activities were developed to support the PPP. KII respondents from the beneficiary entities were generally satisfied with the process, content, and format of the delivery of the project, as well as the resource persons/consultants.

The inclusion of support to the right to information, particularly for the RTIC in the program, was an important element of the TJ support plan. This was particularly so because information concerning the fate of the many thousands of disappeared and other victims of serious violations had been a major issue for Sri Lanka. For decades the families of victims have sought information of their fate and whereabouts with little response, leaving them with only the hope that they may be alive at secret prisons. A formal institution with the right to information in its name and the publicity surrounding its establishment and work provided a strong message to those who had been controlling crucial information about victims that there was a right to that information that was recognized and protected by international law. The RTIC managed to do a significant amount of valuable work despite the challenges of the context.

Flexibility and Responsiveness

The RRF is particularly innovative as it enables the project to respond to high priority TJ and peacebuilding requests of the government outside the strictures normally associated with development projects. The flexibility and responsiveness of the project were considered to have major positive attributes by many participants in the evaluation.

CSO Participation

The level of understanding of the meaning and relevance of TJ in Sri Lanka was relatively low. It was necessary to build that understanding among all stakeholders, as TJ mechanisms have very little chance of success unless there is broad-based understanding and support. The civil society element was particularly important as victims were traumatized, angry and felt deep resentment over a failure to progress on the range of TJ initiatives. The program of support for civil society helped to increase the level of informed voice for those stakeholders, allowing them to more fully and effectively communicate needs and provide inputs to the development of TJ initiatives. Despite this, there was a continuing frustration among victim groups that they were not sufficiently acknowledged and included in the government initiatives to develop TJ mechanisms (in part due to the government's reluctance to publicly own the processes it was discretely advancing).

The support to civil society organizations was a very significant element of the positive contributions. Although a significant amount of funding from the program was used to implement programs by leading national NGOs, there were also activities and support for smaller, community led organizations. This was important in terms of building the capacity of those organizations but also to enable them to survive during a difficult period and to develop greater institutional strength. For example, it is extremely important to the national TJ agenda that the voices of women victims from the north and east are able to be heard and included in discussions and TJ related policies. Those organizations received support, and the voices and roles of victims were amplified and included in the development of important initiatives such as the OMP and the development of the OR. However, many victims also felt that those organizations did not have an

appropriate mix between the majority and minority victim populations and that this created a blockage to the development of a deeper level of trust.

In Sri Lanka, CSOs operating at the community grass-roots level rarely include both majority and minority members. However, number of CSOs supported by the program did create networks across majority and minority communities, bringing the various organizations together to share experiences and aspirations and work on common strategies. This is a fundamentally important element of building the foundation for TJ mechanisms and was a significant positive impact of the program.

Although majority of activities of the program were focused on higher level outcomes with the government and the independent commissions, transitional justice mechanisms cannot be successful without the support of victims, and the program attracted more legitimacy by reaching grassroot communities and ensuring disadvantaged communities benefited through activities.

There could have been a greater portion of the program dedicated to civil society. This is particularly so as the increase in the capacity of dedicated civil society activists and victims is a highly sustainable result, as those individuals and organizations are likely to continue their work on TJ goals even when the government's support collapses, as has been the case to some degree in recent times in Sri Lanka. There is a lot more to be done in this regard if victims and civil society actors are to be able to contribute in a sufficient and appropriate manner to future TJ initiatives.

Examples of Civil Society Initiatives

There are a wide range of examples of activities implemented by civil society organizations that contributed to the relevance of the Program. These include:

- A help desk to create awareness regarding the Right to Information Act was the focus of the project, accessible across the country. The widespread reach of this project ensured members of majority and minority ethnic communities, as well as rural and urban populations, were beneficiaries.

- A CSO focused on creating awareness and providing support to victims of illegal land occupation by the state military. It worked on increasing awareness amongst such victims regarding their rights, and educated them on potential legal mechanisms that could assist them in seeking redress.

- Projects focused on reconciliation and tolerance included a project that targeted the issue of Tamil-Muslim conflict in the North and East, which is often overlooked in the larger discussion of transitional justice. Another CSO project addressed the issues surrounding the Easter Sunday Attack, such as the rise in extremism and Islamophobia, specifically amongst youth. The organization reached a total of 26,000 beneficiaries through their

social media platforms and other campaigns. Both these projects had direct relevance to the "Guarantees of Non-Recurrence" pillar in terms of mitigating further violations and conflict between hostile communities.

- Multiple projects included training and raising awareness regarding transitional justice and reconciliation in different communities. These were beneficial both in imparting new knowledge to minority communities and in helping majority communities understand the contexts. For example, through the support of the program, one CSO commenced working on the issue of the disappearance of Muslim victims. This issue had not received significant attention before the program enabled this important work to commence.

- The interest shown and efforts made at the national level in delivering transitional justice between 2015 and 2019 provided a conducive environment to discuss the issues faced by minority communities. However, beneficiaries from minority communities were sometimes sceptical about the ability of initiatives similar to those undertaken within the program to mitigate deep-rooted concerns, lack of trust, and fears internalized across these communities. Moreover, beneficiaries from majority communities often denied the existence of these issues.

Summary - Relevance

The program demonstrated relevance at the strategic level and was viewed as relevant by all of the stakeholder groups. The relevance to the entire population of beneficiaries, particularly victims, is less clear, as victims from some minority groups were skeptical about the potential for sustainable change given the deep level of discrimination. The program was well designed, taking into account the highly complex context, potential for changing circumstances, and the breadth of the TJ goals. The strategy appropriately included a focus on all four pillars of the TJ framework as well as a contemporaneous focus on stakeholders from government, independent commissions, and civil society. The emphasis on capacity building and technical assistance was highly relevant, particularly as it allowed the implementation of many activities focused on building the basis of understanding and commitment that are essential for successful TJ mechanisms. The ability to provide tailored assistance in a responsive and rapid manner was a major positive aspect of the program. Provision of high level technical assistance to the most relevant government institutions was also a highly relevant aspect of the program. However, the program objectives were aligned with the overly ambitious goals of the UN HRC Resolution and the deep divisions within the government and society were underestimated in terms of the likelihood that a judicial mechanism could be established within a relatively short time frame. Support for civil society was a crucial element of the program and could potentially have been

an even larger part of the allocation of resources, particularly considering the potential for sustainable change and the fact that TJ goals often take decades to achieve.

Effectiveness

Evaluation Questions: Effectiveness

- Were the planned activities consistent with the overall project objectives and purpose in terms of peacebuilding and TJ as stipulated in the Sri Lankan Peacebuilding Priority Plan (PPP)?
- What were the reasons for the achievement or non-achievement of the planned results? What are the principal factors that influence or influenced achievement or non-achievement of the results?
- To what extent did the Project make timely adjustments to its strategy to maintain its relevance and effectiveness?
- To what extent did the output level interventions translate into progress towards outcomes?
- What measurable changes in human rights; gender equality and women's empowerment have occurred as a result of the Project?

a. **SCRM and PBF Support**

- The support of various SCRM activities was an effective and strategic way to contribute to advancing the TJ agenda as the institution was new and relatively dynamic and not subject to the same levels of resistance as many other government departments. For example, the SCRM supported information and dialogue sessions with government officials, military, communities, schools, and victim groups with the objective of imparting a basic understanding of TJ and reconciliation, building trust in the TJ and reconciliation mechanisms, and enhancing their legitimacy.

- **Technical assistance** -The decision to place the two senior consultants as technical advisors within the Office of the SCRM was, overall, a significant contribution to the program but also involved a number of significant challenges. The fact that the advisors were full-time, and in the office every day was, overall, an important positive factor. It allowed them to be available for informal interactions and capacity building of staff on a day to day basis, particularly as both experts were able to share practical experiences from years of similar work in developing contexts. The full-time nature of the engagement also helped to build close relationships with staff and gave them the flexibility to respond to the training and capacity building needs as they arose. KIIs reported that many of the young staff that had the opportunity of a long-term consistent work relationship with the two international experts built a solid TJ knowledge that has contributed to a new generation of Sri Lankan

TJ experts. This is of enormous importance as the TJ work in Sri Lanka will continue for decades and needs to be led by an increasing group of national experts. The most challenging aspect of achieving that level of expertise is accessing the deeper, nuanced lessons and mistakes that are not part of the TJ academic base. The relationship with the two experts allowed them to pass on the lessons they had gained over decades in many different contexts.

- The government established teams of national experts to work on drafting policies and laws relating to each of the TJ mechanisms. However, much of that work was conducted 'behind closed doors and the experts were often not provided with access to the drafting teams and discussions. For some KIIs, the inclusion of multi-year full time international experts in a government office dealing with such sensitive issues raises some issues about foreign influence and interventions. On balance, those concerns were outweighed by the positive aspects of the assistance.

Experience of Advisors

- The value of this element of the program was highly dependent on the degree of actual hands-on experience of the advisors. The potential for 'push-back' from nationals in the office was significantly reduced by the recognition of the value of the comparative experience and lessons that were not available to the national staff, despite a relatively high level of general competence. The fact that the two experts could refer directly to their roles in other TJ mechanisms in other countries gave them a high degree of credibility with governments and CSOs as well as the international diplomatic community.

- In addition to the formal training provided, the experts were able to contribute significantly to producing a draft of a national Transitional Justice Strategy. However, this was not accepted following discussions in the national Cabinet. They also worked on the drafting of a reparations law, which has also not been accepted, but the existence of the draft was a significant contribution to later work on the subject. The fact that the experts were not part of many discussions and the drafting process of the TRC law presented some frustrations, but in the end, the TRC draft law, according to the technical experts, was of a relatively high standard.

- The full-time nature of the advisors' engagement led to periods when there was not sufficient demand for their advice and assistants, as staff in the office were engaged in other work. However, this also provided opportunities for unplanned activities to take place. These included significant contributions to training and advice to civil society organizations and academic institutions, and a series of workshops and training provided over weekends to military personnel. All these contributed greatly to the increased knowledge of transitional justice notions within the broader government and civil society.

Responsiveness

The inclusion of the rapid response fund was particularly valuable as many elements of the context changed quickly. The ability to respond was also a crucial element that contributed to building trust and good relations with the government and independent commissions.

Staffing - The level of expertise within the OHCHR country team to support the program was high in terms of quality and/or experience, but could have included more expert personnel, particularly when there were gaps due to recruitment and other factors. The OHCHR team included one Senior Human Rights Advisor (P5;) and one Transitional Justice Advisor (P4), supported by national staff positions. This team did a creditable job, but the potential for contribution to this high-priority transition with a broad variety of TJ initiatives taking place at the same time would have been greater if the expert team was larger. Gaps due to changeover of personnel for the TJ Advisor position meant that it was vacant for several months during the program. While the situation warranted a full OHCHR Country Office, this was not possible due to a lack of support by the government. There were plans to recruit additional experts on a part time basis, including a gender expert, which would have made a significant positive contribution to the program. However, the request to the government for this addition was not approved and no other way was found to overcome this gap, leaving the project under-staffed in this critical aspect of operations.

Catalytic Effect - The project design and positive implementation examples during its early phase was also catalytic, leading to an increase in the inflow of donations for the EU and the British Government and other donors who supported the OMP and other TJ initiatives.

Engagement with the Security Forces - In the early stages of the Program there was limited engagement with the security forces. However, as the divisions within the Government in relation to the TJ agenda deepened efforts to engage with the military were undertaken and were met with a surprising level of support. This sensitive engagement was greatly assisted by the close collaboration between the UN agencies, the Special Rapporteur and other donors as well as the technical experts assigned to work with the SCRM . An initial meeting involving 28 very senior military officials led to a series of multi-day workshops

that reached over 150 officers. There was a significant interest to know more about TJ and the building of this knowledge was a positive result of the project. As one senior expert stated.

"A judicial mechanism was just never going to happen at all without some level of support from the military and building up knowledge and support from those who wanted to develop a more accountable and professional force. Of course, it's not universal support and there must be expected to be a high level of resistance as well, but it is a beginning and it is essential. "

The Judicial Mechanism - The Human Rights Council resolution stated that it " *also affirms in this regard the importance of participation in a Sri Lankan judicial mechanism, including the special counsel's office, of Commonwealth and other foreign judges, defense lawyers, and authorized prosecutors and investigators;* **[1]**

According to one KII respondent:

"The issue of whether the proposed judicial mechanism would include foreign judges grew into a symbol that was manipulated for political reasons." That grew into a situation in which those who supported international judges were accused of being unpatriotic and those who opposed national judges supported a strong nationalist agenda that became the fundamental issue in the ensuing elections and a significant reason for the return to the former regime. "

The deepening divisions had a significant negative effect on the potential progress of the program's overall goals, particularly as they related to the judicial mechanism and the truth-seeking mechanism.

Truth and Reconciliation Commission (TRC)

The Program took effective steps to support the development of a TRC by providing some support to the broad-based consultations around TJ issues (see below.) It also supported a broad range of educational activities with government, civil society, and academic institutions that included a focus on truth seeking, explaining to participants what a TRC does and allowing discussion to stimulate thinking around whether it might be good for Sri Lanka. In addition, it provided the SCRM with full time senior advisors whose experience included involvement in many truth seeking programs across the world.

It was expected that the senior advisors would have been involved in the research and drafting of the law establishing a national TRC. The offers to provide assistance were not sufficiently responded to, and the process of drafting the TRC law was conducted by a national team with limited discussion during the process. According to the experts, the result was a draft of relatively high quality that had adapted many of the best international standards.

b. CSO participation

The national consultations and the archiving project

o A broad-based national consultation on TJ was implemented across the country in 2016, prior to and overlapping with the commencement of the program. The consultations were supported by a previous (and related) IRF-PBF project led by OHCHR but did not receive direct support from the project. However, the project did support a significant program relating to the archiving of the submissions that were received during the consultation.

o The consultation was an extremely important initiative, and the archiving was an important element of its impact, particularly as it resulted in significant capacity building of local counterparts as well as archiving the rich and valuable material gathered so that it can be available to a broad range of future initiatives. International best practice includes exactly this kind of process to allow a broad segment of the population to be exposed to the meaning of TJ and to provide their inputs to future plans and strategies. A broad-based consultation at the early stages of a TJ intervention helps to develop trust and build a base for the TJ mechanism and the archiving is an integral part of the process that allows the results to be analysed and utilized.

o The Government supported the consultation, but it was implemented by a consortium of 11 highly competent and diverse civil society representatives as the Consultative Task Force (CTF.) At the end of the consultation process across all communities in Sri Lanka, the CTF presented a comprehensive report, based on more than 7000 submissions, to the Government and the President, in January 2017. The KIIs confirmed the view of the technical TJ advisors to the SCRM that *"The consultation process and report are amongst the most comprehensive and informative ever undertaken as part of a transitional justice process."*

o However, the report was largely ignored by the government, which resulted in a significant missed opportunity for the results of the consultation to be utilized in a broader way with government counterparts engaged in the program activities.

- The KIIs indicated that most CSOs were able to achieve the intended outcomes under the project and some even exceeded the proposed goals. For example, one CSO found that the number of people who sought redress through their help desk was beyond the anticipated number, and the activity continued after the project period. Another CSO continued to train several resource people and expand their community of practice under this initiative. They were also able to address concerns that emerged during COVID-19, such as increased gender-based violence. A CSO partner was able to distribute their short films to several public institutions outside of the Northern and Eastern provinces, where screenings were held for a broad audience.

- There was a diverse group of beneficiaries in these initiatives including those belonging to marginalized communities, such as women and children from conservative backgrounds, victims of rights violations as well as persons from Sinhalese areas and other rural communities. For example, the target group of beneficiaries across most regional CSOs included the Sinhalese community as well as Tamil and Muslim communities. In this way the activities were effective not only in their stated objectives but also to contribute to better relationships between the participants. One example is a help desk established by a CSO to provide assistance to victims and community areas:

"... there were three people. to handle the help desk in Sinhala, English and Tamil during the allocated hours." We selected different districts across the island to promote the help desk. We had calls from Tamil and Muslim communities in districts like Ampara. We also had Muslims from Sabaragamuwa Province, and farming communities in Anuradhapura and Polonnaruwa, who used the help desk to get information on the right to information application process..

- The program included a range of civil society activities focused on increasing the capacity of conflict affected women to make a significant contribution to that objective. Some of those activities provided training and capacity building in relation to the transitional justice programs for a range of stakeholders, including the district level organizations that are usually the first point of contact for the victims.

- Many CSOs are focused on providing affected groups with the appropriate avenues to access transitional justice mechanisms through their projects. Some regional CSOs implemented initiatives on training and raising awareness on land resettlement issues and supporting victims to handle their cases through legal mechanisms whilst others trained women from minority communities on transitional justice mechanisms.

- Several CSOs felt that the time frame of the project was too short to achieve the goals. TJ initiatives require painstaking, long-term work, and in some cases, the pressure to focus on short-term outputs could not be reconciled with the slower steps needed to achieve long term goals as they could not demonstrate an impact within a short program cycle.

c. Strategic Support for Independent Commissions

o KII respondents stated that the assistance provided to the OMP, the HRCSL, RTIC, and the NPC was invaluable as they identified key urgent needs such as training for staff in an area that had become very relevant, the need for communications materials and tools, etc., and that they simply could not have fulfilled those needs without support from the Secretariat.

o The support to the independent commissions was, overall, an effective element of the Program although it was highly dependent on the staff and Commissioners in place. Historical challenges that have contributed to cycles of recurrent violations are often fueled by a lack of effective checks and balances on government power. This element of the program provided the opportunity to contribute to capacity building and institution strengthening, thereby strengthening the foundation of checks and balances. One of the major challenges was that, due to the manner in which the Sri Lankan civil service operates, the commissions included many staff who have served for long periods of time and had little exposure to TJ issues, leading to some resistance. Some important elements of the program's contribution to the selected independent Commissions were:

- The program of support to the newly established RTI was of crucial importance, as with the OMP, as it enabled a rapid allocation of technical assistance and program support at the time and in the form that was most needed. Recruits have completed 1051 RTI appeals out of 1600 lodged during the year and have also cleared large part of the existing backlog. While the number of appeals made is increasing each year, the Commission is unable to handle and ensure the timely completion of the appeals without the support of these researchers.

- With technical support from the program, the Commission commenced implementing the process of monitoring and evaluating their Action Plan. This will further strengthen the operations of the commission and public accountability.

- An online module on the right to information was introduced to the Sri Lanka Institute of Development Administration (SLIDA) for training government officers, which has helped the new recruits to learn how to make use of the provisions in the RTI and respond to public inquiries.[10]

- An online RTI Request Tracking System for the Central Environment Authority (CEA) was introduced to enhance efficiency in addressing the requests. The

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[10] (https://www.gelp.gov.lk/Catalog/Courses/CourseDetails?scheduleRowID=950a94dc-aea2-4920-88a0-bb72b909003c&preview=False&currentPage=1&category=0.).

interface of the system can be further developed to be used by all other public institutions and centralized for improving effectiveness.

- The National Police Commission observed an increase in the number of complaints that they received after introducing the Public Complaints Management System (PCMS). There were 1014 complaints received through the PCMS between 2018 and 2020.

- One example of a creative cross-cutting activity that contributed to the TJ goals in an indirect but effective manner was the collaboration with the government and local banks to relieve the debts of conflict affected women. This assistance to victims was able to be designed and delivered in a relatively short time frame and made a significant contribution to repairing the damaged relationship between the beneficiaries and the state, helping to build a level of trust that is necessary for TJ initiatives.

- The support for the reparations process was instrumental in providing a basis for the establishment of the OR, a formal institution focused on reparations, which was a major achievement. Technical assistance and support during the preparation and start-up phase was essential to achieve the first step, establishing an office with a reparations mandate, which has been elusive in many other contexts across Asia. Although there were significant challenges, the support helped the OR to develop a process to monitor the compensation process and to keep track of payments. As a result, with the financial assistance received from the government, in 2019, the office has been able to pay compensation worth 900 million rupees and process a significant number of compensation files. At the end of December 2019 and in 2020, the Consultant for Psychosocial Support designed a programme to roll-out psychosocial support for victims. The contribution made by the program to this initiative was significant and it is unlikely that it could have become operational without it.

Summary: Effectiveness

The activities carried out under the program generally had a high degree of effectiveness and were able to reach a broad range of counterparts, which is essential for an effective TJ program. The support to the government and the PBF was strategic and involved a large number of activities, with the significant component of the full-time TJ experts in the SCRM being highly effective despite some challenges. Support for the independent commissions was extremely important during the early stages of new programs, with responsiveness and flexibility being key to effectiveness. The civil society programs were generally conducted with high-quality partners and managed to reach a broad segment of victim communities and regional areas, with a particular focus on the vulnerable. The effectiveness of the program was negatively affected by a failure to realistically assess the degree of division and lack of support for TJ within the government and across broad sectors of society, which requires a much longer-term engagement of capacity building and awareness raising to create a stable base for such TJ mechanisms as the TRC and judicial mechanism. More support could have been channeled to civil society for these purposes, with a particular emphasis on women's victims and the marginalized.

Efficiency

Project implementation

The project resources have been managed relatively well for this project. Reporting was observed to be transparent. The overall project was coordinated by UNDP, which was responsible for providing consolidated progress reports through the PBF Secretariat to PBSO. Each RUNO has provided the requisite bi-annual progress reports and annual progress reports to the PBSO as per the Project Document. No concerns were raised in relation to the reporting obligations of the implementers.

The allocation of funds to the various elements of the project appeared to be, in general, appropriate and the activities and outputs generally in line with expectations in the context where the political changes affected some activities. The scope of the evaluation did not include a deep analysis of the expenditure, and although a helpful summary was provided by UNDP, detailed budget documents were not made available to the evaluation team in sufficient detail to evaluate the efficiency of budgetary use. A more complete financial audit would provide a more complete picture in this regard.

The setting up of two Working Groups under the Project, for the purpose of approving annual work-plans, reviewing progress reports, advising on bottlenecks and challenges, and conducting bi-annual lessons learned and review sessions was appropriate and from the limited information available was judged to be efficient. The two working groups included one comprising the SCRM, UNDP, the RCO, and OHCHR to support the effective management of Outcome 1 and 2 of the project, and the second comprising representatives of the independent Commissions, RUNOs, and partner UN agencies to focus on the work of Outcome 3. This arrangement and division of responsibilities was appropriate to the context and also reflected a strategic attempt to avoid conflict of interest. i.e., to avoid independent commissions serving on the same Working Group as, or be overseen by, the Government institutions that the Commissions have oversight over.

a. <u>SCRM and PBF Support</u>

The balance of funds provided to the different areas of support for the SCRM and the PBF support was, to the extent that the evaluators could ascertain based on limited information, appropriate. The PBF Secretariat had a broader function than the TJ focus of this evaluation, and a thorough evaluation of all of its functions was beyond the scope of the evaluation. As referred to above, the joining of the PBF Secretariat with other TJ functions was due to administrative priorities rather than technical and substantive reasons.

The funds allocated to the rapid response areas of the program were highly effective due to the need for rapid decisions and support for activities that were not apparent at the time of the planning of the program. This area of the program's work was specifically mentioned as

one of the major positive aspects of the program in a significant number of interviews with participants from government, independent commissions, and civil society. Consideration in future programs should be given to providing additional funding for flexible and responsive mechanisms.

The allocation to the SCRM was, according to the level of information that could be provided within the TOR's of the evaluation, also appropriate and there were no indications that the funds were used inappropriately. The SCRM was a new institution with dynamic and well respected leadership and a generally young and energetic staff, which made the investment in their work worthwhile. As discussed in the earlier section on relevance, the support of the two full time experts was a very positive element of the program, and the funds were, according to the information received, responsibly used. The advisors, in fact, often worked on weekends to provide training to military personnel, civil society organizations, and academic institutions. This was an added value not anticipated in the design of the program.

Some civil society KII respondents communicated a view that possibly such a level of support for the technical assistance available to the SCRM and government was too high and could have been spread among grassroots NGOs for better results. It was important to include a high level of technical expertise to assist the SCRM navigate through the new waters of the TJ landscape. Some elements of inefficiency relate to the fact that at some times during the program, the two experts were not included in the discussions relating to the development of TJ mechanisms and were left out of particular activities being conducted in the office. However, this could not be foreseen and there must be expected to be an 'ebb and flow' element to the work of full time advisors who depend on access to government actors.

Transitional Justice/ CSO participation

- Providing support to responsible and committed CSOs was, as stated above, an efficient way to allocate funds as those organizations already had demonstrated energy and commitment to the goals of the program and were used to operating on very limited funding. There were no start-up costs relating to the civil society segment, they were already deployed across the country, relatively aware of the TJ agenda and had access to reliable staff. This allowed the support to be very efficiently used.

- Some CSOs found that the funding they received was insufficient to implement the initiatives undertaken to the extent that they should have been implemented. For example, certain regional CSOs realized that the funding they received from the program covered the activity costs but was not sufficient to cover the costs of the salaries of those who were responsible for implementing the activities. Although the CSOs themselves had agreed to the breakdown of salaries and activity costs, the real costs of staff involved in carrying out the activities were higher than what could be agreed to as part of the grant process.

- Training was provided during the initial stages of grant implementation to help CSOs with their financial reporting obligations. However, the program should have included a capacity building element at the beginning of the CSO initiative to help partners understand the way in which the UN grants and budgets were compiled and administered, the limits on staff salaries, and advice on balancing the work so that the expenses could be covered by the grant. This may have assisted those partners to avoid some later problems.

- The element of salaries for staff is also extremely important in a context where the existence of civil society organizations working on TJ issues is in itself a significant asset. Simply guaranteeing the ongoing survival of organizations dedicated to victims' rights and TJ goals is a major contribution to the potential for success of the entire TJ agenda.

- Supporting the survival of grass-roots CSOs in a context where they are poorly funded but doing extremely important work was a high-value, low cost result of the project. In contexts such as the transition in Sri Lanka, consideration of modest core funding to ensure the survival of those relatively small grassroot organizations should be seriously considered. This would also enable a broader range of organizations to survive and grow. Often, the representatives of those organizations are deeply committed to the work, and the overheads are low, so the investment has a high value-to-cost ratio.

- Reference to timely delivery, the initiatives of most CSOs were affected by the Easter Sunday attack in 2019, the Constitutional Crisis in 2018, the 20th Amendment and COVID19. For example, after the Easter Sunday attack, some CSO activities could not proceed due to security concerns. Similarly, some CSOs had to modify their proposed project outcomes and overall design due to the COVID-19 pandemic and the lockdown restrictions. Such challenges affected the timely delivery of the projects.

- Reference to finding appropriate human resources, some CSOs reported that it was difficult to find resource persons fluent in the Tamil language, whilst some faced difficulties in finding experts relevant to their project. Some regional CSOs found that the limited number of staff was causing problems in sustaining the project.

- A valuable outcome from the initiatives of Colombo-based CSOs was the training of individuals who could be potential resource persons with relevant expertise and skills for projects similar to those undertaken in this programme. This could be beneficial in ensuring future initiatives are implemented efficiently, adding to the sustainable impact of the program.

Strategic Support for Independent Commissions

The delivery of both international and local consultants contracted for different project components to give administrative and technical support to the government initiatives, including the independent commissions, has generally been satisfactory, and many were of the highest caliber. The UN also placed several UNVs with different entities such as the OMP, MFA, OR, etc. to support the government as the government was not able to recruit quickly. These placements were beneficial to the UN from a cost perspective, at the same time as being beneficial to the government as it saw young people bringing in talent and skills that were different from those of long-term staff of these institutions. While unable to influence decision-making, their contributions were instrumental in enhancing the efficiency of these institutions in the delivery of services. Significant time was spent on a careful recruitment process of the UNV's. The individuals selected performed at an even higher level, and a thorough recruitment procedure was seen to be key to success.

KIIs revealed that the partners considered the UN to be generally a 'good donor' that was trusting of the implementing partner and prompt in fund disbursement. This level of trust, responsiveness, and communication were extremely important. One CSO respondent stated:

"However, generally, the UNDP is a good donor that is trusting of the implementing partner and prompt in fund disbursement. Never had any issues in this regard as far as memory serves. "

Despite the fact that the phased out roll out of the PCMS was not anticipated, it did not exceed the funds allocated for the project. This was because this component had managed to reduce operational costs and was able to reallocate and reassign funds to match the new needs of the project in a manner that did not exceed the funding allocated for the activity.

The NPC did not have enough officers with sufficient knowledge regarding technology or the IT sector, thus affecting the ability to implement components of projects.

Timely delivery

- The constitutional crisis in 2018 caused a delay, which also led to the project receiving a no-cost extension of one year. The Constitutional Crisis also affected various high-level decisions, such as those relating to the OR Act, which was passed just before the crisis. Staff of the institution were appointed in April 2019, just two weeks prior to the Easter attacks. The elections also caused a high degree of political instability, which pushed back certain project activities.

- The change in government had a decisive impact on the transitional justice agenda. For instance, the shutting down of the SCRM in March 2020 due to its mandate expiring and not being renewed caused delays and created concerns as to the fate of the funds allocated to them for 2020. The SCRM was seriously hampered during the latter stages of its mandate due to the political changes that were happening in the country. While activities undertaken in 2016-17 were on-track, 2018 saw a slowing of activities but still proceeding, in general, according to expectations. In the aftermath of the Easter Sunday attacks in 2019, victim awareness workshops could not be conducted as the Prime Minister's Office and district level government officials rejected invitations due to concerns related to the forthcoming elections.

- There were delays in the delivery of the NPC component due to the several rotations of the head of the NPC, which affected delivery targets.

- Some KII respondents stated that standard UN related procedural delays due to bureaucratic red tape within the system were also experienced.

Summary –Efficiency

There was an extraordinarily high level of cooperation and collaboration among the various UN agencies involved in the program and other agencies that operated in the same country's context. The program was relatively efficiently designed and implemented but was affected in its ability to deliver some components by the deepening political divisions in the government, a lack of government support as the elections approached, and concerns about whether a truth-seeking mechanism and judicial mechanism would be able to be effectively created and implemented. The unexpected Constitutional crisis of 2018 and the Easter Sunday terrorist attacks on churches and hotels delayed and diminished the effectiveness of a number of activities. The inclusion of UNV's was an effective contribution to the short-term programs of the independent commissions and other bodies. Support to CSOs could have been more effective in some cases through increasing the level of funds available.

Impact

The evaluation looked for credible evidence of impact (both intended and unintended, as well as positive and negative) achieved by the project in the context of reference.

Capacity Building

- A major positive impact of the program was the increase in understanding and capacity relating to TJ among both civil society and government partners. Almost all CSO representatives interviewed provided highly positive qualitative responses in relation to the capacity building elements of the program. The elements that were viewed to be most important were the support for producing knowledge enhancing tools such as short videos and plain language summaries and workshops at the grass roots level for victim communities to learn about transitional justice and to clarify rumors and disinformation that had been spread.

- According to the qualitative evidence provided by the international experts and UN staff, the Sri Lankan civil society organizations and experts are highly sophisticated and have a significant capacity to contribute to change. In the view of those experts, the program invested in this pre-existing strength and resulted in a significantly higher level of understanding of various aspects of transitional justice. The breadth and consistent focus of the program has also produced a significantly higher level of understanding and capacity relating to TJ in a range of government agencies. This impact is extremely important as, following periods of mass violations, the need for TJ knowledge, understanding, and commitment will continue for decades to come. The current politically related challenges only serve to increase the importance of high levels of knowledge and understanding of the importance of TJ and the fight against impunity.

- Despite challenges created by political developments during the latter stages of the program and since its completion, the impact of many activities involves the building of understanding, capacity, and commitment of stakeholders. These impacts are extremely important to the future struggles for accountability, truth, and victims' rights. The Special Rapporteur commented on the steep learning curve following his visit to Sri Lanka.[11]

- *First, it is obvious that both civil society and parts of the government have traveled on a very steep learning curve regarding transitional justice issues. Sri Lankan civil society, with its characteristic courage, persistence, and very high capacity, continues to be fully*

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[11] Full Statement by Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non recurrence, at the conclusion of his official visit. P 1. https://lk.one.un.org/news/full-statement-by-pablo-de-greiff-un-special-rapporteur-on-the-promotion-of-truth-justice-reparation-and-guarantees-of-non-recurrence-at-the-conclusion-of-his-official-visit/

present—in my opinion, as an insufficiently tapped resource—making crucial contributions to transitional justice debates. The Government of Sri Lanka has also successfully cultivated capacities on the topic, especially in the Secretariat for Coordinating the Reconciliation Mechanisms (SCRM) and the different technical working groups that support its mandate, in the Ministry of Foreign Affairs, and in the Prime Minister's office, among other places. These are crucial capacities as the country moves on to the design and implementation of a robust and comprehensive transitional justice policy – as it reiterates it will.

Consultations and Information Sharing

- One of the most fundamental of international best practice relating to TJ is that it requires initial and ongoing significant consultation with stakeholders. The CTF was an extraordinary example of rapid capacity building, established by the government but made up entirely of civil society organizations, and was a base that was built on by the program. Although the program did not directly support the implementation of the consultation, it did support, in a significant way, the archiving of the material gathered during the process of consultation. This archiving not only increased the important capacity of human rights archiving for the future but also increased the 'usability' of the wealth of information gained during the consultation.

- The archiving program of the consultation materials was conducted in a very professional manner and provided the first example of TJ archiving in Sri Lanka. This element of the TJ initiatives and mechanisms is often underestimated by those who do not have practical experience. Managing tens of thousands of statements, evidence, other materials, tapes, videos, and objects is a major undertaking that requires significant expertise and a highly disciplined approach. The organization and indexing of materials, future storage, access policies and procedures, etc. are highly technical. The archiving project resulted in a significant ongoing impact for the project.

The Special Rapporteur commented:

"While consultation should not be conceived of as a one-off experience, and mechanisms of on-going consultation should be built into all future transitional justice measures, the CTF's report should have been better received, and its conclusions and recommendations should certainly be a part of all conversations regarding the design of those measures. The report reflects the most thorough representation up to now of the voices of those affected."

- A significant impact of the program was the introduction of the TJ agenda and learning relating to TJ to a broad range of stakeholders and the building of a degree of interaction between those stakeholders. The range of partners and beneficiaries whose understanding and capacity were increased included the government, civil society, the security forces,

academic institutions, youth groups, women's organizations, and victims from different ethnic groups and geographical areas of the country. According to the qualitative data provided by CSO representatives, the series of information sharing and TJ education workshops served to increase understanding, trust, and engagement by providing an opportunity for a large number of women, victims, and other minority groups, as well as local leaders, youth, and the general community to discuss and learn together.

- The Program made a significant contribution towards the establishment of the OMP, the OR, and RTIC and the all-important strengthening of those institutions during the start-up phase. This is demonstrated by the fact that these two important offices were able to be established and become functional within a short time frame. The establishment of these official institutions is an extremely important achievement that has rarely been achieved in the context of TJ in Asian contexts and provides an all-important basis for the potential future development of those services. The significant number of cases lodged with both Offices provides strong evidence that the activities supported by the Program, including broad outreach and public information, support on building complaints mechanisms and communications policies were effective.

- The information available through the desk review and the interviews with counterparts from the government offices and independent commissions, together with the CSO's mandated to monitor progress, supports a finding of significant positive impact on both government and independent commissions due to the contribution of the program. Some of the most important examples of this evidence include:

a. SCRM and PBF Support

- The technical assistance experts that were initially located within the office of the SCRM and then moved to the Department of Foreign Affairs were responsible for significant impact in a range of areas. The number of outputs produced by the experts during the life of the program exceeded 100 in number, including contributions to policy design, the strategies for establishing the TJ mechanisms, related policies, and communications tools. Other products included media articles, briefing notes, facts vs. myths about TJ papers, key messages relating to TJ papers, and contributions to the high-quality communications strategy produced by a TJ communications expert in November 2017. The outputs also included a broad range of capacity building activities. These included day-to-day informal consultations and advice to staff in the office of the SCRM, training and workshops for staff, military officers, civil society and UN personnel. The experts also worked very closely with the Chair of the SCRM and provided inputs to the Working Group drafting the TRC law, although as time progressed, they were not included in the actual drafting process.

- Significant policy contributions included direct inputs to the design of the OMP, the Reparations draft law, the TRC draft law, the drafting of several versions of a Transitional Justice Framework, the Cabinet Paper on establishing the OMP, and contributions to the Comprehensive Communications Strategy on TJ.

b. <u>CSO participation</u>

- The program made a significant contribution to the recognition of TJ as a necessary element of healing, reconciliation, truth, and justice. Since 2009, conversations related to reconciliation have been largely directed towards improving the infrastructure in the North and East. With the emergence of the 2015 government, the conversation shifted towards achieving transitional justice, providing the space to have a more open conversation regarding the issues and concerns of marginalized and affected communities. Due to this and the initiatives implemented by CSOs, victims and affected groups were able to become more aware of their rights and institutions such as the Office on Missing Persons, the Right to Information Act and other legal mechanisms. Notably, projects implemented by CSOs based in the North and East were able to directly address concerns about transitional justice, specifically those of affected communities.

- The program supported a wide range of TJ tools that included reports, PowerPoint presentations, simple language summaries, and audio-visual products that were effectively used to increase understanding. For example, CSOs that were supported to produce audio visual materials ensured that there was a widespread circulation of their documentaries and short films to various institutions across the country. The impact, therefore, was not limited to a certain geographical location and could create an impact in remote and marginalized communities.

c. <u>Strategic Support for Independent Commissions and other statutory offices</u>

- The program assisted the National Police Commission (NPC) to develop its capacity by training officers, improving infrastructural and ICT facilities. The NPC representatives referred to the impact of the program that included improved communication between officers across different provinces after introducing the "Smart Commission Room.". They also highlighted the importance of the English language training they received through the UNDP funding. By promoting the Public Complaint Management System (PCMS), citizens were made aware of their rights and capacity to file complaints against police officers. Due to this, there was a significant increment in the total number of complaints that the NPC received post introducing the PCMS. The NPC

received 763 more complaints in 2020 (2229) compared to 2017 (1466). This impact has a high degree of relevance to non-recurrence of violations, as a root cause of the mass violations is impunity and a failure to act on violations committed by state actors. One of the staff involved in the program stated:

> *"We noticed that after we started promoting the Police Complaint Management System, we got more complaints both through the new system and through the normal way of filing complaints. I think this was because the citizens were now aware that they have the right to file complaints against police officers who do not fulfill their duty properly."*

- The support for not only specific TJ mechanisms and new institutions but also existing commissions like the HRCSL and NPC was strategic even though their mandates do not specifically refer to TJ. Their work is both related to human rights, and TJ deals with mass human rights violations. Although many of the problems relating to existing bodies are systemic and will take a long time to effectively address, the assistance provided was strategically designed and contributed to overcoming structural deficiencies that may have contributed to public distrust. They did make a significant contribution to change within those institutions, despite the cultural and capacity challenges.

- KIIs revealed that the partners considered the UNDP to be generally a 'good donor' that was trusting of the implementing partner and prompt in fund disbursement. This level of trust, responsiveness, and communication were extremely important.

> *"However, generally, the UNDP is a good donor that is trusting of the implementing partner and prompt in fund disbursement. Never had any issues in this regard as far as memory serves. "* CSO Respondent

- KII respondents reported that the activities of the program contributed to a broader understanding of TJ, that it is not the sole responsibility of the government and relates to the fundamental rights of victims. For example, psycho-social support for victims and their families and acknowledgement of the victims' suffering are now considered important parts of the response to missing persons as opposed to the mere disbursement of compensation, which was the basic prior understanding. This is reflected in the official OMP website, which reflects the Office's policies and strategies and reflects a responsive and victim-centered approach, including psychological well-being.

- There was also a significant amount of collaboration with other donors, with some activities supported by the program creating an impact that could then be continued through work funded by another donor. For example, the recommendations of the communication and outreach plan developed for the NPC under the PBF project were implemented to a great extent through support from another fund. As a result of this, there was a significant impact, including a 50% increase in the number of complaints recorded. The increased outreach of the NPC resulted in the commencement of complaints being received from the North and East, contributing to non-recurrence. As a result of this increase in complaints from those areas in which a large number of victims live, the NPC has increased its contact with the local area police commanders.

- The support to the HRCSL contributed to a major study on prisons in the country which was ground breaking and provided significant impact. The project required the recruitment of a significant number of UNV's to assist and produced an extremely comprehensive report of over 900 pages. As a direct result of the study, some prisoners who had previously been denied access to a lawyer and to justice mechanisms were provided with This included several individuals who had been charged with terrorism offences. The prison study is an international standard product that will provide a basis for interventions for years to come.

- The support for the establishment of the OR contributed in a real way to the early stages of building a credible, feasible, and inclusive reparations mechanism in Sri Lanka. The OR has already contributed to the well-being of victims in a number of ways. For example, ex-combatants who have been rehabilitated have been offered the Office's loan scheme and they have used this to reintegrate in to the community by engaging in self-employment of micro/small scale enterprises. A system for providing material assistance and psychosocial assistance has been established. A psychological first aid programme was conducted to sensitise the OR staff officers, and a strategy has been developed to establish a psychosocial referral mechanism for the OR. Since the appointment of the members in April 2019, the OR has made significant progress in the processing of compensation files and settlement of claims, including the settlements for Easter Sunday attacks, utilising the total budgetary allocation of over 1 billion. The OR has further embarked on developing a comprehensive Information Management System (IMS) and designed a strategy to implement a holistic psychosocial programme for the affected communities and formulated a National Reparations Policy to achieve its intended objectives. Although some of the KII's indicated a serious diminishing of support for the OR by the government since 2019 the funding available from the government budgetary sources remained substantial.[12]

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[12] Government funding amounted to over LKR 1 Billion in 2019-2020 (year of setting up the institution and responses to Easter Sunday attacks) and over LKR 400 Million in 2020-2021

- The broad objective of the right to information component is to build trust between the state and society. The culture of openness created by the introduction of the RTIC increased public confidence in the government. Right to information outreach material produced with support from the program and circulated amongst the general public and public officials contained information on how to use the legal avenues and processes of the RTIC, and what to do with the information received. This contributed to an increase in the number of right to information applications received by public authorities. An online training module produced through a multi partner collaboration has been used to train more than 800 public officials, and the module will be available for further use until at least 2024.

Challenges for Impact

The divisions between different ethnic communities are a major challenge for TJ, so building understanding at the grass roots level is important. The program produced some, albeit limited, impact towards this goal, but some CSOs involved in the program observed that both Muslim and Sinhalese communities were reluctant to engage in the initiatives during the initial stages due to their preconceived negative ideas about transitional justice and reconciliation efforts. The experience of the past was that TJ efforts such as commissions of inquiry repeated the same cycles over and over, responding to calls for action with initiatives that were actually designed to placate the demands whilst not delivering any impact. The caution of victims in relation to TJ initiatives is therefore understandable, but the increased knowledge gained through the program activities will increase the potential for ongoing contributions and advocacy for truth, justice, and victims' rights.

Summary—Impact

A major impact of the program resulted from the breadth and depth of the capacity building and information sharing programs that contributed to a broad range of achievements of the program and will continue to equip the recipients with the skills and commitment to pursue TJ goals in the future. The establishment of official TJ-related institutions such as the OMP, the OR, and the RTIC are major achievements that many similar post-conflict contexts have been unable to achieve. The program produced a range of legal and policy products that helped to establish those offices and other initiatives. These included the national Strategy on Transitional Justice, the draft law on reparations, some contributions to the draft law on a TRC and a range of policies. Tools developed by Program-supported activities were used in capacity building workshops for thousands of participants and will be available for future initiatives. These include training materials, audio-visual tools, and simple language summaries. The support to the independent commissions produced some notable examples of impact, including action taken

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on the basis of the HRC's prison report, the increase of freedom of information requests, the increase in the number of complaints filed with the NPC, assistance provided by the OR, and investigations undertaken by the OMP. The current political changes and challenges may diminish the impact of some of those programs, but the progress made within the relatively short time frame of the project provides an example and a base to be built on when the political climate improves.

Sustainability

The Program was established at a time when hope and aspirations in relation to accountability and the full range of TJ mechanisms were high among certain elements of the Sri Lankan population and the international community. Experience has demonstrated that this hope was aspirational rather than realistic in many regards. Those implicated in mass crimes that were threatened by the potential TJ initiatives were extremely powerful, and the support for the full range of TJ mechanisms was not broad enough or deep enough across society to sustain the establishment of a judicial mechanism to try those most responsible. Despite this, a number of important TJ initiatives were established, including the OR and the OMP, that will continue to do their work, albeit in a climate in which their independence and government support may be under threat. Unfortunately, it appears that there has been a reduction in state support for these important TJ institutions since the change of government in 2019. KII reported that staff contracts at the OMP are, in some cases, not being renewed and the OR is also feeling the pressure from the political changes that are significantly affecting its ability to deal with challenging cases and issues.

According to the KII, the program made a significant contribution to building the knowledge and capacity of thousands of individuals who had the opportunity to participate in one or more of the broad range of capacity building initiatives sponsored by the program. Those individuals are employees of the government and independent commissions, representatives of civil society organizations, academic institutions, security forces personnel, religious leaders, victims, youth, university and school students, as well as ordinary community members living in conflict affected communities. Although there has been a dramatic change in the political environment in Sri Lanka, the increased knowledge and capacity will inform the future actions and engagements of all of those individuals in various ways.

The Summary of the SR Report to the Human Rights Council 14 September–2 October 2020 included the following:

> *"the Special Rapporteur acknowledges the capacities developed by civil society and parts of the government in addressing transitional justice issues and notes the progress made in some areas, including the establishment of the Secretariat for Coordinating Reconciliation Mechanisms, the creation of the Office on Missing Persons and the Office for Reparations and the opening up of space for discussion about transitional justice. Despite the opportunities for genuine change and reform, the Special Rapporteur notes the government's failure to adopt and implement a comprehensive transitional justice policy with the four constitutive elements of truth, justice, reparation and guarantees of non-recurrence. Progress has been hindered by a lack of commitment on the part of the government. As a result, Sri Lanka appears to have missed an historic opportunity to provide lessons to the world about how sustainable peace ought to be achieved."*

- Some particular beneficiaries gained a high level of expertise as a result of the activities of the program. For example, the staff of the SCRM and some staff of the commissions are civil society leaders who learned enough to become TJ trainers and honed those skills in scores of trainings and TOT's across the country. This contributed significantly to the development of a cadre of national TJ experts from Sri Lanka, which was considered by the experts interviewed to be a substantial impact of the project.

- A highly significant and sustainable result of the program was the fact that many vulnerable grass roots organizations working on critically important issues received support to continue their activities and strengthen their organizational base for a multi-year period. These organizations, particularly those working with victims, are an essential element of successful TJ programs. Simply put TJ mechanisms in developing world contexts cannot be successful without their contribution and collaboration. However, there is no sustainable way to support them. Multiyear projects of the UN that can include a focus on supporting those grass-roots organizations that make a major contribution to the fight against impunity, for accountability and victims' rights. This should be recognized, as it was in the current program, as essential and funding and support should be appropriately allocated to that important need.

- A number of formal legal documents, including policies and draft laws, were produced with the assistance of the program, and these are invaluable resources that will be available in the future, depending on changing circumstances and demand. These include the laws establishing the OMP, the draft law for a TRC, the draft law on reparations, the national Transitional Justice Strategy, the comprehensive Communications Strategy for TJ, and many other lower-level initiatives.

- Many of the national partners increased their capacity significantly and maintain a deeper interest in TJ and an appreciation for the value of accountability, truth, and victims' rights that will continue to inform their work in the future. As a result of the project, there is a significantly deeper knowledge and commitment to continue working on TJ goals as a result.

- Several CSOs developed relationships and collaborated on programs with government agencies that are continuing after the end of the project. A number of CSOs also prioritized the involvement of youth in their initiatives and educated them on the root causes of issues such as the Tamil-Muslim conflict and growing divisions between ethno-religious groups. This contributes to a future in which there is greater tolerance and understanding among different groups, making recurrence less likely:

"…in this project, we wanted to develop short films, documentaries and other resources like books that spoke about the Tamil – Muslim conflict in the North and East. We felt that using art and the media to create awareness about different issues would be useful."

"…we have noticed that Tamil and Muslim people usually don't like to sit together or mix for such things. But, we felt that these screenings would be a good way to get them together."

"…we had Sinhala, Muslim and Tamil women and youth from Puttalam and Mannar districts who took part in our project."

- The relationship between Colombo based national NGOs and grass roots organizations that were developed through the program has led to open channels of communication and a continuing relationship working on human rights and TJ issues. These relationships will provide a basis for continuing collaboration in the future.
- There were many valuable educational tools that were developed through the support of the program, and these tools can be used for years to come, adjusted according to the needs and context. These include online resources, research papers, films, and short videos.

- Many regional CSOs found that the program that had been commenced and successfully implemented through the funding of the program had quickly run into challenges as they were unable to secure alternate funding from donors and the government is not interested in collaboration on accountability and TJ now.

- Through support to existing institutions such as the HRC and the NPC, the project has ensured these institutions are better equipped to respond to the needs of the people, the capacities of which outlive the project.

- Some programs that included co-funding arrangements will maintain momentum due to the continuing engagement of other donors. For example, IOM also supported the NPC in relation to the maintenance of the PCMS that will last until 2022. This gives the NPC two additional years to plan, budget, and allocate funds to maintain the system beyond the project period. "

- Some elements of the program face challenges relating to sustainability due to a miscalculation of the capacity within the institution. For example, UNDP provided

the RTIC with technical support, by recruiting law graduates to assist the commission in tackling the backlog of appeals on the understanding that the commission would recruit its own staff before the project ends. However, a reliance on the temporary staff continued and the recruitment process was not undertaken, leaving the commission under-staffed at the end of the program.

- The capacity building of women's' organizations working on conflict related sexual violence has strengthened a number of those organizations and helped them to develop stronger proposals for funding from other donors. A stronger emphasis on training those grass roots organizations in relation to proposal writing and fundraising would have made a significant contribution to the sustainability of the project activities. Some of the organizations that were strengthened as a result of the program are now carrying on similar work with funds received from the Global Fund for Women and other donors.

Challenges for Sustainability

Reduction of Government support

- In the later period of the program, it gradually became clear that the support inside the government for the goals of truth and accountability was diminishing. This creates significant challenges to the sustainable impact of the work done to support the implementation of UN Resolution 30/1.

- Some KII's reflected a view that the recent reduction of support for the TJ goals may have been avoided to some degree if there had been a greater acknowledgement by the international community that what they were proposing in terms of a special judicial mechanism for Sri Lanka within a short time frame had only a slim chance of success. According to those views, accountability as a crucial element of the future of Sri Lanka could only be possible through a nuanced and highly strategic application of the sequencing principle of transitional justice. Assistance to victims and reforms could proceed first, according to the context. Gradually, the capacity building and understanding of the communities and officials could be increased to a level where there was sufficient popular demand for a TRC. The truth-seeking process of a TRC could have 'opened up' the objective truth of what had taken place, and this base could eventually have been strong enough to support a judicial process.

- Experts who participated in the KIIs also provided a view that domestic TJ mechanisms cannot be forced on national contexts, they must be carefully built over time, resting on

strong foundations, and the most important work on prosecutions in many domestic contexts is the multi-year, painstaking work of the civil society organizations dedicated to creating a broad-based demand for accountability. Without that broad-based strong demand, which has been missing in Sri Lanka, there is little chance of success in relation to accountability. In this regard, the substantial work in relation to increasing awareness and capacity building undertaken by the program continues to be vitally important for Sri Lanka's future.

Summary –Sustainability

The fight against impunity and for the goals included in a TJ framework are extremely complex and typically require many years of struggle for even moderate achievements. Often, societies require decades to develop contexts where TJ mechanisms are supported by strong foundations and are feasible within the socio-political context. The increases in knowledge and capacity that the program achieved will empower the individual and organizational beneficiaries to more effectively contribute to the TJ agenda for decades to come. The commitment to work on those issues is a high-value resource, and investment in its support is a high-value investment. The many examples of increasing institutional capacity of government and independent commissions will also continue to provide a contribution, although vulnerable to the current political changes, which may mean that a significant amount of good work on the OR, OMP and other institutions may not be supported. The SCRM mandate has ended and has not been extended, but the capacity building and inspiration provided to its staff will enable them to contribute to other forms of TJ in the future. The many tools produced, including policies, draft laws, training materials, audio-visual resources, and research reports, are resources that can continue to be drawn on for years to come. Despite all of the good work done by the project, the dramatic change in the political space has meant a significant reduction in official support for TJ initiatives, and the institutions created and nurtured are under threat of being weakened or closed. In this context, it is critically important to maintain a strong level of support for the civil society organizations and victims' groups that will continue their struggle for TJ goals and for those government structures that are likely to be able to contribute to building the demand for truth, accountability, and victims' rights.

Gender and Human Rights

Gender-related issues were a significant factor in the conflict and the mass violations that the TJ Support Program was designed to address. The factors included were the widespread allegations of rape and other sexual violations; the impact of the conflict on women and girls; and the large number of war widows and women-headed households as a result of the conflict. Other factors included the potential contribution of women to all aspects of the TJ mechanisms, including preparation.

The program was allocated a Gender Marker 2 according to the PBF scoring guidenote, i.e., "*Advancing gender equality is a significant objective but not the principal reason for undertaking the project and is a strongly mainstreamed program.*" *([1]* Gender-specific language was not included at the outcome level but was included in some important indicators that had a cross-cutting effect. For example, indicator 2C of the program logframe included " the establishment of gender units within TJ mechanisms and/or adoption of gender sensitive policies." This indicator was relevant to a broad range of activities relating to all of the TJ mechanisms. The Results Framework under the Government's strategic outcome pillar included a strategic priority of "immediate support for healing and victim support initiatives with prioritisation for women, children and persons with conflict-related disabilities."

From the available evidence, it appears that activities were conducted in a relatively gender-sensitive manner. Interviews with CSO counterparts revealed a significant emphasis of program activities on the empowerment of women victims, bridging the divisions between communities of women victims, increasing empathy and solidarity to support TJ goals, and building the voice of women victims so that they can contribute more fully to the transitional justice initiatives. Many CSOs addressed the issue of gender inclusion by ensuring there was an equal or more proportion of women amongst the beneficiaries, and the program required all implementing partners to apply principles of gender sensitivity and parity in all aspects of activities. The activities relating to the government and independent commissions also included a focus on recruitment of women, inclusion of gender issues in program issues, and implementation. A full evaluation of how these approaches were implemented through all activities of the SCRM, OMP, OR, RTIC, etc. was beyond the scope of this evaluation.

The entire project promoted a rights-based approach. While there was no specific strategy adopted to include human rights, all project activities were geared towards empowering victims to pursue their rights and the authorities to create spaces for the realization of human rights for all. KIIs revealed that this aspect could have been improved by including LGBTQI+ persons, disabled persons, and their issues as well as if more attention was paid to how gender roles and responsibilities have changed due to the war.

A gender-sensitive approach was included in the initial project document and the design of the activities of the project. There are many illustrative examples of a strong gender-sensitive approach in the program. These include the following:

- CSOs based in the Northern and Eastern provinces focused on the inclusion of communities such as families of the disappeared, war widows, persons with disabilities, women from conservative Muslim families, and youth. For example, one CSO maintained a help desk in Sinhala, Tamil, and English and selected locations that ensured the inclusion of Muslim and Tamil women in rural communities.

- Other regional CSOs addressed topics such as empowerment of estate sector females, violence against women in rural communities, social status of the females in families of the disappeared, representation of women in local councils and reasons for low female representation in local councils:

   "…we targeted Tamil and Muslim women affected by the war in our project. We felt that it was important to give them training and create awareness on the concepts of transitional justice and reconciliation and to advocate for their rights. "

- The program required all implementing partners to apply principles of gender sensitivity and parity in all aspects of the planning and implementation of activities.

- Training for staff of the independent commissions supported by the project included gender sensitivity especially when providing services to victims.

- The SCRM had adopted a gender balanced approach even in terms of the resource persons used with priority being given to females as most victims dealt with were women.

- When the gender ratio among the proposed participants of the military TOTs was not acceptable, the military was requested to nominate participants, ensuring at least 20% were female officers. This figure was met by the military. The inclusion of the female officers at the training of trainers brought out certain dynamics that would not have been raised or addressed by male officers, in particular a different perspective in relation to gender-based violations.

- While the right to information component did not have a specific gender element, the strategy adopted includes recommendations on how to ensure gender sensitivity when releasing information, website content, in the language used, and in the media campaigns undertaken. A study conducted by UNDP had shown that women used the right to information processes less than men did, which led to internal discussions on the cause of such a discrepancy.

- The Prisons Study included inmates from the female ward, including pregnant inmates and inmates with children. Accordingly, separate recommendations were made to address the issues of female inmates.

- Some CSOs implemented activities specifically targeting women victims, such as the project on female victims of CRSV. The project specifically looked at CRSV from a female perspective. Therefore, there were men involved in the capacity building programs who received gender sensitization.

- The OR made efforts to focus on gender equality in terms of even paying compensation based on a priority list which included women and disabled persons. The psycho-social support element also mostly focused on women and included gender aspects. Even the loan component of the office gave special priority to female headed households in recognition of the difficulties that they face in obtaining loans and looking after their family obligations etc.

- The RRF-supported 'Countering indebtedness in the Northern Province of Sri Lanka' project component has provided catalytic funds to counter the cycle of poverty exacerbated by chronic indebtedness through government-sponsored low interest loans. 75% of the government funds allocated for this purpose were disbursed to women, as they are the most vulnerable to high-cost micro-loans and the threatening behaviour of debt collectors.

- The project stressed equitable participation and representation based on gender. KIIs revealed that this aspect could have been improved by including LGBTQI+ persons, disabled persons, and their issues as well as if more attention was paid to how gender roles and responsibilities have changed due to the war.

Human Rights

- The entire project promoted a rights-based approach. While there was no specific strategy adopted to include human rights, a human rights mainstreaming approach was included in the project design documents and activities of the program. A broad range of activities were conducted with the objective of empowering victims to pursue their rights and for the authorities to create spaces for the realization of human rights for all. Through strengthening institutions such as the HRC, RTI, etc., the project has enabled the promotion and protection of human rights of all citizens, the reach of which will have a long-term positive impact on the general human rights situation in the country. Supporting the

creation of institutions such as the OMP and the OR, on the other hand, directly addresses the TJ process through providing remedial measures for violations of human rights during the conflict and previous repressive regimes. Collectively, these measures lead to the realization of the right to truth, the right to reparation, institutional reform, justice, etc., which are integral to a successful TJ response.

- It is unfortunate that the recent political developments have created less space and increased threats to human rights defenders, and it is hoped that the increased capacity for those defenders due to the activities of the program will empower them to more effectively contribute to a culture based on rights and the rule of law.

Summary –Gender and Human Rights

Gender is a crucial cross cutting theme relating to all aspects of TJ and a gender mainstreaming approach was incorporated into the design of the program. There were requirements for a gender-sensitive approach to be included and followed in every strategy and initiative of the program. Significant capacity-building work was carried out with women's organizations, particularly victims, and this assisted them to present their views to a range of TJ initiatives. Despite this careful focus on gender mainstreaming, the deep-rooted imbalances related to gender in Sri Lankan society were reflected in many of the activities of the program, such as the culture in the independent commissions and government offices and a perception among some women victims of the failure to listen to the voices of impoverished women victims by those establishing the OR and OMP and other initiatives. It was difficult to create trust and overcome feelings of skepticism among victims who had been abused and ignored for decades.

Conclusions

The program was established to provide support for PPP Outcome 1 (Transitional Justice): the government leads a credible, victim-centric process of accountability, truth-seeking, reparations for past violations, and guarantees of non-recurrence in line with international standards and obligations.

A significant strength of the program's approach was the concurrent focus on three groups of partners: government, selected independent commissions, and civil society. This created a degree of balance in the development of understanding, capacity, and development of TJ programs that included high-level inputs to the government alongside grass-roots initiatives that assisted victims and other community stakeholders to understand what was taking place and how they could interact with those initiatives.

The goals of the program included advancing transitional justice initiatives through the creation of mechanisms in each of the four elements of the TJ framework: criminal prosecutions, truth-seeking, reparations for victims, and reform. The initial large-scale consultation across the country had been completed, and the project had provided significant assistance through an archiving project that both built the technical skills of local archivers and made the rich materials and information gathered by the consultation available to other TJ initiatives.

By the end of the program, there had been little practical progress on the creation of a special judicial mechanism to deal with mass crimes. A policy paper concerning the creation of a Truth and Reconciliation Commission had been tabled with the national Cabinet, and a relatively high-quality draft law for establishing a TRC had been written, albeit without the direct assistance of the Program. However, the program had supported two senior TJ experts who had contributed to a broad range of policy initiatives and inputs that were developed by the office in which they worked, the SCRM, and then taken forward by the senior staff of that office to various government working groups and initiatives. Two highly important transitional justice offices have been established: the Office for Reparations (OR) and the Office for Missing Persons (OMP). Both had been established and had quickly commenced meaningful work with victims. Three regional offices of the OMP had opened, providing services to the public, and a significant number of requests seeking information relating to relatives that had disappeared had been lodged. The document archiving project within the OMP ensured that the complaints and information could be protected and used in an effective way. It also ensures that the progress on cases can be easily traced and not 'lost' through bureaucratic neglect, which was experienced by victims in the past. Technical support provided to the OMP also strengthened its capacity to provide psychosocial support for the families of the victims and to promote gender sensitivity in its operations.

The establishment of the new Commission dedicated to the Right to Information (RTIC) also provides significant official capacity for victims to seek relevant existing information relating to the fate of their loved ones and other related issues, allowing the results to be utilized in the cases referred to the OMP and also to the Office for Reparations.

Supporting independent government commissions is not one of the most obvious ways to assist in moving a transitional justice program forward. However, the commissions that were the subject of assistance by the project hold a significant potential to contribute to the TJ element of creating guarantees of non-recurrence of mass violations. Allegations of violations by state security forces, including the police, are a significant aspect of the history of the conflict in Sri Lanka, as are claims of a failure to thoroughly investigate certain classes of crimes and perpetrators. A focus on the technological capacity of the case management system relating to complaints is a significant practical contribution to addressing these issues in the long term. These developments also interact with the benefits of the processes at the OMP and information seeking at the RTIC, allowing victims to access information, use it in relation to complaints against police behaviour, and, if appropriate, pass that information on to the OMP. The assistance to the national human rights commission was also strategic, although it faced some challenges in relation to introducing new TJ related issues to a well-established institution. The prisons have also been a significant issue relating to the treatment of victims and the disappeared and the comprehensive study on prisons can contribute a base of information on which to base future policy and practices.

All of these advances would not create the basis for progress on TJ without also increasing the understanding and capacity of victims and grass-roots community members to access those services and provide inputs to mechanisms and initiatives. For example, if there is to be a TRC in Sri Lanka, the draft law can provide a good framework for the mechanism. However, a TRC cannot achieve its aims without significant "buy-in" and support from victims' groups. The program made a significant contribution to the capacity of the victims and grass roots communities to understand what TJ meant, the nature of the initiatives, what might be expected, the role they might play, and how they could access assistance from the OMP, OR, RTIC, etc. An important point is that success in TJ goals is not possible within a limited timeframe but always takes years, most often decades. There must be expected to be support for the denial and distortion of the truth, a rejection of the need for accountability and the claims of victims. The capacity-building work of civil society that was carried out by the program will be extremely important in equipping victims, human rights, defenders, and CSO's for this future advocacy and balancing those opposed to truth, justice, and victims' rights.

The program included appropriate requirements for gender equality that were followed through the implementation stage of activities with the government, commissions, and civil society. Some efforts were made to bring together victims from different ethno-religious groups and to open up neglected areas, such as the issue of disappeared members of the Muslim community. However, as the Program progressed and the political complexities became more intense it revealed the need for a much stronger, broad-based empathy and commitment to the shared truth in order to

move the TJ agenda forward. More could have been done on the difficult task of bridging the gap between victim communities and bringing the stories of victims to those who are outside their normal sphere of influence. The follow on to the program should invest significantly in building these challenging foundations as the more recognizable achievements of TJ mechanisms depend on them for success.

Transitional justice is a complex field, and there is no neat and fully achievable way to undo the damage that has been caused to people and communities through mass human rights violations. The transitional justice framework is a highly useful tool for Sri Lanka, and the commitments made to Resolution 30/1 provide a major opportunity for the international community to invest and support national TJ initiatives. However, the views of a range of participants in interviews conducted as part of this evaluation indicate that the commitment reflected by the government's co-sponsorship of the Resolution was not shared by a majority within the government and sectors of society, particularly in relation to the judicial mechanism. This continues to be a major TJ challenge for the country and a legal duty that is shared by members of the international community.

The failure to achieve the goals of establishing two planned core TJ mechanisms-a TRC and a judicial mechanism- during the life of the program reflects the significant challenges and the divisions within society. It is difficult to say whether the program could have achieved more in terms of increasing the support for these mechanisms within the government and society. The fact that those institutions have not been established does not reflect a failure of the program, but rather a reflection of the complexity that often exists in transitional settings and the particular challenges in Sri Lanka.

The capacity building delivered by the program was appreciated by all sectors involved in the activities. The tools that were produced, ranging from educational written and audio-visual materials to case management systems, complaints mechanisms, and products such as the study on prisons and other research, will continue to be available to those committed to moving forward on the TJ agenda. However, in the current context of significant political change, the donor community will need to continue to make a significant contribution towards the continuation of the work of the program in order to safeguard the advances that have been made.

Best Practices and Lessons Learned

Consultation during the design phase

The project design was the outcome of participatory consultations between stakeholders, including government representatives, UNOs, and CSOs. The participatory process ensured that the project responded to the requirements of the beneficiaries rather than imposing a pre-determined set of solutions/activities. This is of crucial importance in complex transitions where the information that is available on the ground, particularly in the communities, may, for a variety of reasons, be significantly different from that which is available through written documentation available in UN offices far away. The project benefited significantly from the large-scale consultation on TJ issues that took place prior to the commencement of the program.

The role of the Special Procedures is of crucial importance in high priority TJ contexts and a continuous role can be extremely helpful.

There are many post conflict situations around the world in which TJ is a significant factor. Despite this, there are a much smaller number of contexts in which TJ is of critical importance in relation to a transition to accountable democracy. For example, during the period of the project, according to experts interviewed, Colombia and Sri Lanka were included in the smaller group of transitional contexts that required a high level of nuanced attention. The role and expertise of the Special Rapporteur Special Rapporteur on Truth, Justice, Reparations and Guarantees of Non-Recurrence, Mr. Pablo de Greiff, was a significant positive element in a broad range of the activities included in the Project and greatly assisted in bringing TJ issues to the most senior levels of government and the security forces. The Special Rapporteur provided consistent engagement, advice, and assistance to the project, making four advisory visits to Sri Lanka during the relevant period (in addition to his official country visit). He was able to engage in dialogue with senior members of the government and civil society on a highly informed basis and provided expert advice relating to the technical assistance elements of the program. This was a highly effective way for the UN Special Procedures to contribute.

Transitional Justice Experts with actual 'hands on' experience are of crucial importance, particularly during the 'start-up' phases. The assistance needed is often highly specific and different to general expertise in peacebuilding, human rights and academic research.

This issue was mentioned many times during the interviews with stakeholders. TJ is a new field in the vast majority of transitional contexts and very often a country will only embark on the journey to a special court, TRC and other TJ mechanisms once. This means that there will very often be a lack of expertise and experience relating to practical TJ initiatives within the relevant context. In addition, the level of technical knowledge required by TJ mechanisms such as a human rights court, truth commission, reparations program, TJ communications tools, and reforms that specifically build safeguards against the non-recurrence of mass human rights violations can be underestimated. Building each of those initiatives is a highly technical undertaking that can be greatly assisted by those who have completed similar projects in other contexts. Consultants with generalist skills in human rights and peacebuilding are unlikely to be able to provide the benefits of those lessons, so recruitment of consultants should be highly specific.

The full-time, multi-year deployment of two TJ experts was a significant asset to the Program.

The value of this investment is not only in terms of the planned activities that the experts completed. The fact that they were present in the office every day enabled the creation of a relationship of trust and the ongoing sharing of advice and assistance. This amounted to intensive capacity building for a whole team of young professionals who were, in the words of one expert, " transformed into national TJ experts through the project." In addition, the two resident technical advisors to the SCRM were able to form relationships that enabled them to organize and conduct a major program of TJ education for the security forces that had not been planned. Although there are periods when experts may not be fully employed in the manner that was expected, their presence has a broad range of benefits that are of very high value.

An expert on gender and TJ should be part of every significant TJ program. The vast majority of situations in which mass violations have been committed include the experiences of thousands of women who have been victims of gender-based violations, torture, and other crimes. The nature of those experiences is highly personal, culturally sensitive and requires expertise to deal with and construct appropriate programs. An expert on gender-based violations and TJ were not deployed as part of this project, and that was a significant weakness of the program.

Support to civil society

Transitional justice programs need to understand that the foundations of truth and accountability are rooted in the local communities, particularly victims. High level mechanisms such as courts and TRCs are important, but the focus on those initiatives needs to be balanced with significant funding and programs directed towards supporting and building the capacity of civil society. In

fragile transitions, it is important to ensure that the civil society organizations and victims' groups that have formed do not crumble due to a lack of funding and support. Their existence means that there are channels for victims to raise their voices and exert pressure, which is an essential element for achieving TJ goals. In many situations, a program of small grants or activities for these organizations can mean the difference between their continued existence and not having that resource to rely on. The administrative requirements for support should not exclude the cost of salaries, as those costs are relatively low in developing contexts and there are no other sources for those salaries than donor funds. The program provided assistance and increased the capacity of a broad range of CSOs and, by doing so, helped create bridges between marginalized groups and ethno-religious communities.

In the words of The Special Rapporteur:

> *First, it is obvious that both civil society and parts of Government have travelled on a very steep learning curve regarding transitional justice issues. Sri Lankan civil society, with its characteristic courage, persistence, and very high capacity, continues to be fully present— in my opinion as an insufficiently tapped resource—making crucial contributions to transitional justice debates.* [13]

A flexible and responsive program is critically important to transitional contexts.

The design of projects for transitional contexts must accept that those contexts are extremely dynamic, subject to unpredictable change, and that the local counterparts may not be used to or able to create plans that indicate what their future needs will be. It is more likely that needs will arise during the course of their work and they will need assistance with those needs quickly. A program that is rigid and fixed, designed months or years before implementation, will not be able to address those needs.

The program was flexible and responsive, able to respond quickly to provide funding for new activities and for expertise that was needed. This was greatly appreciated, which also helped to build the reputation of the UN country team. Flexibility is particularly important in new institutions where the needs are not apparent until the first steps are taken. This was the case with the new bodies such as the RTI and the OMP.

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[13] Full Statement by Pablo de Greiff, UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non recurrence, at the conclusion of his official visit. P 1. https://lk.one.un.org/news/full-statement-by-pablo-de-greiff-un-special-rapporteur-on-the-promotion-of-truth-justice-reparation-and-guarantees-of-non-recurrence-at-the-conclusion-of-his-official-visit/

Include a focus on achievable 'low hanging fruit' and initiatives that may not initially look like TJ program but can have an essential TJ role.

The project included a range of initiatives that helped build TJ foundations. For example, the work on the right to information and the establishment of an institution dedicated to this right enabled thousands of families of persons who had disappeared to apply for information about the fates of their loved ones. Assistance in strengthening the mechanism for receiving and dealing with police complaints at the National Police Commission led to a significant increase in the number of complaints received. This had been a major challenge to accountability during the period of mass violations and therefore a significant element of the 'guarantees of non-recurrence' TJ pillar. Another creative cross-cutting activity that contributed to the TJ goals in an indirect but effective manner was the collaboration with the government and local banks to relieve the debts of conflict affected women. This assistance to victims was able to be designed and delivered in a relatively short time frame and made a significant contribution to repairing the damaged relationship between the beneficiaries and the state, helping to build a level of trust that is necessary for TJ initiatives.

The United Nations Volunteers (UNV's) scheme can be highly effective in transitional justice programs when based on careful and targeted recruitment and clear goals.

In situations where a significant program need arises that has not been a specific part of previous plans and therefore not included in staffing tables, UNV recruitment and deployment can assist. In the current project, a major program of research and reform involving prisons, which have been a site of mass violations including killing, torture, and disappearance, was able to be conducted in a highly effective way because the project was able to quickly deploy a significant number of UNV's to assist the National Human Rights Commission. The UNV's were largely drawn from the pool of talented new university graduates, who had skills that the long-term civil servants lacked, particularly in the use of technology. Those graduates were happy to accept the terms and conditions of the UNV. They were able to focus on one significant project without affecting the internal staff balances of the Commission and were able to fill a range of needs in the project due to specific, targeted recruitment. The UN also placed several UNVs with different entities such as the OMP, MFA, OR, etc. to support the government as the government was not able to recruit quickly. This also served to build a relationship of trust and appreciation between those government agencies and the UN country team.

Contribution to the establishment of a range of TJ mechanisms.

- Support programs focused on TJ should include significant focus on TJ mechanisms that are not only limited to judicial mechanisms and TRC's. There are a range of other important mechanisms and in many situations, such as Sri Lanka, a focus on those institutions, particularly during the challenging 'start-up phase', can create a foundation for the later establishment of a judicial mechanism and a TRC. The Program made a significant contribution towards the establishment of the OMP, the OR, and RTIC and the all-important strengthening of those institutions during the start-up phase. In addition, the important initiatives such as the Prisons Study of the HRCSL and the complaints mechanism of the NPC addressed key TJ issues relating to the treatment of persons detained and the disappeared, but those institutions are often not considered in the strategic framework of TJ initiatives.

- *The creation of high-quality tools related to the TJ agenda is invaluable* as they provide a basis for years of related work. The tools may include draft policies and policies. They should also include communications and education tools such as those produced by the program, including a national TJ communications policy, short videos, powerpoints, training modules, and simple language materials. These tools can be used for years to come and adjusted according to the needs and the context.

Popularizing the use of technology

- The project utilized technology to find solutions to certain issues that arose during implementation. This provided beneficiaries the opportunity to familiarize themselves with technology, which improves communication and connectivity. For example, the web-based RTI module had a wide reach within a year, with over 400 subscribers from the public sector. In-person training would not have reached such a wide audience. Similarly, the OR made payment of compensation for the victims of the Easter Sunday attacks in record time by fast tracking the process using electronic means. The usual system is fairly time consuming with several verification processes. In 2018, the application process of the OR was reviewed and provision was made to trace supporting documents through phone calls, rather than through long and complex written communication. Another important example is the PCMS, which streamlined the public complaint process relating to police behaviour and processes. This not only improved public access to the NPC but also assisted the police service in its monitoring and evaluation functions, providing an easily-traceable record of complaints made and responses implemented.

RECOMMENDATIONS

1. **Maintain the focus on TJ in the face of political change and opposition to accountability:** Many development initiatives that are supported by donors are dependent on the priorities of the government and will shift appropriately when those priorities change according to the democratic base in the country. The end of the program should not indicate the end of intensive work and investment in TJ in Sri Lanka, but rather the beginning. TJ goals often require a time frame of decades to achieve concrete results. Truth, accountability, and victims' rights are key elements of Sri Lanka's future. The gains of the Program, its achievements and tools produced should not be lost but built on by a continued intensive TJ engagement. The manner and form of this engagement should be carefully planned in order to ensure a maximum impact in the current changed political context but these challenges should not be used as an excuse to reduce the TJ engagement. It is more critical than ever. Building the knowledge base, commitment, and capacity are key elements of the future work and the momentum on those fronts should not be lost.

2. **A holistic approach and sequencing of TJ approaches should inform future programming:** TJ mechanisms cannot be successfully implemented in a 'top-down' approach. There must be a sufficient understanding of TJ and a demand for truth, accountability, and justice for victims, or the work on developing mechanisms such as a judicial mechanism will be wasted. The progress made on specific TJ mechanisms in Sri Lanka, such as the completion of draft laws for the establishment of a TRC and a court, and the establishment of the OMP and OR, now face challenges relating to continued support. A contributing factor is an insufficient understanding and support for the TJ goals across society and particularly in the government. All elements of the TJ framework are equally important and without understanding this and developing the other elements of truth, reparations and guarantees of non-recurrence criminal accountability is unlikely to be achieved. A successful judicial process for mass crimes cannot be conducted in a domestic setting without first building substantial public demand for that process. The understanding of the meaning of TJ, a holistic approach, and the need for careful sequencing of initiatives should be included as essential elements of ongoing, long term support programs and strategies. This should be reflected in donor funded programs supporting the government, security forces, civil society, and academic institutions .

3. **Inclusion of transitional justice in programs supporting SDG's, rule of law, human rights and justice:** TJ is a highly relevant component of a range of SDG's, most particularly SDG 16, and this should be recognized in future program design and development. Inclusion of TJ-related initiatives in SDG frameworks can serve to retain some focus on TJ imperatives even in circumstances of declining political will and active opposition to specialized TJ mechanisms. This can also help to make some of the resources available for implementation of the 2030

agenda available to support the next steps of transitional justice-related strengthening of institutions such as the OR, OMP, RTIC, HRCSL, and NPC.

4. **Support to civil society:**

    a. Strong, well-funded programs focused on building capacity and institutional strength and linkages for civil society organizations working on TJ-related work are crucially important for Sri Lanka's future. . The support to civil society should be significant, multi-year and accepted to be an essential element of long-term strategies linked to SDG 16. It is a relatively high-value, low cost undertaking as the support programs take advantage of existing and ongoing commitments that are often life-long, particularly in the case of victims and human rights defenders. An investment in their capacity is in many cases likely to produce a high level of impact through more effective advocacy for TJ-related goals that will continue for decades.

    b. In well-developed democracies, oversight mechanisms within the government are relatively effective and receive significant ongoing funding from the national budget. In Sri Lanka, like other transitional contexts, those oversight mechanisms are relatively weak and deeply influenced by political factors. The role of holding the government to account, seeking and sharing the truth, assisting victims and leading reforms will fall on the shoulders of civil society organizations. These services are 'non-government' by definition and are essential to the success of accountable democracies. As such, they should be viewed by donors as essential elements of development and justice programs that, like other essential services, should not be required to be sustainably funded from their own activities. Those activities are essential and non-commercial in essence.

5. **Focus on linkages and networks:** Progress on TJ goals requires support and collaboration from a range of institutions and organizations, and future programs should include an element that helps to maintain, strengthen, and develop linkages. The model of support for government, independent commissions, and civil society in the current program was logical and relatively successful, as a failure to progress in any of those areas would likely 'pull back' the progress in a general sense. The current retreat on TJ goals, for example, owes much to a lack of sufficient support within the government, whilst the commissions and civil society are more consistently supportive. In Sri Lanka, most CSOs are made up of staff and supporters of particular ethno-religious backgrounds. As a major root cause of

the mass violations is a lack of tolerance and understanding between communities, a focus on building networks that include a range of backgrounds is important.

6. **Inclusion of the security forces, government, and academic institutions in transitional justice programming:** It should not be assumed that a majority of members of the military, police, or other groups implicated in violations are opposed to accountability, truth, and reform. Of course, those are difficult subjects to broach, and for this reason, a high level of experience and expertise is required for the training. If possible, experts with a military or police background and also TJ expertise should be involved, alongside other experts with a high level of practical experience. A highly academic approach should be discouraged as the security force actors are dealing with their own direct practical experience and difficult decisions made during conflict.

7. It should also not be assumed that the training on international humanitarian law (IHL) that is often provided for military forces replaces knowledge of TJ. The issues related to IHL are fundamentally important. However, a TJ framework is significantly more broad and can help members of the security forces contextualize the violations in terms of the history of recurrence, the value of a broad-based truth mechanism, and the effects on victims and society as well as the impact on the reputation of their groups. Building demand for accountability must include the security forces, and this can also assist in reducing opposition to TJ initiatives.

8. A focus on academic institutions was also not part of the current project and should be included in future initiatives. In particular, TJ training for academics teaching law, human rights and related subjects can assist in increasing the understanding of a large number of future professionals who will find themselves in important positions within government, civil society, security forces etc. The key element to consider in this regard is that the Sri Lankan context is one in which mass violations have been committed and dealing with them will be a significant issue in the coming decades. Equipping academics, lawyers, and young professionals to understand and contribute to a TJ agenda is extremely important. Include support for in-country documentation and capacity building in funding for the new role of the OHCHR on Sri Lanka, in accordance with UN Human Rights Council Resolution.[14]

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[14] UNHRC Resolution Promoting reconciliation, accountability and human rights in Sri Lanka A/HRC/46/L.1/Rev.1https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session46/Pages/ResDecStat.aspx

List of Annexes

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Terms of Reference

Final evaluation: "Support to Strengthen capacities to undertake reforms to advance peacebuilding and transitional justice processes in Sri Lanka."

Assignment: Final Project Evaluation
Reports to: UNDP and the Senior Human Rights Advisor, RCO
Type of Contract: Individual Contract (International)
Application Deadline: In two weeks after the date of advertisement
Language(s) Required: English
Expected Duration: October to December 2020
Contract Start Date: Minimum one week after the closing date of the advertisement

1. **BACKGROUND:**

In 2015, the government co-sponsored the Human Rights Council Resolution A/HRC/RES/30/1, committing itself to a number of reforms that would endeavour to address the causes and impacts of the 30-year old war. Among these was the commitment to undertake a transitional justice process to ensure truth, justice, and reparations for the victims. The government then passed the 19th Amendment to the Constitution that strengthened the independence of nine oversight bodies, including the Human Rights Commission of Sri Lanka (HRCSL) and the National Police Commission (NPC), and introduced the Right to Information as a Fundamental Right, followed by the establishment of the Right to Information Commission (RTI). In 2018, the government established the Office on Missing Persons (OMP) and, in 2019, the Office for Reparations (OR).

With a view to bolstering the government's vision, and the spirit of Resolution 30/1, the United Nations Peacebuilding Fund (PBF), through its Immediate Response Facility (IRF), initially came forward to support OHCHR by providing advice and guidance on the national consultations on transitional justice. It also supported the process of developing the Sri Lanka Peacebuilding Priority Plan (PPP) — a policy document and implementation plan that was to act as the framework for support to the transitional justice and peacebuilding process in Sri Lanka. The PPP was made up of four pillars: Transitional Justice, Reconciliation, Resettlement, and Governance.

In addition, the PBF also supported the on-boarding and operationalisation of the Secretariat for Reconciliation Mechanisms (SCRM)— set up by the government to provide overall direction to the process—and the Peacebuilding Secretariat under the leadership of the UN Resident Coordinator to coordinate all support under the PPP.

1. The " **Support to Strengthen Capacity to Undertake Reforms to Advance Peacebuilding and Transitional Justice Processes in Sri Lanka."** project, supported by the PBF's Peacebuilding Recovery Facility (PRF), was anchored within the Transitional Justice pillar of the PPP and provided the largest funding envelope for a programme jointly funded by the EU and the British Government. The programme aimed at supporting the implementation of priorities identified under the Transitional Justice pillar of the PPP, and as such, it augmented support to the SCRM, which spearheaded the peacebuilding agenda for the government and oversaw the implementation of the transitional justice mechanisms. Further, it supported the OMP and the Office, as well as a number of civil society organisations that worked on victim support, awareness raising, and advocacy. In addition, the programme also supported the reform agenda by supporting three independent commissions.

   This evaluation will seek to ascertain the project's results and impacts. It is also to serve as a means of consolidating lessons learned through this project that could inform future peacebuilding initiatives. As such, the evaluation will be a participatory, multi-stakeholder process guided by the Peacebuilding Support Office (PBSO) along with participant UN agencies—namely, UNDP, OHCHR, and IOM.

2. **PROJECT DESCRIPTION:**

   In April 2017, UN Sri Lanka commenced implementation of the project: **"Support to Strengthen Capacity to Undertake Reforms to Advance Peacebuilding and Transitional Justice Processes in Sri Lanka."** The project, valued at USD 4,411,874, was funded by the Peacebuilding Fund (PBF) in support of the implementation of Sri Lanka's PPP, where transitional justice is identified as one of the four key pillars.

   The project was implemented by UNDP and IOM, with guidance from OHCHR, with the objective of providing technical assistance and guidance to the government in relation to taking forward its plans vis-à-vis transitional justice. It did so through the setting of standards, developing policies and processes— particularly in relation to the setting up of and guiding the operationalization of transitional justice mechanisms, but also supporting the government's other reform measures through strengthening its independent commissions. The Project also sought to support civil society in ensuring that processes are participatory and victim-centred. It also had an inbuilt allocation for rapid response to situational challenges and to address government requests. This provided an opportunity for the UN to remain engaged on critical interventions that were considered both timely and imperative to advancing the peacebuilding agenda in the country.

As per the project document, the following are the project objectives and outcomes:

Overall, the project supported the government of Sri Lanka to adopt comprehensive measures to address human rights issues affecting sustainable peacebuilding and reconciliation while establishing mechanisms to prevent future recurrences of violence. In this regard, the project provided extensive support for the work of the Secretariat for Coordinating Reconciliation Mechanisms, supported their efforts in implementing the PPP, supported the government's reparations efforts and support for the families of the missing and war affected communities, and strengthened the institutional and operational aspects of the National Police Commission, the Human Rights Commission of Sri Lanka and the newly established Right to Information Commission.

3. SCOPE AND OBJECTIVES

The above evaluation is expected to be completed by 05th December 2020. The independent evaluation is expected to provide evidence of the Project's relevance, efficiency, effectiveness, impact and sustainability in achieving its objectives, while explicitly assessing results achieved through a peacebuilding approach and perspective:

a. **Relevance:** the extent to which the Project contextualized and addressed the peacebuilding and transitional justice concerns in Sri Lanka, taking into account the country's commitments enshrined in UNHRC Resolution 30/1	● To what extent were the Project's strategies/ Theory of Change relevant to national and local contexts?
	● To what extent was the Project able to contribute towards conflict transformation and promote institutional reforms through its support to institutional mechanisms, such as the OMP, independent commissions in Sri Lanka to promote peace, justice and reconciliation.
	● To what extent was the Project able to contribute towards the civil society peacebuilding initiatives including in relation to awareness-raising, victim support and monitoring and research.
	● Were the planned activities consistent with the overall project objectives and purpose in terms of peace-building and TJ as stipulated in the Sri Lankan Peacebuilding Priority Plan (PPP)?

b. **Effectiveness:** The evaluation is expected to review the project activities as against the expected results and determine the effectiveness of the design and the implementation process.	● What were the reasons for the achievement or non-achievement of the planned results? What are the principal factors that influence or influenced achievement or non-achievement of the results?
	● To what extent did the Project make timely adjustments to its strategy to maintain its relevance and effectiveness?
	● To what extent did the output level interventions translate into progress towards outcomes?
	● What measurable changes in human rights; gender equality and women's empowerment have occurred as a result of the Project?
c. **Efficiency:** Using a selected cost analysis approach, the evaluation is expected to assess how well the Project produced products and services it committed itself to deliver; how sustainability of the results is dependent on cost associated with managing the results. Further, it will assess the extent to which the Project was efficiently managed, implemented and has delivered quality outputs, against what was planned and costed.	● Have financial and human resources been allocated sufficiently and strategically to achieve project outputs/ outcomes?
	● Have the outputs been delivered in a timely manner? If not, why? ● What is the quality of the outputs (products/services) delivered, and how has it contributed to the overall peacebuilding agenda in-country?
d. **Impact:** The evaluation is expected to assess any credible evidence and of impact (both intended and unintended, as well as positive and negative) achieved by the Project in the context of reference.	● To what extent did the Project reach the intended results as per the PPP? ● To what extent did the Project achieve its results/ outcome impacts? ● Were there any unexpected results or unintended consequences of the results, both positive and negative? ● What are the early indications of peacebuilding impact? ● To the extent of which the project was expected to produce programmatic results as stipulated in ToC ● To the extent to which the planned financial or other operational measures supported to the impact of the project.
e. **Sustainability:** The evaluation will assess the project capacity to produce and to reproduce benefits **over** time through transferring of ownership of	● To what extent was capacity developed in order to ensure the sustainability of efforts and benefits?
	● Are national partners committed to continuing the Project or elements of the Project?

the intervention to national institutions to ensure sustainability	● Are there any mechanisms developed and/or interventions linked with existing mechanisms at local and national levels to ensure continuation?
f. **Gender Equality and Human Rights:** The evaluation will assess the extent to which the Project has integrated gender responsiveness and human rights into the program design and implementation	● To what extent did the project address and respond to existing power dynamics and gender relations?
	● To what extent did the Project actively identify and include the most marginalized in Sri Lanka, ensuring no one is left behind?

Further, the evaluation is expected to set out strong recommendations for future programming considering the UN's comparative advantage in peacebuilding interventions in Sri Lanka and how the UN system can better reach out to marginalized communities in the country through similar interventions in the future.

4. METHODOLOGY

The final evaluation will be an impartial, transparent and participatory process involving relevant stakeholders and partners. The overall evaluation design will be non-experimental and rely primarily on qualitative data collection and analysis methods aligned with the principles of gender equality and human rights. In the event of the restriction due to Covid-19, the evaluator is unable to travel during the time of the evaluation then a remote evaluation may be considered. The evaluator is expected to provide the approach and the methodological implications associated with a remote evaluation. The evaluation should be conducted in-line with the principles outlined in the United Nations Evaluation Group (UNEG) "Ethical Guidelines for Evaluations." The rationale behind key methodological decisions, including sample selection and data collection tool development and administration, and their limitations should be systematically elaborated in the proposed evaluation methodology. To ensure accuracy and credibility of the findings, data should be triangulated as far as possible with the use of multiple primary and secondary data collection methods and sources, including but not limited to desk reviews, document analysis, key informant interviews /focus group discussions with rights-holders and thematic experts (these could be conducted virtually subject to the country context exigencies) and case studies. The methodology should outline the strategies to answer the evaluation criteria and key questions above, including proposed strategies to assess gender related aspects.

5. EXPECTED OUTPUTS AND DELIVERABLES

The evaluator will;

- Use expert knowledge and experience in Peacebuilding and Transitional Justice to develop a comprehensive, evidence-based, evaluation report based on an appropriate research methodology that describes the thematic/conceptual considerations, appropriate tools and practices to be adopted to overcome limitations and sensitivities involved in primary data collection within a COVID-19 and current political context and making recommendations related to Transitional Justice processes in Sri Lanka.
- Ensure work is carried out in a timely manner and meets each deliverable target as per the work plan.
- Open to working collaboratively and effectively with all relevant stakeholders and partners to conclude the assignment effectively.

DELIVERABLES:

Key deliverables	Details of the expected deliverables	Percentage of the total contract	Indicative Timeframe
1. Inception Report	An Inception Report, which includes, but not limited to: a) An evaluation methodology/approach that clearly demonstrates how the evaluation intends to assess project results and the impact in terms of advancing peacebuilding and human rights in Sri Lanka; b) Methods of data collection and key questions; c) Potential gaps in terms of data collection/limitations in relation to the evaluation questions and strategies to overcome d) A realistic work plan.	20%	October 2020
2. A Validation Workshop and a Presentation	A draft Preliminary Findings Report submitted for review **following** the completion of data collection and analysis efforts conducted as per finalized methodology and feedback; A presentation of the same conducted for the key staff of the participating UN agencies for feedback;	30%	November 2020
3. Draft Evaluation Report	Draft Report along with an Evaluation finding brief (8-page summary of key findings, lessons and recommendations) submitted for review.	30%	November 2020
3. Final Evaluation Report, Two-Page Evaluation Findings Brief and Presentation	1. Final Evaluation Report and a Two-Page Evaluation Findings Brief (in English) submitted for review. 2. A presentation of the same conducted for the key staff of the participating UN agencies	20%	05th December 2020

6. Evaluation ethics.

The evaluation consultant shall have both personal and professional integrity and abide by the UNEG Ethical Guidelines for evaluation and the UNEG Code of Conduct for Evaluation in the UN system to ensure that the rights of individuals involved in the evaluation are respected. The evaluator must act with cultural sensitivity and pay attention to protocols, codes and recommendations that may be relevant to their interactions with women. As part of the Inception Report, the evaluator shall develop a specific protocol for the conduct of the evaluation and data collection in line with respecting do no harm, diversity and gender equality. All data collected through the evaluation is property of UNDP and must be provided to the organization, if requested, in a word format. The evaluator must explicitly declare their independence from any organizations that have been involved in implementing any aspect of the SDG 16 portfolio.

In addition, the evaluator shall ensure that all potential participants are able to make a free and informed decision about sharing information to the evaluation so as to ensure they participate voluntarily and have

not been subjected to coercion. As a part of this, the purpose, nature, design as well as the objectives of this study will be clearly articulated, and this information shall also be made accessible, where needed, in writing through translations and interpretations in a language familiar to the respective participant. The prospective participants shall also be given adequate knowledge about the purpose of the evaluation, sensitivities involved and permitted adequate time to consider their choices before their written consent is acquired through a signed consent form. In the case of any illiterate participants, arrangements shall be made to obtain verbal consent under a witness which shall also be recorded. The researcher shall also inform participants of their right to withdraw from the evaluation study whenever and for any given reason throughout the period of data collection which shall be communicated to the participant at the time of written consent is acquired.

During the evaluation, data shall be stored appropriately and safely from unauthorised access for a length of time only necessary for the purpose. Anonymity, privacy and confidentiality of the participants shall also be upheld making sure the data collected is used only by the evaluator and not shared or transferred for any other purpose.

7. INSTITUTIONAL ARRANGEMENT

Final evaluation- "Support to Strengthen capacities to undertake reforms to advance peacebuilding and transitional justice processes in Sri Lanka" will be facilitated by UNDP on behalf of all the participating UN agencies. **The focal point/ Evaluations Manager for leading this evaluation from UNDP will be the designated representative of the Resident/Deputy Resident Representative. A stakeholder group called Evaluation Management and reference group (EMRG) will be established and engaged systematically at key milestones of the evaluation process to facilitate the conduct of a transparent and participatory evaluation.**

Key donors and partners shall be invited to the presentation of preliminary findings, and their feedback shall be incorporated into the final inception report. The inception and final report will be finally approved by the Evaluations Manager as per the endorsement from EMRG.

The evaluator will be recruited by the United Nations Development Programme (UNDP) Sri Lanka on behalf of all the participating UN Agencies, and the following will be provided:

- Coordination of the Introductory meeting(s), interview schedule with relevant key stakeholders in close collaboration with the partner agencies
- Relevant background information/details and necessary documentation to facilitate the final evaluation
- An evaluation management group established with the participation of all partner agencies and PBF to extend support and provide necessary feedback to the consultant

FINANCIAL PROPOSAL

The financial proposal should demonstrate an "all-inclusive" total cost in Sri Lanka Rupees (LKR) reflecting upon all outputs indicated, as per the TOR. The Service Provider should incorporate all related costs in their financial proposals, as per the format given below Given the COVID-19 related constraints involved it is suggested a Plan A and B cost proposals are submitted based on possible scenarios. The consultant should in this regard take into account all costs related to data collection and travel.

Description of Task/Activity	Cost (LKR)
Submission of Inception Report	
Preliminary Presentation on findings and report	
Draft Evaluation Report with the summary brief	
Final Evaluation Report	

a) Any incidental out of pocket expenses (OPE) must be included in the overall "all-inclusive."
b) fees submitted to the UNDP;
c) The fees proposed must be a total "fixed price" quotation indicating the overall total amount in Sri Lanka Rupees;
d) The total fees as quoted by your firm to UNDP for the purpose shall be firm and final;
e) UNDP shall pay no amount other than the proposed total "all-inclusive prices" fees for the provision of the Consultancy;
f) The costs of preparing a proposal and of negotiating a contract are not reimbursable by UNDP.

8. CONDITIONS:

- The end product and all outputs of this assignment are the confidential and exclusive property of the UN joint team. Dissemination or sharing of the findings in public or private fora without the prior consent of the UN joint team is strictly prohibited
- The contract will include all costs to be incurred, and the UN will not be liable to pay any charges extraneous to the contract value

I. DURATION OF WORK

The duration of the contract will be between October- December 2020 from the start date of the contract.

J. CONSULTANT EXPERIENCE AND REQUIREMENTS

The consultant contracted for the assignment should possess a high level of technical evaluation, sectoral and policy expertise in transitional justice; rigorous research, evaluation and drafting skills; and the capacity to conduct an independent and qualitative analysis. The following requirements are preferable.

1. Experience on transitional justice, peacebuilding and human rights preferably both as practitioner and researcher/academic.
2. Work experience in conducting strong international Transitional Justice research and evaluation initiatives.
3. A minimum of 10 years' experience in the fields of transitional justice/reconciliation/peacebuilding/human rights, and experience conducting programme evaluations and lessons learnt exercises using a combination of qualitative and quantitative research methods
4. Proven ability to produce high-quality reports and presentations in the English language.

Required corporate competencies:

- Knowledge of the UN's norms and standards; and the peacebuilding and human rights-based approaches.
- Demonstrates integrity by modelling the UN's values and ethical standards.
- Displays cultural, gender, religious, race, nationality and age sensitivity and adaptability.
- Fulfils all obligations to gender sensitivity and zero tolerance for sexual harassment.

9. SELECTION OF SERVICE PROVIDER

Selection will be based on an open and competitive bidding process. Interested applicants with the capacity to execute the scope of work described above should submit a detailed proposal outlining their methodology and data collection methods and feasible work plan along with the rationale. This should be accompanied by a sample of a similar evaluative work. The information provided in the scope of work is not prescriptive, and the UN remains open to interested bidders elaborating and presenting what they consider to be the most appropriate methodological approach and work plan to achieving the desired results. However, the decision as to the final methodology to be followed in the report will rest with the UN project partner agencies representing UNDP, OHCHR, IOM and the UN Resident Coordinators Office.
The selection method is 70/30, i.e. Technical proposal 70% and Financial proposal 30%. Technical proposals scoring 490 and above only will qualify for the financial evaluation. Selection is based on the highest cumulative value.

Overall Technical Evaluation Criteria:

Summary of Technical Proposal	Points
Section 1: Expertise of Service Provider	200
Section 2: Proposed methodology, work plan and approach	300
Section 3: Similar Assignments Undertaken in the past	200
Total	700

Details of evaluation criteria and marking scheme:

Section 1: Competence/expertise of the consultancy firm:

No.	Criteria	Points
1.1	Quality of relevant sample materials provided (NOTE: This is a mandatory requirement. Those proposals which do not contain sample material will score 0 (zero) under this criterion.	150
1.2	Previous clients and partners.	25
1.3	Sufficient support staff and resources to organize and carry out the scope of work.	25

Section 2: Proposed methodology:

No.	Criteria	Points

2.1	Methodology/approach	200
2.2	Tasks defined for the scope of work and aligned to TOR	100

Section 3: Similar Assignments Undertaken in the past:

No.	Criteria	Points
3.1	Nature and complexity of TJ assignments undertaken and completed	100
3.2	Experience working on or evaluating TJ processes in different contexts	100

10. PAYMENT FOR SERVICES

The consultant will deliver the following over six months, and payments will be made upon the satisfactory certification by the Senior Human Rights Advisor and PBSO:

Key deliverables	Details of the expected deliverables	Percentage of the total Payment	Indicative Timeframe
1. Inception Report	a) An evaluation methodology/approach that clearly demonstrates how the evaluation intends to assess project results and the impact in terms of advancing peacebuilding and human rights in Sri Lanka; b) Methods of data collection and key questions; c) Potential gaps in terms of data collection/limitations in relation to the evaluation questions and strategies to overcome d) A realistic work plan.	20%	October 2020
2. A Validation Workshop and a Presentation	A draft Preliminary Findings Report submitted for review **following** the completion of data collection and analysis efforts conducted as per finalized methodology and feedback; A presentation of the same conducted for the key staff of the participating UN agencies for feedback;	30%	November 2020
3. Draft Evaluation Report	Draft Report along with an Evaluation finding brief (8-page summary of key findings, lessons and recommendations) submitted for review.	30%	November 2020
3. Final Evaluation Report, Two-Page Evaluation Findings Brief and Presentation	1. Final Evaluation Report and a Two-Page Evaluation Findings Brief (in English) submitted for review. 2. A presentation of the same conducted for the key staff of the participating UN agencies	20%	05th December 2020

11. HOW TO APPLY

To apply, please email to consultants.lk@undp.org with the subject heading: '**Thematic support on Transitional Justice for an Independent Final Evaluation**' The application should contain:
1. A short project proposal outlining the planned approach, an overall budget and the skills of the proposed team, relevant organizational/team member experience and work plan.
2. Selected applicant will be briefed on further details for completing the proposed activities.

Please refer the below link for Financial Proposal Template

https://popp.undp.org/_layouts/15/WopiFrame.aspx?sourcedoc=/UNDP_POPP_DOCUMENT_LIBRARY/Public/PSU_%20Individual%20Contract_Offerors%20Letter%20to%20UNDP%20Confirming%20Interest%20and%20Availability.docx&action=default

ANNEX 2: Evaluation Tools: Questions for the Evaluation

The following broad questions were explored for the purposes of the evaluation:
1. **Relevance:** the extent to which the Project contextualized and addressed the peacebuilding and transitional justice concerns in Sri Lanka, taking into account the country's commitments enshrined in UNHRC Resolution 30/1.

   d) To what extent were the Project's strategies/ Theory of Change relevant to national and local contexts?
   • How relevant are the project activities in terms of the main four pillars of TJ: "Right to Know", "Right to Justice", "Right to Reparations" and "Guarantees of Non-Recurrence"?
   • Was the project activities in-line with the undertakings of the Sri Lankan Government made in 2015?
   • How relevant are the project activities to the outcome and outputs in the results framework of the project?
   • How relevant were the project activities for the focus areas in the PPP? \

   e) To what extent was the Project able to contribute towards conflict transformation and promote institutional reforms through its support to institutional mechanisms, such as the OMP, independent commissions in Sri Lanka to promote peace, justice and reconciliation?

   • What is the link between the selection of the project beneficiaries and the project objectives?
   • What was the support received by project beneficiaries under this project?
   • Was such support identified as necessary for the project beneficiaries to deliver expected services?
   • How relevant was such support to promote peace, justice, and reconciliation?

   f) To what extent was the Project able to contribute towards the civil society peacebuilding initiatives including in relation to awareness-raising, victim support and monitoring and research?

   • What was the support received by CSOs under this project?
   • How were the CSOs selected for the project?

- Do the selected CSOs have a history of working on TJ and Peacebuilding related work?
- Do the CSO projects include awareness-raising, victim support, monitoring, and research aspects as envisaged in the results framework?
- How relevant is awareness-raising, victim support, monitoring, and research to promote peace, justice and reconciliation?

2. **Effectiveness:** The evaluation is expected to review the project activities as against the expected results and determine the effectiveness of the design and the implementation process.

   a) Were the planned activities consistent with the overall project objectives and purpose in terms of peacebuilding and TJ as stipulated in the Sri Lankan Peacebuilding Priority Plan (PPP)?
      - What activities done by the project beneficiaries correspond to the focus areas of the PPP?
      - How far were the project activities effective in terms of catering to the focused areas in the PPP?
      - What were the challenges to effectiveness in terms of catering to the focused areas in the PPP?

   b) What were the reasons for the achievement or non-achievement of the planned results? What are the principal factors that influence or influenced achievement or non-achievement of the results?

      - How far did the project beneficiaries supported by the project achieve expected results?
      - What were the reasons for the non-achievement of the results if there were any?

   c) To what extent did the Project make timely adjustments to its strategy to maintain its relevance and effectiveness?

      - What extraneous events influenced the project activities during the project implementation period?
      - Did project activities have to be changed to respond to new circumstances?
      - What was the impact of the changes to the project activities on the expected outcomes?

   d) To what extent did the output level interventions translate into progress towards outcomes?
      - How far could the project beneficiaries meet the output level interventions?
      - How far did the achievements of the output level interventions contribute to the outcome level?

   e) What measurable changes in human rights; gender equality and women's empowerment have occurred as a result of the Project?

      - How far did the project activities cater to the human rights concerns?
      - How far have the project beneficiaries been successful in terms of meeting Human Rights concerns?
      - How far has the project activities catered to ensure gender equality and women's empowerment?
      - How far have the project beneficiaries been successful in terms of meeting gender equality and women's empowerment?

3. **Efficiency:** Using a selected cost analysis approach, the evaluation is expected to assess how well the Project produced products and services it committed itself to deliver; how sustainability of the results is dependent on cost associated with managing the results. Further, it will assess the extent to which the Project was efficiently managed, implemented and has delivered quality outputs, against what was planned and costed.

    a) Have financial and human resources been allocated sufficiently and strategically to achieve project outputs/ outcomes?

- Did the project beneficiaries receive financial resources sufficiently?
- Did the project beneficiaries receive financial resources in a timely manner?
- If financial resources were insufficient, how was it remedied?
- Was it possible to identify necessary human resources needed for all project activities?
- Was there any Human Resources development during the project period?
- How helpful were the available financial resources to meet the outputs and outcomes?
- How helpful were the available Human resources to meet the outputs and outcomes?

    b) Have the outputs been delivered in a timely manner? If not, why?

- Was it been possible for the project beneficiaries to deliver the outputs in a timely manner?
- What were the challenges for the project beneficiaries to deliver the outputs in a timely manner?
- What were the measures taken to resolve these challenges?

    c) What is the quality of the outputs (products/services) delivered, and how has it contributed to the overall peacebuilding agenda in-country?

- To what extent did the project beneficiaries believe that they could produce quality output that could contribute to the focus areas in the PPP?
- To what extent did the project beneficiaries believe they could produce quality output that could contribute to the undertakings of the Sri Lankan Government in 2015?

4. **Impact:** The evaluation is expected to assess any credible evidence and of impact (both intended and unintended, as well as positive and negative) achieved by the Project in the context of reference.

    a) To what extent did the Project reach the intended results as per the PPP?
- What are the focus areas in PPP that are covered in the project activities?
- How far did the projects activities contribute to the focused areas in the PPP?
- What were the challenges project beneficiaries encountered in terms of catering to the focused areas in the PPP?

    b) To what extent did the Project achieve its results/ outcome impacts?
- What are the results/outcomes targeted by the project beneficiaries?
- How far did the project activities contribute to impact the results/outcome?
- What were the challenges project beneficiaries encountered in terms of catering to the results/ outcome impacts?

c) Were there any unexpected results or unintended consequences of the results, both positive and negative?

  • What are the unexpected positive results of the project activities?
  • How will those contribute to peacebuilding in Sri Lanka?
  • What are the unexpected negative results of the project activities?
  • What are the lessons learned to mitigate those unexpected negative results?

d) What are the early indications of peacebuilding impact?

  • Are there any indications of peacebuilding impact?
  • What are the specific activities that could be attributed to those indications of peacebuilding impact?
  • To what extent did project activities impact the undertakings of the Sri Lanka Government in 2015 in terms of peacebuilding and TJ?

e) The extent to which the project was expected to produce programmatic results as stipulated in the ToC
  • How far did the project beneficiaries succeed in terms of achieving intended results?
  • What are the areas where it was challenging to meet the intended results?

f) The extent to which the planned financial or other operational measures supported the impact of the project.

  • How far were the finances available for the project activities helpful to achieve impact made by the project?
  • What are the activities that may not have happened if finances were not available for the project beneficiaries?

5. **Sustainability:** The evaluation will assess the project capacity to produce and to reproduce benefits over time through transferring of ownership of the intervention to national institutions to ensure sustainability.

a) To what extent was capacity developed in order to ensure the sustainability of efforts and benefits?
  • What resource capacities were developed during the project?
  • How can those capacities be used in future interventions?
  • In what ways can those capacities be utilized to promote peace and TJ in Sri Lanka in future interventions?

b) Are national partners committed to continuing the Project or elements of the Project?

  • Have national partners displayed willingness and intention to continue the Project or elements of the Project?
  • What are the project activities that can continue without donor funding?

c) Are there any mechanisms developed and/or interventions linked with existing mechanisms at local and national levels to ensure continuation?

• What are the project interventions that can be transferred to the state?
• What are the opportunities available within the state to accommodate those interventions?
• Have CSOs made attempts to link them with the state?

6. **Gender and Human Rights:** The evaluation will assess the extent to which the Project has integrated gender responsiveness and human rights into the program design and implementation.

   a) To what extent did the project address and respond to existing power dynamics and gender relations?

   • Have the project beneficiaries responded to gender related concerns through their activities?
   • What were the challenges project beneficiaries faced when responding to gender related concerns?
   • What achievements did project beneficiaries make in terms of responding to gender related concerns?

   b) To what extent did the Project actively identify and include the most marginalized in Sri Lanka, ensuring no one is left behind?

   • Has the project beneficiaries taken geographically marginalized communities in to account in their activities?
   • What were the challenges project beneficiaries faced when including geographically marginalized communities in their activities?
   • Have project beneficiaries taken the ethnically marginalized communities in to account in their activities?
   • What were the challenges project beneficiaries faced when including ethnically marginalized communities in their activities?

ANNEX 3: Desk Review List

Project-related documents:

- Project Document "Support to strengthen capacities to undertake reforms to advance peacebuilding and transitional justice processes in Sri Lanka" May 4 2017.
- Peacebuilding Fund (PBF) Semi-Annual Project Progress Report Sri Lanka Nov 2017
- Peacebuilding Fund (PBF) Semi-Annual Project Progress Report Sri Lanka June 2018
- Peacebuilding Fund (PBF) Semi-Annual Project Progress Report Sri Lanka Nov 2018
- Peacebuilding Fund (PBF) Semi-Annual Project Progress Report Sri Lanka June 2019
- Peacebuilding Fund (PBF) Semi-Annual Project Progress Report Sri Lanka Nov 2019
- Peacebuilding Fund (PBF) Semi-Annual Project Progress Report Sri Lanka June 2020
- Sri Lanka National Human Rights Commission Study of Prisons 2018-19
- Strategic Consultants Group Sri Lanka Transitional Justice Program. Lessons Learned March 2918.
- Recommendations Implementation Plan 2019: Sri Lanka National Human Rights Commission Study of Prisons
- Achieving Gender Equality in Sri Lanka Police Centre for Women's Research Oct 2018
- Sri Lanka Office of Missing Persons Brief Outline
- Tides of Violence: Mapping the Sri Lanka Conflict from 1983 to 2009. Public Interest Advocacy Centre May 2019
- Monitoring and Evaluation Field Reports
- Community based monitoring of transitional justice. Verite Research Draft March 2019
- Ministry of Foreign Affairs Board Meeting Minutes July 2018
- Peace Building Fund of Sri Lanka Project Results Framework 2018
- Project Logframe 2018
- Supporting Transitional Justice in Sri Lanka Public Interest Advocacy Group 2021

External Documents and Reports

- UN Women Evaluation Handbook 2015 https://www.unwomen.org/en/digital-library/publications/2015/4/un-women-evaluation-handbook-how-to-manage-gender-responsive-evaluation
- UNDP Handbook on Planning, Monitoring and Evaluating for Development Results http://web.undp.org/evaluation/handbook/compendium.html
- Report of the Panel UN Secretary General's Panel of Experts on Accountability in Sri Lanka.   https://news.un.org/en/story/2011/04/373152 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf
- Observations of the Special Rapporteur on the Promotion of Truth, Justice and Guarantees of Non-recurrence. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22274&LangID=E
- UN Office of the High Commissioner for Human Rights: Sri Lanka must step up progress on transitional justice, UN expert finds. 23 October 217. https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=22276&LangID=E
- International Commission of Jurists (ICJ) Mar 219 Transitional Justice Mechanisms in Sri Lanka (UN statement) https://www.icj.org

- Human Rights Watch, Mar 2021 Sri Lanka: Landmark UN Resolution Promotes Justice. https://www.hrw.org/news/2021/03/25/sri-lanka-landmark-un-resolution-promotes-justice
- Amnesty International Eight myths about Sri Lanka at the UN Human Rights Council 9 Mar 2021 https://www.amnesty.org/en/latest/news/2021/03/eight-myths-about-sri-lanka-at-the-un-human-rights-council/
- What Transitional Justice Means to the UN Guidance Note of the United Nations Secretary General Mar 2010 https://www.un.org/ruleoflaw/files/TJ_Guidance_Note_March_2010FINAL.pdf
- Resolution adopted by the Human Rights Council on 1 October 2015 30/1. Promoting reconciliation, accountability and human rights in Sri Lanka 30th Session. Item 2 https://documents-dds-ny.un.org/doc/UNDOC/GEN/G15/236/38/PDF/G1523638.pdf?OpenElement
- Report of the Panel UN Secretary General's Panel of Experts on Accountability in Sri Lanka.   https://news.un.org/en/story/2011/04/373152 https://www.securitycouncilreport.org/atf/cf/%7B65BFCF9B-6D27-4E9C-8CD3-CF6E4FF96FF9%7D/POC%20Rep%20on%20Account%20in%20Sri%20Lanka.pdf
- Visit to Sri Lanka: Report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence 18 June 2020. UN Doc: A/HRC/45/45/Add.1*
- Promotion reconciliation, accountability and human rights in Sri Lanka Report of the Office of the High Commissioner for Human Rights UN Human Rights Council Forty-sixth session 22 February-19 March 2021. https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26787&LangID=E
- Report on Prisons by the Sri Lanka Commission on Human Rights http://prisons.gov.lk/web/wp-content/uploads/2020/10/Prison-reform-implemantation-plan-2021- 2025.pdf
- United Nations Human Rights Council Action on Resolution on Promoting Reconciliation, Accountability and Human Rights in Sri Lanka
- (A/HRC/46/L.1/Rev.1) https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26938&LangID=E
- Report "Promotion reconciliation, accountability and human rights in Sri Lanka Report of the Office of the High Commissioner for Human Rights UN Human Rights Council" Forty-sixth session 22 February-19 March 2021. https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26787&LangID=E
- Community-Based Monitoring for Transitional Justice: A Decade In, Post-war Narratives from the Ground Verite Research 2019 https://www.veriteresearch.org/publication/sri-lanka-resolution-30-1-implementation-monitor-statistical-analytical-review-no-6/https://www.veriteresearch.org/thematic/transitional-justice/

ANNEX 4: Outcome, Output and Key Performance Indicators

Outcome and Output	Key Performance Indicator
Outcome 1: SCRM and PBF Secretariat effectively coordinate and support delivery of high-impact peacebuilding results.	**1A**. Perception of key stakeholders on the effectiveness of SCRM in fulfilling its mandate
	1B Percentage of PB Board recommendations that are addressed by the next Board meeting.
Output 1.1: Secretariat for Coordinating the Reconciliation Mechanisms ensures a coordinated and coherent Government approach to reconciliation and transitional justice	**1.1.1:** Core SCRM and SCG team in place, with national expertise in the areas of law, research, and strategic planning
	1.1.2: # policy decisions informed by studies or thematic research
Output 1.2: Effective functioning of the PBF Secretariat with attention to coordination, resource mobilization, communications, evidenced based interventions and high-impact results	**1.2.1:** # of monitoring visits by Board Oversight Groups
	1.2.2: Peacebuilding Board and UNCT satisfied with level and quality of support from the PBF Secretariat
	1.2.3: Peacebuilding Board Annual Report submitted on time and of high quality
	1.2.4: Project progress reports submitted on time and of high quality
	1.2.5: Amount of new resources mobilized in support of the PPP, through support from PBF Secretariat
Output 1.3: Rapid response fund for technical assistance set up to enable timely deployment of support to requests in line with the PPP	**1.3.1**: # of dialogue processes supported through rapid response fund
	1.3.2: # of high priority requests to which the rapid response fund responds.

Outcome 2: Sri Lanka undertakes reforms and establishes credible and broadly supported transitional justice mechanisms and processes that adhere to international standards.	**2A:** <u>By 2019,</u> # of people who have sought redress from the TJ mechanisms.
	2B: <u>By 2019,</u> % of victims who have felt safe to have accessed the TJ mechanisms.
	2C: establishment of dedicated gender units within the TJ mechanisms and/or adoption of gender-sensitive policies
	2D: % of victims that feel the Government is doing a good or somewhat good job to address past grievances and root causes of conflict.
Output 2.1: Government designs and operationalizes credible and trustworthy truth-seeking, accountability and reparations mechanisms	**2.1.1:** By March 2018, TRC, OMP, Reparations Office/scheme established and operational, and preparatory work (including adopted legislative amendments) for the accountability mechanism finalized.
	2.1.2: % of victims accessing TJ mechanisms, who receive adequate psychosocial support based on referrals.
	2.1.3: % of victims who are satisfied with the Psycho-social support referral system.
	2.1.4: Victim and witness protection schemes for TJ mechanisms established in line with international standards
	2.1.5: Degree of diversity among members of TJ mechanisms
Output 2.2: Institutional reforms to prevent recurrence implemented	**2.2.1:** Government's rule of law strategic plan prepared based on recommendations of special procedures and human rights bodies.

	2.2.2: Baseline established for use in evidence-based policy making including on the root causes of the conflict. (Justice sector/Access to Justice assessment)
	2.2.3: (#) Key emblematic cases mentioned in A/HRC/34/20 completed in compliance with international standards.
Output 2.3: Civil society and victims [groups] effectively contribute to TJ processes and broad stakeholder awareness.	**2.3.1:** Founding mechanisms' legislation and policies mandate victim participation.
	2.3.2: # of targeted victims [groups] who have the capacity to provide support to victims in accessing the TJ processes.
	2.3.3: # of victims [groups] actively involved in TJ mechanisms.
Outcome 3: Key independent commissions contribute to accountable and transparent democratic governance	**3.A:** public perception on whether government is doing a very good/somewhat good job at resolving human rights concerns
	3B: % of RTI appeals determined by the Commission
	3.C: % of complaints that meet NPC's defined timelines for complaint handling
Output 3.1: The National Police Commission has enhanced capacity to engage in its core functions	**3.1.1:** % of NPC offices that use the PCMS system to process complaints
	3.1.2: % of complaints lodged and processed through the PCMS, that are tagged with a traceable code
	3.1.3: # of NPC staff trained in complaints handling/ investigation techniques who use new skills.
Output 3.2: Human Rights Commission of Sri Lanka (HRCSL) has in place a mechanism for human rights due diligence reviews	**3.2.1:** # of cases entered into the data base
Output 3.3: The RTI Commission is able to perform its core functions of adjudicating complaints and ensuring compliance by designated public authorities.	**3.3.1:** Prosecutor unit established and functional.
	3.3.2: # of RTI appeals received by the Commission

ANNEX 5: Theories of Change

Theories of change and assumptions of project approaches:

Outcome 1- Theory of Change: IF the PBF Secretariat and the Government of Sri Lanka (through SCRM) work closely together, with access to technical expertise and financial resources THEN, under the leadership of the Peacebuilding Board, the Peacebuilding Priority Plan will be effectively implemented, to advance accountability, reconciliation and a political settlement through initiatives aimed at building consensus across stakeholders and facilitating a government wide approach, with the ultimate aim of avoiding a relapse into violent conflict.

Outcome 2- Theory of Change: If legacy of past violations and abuses is addressed in a comprehensive, principled, rights-based and victim-centered manner then Sri Lankan society will consider that justice has been done and a sense of confidence in the State is restored/generated.

Outcome3- Theory of change: IF the independent oversight commissions are enabled to fulfill their mandated functions AND greater public engagement is secured THEN there will be greater accountability of and public trust in the peacebuilding and related reform processes.

Beneficiaries: 3 different categories of beneficiaries were identified:

1. National level beneficiaries i.e. SCRM, NPC, HRCSL, RTIC, OMP, OR (direct beneficiaries)

2. CSO beneficiaries (direct beneficiaries)

3. General public including victims (indirect beneficiaries)

Project timeframe:

ANNEX 5: Project implementation details

Outcome	Output	Lead entity	Implementing partners	Geographic reach
Outcome 1: SCRM and PBF Secretariat effectively coordinate and support delivery of high-impact peacebuilding results.	Output 1.1: Secretariat for Coordinating the Reconciliation Mechanisms ensures a coordinated and coherent Government approach to reconciliation and transitional justice	RCO	RCO	National level
	Output 1.2: Effective functioning of the PBF Secretariat with attention to coordination, resource mobilization, communications, evidenced based interventions and high-impact results	RCO	RCO	National level
	Output 1.3: Rapid response fund for technical assistance set up to enable timely deployment of support to requests in line with the PPP	RCO	RCO	National level
Outcome 2: Sri Lanka undertakes reforms and establishes credible and broadly supported transitional justice mechanisms and processes that adhere to international standards.	Output 2.1: Government designs and operationalizes credible and trustworthy truth-seeking, accountability and reparations mechanisms	OHCHR	PHCHR/UNDP/ IOM	National level
	Output 2.2: Institutional reforms to prevent recurrence implemented	UNDP	UNDP	National level
	Output 2.3: Civil society and victims [groups] effectively contribute to TJ processes and broad stakeholder awareness.	UNDP	UNDP/ OHCHR	National and regional level

Outcome 3: Key independent commissions contribute to accountable and transparent democratic governance	Output 3.1: The National Police Commission has enhanced capacity to engage in its core functions	UNDP	UNDP/ IOM	National level
	Output 3.2: Human Rights Commission of Sri Lanka (HRCSL) has in place a mechanism for human rights due diligence reviews	UNDP	UNDP	National level
	Output 3.3: The RTI Commission is able to perform its core functions of adjudicating complaints and ensuring compliance by designated public authorities.	UNDP	UNDP	National level

ANNEX 6: Results Framework

Results Framework

Govt. Pillar [Strategic Outcome]	Focus Area		Strategic Priority(s)	Strategic Output(s)	Strategic level performance indicators & baselines	PBF Priority	UN agency	Active partners	Financial Information US$ million			
									Estimated Funding Need	PBF Commitment (IRF)	PBF Pledge 2016[21]	Funding Gap
Transitional Justice Outcome: Transitional justice mechanisms promote healing, social trust and justice for all victims of conflict and human rights violations. *Indicator 1: % of people that strongly or somewhat agree that Sri Lanka is making progress in reconciliation Baseline: TBC in Aug 2016 survey; Target: TBC Indicator 2: % of people that feel the GoSL is doing*	1. Capacity	1	Support to bolster the Government's strategic capacity (work of Special Rapporteur, Strategic Consultancy Group, Institutional Strengthening) to develop a transitional justice strategy which is victim centric	High-level technical expertise provided to the Government on transitional justice and transitional justice strategy in place and implemented	Indicator: Government Transitional Justice strategy in place and models developed Baseline: no Transitional Justice strategy or models in place; Target: Transitional Justice Strategy that is informed by national consultations and best practices, is victim centric and responds to the needs of women approved by Government 12/16; 3 models (truth; reparations; accountability) developed by SCRM that include recommendations consistent with international best practices by 12/17	x	OHCHR/ DPA/RCO	PBF IRF, UK	2.1	0.9	0.4	1.2
		2	Support for national consultations on transitional justice	A comprehensive report on national consultations on transitional justice available	Indicator: Report on transitional justice consultations available Baseline: no consultation done; Indicator: Comprehensive report on national consultations on transitional justice prepared by 12/16; report in public domain for discussion by 01/17	x	OHCHR	PBF IRF	1.7	1.0		0.7

Govt. Pillar [Strategic Outcome]	Focus Area	Strategic Priority(s)	Strategic Output(s)	Strategic level performance indicators & baselines	PBF Priority	UN agency	Active partners	Financial Information US$ million			
								Estimated Funding Need	PBF Commitment (IRF)	PBF Pledge 2016[21]	Funding Gap
a very good or somewhat good job to advance reconciliation Baseline: TBC in 2016 survey; Target: TBC *Indicator 3: % of people that strongly or somewhat agree with setting up a Truth Commission to investigate human rights violations Baselines: TBC in 2016 survey; Target TBC*	2. Truth Telling	1 Support to the establishment and operationalisation of the Truth Commission	Truth Commission established and operationalised drawing on national consultations and best practices	Indicator: Truth Commission operational Baseline: no Truth Commission in place Target: Truth Commission operational with independently appointed Commissioners, public information programmes and cases being heard (date to be confirmed once transitional justice strategy approved)	X	OHCHR UN Women		n/a*		0.2	n/a
Indicator 4: % of people that strongly or somewhat agree with providing Government reparations to those affected by the war Baselines: TBC in 2016 survey; Target TBC	3. Office of Missing Persons	1 Support to the establishment and operationalisation of the Office of Missing Persons and design of relevant legislation	Office of Mission Persons established and operationalised drawing on best practices and national consultations	Indicator: Office of Missing Persons (OMP) operational Baseline: OMP Bill passed in Parliament in August 2016 Target: OMP established as permanent office to trace and investigate disappearances by 06/17			ICRC	n/a*			
Indicator 5. % of people that feel the Government is doing a very good or	4. Reparations	1 Ensure effective witness and victim protection, including review of current legislation and necessary updates	Victim and Witness protection measures and legislation in place to support transitional justice mechanisms	Indicators: Extent that witness and victim protection mechanisms are fit for purpose for transitional justice Baseline: victim and witness protection authority established (2016) and witness and victim protection law passes (2015) Target: Review of operationalisation of existing witness and victim protection legislation and recommendations made in terms of its suitability for transitional justice (12/16); If necessary, establishment of transitional justice specific protection measures (in line with	x	UNDP, OHCHR		2.1		0.1	2.0

Govt. Pillar [Strategic Outcome]	Focus Area	Strategic Priority(s)	Strategic Output(s)	Strategic level performance indicators & baselines	PBF Priority	UN agency	Active partners	Financial Information US$ million			
								Estimated Funding Need	PBF Commitment (IRF)	PBF Pledge 2016[21]	Funding Gap
somewhat good job at resolving human rights concerns Baseline: 2016 survey Target: TBC				findings from review (6/17))							
		2 Immediate support for healing and victim support initiatives with prioritisation of women, children and persons with conflict related disabilities									
		i) Community healing and victim assistance	Programmes providing assistance to victims	Indicator: % of community members that feel community based mechanisms are helping their community to deal with the past Baseline: n/a Target: To be confirmed in project design Indicator: % of victims that feel community based mechanisms are helping them to deal with the past Baseline: n/a Target: To be confirmed in project design	X	OHCHR, UN Women, UNDP, IOM		1.6		0.4	1.2
		ii) Psycho-social support for north and east	Psycho-social extension services provided in resettlement areas	Indicator: Number of people accessing psycho-social services in the north and the east Baseline: To be confirmed during project development Target: To be confirmed	x	**WHO** UN Women, UNFPA	PBF IRF, US	3.7	0.1	0.4	3.0
		iii) Civil society network to support consultations and Transitional justice	Civil society network active to the grassroots level to share and	Indicator 1: Extent of interconnectivity of civil society organisations and information sharing	x	OHCHR, UNDP, UN Women		0.7		0.2	0.5

Govt. Pillar [Strategic Outcome]	Focus Area	Strategic Priority(s)	Strategic Output(s)	Strategic level performance indicators & baselines	PBF Priority	UN agency	Active partners	Financial Information US$ million			
								Estimated Funding Need	PBF Commitment (IRF)	PBF Pledge 2016[21]	Funding Gap
			disseminate information on transitional justice	Baseline: The transitional justice Consultations Taskforce established network of zonal civil society taskforces and grass roots organisations to facilitate information sharing Target: Number of % (do be confirmed during project development) of grass roots organisations currently involved in the transitional justice consultations keep engaging in transitional justice (12/17) Indicator 2: % of people that understand transitional justice very well or somewhat well Baseline: To be confirmed in 2016 perceptions survey Target: TBC							
		iv) Disability	Community level support to persons that have suffered from conflict related disabilities.	To be confirmed during project development				1.5			1.5
		3 Establish and operationalise a formal Reparations Programme that is well understood and accessible by the people (including memorialisation)	Reparations programme established drawing on best practices and national consultations, and including memorialisation	Indicator: Preparatory steps taken towards the establishment of a national reparations programme Baseline: No formal comprehensive reparations scheme in place Target: Reparations strategy approved including memorialisation, restitution, and other forms of compensation (12/17), legislation drafted (date to be confirmed pending transitional justice strategy)				n/a*			

Govt. Pillar [Strategic Outcome]	Focus Area		Strategic Priority(s)	Strategic Output(s)	Strategic level performance indicators & baselines	PBF Priority	UN agency	Active partners	Financial Information US$ million			
									Estimated Funding Need	PBF Commit ment (IRF)	PBF Pledge 2016[21]	Funding Gap
	5. Accountability Mechanisms	1	Support to accountability mechanism for dealing with conflict related violations, including advance preparations (i.e. a) investigation skills; b) forensics skills; c) prosecutorial skills and d) mapping of cases	Accountability mechanisms established and operationalised drawing on national consultations and best practices	Indicator: Steps taken towards operationalisation of accountability mechanisms Baseline: Perceived high level of impunity for gross violations of human rights with no specialised jurisdiction for systemic crimes Target: Based on transitional justice strategy and approved model for accountability mechanism, legislation drafted (date to be confirmed) Concurrent steps: Training provided to national counterparts on specialised skills related to investigation and prosecution of complex crimes (i.e. forensics, data analysis, evidence handling, investigations) 06/17; Mapping of cases undertaken (process to be confirmed in line with transitional justice strategy)			Japan, UK (Koica - Forensics)	n/a*			
	6. Prevention and Non-Recurrence (noting that the outcome areas below contribute to non-recurrence)	1	Support for outcomes of national consultations and lessons on transitional justice and conflict prevention measures to inform future legislative reviews and reforms	Lessons drawn out from Transitional Justice Consultations to inform future reviews and changes to legislation	Indicator: Lessons from transitional justice Consultations shared with Parliament and Policy Making institutions Baseline: transitional justice Consultations underway Target: Report from transitional justice Consultations publically available, including being shared with Constitutional Drafting Committee 04/17				0.1			0.1

Govt. Pillar [Strategic Outcome]	Focus Area		Strategic Priority(s)	Strategic Output(s)	Strategic level performance indicators & baselines	PBF Priority	UN agency	Active partners	Financial Information US$ million			
									Estimated Funding Need	PBF Commit ment (IRF)	PBF Pledge 2016[21]	Funding Gap
Reconciliation <u>Outcome:</u> Sri Lankan society with peaceful co-existence and a sense of belonging Indicator 1: % of people that feel conflict between different ethnic groups is a very serious or somewhat serious issue in the country Baseline 43%	1. Analytical and Policy	1	Support to developing the national policy on reconciliation aimed at strengthening people to people relationships. - drawing on experiences and lessons learned from Sri Lanka and other countries	National policy on reconciliation informed by best practices and national consultations	Indicator: National policy on reconciliation in place Baseline: no national reconciliation policy; Target: draft national reconciliation policy developed laying the framework through which the Government would further the process of reconciliation in the country by 12/16 and national consultations provincial consultations (all 9 provinces) with Government, civil society, private sector and communities initiated by 3/17	x	**UNDP** DPA	PBF/IRF, EU	0.2	0.2		0.0

Evaluation Consultants Agreement Form

To be signed by all consultants as individuals (not by or on behalf of a consultancy company) before a contract can be issued.

Agreement to abide by the Code of Conduct for Evaluation in the UN System, read on the date below at:
https://procurement-notices.undp.org/view_file.cfm?doc_id=245190

Name of Consultant: **Patrick Burgess**

Name of Consultancy Organisation (where relevant): N/A

I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.

Signed at (place) on (date)

Sydney, Australia
November 19, 2021

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https://procurement-notices.undp.org/view_file.cfm?doc_id=245190

Name of Consultant: **Shashik Silva**

Name of Consultancy Organisation (where relevant): N/A

I confirm that I have received and understood and will abide by the United Nations Code of Conduct for Evaluation.

Signed at (place) on (date)

Colombo, Sri Lanka
November 19, 2021

ANNEX 8: List of Respondents (KIIs and In-depth Interviews)

Organization	Number of Respondents
International experts	3
RCO	3
OHCHR	1
OMP	1
HRCSL	1
OHCHR - Archiving project lead	1
SCRM	1
Ministry of Foreign Affairs	1
Prathiba Media	1
CPA	2
GPG	1
CEJ	1
NPC	2
Right to Information Commission	1
Office for Reparation	1
IOM	1

UNDP	1
UNDP/ RTI Consultant	1
Muslim Women's Development Trust	1
SLCDF	2
Mannar Social Economic Development Organization	1
Affected Women's Forum	1
Sirahununi	1
NCEASL	1