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**SUPPORT FOR SRI LANKA  
TO DESIGN TRANSITIONAL  
JUSTICE MECHANISMS:  
PHASE 1**

**Final Report**

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MARCH 2020

## Abbreviations

CBO	Community Based Organization
CEPA	Centre for Poverty Analysis
CSO	Civil Society Organization
CTA	Counter Terrorism Act
CTF	Consultation Task Force
FGD	Focus Group Discussion
GIZ	German Agency for International Cooperation
GoSL	Government of Sri Lanka
HRCSL	Human Rights Commission of Sri Lanka
HRO	Human Rights Officer
IRF	Immediate Response Facility
LLRC	Lessons Learnt and Reconciliation Commission
LTTE	Liberation Tigers of Tamil Eelam
MFA	Ministry of Foreign Affairs
NGO	Non-Government Organization
NPA	National Plan of Action
OfR	Office for Reparations
OHCHR	Office of the United Nations High Commissioner for Human Rights
OISL	OHCHR Investigation on Sri Lanka

OMP	Office on Missing Persons
ONUR	Office for National Unity and Reconciliation
PBF	Peacebuilding Fund
PPP	Peacebuilding Priority Plan
PTA	Prevention of Terrorism Act
SCRM	Secretariat Coordinating Reconciliation Mechanisms
TJ	Transitional Justice
Truth and Reconciliation Commission	Truth, Justice, Reconciliation and Non-Recurrence Commission
UNCT	United Nations Country Team
UNDP	United Nations Development Programme
UNHRC	United Nations Human Rights Council
UNICEF	The United Nations Children's Fund
UPFA	United People's Freedom Alliance
ZTF	Zonal Task Force

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## Executive Summary

The report presents the findings of the evaluation exercise of the project titled “Support for Sri Lanka to Design Transitional Justice Mechanism: Phase 1: National Consultations and Design Follow-up Strategy” (referred to as Project 1), led by United Nations (UN) Office of the High Commissioner for Human Rights (OHCHR), implemented from January 2016 to June 2018. The project was supported when Sri Lanka became a recipient of the Peacebuilding Fund (PBF), Immediate Response Facility (IRF) Fund in June 2015.

The main goal of the project was to broadly engage Sri Lankan society in peacebuilding by supporting initiatives that advance human rights, reconciliation, accountability and address grievances. Under this, the two main outcomes of the project was to conduct a national consultation process that captures diverse views and opinions of different stakeholders in Sri Lankan society on Justice, Truth, Reparations and guarantees of Non-Recurrence; and to support Sri Lankan stakeholders to obtain basic knowledge and understanding of Transitional Justice processes, which will put them in a position to implement the Human Rights Council Resolution 30/1 of 2015. Particularly, it envisaged to support the Government of Sri Lanka (GoSL) with advice and technical assistance on policy, legislation and standards related to transitional justice (TJ) based on the findings of the Consultations Task Force on Reconciliation Mechanisms (CTF), which elicited views from a range of stakeholders including victims of human rights violations, women, youth and traditionally marginalized groups. This was to lay the foundation for effective and comprehensive TJ mechanisms as well as credible initiatives to advance human rights, reconciliation, accountability and address related grievances in Sri Lanka. To this effect, the project was also able to act as a catalytic base for a portfolio of support to transitional justice in Sri Lanka, rolled out through the UN, as part of its Peacebuilding Priority Plan and funded by a host of development partners. As such, a total of USD 5,761,119 was invested through six projects that complimented the OHCHR IRF timeline (April 2016 – June 2018)<sup>1</sup> and two programmes with a total commitment of USD 5,280,712, have since stepped in to support the sustainability of the agenda beyond the IRF project cycle<sup>2</sup>.

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<sup>1</sup> Technical support to advance Transitional Justice in Sri Lanka Phase 1 – UK funded (Feb 2016 – Dec 2017); Technical Support to Advance Transitional Justice in Sri Lanka Phase 2 – UK funded ( May 2017 – March 2019); Support to the Sri Lanka PBF Secretariat and Government Secretariat for Coordination of Reconciliation Mechanisms – PBF/IRF (Feb 2016 - Dec 2017); Empowering Women for an Inclusive and Sustainable Transitional Justice and Reconciliation Process in Sri Lanka – PBF/GPI ( March 2017 April 2019); Youth Engagement with Transitional Justice for Long-Lasting Peace in Sri Lanka – PBF/YPI ( March 2018- Feb 2020) and Joint Programme Catalytic Support to Peacebuilding in Sri Lanka – EU ( April 2017 – April 2019).

<sup>2</sup> Support to Strengthen Capacities to Undertake Reforms to Advance Peacebuilding and Transitional Justice Processes in Sri Lanka - PBF/PRF ( May 2017 – Sep 2020) and Joint Programme for Peace in Sri Lanka – UK/AUS (Nov 2019 to April 2022).

TJ processes, designed and rolled out at the end of protracted wars globally, have along with them often brought in innate suspicions as to whether the local contexts and capacities would fully allow the process to yield effective and durable results. Sri Lanka also proved to be no exception to this with its own local political dynamics, peculiarities and challenges. OHCHR's work on TJ in Sri Lanka reveals that it yielded some successes in initiating multiple processes with the National Unity Government taking office in September 2015, which was ostensibly conducive to reforms. This euphoria, however, was short-lived and much of the progress on TJ processes was stymied owing to GoSL's slow pace in building confidence and demonstrating tangible peace dividends to all communities including the victims. As for the challenges the project faced, the two outstanding challenges were that (a.) the archival system, although successfully designed and implemented could not be fully handed over to the government due to political sensitivities, similarly, (b.) the reports published by the CTF was never accepted by the government, but is available for public access.

The Evaluation Teams' findings proved that the consultation process, carried out under Outcome 1 of this project, which was a result of the Government's co-sponsorship of the UN Resolution 30/1, proved to be significant in capturing diverse views and opinions of a range of stakeholders, with a particular focus on victims. The formation of Zonal Task Forces (ZTFs) to carry out these consultations at the local levels aided this process. Thus, it helped capture diverse opinions. Such an inclusive victim-centric approach provided a platform for those affected to provide input into the design and implementation of TJ processes. It assiduously endeavoured to engage with the people, especially the marginalized. It was representative of communities directly and indirectly affected and was gender sensitive and participatory. It also contributed towards creating local capacities on TJ.

As for the project's focus on strengthening key-stakeholders to facilitate broad based and informed participation in the process to establish effective mechanisms, 'training' was identified to be essential for (some) government bodies. This is in order to uphold institutionalization and mainstreaming of all aspects of the TJ and the constitutional reform process launched in the country. The absence of training, under Project 1, did not help bridge the knowledge gap in the government sector at this point of the process. However, training of officials, primarily through SCRM, support for two international experts seconded in SCRM, and the national experts that worked with them, and training of trainers in different institutions were provided through the parallel projects of the overall TJ portfolio, as was on-boarding support for officials of the OMP and the OfR. TJ trainings and dialogue programmes were

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also conducted with the military. All these actions, according to OHCHR, were carried out with overall technical assistance and oversight from OHCHR through the project under review.

The project's efforts to support designing and establishing a historical record management system, to support future accountability and memorialization initiatives, was indeed a success. State-of-the-art standards in the preservation of material and archiving of victim narratives in an appropriate manner were met, although short of a searchable 'digital database'/platform to be made available in the public domain.

While other peacebuilding project interventions too have exclusive contexts in which they operate, a TJ intervention bears the additional complexity of remaining intensely vulnerable throughout its project cycle, which was quite apparent in the case of this national level 'peacebuilding' project. Hence, it proved to become a challenging exercise for the Centre for Poverty Analysis's (CEPA) Evaluation Team to capture the multiple dimensions of the work. Understanding all of it and its impact on sustainable peace, if not a critical part of it, was crucial for this evaluation exercise. The evaluation being carried out almost a year and a half after the end of the project made it challenging for CEPA's team to obtain the information/documentation required for the exercise. Needless to say, it was further challenging when potential interviews for the evaluation with some stakeholders were not forthcoming in the backdrop of a rapidly shifting political landscape in the country, during the evaluation period i.e. with the Presidential election and the change of administration taking place.

The Evaluation Team contends that Project 1 was successful in building first steps of engagement of the TJ agenda.<sup>3</sup> Despite the long duration of time required for such a transformative process to take shape, the Evaluation Team concedes that OHCHR's overall catalytic leadership ought to be commended in this context. The recommendations provided would hopefully guide successful future interventions, i.e. OHCHR's advice and technical assistance on the Human Rights Council (HRC) Resolution 30/1, in future, would warrant a comprehensive well thought out strategy, with a more meaningful project design and appropriately sequenced processes that enables better coordination, that the country needs.

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<sup>3</sup> According to OHCHR's appraisal of CEPA's main evaluation findings and recommendations report submitted on December 20, 2019, it is important to view this project in the context of other projects (refer to explanation in footnote 1). These first steps of engagement continued with the visits of Special Procedures of HRC, the constructive GOSL's engagement with HRC until 2019 and many visits from OHCHR HQ. Moreover, IRF was successful in getting more investment, identifying stakeholders and setting standards.

CEPA's evaluation team was specifically tasked to evaluate Project 1. Therefore, the findings of the evaluation presented in this report conforms to analysing only the outcomes and outputs related to Project 1, and does not take into consideration other projects related to PPP and PBF Portfolio.



## Context Analysis

There is great emphasis placed on Transitional Justice (TJ) in the aftermath of conflict, as it is particularly crucial for nations transitioning from a state of conflict and turmoil to a state of positive peace.<sup>4</sup> The importance of TJ is further emphasised by the fact that “injustice is not just a consequence of conflict, but is also often a symptom and cause of conflict” (Mani 2002:5). It is also noted that in order to transition to a place of positive peace ‘justice’ is imperative. As Rigoberta Menchu, Guatemalan activist and politician, has famously stated, “peace without justice is only a symbolic peace”. Therefore, ‘Transitional Justice’ in this sense is: “(a) full range of processes and mechanisms associated with a society’s attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice and achieve reconciliation” (United Nations Security Council 2004: 4).

Research and scholarship on TJ process rolled out globally have pointed to lacuna on their efficacy; questioned their conceptualisation of victimhood and their legalistic approach. They question as to whose civil and human rights are directly and indirectly affected, and point to many more fault lines. Amongst the many critics of TJ, one such critic is that the concept of TJ is based on assumptions about transition and/or justice (Buckley-Zistel, 2014:1) and is founded on western liberal peace theories (Gready and Robins, 2014). Liberal peace has been criticised for prioritising the creation of institutions in fragile transitional contexts rather than focusing on the welfare of the population (Gready and Robins, 2014:341). Similarly, a dominant argument about the weakness of TJ is that it takes place at the top, i.e. the process is run by governments, international and national bodies (Gready et. al., 2010:1; Gready and Robins, 2014:339). Thus, the results expected of TJ mechanisms do not reach “deep into the soil of the new society where the commitment to democratic values actually takes root” (Daly, 2001:71). ). However, there is also considerable academic debate the weakness of TJ, as there is no universally applicable model for societies in transition. In Asia, and South Asia in particular, it is seen as an international compulsion to adopt TJ practices and are resisted by the majority communities in general, and in the popular political rhetoric in particular (Jones and Bernath: 2017). TJ processes in the region, informed of such ebbs and flows, is yet to evolve into a systematic exploration of TJ praxis. Whilst the above criticisms are valid, it can be argued that it is not the case in

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<sup>4</sup> ‘Positive peace’ is the presence of social justice, as opposed to ‘negative peace’ being the absence of violence (Galtung, 1969:183).

all contexts. For example, the Sri Lankan context, the process was envisioned having in mind communities at the core, as opposed to institutions; the consultation process (which is central to this evaluation) is evidence of this.

A decade since the end of the 30-year civil war, there has been limited progress towards reconciliation and efforts to deal with a violent past in Sri Lanka. In the immediate aftermath of the civil war the United People's Freedom Alliance (UPFA) led by Mahinda Rajapaksa, under international pressure to investigate into the final stages of the war, appointed a Lessons Learnt and Reconciliation Commission (LLRC) in May 2010. The LLRC inquired into the events which led to the failure of the Ceasefire Agreement during the period 2002 to 2009 and to follow on lessons learnt with a view to nonrecurrence and restitution to those affected (LLRC, 2011). The LLRC, consisting of largely retired senior government officials, produced a report in November 2011, which the United Nations (UN) High Commissioner for Human Rights, though having some concerns, found “many important observations and far-reaching recommendations that if implemented, could help advance reconciliation and respect for human rights in Sri Lanka” (United Nations Human Rights Council, 2013:5). A National Plan of Action (NPA) was drawn in July 2012 by the Rajapaksa Government to implement the recommendations of the LLRC. It was reported that out of the 189 recommendations made in the LLRC, only 19 recommendations were fully implemented, with 59 recommendations seeing partial progress and 95 recommendations making poor progress (United Nations Development Programme, 2016).

Following the LLRC report and UN Resolution 25/1 (2014), the United Nations Human Rights Council (UNHRC) requested Office of the High Commissioner for Human Rights (OHCHR) to carry out an investigation on Sri Lanka in July 2014, covering the period February 2002 to November 2011. The report of the OHCHR Investigation on Sri Lanka (OISL) recommended the development of comprehensive policies and consultations on the TJ mechanism, and public education programmes on TJ to ensure informed participation in the process (United Nations Human Rights Council, 2015). After the change of government in January 2015 the National Unity Government did not follow through on the NPA, however, brought a more concentrated effort and agenda for TJ and reconciliation. In October 2015 the National Unity Government co-sponsored the UNHRC Resolution No. 30/1, which made ambitious commitments to establish several TJ measures to promote reconciliation, accountability and human rights in Sri Lanka. Some of the commitments made by Government of Sri Lanka (GoSL) under UNHRC Resolution 30/1 are as follows:

- National consultations on the TJ process

- Setting up of a judicial mechanism with special counsel with the participation of commonwealth and foreign judges, and appointment of impartial individuals with integrity to lead the judicial institutions
- Setting up a Commission of Truth, Justice, Reconciliation and Non-Recurrence
- Establishing an Office for Reparations (OfR)
- Establishing an Office on Missing Persons (OMP)
- Investigating violations and abuses by the Liberation Tigers of Tamil Eelam (LTTE)
- Return of land to civilian owners
- Permitting each TJ mechanism to obtain financial, material and technical assistance from international partners; and
- Reviewing and strengthening witness and victim protection legislation

(United Nations Human Rights Council, 2015; Verité Research, 2019)

What warrants appreciation is the then Government's acknowledgement of the fact that certain violations had actually taken place, importantly underpinning the initial path it set forth towards transformation. GoSL was also supported by the UN to develop the Sri Lanka Peacebuilding Priority Plan (PPP), anchored on the four pillars; *Transitional Justice, Reconciliation, Good Governance, and Resettlement and Durable Solutions*. The plan was to set out the framework and roadmap for the transformation envisioned in the resolution and to be steered by the Secretariat for Coordination of Reconciliation Mechanisms (SCRM) within the Prime Minister's Office. The Cabinet declared the National Policy on Durable Solutions for Conflict-Affected Displacement in 2016, following the UNHRC resolution. This was followed by an overall National Policy on Reconciliation introduced in 2017.

In keeping with the commitments made under UNHRC resolution 30/1 (2015) to engage in broad national consultations on the design and implementation of the transitional justice process of Sri Lanka, the government, at the time, appointed a Consultations Task Force on Reconciliation Mechanisms (CTF) in January 2016. The CTF, (appointed by the Prime Minister via Prime Minister's office and consisted of 11 eminent representatives of civil society) in collaboration with Zonal Task Forces—set up across the country and comprising members of local communities— consulted members of the public on the proposed mechanisms for TJ and obtained the views of the public as well as any other mechanism which they thought fit to bring about reconciliation. It is under this mandate that the OHCHR took on the role as catalyst and to provide technical and financial support for the function of the CTF. The CTF carried out island wide consultations, receiving 7,306 submissions, and handed in a comprehensive report with “explicit recommendations on each mechanism” (Consultation Task Force, 2016) to the government in January 2017.

Further progress under the government's commitments pertaining to UNHRC resolution 30/1 of 2015 was seen with the passing of the Office on Missing Persons Act (Establishment, Administration and Discharge of Functions) in August 2016 (Department of Government Printing, 2016) and the operationalisation of the OMP in 2018 (OMP, 2018). Despite delays in the establishment of the OMP and criticism by the CTF for the lack of consultation prior to the Bill being passed in parliament, the office issued an interim report in September 2018 after holding consultations with 2,147 affected persons in Mannar, Matara, Mullaitivu, Trincomalee, Jaffna and Kilinochchi (OMP, 2018). The OMP has also opened regional offices in the districts of Mannar, Matara, Jaffna and plans to open a fourth office in Batticaloa at the end of this year (Sri Lanka Brief, 2019). However, certain setbacks still remain for the OMP in terms of winning the confidence and trust of families of victims and overcoming the lethargy of the State to address disappearances, being a few amongst other challenges (OMP, 2018).

The National Unity Government also successfully passed in parliament The Office for Reparations Act No 34. of 2018 (Department of Government Printing, 2018) and appointed five commissioners in April 2019. The office is in the process of carrying out island wide consultations with aggrieved persons with a view to listening to grievances and for obtaining ideas of the public for the formulation of a reparations policy (Office for Reparations, 2019). The office has also assisted victims of civil unrest following the Easter Sunday attacks this year and for those affected by the violence in Kandy, Digana in March 2018 (Office for Reparations, 2019) .

Further areas of achievements were seen with the release of 75% of land (89,263 acres) to their rightful owners in the Northern and Eastern provinces (SCRM, 2019). More recently in October, the government released a further 139.56 acres of state land and 10.59 acres of private land in the Kilinochchi district (Sri Lanka Army, 2019). Other progressive measures carried out by the National Unity Government include the ratification of the International Convention for the Protection of All Persons from Enforced Disappearances and the enactment of Act No.5 of 2018; criminalizing enforced disappearances by bringing in new legislation, and strengthening the National Human Rights Commission in line with the Paris Principles (United Nations Development Programme, 2016) and the establishment of the National Authority of the Protection of Victims of Crimes and Witnesses in 2016.

Notwithstanding some progress in the above areas, there has been no achievement in the commitments made by the government to establish the following: Commission for Truth, Justice, Reconciliation and Non-recurrence; a judicial mechanism with a special counsel to investigate

allegations of violations of human rights and humanitarian law; security sector reform<sup>5</sup> and the introduction of new legislation to replace the Prevention of Terrorism Act (PTA).<sup>6</sup> Further, progress in cases of attacks against journalists, human rights defenders, religious minority groups, civil society and places of worship are also not evident. Nor has there been any progress on a political settlement via constitutional reform or in the operation of Provincial Councils in accordance with the 13th Amendment to the Constitution. Moreover, in its annual report this year, the OHCHR notes that while the institutional architecture had been incipiently established to take the transitional justice process forward, concrete results were yet to come (United Nations High Commissioner to the Human Rights Council, 2019).

Given the context explained above and keeping in mind the particularities of a post-war community transitioning towards peace and reconciliation, this evaluation will appraise Phase 1 (National Consultations and Design Follow-Up Strategy) of the project carried out by OHCHR in supporting the TJ mechanism rolled out in Sri Lanka at the beginning of 2016. The evaluation will assess the success of the OHCHR intervention in supporting GoSL by way of technical assistance on policy, legislation and standards related to TJ. Accordingly, the evaluation will consist of an assessment of how the project has impacted upon the prospects for peace and national reconciliation and how effectively this process ought to be pushed forward. Moreover, the evaluation exercise will bring critical insights into the TJ process that was rolled out in Sri Lanka and to help assess the level of success and contestation it has had. The evaluation team is aware of the challenges the process encountered amidst the changes in the local and international political arena, human rights, constitutional and legal fronts. Therefore, the evaluation will assess the degree of impact this process has had on the Sri Lankan systems of governance and institutions for reform and reconciliation.

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<sup>5</sup> Currently only the vetting of military force personnel sent for UN peacekeeping operations is being carried out by the Human Rights Commission of Sri Lanka, although the Commission has had some problems in this regard. See: [http://hrctl.lk/english/wp-content/uploads/2019/09/HRCSL-Press-release-on-vetting\\_English.pdf](http://hrctl.lk/english/wp-content/uploads/2019/09/HRCSL-Press-release-on-vetting_English.pdf)

<sup>6</sup> The proposed Counter Terrorism Bill has not been passed by Parliament.

## Methodology

It is needless to reiterate the strong ‘peacebuilding’ component inherent in the entirety of this project. Peacebuilding projects distinguish themselves from other development projects that can be evaluated with widely used tools such as with the OECD-DAC approach (Paffenholz and Reyhler 2007). While stressing the importance of the use of this tool, for all its practicality and purposes, we introduced a specific modification which this particular macro-level ‘peacebuilding’ project-evaluation warrants.

Assessing the ‘impact’, ‘effectiveness’ and ‘sustainability’ of such work involves a variety of tools of inquiry, as well as frameworks that allows a reflective exercise. This exercise is expected to help make recommendations and elicit lessons learned to inform future development of projects/programmes/interventions contributing to the Transitional Justice agenda in the country. As such, a research tool which enhances the OECD-DAC method, to help capture aspects and deeper nuances of a national level peacebuilding process became imperative for this purpose. Hence, this evaluation exercise deployed an improvised tool to assess long-term impact/engagement and help continued reflection to understand and improve future interventions. Furthermore, it was important to help elicit/sustain results of the engagement after the completion of the work. Consequently, the ‘Aid for Peace’ approach (Paffenholz and Reyhler 2007) combined OECD-DAC and other criteria “drawn from policy evaluation, peace research and international experiences in development and humanitarian action and peacebuilding evaluation” and field testing (Paffenholz and Reyhler 2007: 47). Therefore, this evaluation adopted and deployed a hybrid approach for this purpose as follows:

- a) Provided a ‘peacebuilding’ lens to the recommended DAC method of evaluation as per the ‘Aid for Peace’ framework, i.e. ask questions of ‘peacebuilding’ relevance, effectiveness, efficiency, sustainability and impact for macro peacebuilding.
- b) In addition to the above, deployed three more criteria from the ‘Aid for Peace’ framework as follows:
  - 1) Participation and Ownership of National Local Stakeholders
  - 2) ‘Coordination and Coherence with Other Initiatives’
  - 3) Gender Analysis

A hybrid evaluation instrument combining OECD-DAC Assessment of ‘Relevance, Effectiveness, Efficiency, Impact and Sustainability’, with the ‘Aid for Peace’ approach with a peacebuilding lens, and a gender analysis suitable for the exercise is explained as follows:

The evaluation will take into consideration an appraisal of the Results Framework of the project developed for this exercise. The logical link with the activities and results will also be assessed keeping to the requirements of the beneficiaries and the local development needs. The following meanings were provided to the evaluation criteria under this framework.

### ***Peacebuilding Relevance***

This criterion helped understand the extent to which the objectives of the intervention were consistent with the peacebuilding process. It helped connect the relevance between the context situation and the peacebuilding process.

E.g. It sought to find out if the intervention was on the right track and whether it formed part of a building block for peacebuilding, and whether it contributed to a comprehensive process.

### ***Peacebuilding Effectiveness***

This criterion was helpful to evaluate the extent to which the intervention's objectives were achieved with respect to its immediate peacebuilding environment. The key aspect of the criterion is to find out the degree to which the planned objectives have been fulfilled. It helped note the changes initiated by the intervention; both intended and unintended positive changes.

E.g. To what extent were the objectives achieved? What process of desired change has the intervention initiated in its immediate peacebuilding environment?

### ***Impact on Macro Peacebuilding***

This helped identify and evaluate the intervention on the larger peacebuilding environment. It was also helpful to assess the micro-macro link and the perception of stakeholders with regard to change in the larger environment. This was also used as a parallel method to assess effectiveness. It helped understand a 'before and after' comparison of events. Interviews were used to assess perceptions and secondary data to assess impact with the right questions asked for this purpose.

E.g. Has any process been initiated which has had an effect upon the macro-level peacebuilding process?

### ***Sustainability for Long-Term Peacebuilding***

This criterion was crucial to assess sustainability. It helped assess if the intervention was helpful to create the conditions for long-term peacebuilding. As sustainability is a crucial criterion for peacebuilding projects, this requires long term engagement to be successful. This would entail either a long-term presence of the intervention itself, the institutional presence or a strategy to sustain it (Lederach 1997; Paffenholz 2003). Evaluation questions about process, structures and long-term plans will be suitable in this respect.

E.g. What steps have been taken to have long term processes, structure and institutions for peacebuilding?

### ***Efficiency of Management and Governance***

The criterion was useful to assess if the intervention has leveraged its personnel and financial resources with its management and governance system. This was assessed against their contribution against outcome and correlation between inputs and results. The 'do no harm' and gender criteria too were evaluated through a strength/weakness analysis.

E.g. Assess the appropriateness of resources spent to reach objectives with questions such as: Are the objectives achieved in a cost-efficient manner by the development intervention? Was there value for money? How big is the efficiency or utilization ratio of the utilized resources?

### ***Participation and Ownership of National Local Stakeholders***

This was an additional criteria borrowed from the Aid for Peace framework. It was essential to assess if the relevant stakeholders have been engaged in the intervention's planning and implementation. It also seeks to understand if meaningful local and national capacities for peacebuilding have been created and are owned by local/national stakeholders. This was primarily helpful to assess the degree of participation and ownership.

E.g. Have the most important partners been part of the planning and implementation? Have they been selected keeping to the criteria of inclusiveness/inter-group fairness and gender balance?

### ***Coordination and Coherence with Other Initiatives***

This is another additional criterion borrowed from the Aid for Peace framework which evaluated the level of coordination and coherence of the intervention with respect to the interventions of other



actors, since peacebuilding successes can only be achieved if coherence with other interventions was ensured (Paffenholz 2001).

E.g. Are other peacebuilding actors in the country working towards the same objective(s)?; Has the intervention cooperated with other actors and planned their activities in a coherent manner?

### ***Gender Inclusiveness***

As a parallel and cross-cutting criteria, the exercise will also try to understand whether gender equality was explicitly promoted through specific measures such as a) reduced social, economic or political power inequalities between women and men; or ensured that women benefited equally with men from the activity, or were compensated for past discrimination; or b) developed or strengthened gender equality or anti-discrimination policies of institutional systems.

E.g. Were women included in the consultation process? Were gender issues built into the project? Was the project gender sensitive?

## Activity Plan

The following tasks were carried out as defined for the scope of work and aligned to Terms of Reference (TOR).

### 1. Inception Phase

- The evaluation team initially met with its key partner UN/OHCHR on November 5, 2019 and had two subsequent meetings (the last one being on December 9, 2019), to understand broadly the development of the project, its implementation, key stakeholders and other relevant influences.
- During this meeting, the parties formalized expectations, collected relevant documents, reports, lists of stakeholders and Civil Society Organisations (CSOs), and discussed the proposed methodology with OHCHR and the RCO officers. It was decided not to hold interviews with local Community Based Organisations (CBOs)/ Zonal Task Force (ZTF) members as the political context changed<sup>7</sup> and it was challenging to organise meetings with them.
- The team finalized the methodology, defined evaluation questions, the data collection tools, work plan and other elements of the methodology.
- This inception report containing the methodology, defined evaluation questions, data collection tools and work plan were submitted to OHCHR on November 13, 2019.

### 2. Secondary Document Review

- The evaluation included an analysis of the project documents, project reports, Monitoring and Evaluation (M&E) reports, mid term and final reports and other subject related documents in the public domain, peacebuilding efforts at a national level that helped set the actual national operational context within OHCHR, UN/RCO, Ministry of Foreign Affairs (MFA) and SCRM.
- The evaluation team was also informed by Centre for Poverty Analysis's (CEPA's) last United Nations Development Programme (UNDP) evaluation report titled 'Lessons Learnt Exercise on UN/UNDP Peacebuilding Efforts in Sri Lanka, September 2018'. CEPA also drew upon its institutional knowledge, information and understanding of the resettlement and

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<sup>7</sup> A combination of the Presidential elections that took place in November 2019 and a resulting Government that has publicly expressed opposition towards the HRC process resulted in some of the planned interviews/FGDs being cancelled and reluctance on the part of some respondents.

reconciliation work in the North and the East undertaken on behalf of the UN, UNDP and The United Nations Children's Fund (UNICEF) to further contextualize and build upon the analysis.

- Following the proposal process, the team carried out the evaluation process.

### 3. Data Collection

The basic project document review and the data collection actions were conducted simultaneously. The assessment included interviews with individual stakeholders and organisations and other counterparts (*see Annex 01*) using the agreed methodology, tools and questions (*see Annex 02*). These involved:

- Initially, an attempt to validate the respective results framework and project documents with project implementers/partners took place. The evaluators first took into account the activities originally envisaged in the project document against the subsequent progress reports of the OHCHR, which contained several changes. The evaluators carried out an objective appraisal of the project based on information made available by OHCHR.
- Key partner interviews with stakeholders were identified during the inception phase and the project document review process. Interviews were conducted with the following stakeholders:
  - 1) UN Staff – From OHCHR and RCO office
  - 2) Government Partners
    - SCRM
    - OMP
    - Ministry of Foreign Affairs - Former and Current Officials
    - Human Rights Commission of Sri Lanka
    - UNVs installed in government institutions
  - 3) CTF members and other direct and indirect stakeholders
- Meetings were, thereafter, conducted using this insight with project staff and implementers such as key project staff from UN bodies.
- Special care was taken to assure highest standards of research ethics keeping confidentiality of information obtained by victims and other officials.
- On learning that training sessions for government officials have not directly been conducted through this project but through other connected projects in the PPP (refer to footnote 1) the team did not carry out its interviews sought with some government counterparts as mentioned in the inception report.

#### 4. Analysis and Final Evaluation Report

The evaluation team collated primary data by mainly conducting interviews with stakeholders, secondary data, case studies and other material collected, to analyse the findings of the study using the OECD-DAC and Aid for Peace frameworks. Analysis was informed by the criteria set out in this hybrid tool.

The evaluation team drafted the report keeping in mind stated expectations and methodological approaches. The findings from the various tools and the literature review were used to triangulate the overall conclusions and recommendations. The findings were submitted to an informal peer review at CEPA before being submitted to OHCHR.

Following feedback from OHCHR, the evaluation team will present the document and its findings at a validation session with the thematic presentation of the main findings and recommendations. The document will be finalised using the final round of comments received from the validation session prior to submission to OHCHR.

*Please see Annex 03 for the work plan for the above described activities.*

## Findings

The analysis below will be based on the OECD-DAC and Aid for Peace criteria. It will first present the findings at the outcome level, to be followed by the output level. CEPA's evaluation team was specifically tasked to evaluate Project 1, therefore the findings of the evaluation, presented below, conforms to analysing only the outcomes and outputs of this phase of the project, and does not take into consideration all projects related to PPP and Peacebuilding Fund (PBF) Portfolio.

### **Outcome 1**

A National Consultation process that captures diverse views and opinions of different stakeholders in Sri Lankan society on Justice, Truth, Reparations and guarantees of Non-Recurrence.

Indicator 1.1. Conflict affected groups, including women, youth, children, and families of the disappeared are enabled, through consultations with government, civil society and other key stakeholders across the country to participate in an informed and effective manner in shaping a common vision for the establishment of credible and effective transitional justice mechanisms.

#### Targets:

- Consultations conducted
- Final CTF report presented to the public

Indicator 1.2. Broad and inclusive participation of key stakeholders so as to provide voice for vulnerable groups

#### Targets:

- Capacity and knowledge of a number of vulnerable groups and victim groups enhanced on TJ mechanisms so that they effectively feed into the consultations.
- Reports submitted by all ten CSOs in January 2017 on small grant awareness programmes.

## Peacebuilding Relevance

This outcome is consistent with the peacebuilding context of the country, especially in reference to the UN Resolution 30/1, which set out the need for a national consultation process. This was a timely

intervention because the government that was elected in 2015 appeared to have had an appetite for the TJ process, therefore, there was a high level of interest. The OHCHR support helped transform this interest into action. However, the local political climate and the gradually dwindling government interest to create awareness at the grassroots level proved to be an obstacle for the CTF to carry out the consultations effectively as required.

There was little knowledge on TJ mechanisms at the grassroots level.<sup>8</sup> Furthermore, there was no clarity on how the four pillars were established as parameters<sup>9</sup> to begin to stimulate initial work around them through grassroots consultations. There was also no time to reflect on whether the mechanisms suggested were indeed what the affected communities wanted.<sup>10</sup> The lack of awareness at the ground level prior to the CTF's consultations also meant that the level of engagement in the subject matter especially in regard to the mechanisms was limited. Aside from this, those affected by the civil war used this opportunity to air their grievances and victim narratives.<sup>11</sup> To a great extent the CTF's recommendations were derived from these narratives.

### **Peacebuilding Effectiveness**

The CTF's decision to hold consultations by including various civil society groups and identifying issue-based groups i.e. on disappearances, torture, and other violations is commendable. The CTF had divided the consultations by the ZTFs in each district in the North and the East by the (as the bulk of the human rights violations had taken place in the North and the East during the final stages of the war) and at the provincial level in the rest of the country.<sup>12</sup>

Outcome 1 is well aligned with the broader objective, and the statement well defined. In terms of program design, indicator 1.1 refers to the intention to enable diverse stakeholders to participate in the process. The targets, however, have not identified the nuances of the level or quality of how this was meant to be achieved. Given the insufficient information made available to the evaluation team, there was a lack of clarity on the exact role the OHCHR project played<sup>13</sup> in enabling the participation of these diverse opinions. Similarly, Indicator 1.2 is repetitive of 1.1, and along with the target, clarity

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<sup>8</sup> Information based on a stakeholder interviews for this evaluation held by CEPA's evaluation team.

<sup>9</sup> Information based on a stakeholder interviews for this evaluation held by CEPA's evaluation team.

<sup>10</sup> Ibid

<sup>11</sup> The CTF was often mistaken for a commission - Information based on a stakeholder interviews for this evaluation held by CEPA's evaluation team.

<sup>12</sup> Final Report of the Consultation Task Force on Reconciliation Mechanisms, November 17, 2016, Vol 1 pg.10

<sup>13</sup> By this statement the evaluation team means that it could not assess the variety of related activities that OHCHR had carried out simultaneously in related other projects such as support to government including the SCRM and larger grants to CSOs and a continuation of the archiving project among other related TJ priorities.

is limited on what should be measured. The inconsistency and poor framing of the results framework, added to the confusion somewhat inherent in the project design, resulting in repetitions in some places.

Progress against this indicator refers to 10 grants given to CSOs (The analysis of this target is presented in detail under output 2.1. as it has been repeated under this section).

The consultations were designed in a manner to capture different views and perspectives of diverse groups and sectors i.e. military, political organisations, CBOs etc.<sup>14</sup> The CTF was appointed by the government as part of its commitment to UNHRC Res 30/1 and was tasked with consulting the public with a special focus on victims in relation to the proposed TJ mechanisms, namely the OMP, OfR, a Truth Commission and a Special Accountability Mechanism. The submissions received by the CTF were compiled into a report and submitted to the government to ensure public input into the design of the TJ process and mechanisms. OHCHR supported this process (i.e on technical and financial support, validation and monitoring, given that it was an action linked to the Resolution) as well as civil society organizations to access and submit their views through this process. The specific deliverable is that the process itself was completed successfully and the views of the public were documented. It is also one of the only commitments under the Resolution that was met. The caveat is that the next steps that were to follow these consultations, i.e. ensuring the mechanisms were set up in line with the requirements of the people as set out in the consultation report remain largely unmet. Youth were included in the process through focused group discussions.<sup>15</sup> Furthermore, respondents interviewed expressed satisfaction at the overall representation of women who made submissions to the CTF and in the representation of women in the composition of the task force.<sup>16</sup> The 7000+ submissions made to the CTF and the rich information documented through the process are considered a great success, especially considering the time-consuming consultations such an inclusive process entailed.

Although there was adequate representation made to the consultation process by families of the disappeared, youth, and marginalised groups such as the Adivasi, the engagement of families of other Tamil militant groups<sup>17</sup> and children was inadequate. It is acknowledged that the CTF did not want to include children because of the complexities and legalities involved. A major constraint which the CTF

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<sup>14</sup> Information based on a stakeholder interview for this Evaluation held by CEPA's evaluation team.

<sup>15</sup> Information based on stakeholder and CSO interviews for this Evaluation held by CEPA's evaluation team.

<sup>16</sup> Information based on a stakeholder interviews for this Evaluation held by CEPA's evaluation team.

<sup>17</sup> Foot note 8 of The CTF final report refers to the holistic approach in its inclusivity. However, a CTF member interviewed for the evaluation expressed that families of other Tamil militant groups such as the TMVP, PLOTE et al were not satisfactorily captured.

faced in engaging children in the process was the lack of time and specialised personnel despite it reaching out to UNICEF for expertise in the area.

### **Impact on Macro Peacebuilding**

On the one hand, the consultation process can be hailed as being the first government initiative of its kind in Sri Lanka, in which a large number of civil society groups were involved in a process of this nature. The CTF must also be commended for achieving a challenging task which had a mixed impact on the polity. On the other hand, the CTF's efforts were undermined by a range of opposition groups from all sides of the political spectrum including some in Government and some outside of Government, some diaspora groups, political parties and other interest groups who viewed it with suspicion<sup>18</sup> limiting its impact, when the CTF process became politicised, resulting in the non-acceptance of the CTFs report and some of its recommendations from the President and the Prime Minister. The lack of leadership and political will in the country also meant that the project did not have the desired overall impact on the macro level.

By engaging with the CTF process, the ground level stakeholders were given the opportunity to learn more about the TJ process and what it entailed. However, given the eventual lack of concrete results at the end<sup>19</sup>, the process created an interview fatigue among the local communities consulted, and a sense of repetition in data gathering, given the various consultations/commissions they had faced. Moreover, the establishment of the OMP and OfR sans any progress in establishing the Truth, Justice, Reconciliation and Non-Recurrence Commission (Truth and Reconciliation Commission) and the establishment of a Special Court also led to a deficit of trust in the mechanisms which are already in place. Many respondents interviewed claimed that the mechanisms in place were not accepted at the

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<sup>18</sup> This was mainly owing to a combination of factors such as the composition of the Task Force comprising members of the civil society whose appointment lacked transparency; the contentious nature of the judicial aspect of the TJ mechanism; the impression that the CTF lacked representation of people at the public policy level resulting in the downfall of the process and in essence further polarising the polity - as informed during stakeholder interviews held by the Evaluation Team.

<sup>19</sup> The concrete results of the project are linked to the results of the broader TJ process. As such, while project activities may have been carried out, the broader objectives of the government taking forward the TJ process through an effective setting up of the necessary mechanisms and providing truth justice and reparations to victims has not taken place.



grassroot level due to this and various other reasons.<sup>20</sup> Trust and support for the TJ agenda would have benefited from a public comprehensive TJ Plan or Strategy outlining the desired sequencing.<sup>21</sup>

### **Sustainability for Long-Term Peacebuilding**

This project indirectly contributed to the setting up of institutions such as the OMP and OfR and were further supported by follow up PBF and other projects in the PPP, which were not subject to this evaluation. However, its sustainability depends on the government's allocations with adequate funding and resources for them to function. This is currently the most crucial question at stake.

The most important aspect in ensuring the sustainability of the project is the documentation of the material that this process yielded i.e. the material from the consultations and written submissions to the CTF. Efforts have been made to document the information that flowed from three levels from which the materials were collected i.e. written submissions, district level consultations, Zonal Focus Group Discussions (FGDs), such as in zonal board town hall meetings and small FGD consultations. A pool of 60 to 70 officials was trained as note takers so that the information would not be lost. However, the inability for the public to have complete access to the information fully was noted (Discussed further under output 1.2)

Furthermore, the sustainability of this project can be evidenced from the leadership roles women assumed ever since. They continued to volunteer in the communities to voice their issues related to TJ.<sup>22</sup> The CTF itself and the network of ZTFs were a positive by-product of the consultation. While they played the immediate role of conducting the consultation the structure and design of the consultations (the ZTFs, the Advisory Boards, etc.) also planted the seeds for an informal civil society network and expertise pool on TJ issues. This role as incubator of TJ practitioners should not be underestimated. Young people that started as support staff for the CTF are, four years later, expert practitioners working in Government, the UN and CSOs. In particular the expertise of SCRM grew up from the initial core of CTF support staff.

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<sup>20</sup> Information based on CSO interviews for this evaluation held by CEPA's evaluation team. See also :The Office of Missing Persons, Interim Report, August 2018

<sup>21</sup> Recommendation made by UN Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence in 2017, available at <<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/>>

<sup>22</sup> Information based on CSO interviews for this evaluation held by CEPA's evaluation team.

## **Efficiency of Management and Governance**

The assessment of the financial records revealed that this outcome bore the largest proportion of funds, which was utilized to provide the necessary technical assistance to support the establishment of TJ mechanisms in the country. Given the nature of the high-level discussions and consultations that happened through this component, the limited reporting on the outcomes and the intangible nature of this work, it is difficult to ascertain the efficiency of this outcome.

As for the role of OHCHR Sri Lanka, it was not necessary for them to directly conduct the national consultation process because the Government took ownership (The Ministry of Foreign Affairs and the SCRM). This was when GoSL decided to create the CTF with a group of civil society representatives with the mandate of implementing consultations. Therefore, the initial logistics-heavy plan morphed into different phases and the stakeholders evolved. This first phase mostly involved consultation of the CTF. It was less costly financially than anticipated as the State bore part of the cost. When the Government took ownership, it freed up funds to be used for other activities.

As for the CTF members, obtaining timely funds from the Government was a huge constraint (although funds were available), because government processes are slow and cumbersome to implement. It was also because the CTF did not anticipate certain activities that emerged, and could not budget for them and communicate their plans in time i.e. for buying recorders, payments to note takers, transport etc. These constraints also resulted in the CTF abandoning certain activities, which it hoped to implement, e.g. animated videos, conducting video interviews etc. where OHCHR assistance would have been beneficial to the process.

## **Participation and Ownership of National Local Stakeholders**

It is acknowledged that the project target to reach ‘vulnerable groups effectively’ to feed into the consultations has been achieved. The inclusion of clinical psychologists within CTF ensured that vulnerable groups were protected, and their psychological wellbeing ensured. Furthermore, ethical considerations were prioritised in this sense – and support was provided if victims were retraumatised by the experience.<sup>23</sup>

However, it was the view of many respondents that the process raised a lot of expectations at the grassroots level. In addition to that, the lack of tangible results has left the affected communities who

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<sup>23</sup> Information based on a stakeholder interview for this evaluation by CEPA's evaluation team.

made submissions to the CTF feeling dejected at the end of the process. It has also resulted in the loss of trust in those ZTF members who played an invaluable role in involving these communities in the process.<sup>24</sup>

Since the mechanisms were pre-decided and the consultation had to be held around pre-set parameters, it baffled even some who were part of the CTF process. They wondered why they had to make people speak on the contours set around the given mechanism such as the OMP, Truth and Reconciliation Commission, OfR and the Special Court.

### **Coordination and Coherence with Other Initiatives**

The National Consultation process was a coherent response to the challenges given the context of the country at the time of the project intervention. Although the OHCHR project had little direct coordination with activities on the ground, its strategic coordination for coherent work at a national level attempted to incorporate interested actors working towards similar objectives for peacebuilding.

### **Gender Inclusiveness**

Gender inclusiveness was ensured by the quotas implemented by the CTF: 30% of women's participation in the consultations was mandatory, and 50% of the ZTF members were required to be female ensuring gender balance in representation. In fact, it has been evidenced that over 60% of the testimonies were made by women. An interviewee further noted that special arrangements were made in Jaffna to ensure that women can participate.<sup>25</sup> Overall, gender inclusivity was more than satisfactory in all provinces.

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<sup>24</sup> Information based on CSO interviews for this evaluation by CEPA's evaluation team.

<sup>25</sup> Information based on a stakeholder interview for this evaluation by CEPA's evaluation team.

### **Output 1.1.**

The Task Force mandate to conduct National Consultations is fulfilled.

*This Output was replaced in Progress Reports with:*

### **Output 1.1. Provision of technical assistance by OHCHR to the MFA and relevant stakeholders to conduct National Consultations**

Indicator 1.1.1. Strengthening of OHCHR's capacity on TJ matters through deployment of one International Human Rights Officer to Colombo.

#### Target

- HRO with TJ expertise deployed.

Indicator 1.1.2. Deployment of 2 National UNVs to assist SCRM and 6 UNVs to assist HRCSL with the support of the RCO.

#### Target

- SCRM, CTF and HRCSL have sufficient capacity to implement their mandate.

### **Peacebuilding Relevance**

The National Consultations were a need of the hour to influence the understanding of the concepts of TJ on communities with varying levels of knowledge embedded on peacebuilding, reconciliation and TJ, given the socio-political context of the time. The deployment of international expertise was also relevant for the project.

### **Peacebuilding Effectiveness**

The replacement of the original output (of 'conducting national consultations') designed in the project document, with the version (of 'providing technical assistance') in the subsequent progress reports has not been clarified or justified in any of the progress reports or rationale for the 'No Cost

Extensions' provided.<sup>26</sup> Thus, in this current form, it is difficult to evaluate this output, especially in terms of the project's 'effectiveness'. The proposed indicators are also more in tune with activities. Therefore, it is not an adequate measurement of the quality of the technical assistance provided to the MFA.

As per the findings, a Human Rights Officer (HRO) was deployed to OHCHR Colombo, and three UNVs were deployed to the relevant government institutions. The CTF was supported with research officers, including for translation purposes. All parties appreciated the technical support provided to them and found it extremely useful.

### **Impact on Macro Peacebuilding**

OHCHR's efforts in seeking technical assistance from the international HRO and the deployment of UNVs contributed to the strengthening of the overall TJ process the government envisaged at a national level, giving it capacity and impetus that it required at its early stages. This impacted upon the subsequent developments to some extent. Although it could not be directly attributed to the project.

### **Sustainability for Long-Term Peacebuilding**

The OHCHR's work with the many visits of the Special Rapporteurs<sup>27</sup> have managed to keep the international pressure on the government to honour its commitments made under resolution 30/1. However, the political stance of the government in contributing towards the overall sustainability of the work is something to be observed in the days to come.

### **Efficiency of Management and Governance**

The largest proportion of funds was allocated for strengthening OHCHR capacity; roughly about 50% of the budget. This was subsequently amended through no-cost extensions to approximately 80% of

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<sup>26</sup> Upon OHCHR's appraisal of CEPA's main evaluation findings and recommendations report submitted on December 20, 2019, OHCHR states that the output "Conduct National Consultations" was completed in 2016. However, the 'No Cost Extensions' of the project extended until 2018 allowed OHCHR to maintain the TJ team in place, with the goal no longer being to support the Consultations (that had concluded) but to support the TJ agenda. Activities were implemented through other parallel projects in which OHCHR did not include personnel costs. Staff initially deployed to the CTF migrated to the SCRMM after the Consultations and additional staff was provided to the HRCSL.

<sup>27</sup> Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on Minority Issues and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism.

the budget, utilizing unspent funds from other lines particularly output 1.2. and 2.2. According to OHCHR these funds helped the project provide the necessary technical advisory support that was needed to support the overall project. The technical advice was mainly provided through consultative meetings at high levels of the Government, where the opportunity was available to engage. A small proportion of funds was utilized to cover-costs of staff who carried out the technical work such as research, note taking and transcribing, which proved vital for the functioning of the CTF. Due to the absence of information in progress reports of Project 1, elaborating on the technical advice provided to the Government and CTF, the evaluation team was unable to validate this aspect further.

The OHCHR initially supported the consultation activities before Government funding was made available to the consultation process, which included the costs of three officers. There was a lack of clarity on the use of project funds and their directly corresponding activities. A possible reasoning for this, according to OHCHR officials, is that a clear delineation of the sources of funds and the activities was a challenge as they also used funds from the larger PBF allocation. They did not think of activities as directly corresponding to one particular project but managed the process as part of a larger programme.

### **Output 1.2.**

Stakeholders are empowered to share their views and opinions on justice, truth and reconciliation.

Activities Envisaged:

- A. Provision of technical support to the CTF
- B. Provision of advice and expert support to the CTF
- C. Introduce focused methods to engage women, children and youth

*This Output was replaced in Progress Reports with:*

**Output 1.2. Support provided to the Government in designing and establishing a historical record management system, which would support future accountability and memorialization initiatives (also under output 2.2.1).**

Indicator 1.2.1. Archived material is preserved in an appropriate manner, indexing of material allows for use in future TJ mechanisms, and access of the public database strengthens knowledge about views expressed during the consultations and needs identified.

#### Targets

- Long term preservation of all submissions ensured
- Tagging all material and indexing for reference
- Searchable digital database developed.

### **Peacebuilding Relevance**

This output has also been replaced by another output, without justification or clarity. While the original output is clearly a complementary result supportive of the expected diverse consultation process, the new output doesn't contribute effectively to the expected outcome. It is more in line with supporting a process after achieving the expected outcome or consultation. This misalignment makes this output less relevant to achieving the expected outcome 1 of this project. Hence, challenging to measure.

However, in keeping with the CTF's recommendations, the archiving system remains highly relevant as a repository of memorialisation of TJ work in the country.

## Peacebuilding Effectiveness

### *In reference to the original output 1.2*

Although replaced with a different output, the original activity of providing advice and expert support to the CTF was achieved. The CTF did receive technical expertise from OHCHR, such as provision of case studies from other parts of the world addressing specific issues such as awareness creation.<sup>28</sup> Similarly, the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, Pablo de Greiff, supported the CTF to design the methodology of the consultations. Also, the CTF received advice from national level experts.<sup>29</sup>

Although the CTF did reach out to UNICEF on assistance in including children in the process, the lack of time and personnel were an obstacle.<sup>30</sup> The role UNICEF was meant to play in this instance is not clear. Nevertheless, the CTF did adequately capture the voices of women and youth in the consultation process. OHCHR's role in advocating GoSL to introduce focused methods in engaging them is not clear.

### *In reference to the replacement of output 1.2*

The project hired a team to undertake the archiving and trained them on the subject, which was found to be effectively done. The team spoke about the practical and hands-on nature of the training they received. It ought to be commended that the archival system<sup>31</sup> has been developed.<sup>32</sup> While this action is effective in itself as a standalone action, in terms of supporting the Government, its effectiveness was minimal. As currently, it has not been effectively integrated into the national system for public access. .

Although indicator 1.2.1. provides for a 'searchable digital database and website', this has not been achieved as yet.

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<sup>28</sup> Information based on a Stakeholder interview for this Evaluation by CEPA's evaluation team.

<sup>29</sup> For conducting qualitative research and other technical support that the CTF needed to carry out the consultations - Information based on Stakeholder and CSO interviews for this Evaluation by CEPA's evaluation team.

<sup>30</sup> Information based on a Stakeholder interview for this Evaluation by CEPA's evaluation team.

<sup>31</sup> The CEPA evaluation team appreciates, as pointed out by the OHCHR officials that the archiving of the materials is a goal in itself that contributes to the Government implementation of a TJ process. Also as pointed out by OHCHR officials, TJ are long term process and in the right political environment these archives will be integrated within a broad national system.

<sup>32</sup> This included an appraisal of all the material; assessment of basic preservation issues; secure the material; collating; cataloguing them according to international standards; stock taking; digitizing; tagging and archiving submissions with constant support from OHCHR and technical support from swisspeace - Information based on stakeholder interviews for this Evaluation by CEPA's evaluation team.



The archiving project received funding from the UN for staff and support for a technical team from swisspeace who provided training and development of the database. Additional support was received from the German Agency for International Cooperation (GIZ) to setup the database<sup>33</sup>. However, due to technical and political impediments the database is yet to be launched and made available to the public.<sup>34</sup>

### **Impact on Macro Peacebuilding**

The availability of the database with the submissions made by affected parties to the CTF would be beneficial for the long-term transitional justice efforts. In the absence of a tangible/ accessible product - a database, it is not possible to gauge its impact on the overall macro peacebuilding process, even at the lapse of one and a half years since the end of the project.

### **Sustainability for Long-Term Peacebuilding**

Sustainability is questionable, because it is not clear as to how this work will be maintained. At the time of conducting interviews for this evaluation, plans were underway to hand over a redacted version to the national archives. It appears that the UN RCO is supporting further action on archiving through other current projects that hope to systematize this aspect better.

However, in terms of ensuring sustainability, the archiving system is imperative to save all information on future of work on TJ mechanisms/process and related memorialisation work, accessible in a conducive political climate. As observed by an interviewee for the evaluation, there was always a “long term vision... it was clear from the beginning to have different alternatives in relation to political developments”.<sup>35</sup>

### **Efficiency of Management and Governance**

This output had a significant amount of funds allocated to support the consultation process (approximately 25% of the fund). This was based on the initially envisaged implementation of the project. However, thereafter the Government decided to fund the process directly. Thus, the project supported the process on needs-based requests made by the Government. Some delays were

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<sup>33</sup> GIZ contributed approximately LKR. 2.4 million to the Archiving Project to carry out the following activities: website development; 10+ year domain registration and hosting via Amazon Web Services.

<sup>34</sup> Information based on stakeholder interviews for this evaluation by CEPA's evaluation team.

<sup>35</sup> Information based on a stakeholder interview for this evaluation by CEPA's evaluation team.

experienced in disbursing funds due to: (a) The CTF not having experience working with government and the UN in terms of how they need to request for payments in advance. (b) OHCHR is not set up as an implementing agency and thus its finances had to be channelled through UNDP, therefore this caused some complications and delays. The OHCHR claims that the same happened with the small grants (discussed in detail under output 2.1). The selection of the beneficiaries was quick but the introduction of it in the UNDP system was delayed.<sup>36</sup>

While the adaptability of the project to allow for the Government to lead on the process was a significant move, questions were raised as to whether the reallocation of funds was as equally well designed and planned.

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<sup>36</sup> Information based on third interview with OHCHR officials in UN, Colombo with CEPA's team of evaluators.

**Outcome 2:**

Sri Lankan stakeholders obtain a basic knowledge and understanding of Transitional Justice processes that will put them in a position to implement the Human Rights Council Resolution 30/1 of 2015.

**Peacebuilding Relevance**

The outcome is highly relevant to the context and well aligned and designed keeping to the overall objective.<sup>37</sup> The evaluation team commends this process for its informed approach and inclusive consultation with Sri Lankan stakeholders to elicit knowledge on the HRC Resolution 30/1 in government stakeholders and the CSOs. Given that TJ was a new concept in the country, the intervention was timely in bridging the knowledge gap of local stakeholders remarkably well.

**Peacebuilding Effectiveness**

The intervention seems to have seized upon the opportunities that opened up in the immediate peacebuilding environment. However, the measurements of achievement of the outcome have not been defined in the project document, and the progress has also not been reported at this level. As a result, it detracts from our ability to assess the effectiveness of the project's broader actions and outputs.

**Impact on Macro Peacebuilding**

The project had a positive impact upon the national-level TJ course, leading to progress in passing of essential legislation in relation to disappearances, and subsequently in establishing the OMP and OfR, led by the National Unity Government of President Maithripala Sirisena and Prime Minister Wickremesinghe during 2016.

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<sup>37</sup> "Broad based Sri Lankan society engagement in peacebuilding with support of credible initiatives to advance human rights, reconciliation, accountability and address grievances."

### **Sustainability for Long-Term Peacebuilding**

The sustainability of the project can be alluded to the fact that it has expanded the expertise and knowledge of the individuals involved, which in turn could be developed to further build the TJ mechanisms in the country, even beyond this project.

### **Efficiency of Management and Governance**

There was a very small proportion of funds allocated for this outcome area and was not in line with the full scope of TJ related work envisioned in this project. The capacity building and strengthening of stakeholders i.e. government, civil society and victims are an essential supporting function which could have been carried out efficiently had there been better distribution of funds.

### **Participation and Ownership of National Local Stakeholders and Gender Inclusiveness**

The Projects intention for inclusivity in collaboration with national diverse stakeholders was visible in the project document and is commendable especially the intention to include knowledge dissemination through CSOs. However, the good intentions at conceptual level did not translate into positive outputs at the operational level (discussed in more detail under output 2.1.).

### **Coordination and Coherence with Other Initiatives**

This project, initiated in 2016, was part of the multiple transformative peacebuilding and reconciliation process in the country, and complemented other work carried out by United Nations Country Team (UNCT), Office of National Unity and Reconciliation (ONUR), SCRIM, relevant Government Ministries and Development Partners Organisations in the country. It was welcome at a point when the nation was ostensibly engaged in national reconciliation after the end of the war in 2009.

### **Output 2.1:**

Key stakeholders have strengthened capacity on transitional justice principles and standards, to facilitate broad-based and informed participation in the process of establishing credible and effective mechanisms.

Activities Envisaged:

- A. Conduct targeted capacity building trainings, orientations to the CTF and workshops to government officials, CSOs and victims and victim's support groups to ensure informed involvement and participation in the TJ process.
- B. Training on TJ for senior government officials.
- C. Residential training for CSOs.
- D. Awareness raising activities targeting victims and victim's groups.

Indicator 2.1.1. Sensitisation and training sessions with Government.

Target

- A comprehensive TJ strategy/plan designed and implemented by dedicated Government experts.

Indicator 2.1.2. Continuing exchanges with victims and their representatives in relation to the commitments undertaken in HRC resolution 30/1 (now 34/1) so as to enable them to feed effectively into the process.

Target

- Civil society and victim groups are organised in an advocacy umbrella to push for progress on TJ mechanisms, in particular the OMP.

### **Peacebuilding Relevance**

In terms of relevance to the wider peacebuilding context, the intervention closely reflects the four pillars on TJ set out by the Government. Given that TJ was a new concept in the country, much training and knowledge dissemination was required as people from all parts of the country could not relate to the mechanisms at the same level. This has aptly been identified in the project planning. The knowledge gaps on TJ was also recognised among government institutions and the bureaucracy in the

country.<sup>38</sup> The common expectation was that the trainings for the various government officials would take place on carrying forward TJ work, as it was quite relevant.

### **Peacebuilding Effectiveness**

The focus of strengthening the capacity of key stakeholders is closely aligned with the outcome of building knowledge and understanding of TJ processes among stakeholders. Indicators are adequately designed with one capturing impact on the Government, and the other on civil society and victim groups. The target of indicator 2.1.1. is, however, misaligned and would better serve as a separate indicator. The target of 2.1.2. is also equivalent to an indicator level and more is ambitious<sup>39</sup> than 2.1.2.

There are other listed indicators in the project document – number of training workshops/events on TJ for Government Officials; number of training workshops/events on TJ for civil society and victims; amount of material distributed. In terms of design these are adequate measure of the output and are clearly linked to the actions. However, these do not appear in subsequent progress reports.

The project planned activities to conduct capacity building trainings for the task force, government officials and civil society. Trainings were expected to be conducted on TJ principles and standards. Activities were also planned in relation to raising awareness on TJ processes with victim groups. However, awareness is unlikely in itself to support the achievement of indicator 2.1.2. and its target. Nevertheless, these actions are relevant, and the design would help deliver output 2.2. adequately.

Activities envisaged to provide trainings to the CTF, government and CSOs were not achieved. Although advice was given when necessary/requested through the utilisation of TJ experts who were hired for the project.<sup>40</sup> The evaluators, however, did not have information on exactly who were trained and the type of training that took place.

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<sup>38</sup> The project document underscores the need for their ‘informed’ involvement and participation in TJ process.

<sup>39</sup> It is more ambitious because the indicator expects to measure only exchanges with CSOs and victims. However, the target here, is the development of an umbrella group. The development of an advocacy umbrella would ideally be the result of having carried out many exchanges. Only then could they become more constructive to be able to thereafter organise the groups into an umbrella group. Hence, that could happen only much further down the process after a series of exchanges. Target ideally should have been about 10 exchanges with CSO and victim groups, but not the ‘advocacy umbrella’ as indicated in the results framework.

<sup>40</sup> According to OHCHR’s appraisal of CEPA’s main evaluation findings and recommendations report submitted on December 20, 2019, training of government officials did take place through other PPP projects including through the placement of two experts in the SCRIM (the strategic consultants group), that conducted training to a wide range of officials and the OMP Commissioners as part of their work, including dialogues with victims and other stakeholders.

In relation to awareness raising activities outlined in activity D, only 10 CSOs<sup>41</sup> out of 40 applicants met the criteria to carry out promotional and awareness raising activities related to human rights and TJ in local communities. The grant announcement was circulated via email directly by OHCHR, through network and partner organisations and via civil society and human rights organisations based in Colombo.<sup>42</sup> Considering the limited publicity given to the process by GoSL, the role of the CSOs was relevant in creating awareness at the grassroots level and in particular in involving marginalised groups. In this context, had the OHCHR given the grant wider publicity and increased the number of small grant recipients the process would have perhaps captured a broader spectrum of CSOs<sup>43</sup> working with specific groups who were not captured in the process.<sup>44</sup>

In the absence of CSO reports for evaluation, the team could not assess the overall effectiveness of the CSO work at the grassroots level. Information garnered from respondents show that the CSO work only partially strengthened the process<sup>45</sup> (because more substantial work was done by members of the ZTF in the periphery). The activity had the potential to have a wider impact with a greater number of CSOs working on awareness creation at the grassroots level but was limited.

### **Impact on Macro Peacebuilding**

Awareness raising activities were conducted through the small grants given to CSOs, the projects were isolated. Therefore, the impact it created in raising awareness was minimal. The target of having CSOs and victim groups organised in an advocacy umbrella does not seem to have been achieved under this phase, as it is observed that “CSOs are fragmented, as a result processes of this nature suffer”.<sup>46</sup> However, it should be acknowledged that the awareness creation projects carried out by CSOs that received small grants have empowered the affected grassroots communities to engage with the process constructively. Interviews revealed that victim families have engaged in various forms of activism including peaceful protests demanding their rights for truth and justice. Others engaged with institutions such as the OMP and OfR. Communities have also engaged with local CSOs in documenting

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<sup>41</sup> Please refer to list of 10 CSOs that received small grants from IRF-PBF (2016).

<sup>42</sup> Information based on a stakeholder interview for this evaluation by CEPA's evaluation team.

<sup>43</sup> CSOs such as those working with children and disabled persons.

<sup>44</sup> According to OHCHR's appraisal of CEPA's main evaluation findings and recommendations report submitted on December 20, 2019, this too, will need to be viewed in the context of the parallel projects. Just a few months after this initial set of micro-grants, the joint OHCHR-UNDP PBF Project on TJ issued another Call for Proposals much more substantial in amount with wider publicity.

<sup>45</sup> Information based on a stakeholder interview for this evaluation by CEPA's evaluation team.

<sup>46</sup> Information based on a stakeholder interview for this evaluation by CEPA's evaluation team.

local histories as part of memorization efforts. Some communities in the south in particular also worked with local CSO to dispel ill or misinformed narratives on transitional justice processes.

### **Sustainability for Long-Term Peacebuilding**

There was a ripple effect created by some CSO projects – one example is of a CSO that carried out truth forums from the grant they received – two years later the same format was used by communities in Kandy after the Digana riots.<sup>47</sup> This speaks positively to the effect the project has had on the sustainability for long term-peacebuilding at the grassroots level. Similarly, the experience, exposure and capacity built from these grants also helped some CSOs access larger grants to further strengthen their work on TJ and peacebuilding.<sup>48</sup>

### **Efficiency of Management and Governance**

This output had more than USD 20,000 allocated to support the strengthening of capacity of government partners, and the allocation was drastically reduced to USD 3,400. The original allocation is roughly 2% of the total fund, to build the understanding and knowledge among government and other key stakeholders on TJ. In general, capacity building and training can be resource intensive and so it is surprising as to the reasoning behind such a small allocation. This is also not in line with the elaborately laid out expectations behind the output, which meant to support the achievement of outcome 2. Given the further reduction in funds for this line, it is not clear whether the output was effectively or efficiently achieved.

A major obstacle faced by many of the CSOs was the limited time and funding given to carry out their work. There appears to have been only one month for the CSOs to carry out their work since the disbursement of funds in June 2016<sup>49</sup> and the commencement of public meetings in the districts in July, the same year.<sup>50</sup> In certain instances, this led to the CSOs having to provide submissions collected from specific groups to be included into the CTF report after the report writing had concluded.<sup>51</sup> In addition, most CSOs commented that the funding given was not sufficient to carry out their work at the grassroot level and had to be complemented with other sources.<sup>52</sup> It is not clear as to why such a

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<sup>47</sup> Information based on a CSO interviews and final report of the project for this evaluation by CEPA's evaluation team.

<sup>48</sup> Information based on a CSO interviews for this evaluation by CEPA's evaluation team.

<sup>49</sup> Ibid

<sup>50</sup> Final Report of the Consultation Task Force on Reconciliation Mechanisms, November 17, 2016, Vol 1 pg.24

<sup>51</sup> Information based on a CSO interview for this Evaluation by CEPA's evaluation team.

<sup>52</sup> Information based on a stakeholder interview for this Evaluation by CEPA's evaluation team.



small amount was allocated to CSOs when the project had USD 144,000+ for this line. This is elaborated in detail under output 2.2. because the budget line is linked to that output.

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## **Output 2.2.**

Relevant stakeholders are supported in their early brainstorming and conceptualization of transitional justice policies and measures that ensure accountability for human rights violations and provide redress, effective remedies and reparations to victims and conflict affected groups that meet international standards.

Activities Envisaged:

- A. Provision of expert advice to the Government in the preparation and revision of relevant legislation, policies and mechanisms necessary for the design of TJ institutions and practices.
- B. Support the mapping of existing databases on the disappeared and missing persons.
- C. Deploy an international technical expert to conduct an initial scoping and mapping of human rights documentation sources.
- D. Provide technical support to the Government in designing and establishing a historical record management system.

Indicator 2.2.1. Advice provided to Government.

Target

- Technical capacity to conduct specialised TJ work on mapping, documentation and archiving.

Indicator 2.2.2. Legislation put in place on the TJ mechanisms.

Target

- Legislation allows and facilitates the implementation of a comprehensive TJ strategy.

## **Peacebuilding Relevance**

To enable addressing the lacuna in legislation with reference to TJ, the visits of the Special Procedures Mandate holders such as Special Rapporteur on Truth, Justice, Reparation and Guarantees of Non-recurrence and their contribution and input into aspects such as the proposed Counter Terrorism Act (CTA) was relevant in this context. The overall output is well aligned with the broader outcome of building stakeholder's knowledge and understanding of TJ processes.

## Peacebuilding Effectiveness

The indicator 2.2.1. is stated in activity form. Therefore, it makes it difficult to measure. The target identifies three areas where technical capacity would be provided. However, it still remains challenging to measure. Similarly, Indicator 2.2.2. is ambiguous because the target's result is purely contingent upon the Government's initiatives. Hence, it is possibly above the scope of this output and outcome to have legislation in place by the end of the 26-month project.

Here too, there are subsequent indicators listed in the project document i.e. number of meetings with government officials; number of advisory notes; visit by consultants on archiving/information management. The achievement of this output was through advice was given to government, especially in the form of experts embedded within SCRM and MFA as advisors. However, these too do not appear in subsequent progress documents, although they are ideally suited to measure the output, and closely linked to the activities.

Planned activities were to provide expert advice to the government to prepare relevant legislation, policies and mechanisms, and to support the mapping and establishment of a record management system.

The OHCHR's contribution in terms of having relevant legislation on TJ mechanisms in place is not clear owing to the lack of access by the evaluation team to relevant line Ministries. However, according to OHCHR, the advice of the Special Procedures Mandate holders<sup>53</sup> towards the drafting of relevant legislation was made available to the government despite some contentions. However, OHCHR's contribution towards certain legislation such as witness protection, amendments to the CTA draft could not be carried forward owing to political contentions.<sup>54</sup>

As per the support of 'mapping existing databases on the disappeared and missing persons,' a centralised list of disappeared persons does not exist. The OMP is currently in the process of

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<sup>53</sup> The visits of the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence, the Special Rapporteur on Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the Special Rapporteur on the Independence of Judges and Lawyers, the Special Rapporteur on Minority Issues and the Special Rapporteur on the Promotion and Protection of Human Rights and Fundamental Freedoms while Countering Terrorism took place during the reporting period. According to OHCHR, although these visits themselves were not funded through the project, they could be accounted to a certain degree as support and technical advice given to the team as alternatives to the trainings, as per information gathered at interviews with OHCHR officials.

<sup>54</sup> Information based on interview with official of OHCHR, Colombo.

consolidating existing databases on disappeared persons. UN assistance has been given in relation to copying of physical records from previous commissions.<sup>55</sup>

### **Impact on Macro Peacebuilding**

The output contributed towards the commitments made by the government to bring in legislation on OMP, OfR, Criminalizing Enforced Disappearances and Victim and Witness Protection, and impacted the macro peacebuilding level positively.

### **Sustainability for Long-Term Peacebuilding**

The historical record management system ensures the sustainability aspect of the work carried out by the CTF in collecting testimonies of the locals/victims, although it is yet to be launched for public access. Ensuring the safekeeping and long-term storage of these testimonies is vital for the sustainability of the TJ process/mechanisms.

As for the legislation on the OMP, although has been passed in parliament, the longevity of this process would depend on the commitment of the new administration, post 2019.

### **Efficiency of Management and Governance**

The discussion on CSO related grants is carried out in detail under output 2.1, where the activities are referenced. This output had an allocation of USD 144,300+ (14%), which was subsequently reduced to USD 50,000 (5%) in the budget. These funds were directly channelled through 10 CSO grants of USD 5000 each. The justification for the reduction in activities under this line is lacking in the progress reports. It is not clear as to why the ceiling on the number of grantees had been introduced and why the amount was decided when more funding was available. Based on findings from the CSO grantees, they were expecting a much wider scope of work to be supported through this effort, in line with the need of the hour as well as the available opportunity to undertake this type of work. There was much disappointment on their side as to how few CSOs were supported at that time. Thus, it becomes clear that the efficiency of this output was reduced. OHCHR acknowledged it as a lesson learnt from the initial grant exercise that CSOs could benefit from higher amount and this was implemented under other projects that did not fall under the purview of this evaluation.

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<sup>55</sup> Information based on stakeholder interview for this Evaluation by CEPA's evaluation team.

### **Coordination and Coherence with Other Initiatives**

The OMP legislation was passed prior to the completion of the consultations. Thus, the coordination with other initiatives can be challenged; the consultations were meant to feed into what the mechanisms would entail, therefore this element would have been imperative.

There were parallel processes taking place that the OHCHR work fed into. Although not directly linked to this output, the Working Group that drafted the TRC legislation worked closely with the CTF and their recommendations fed into drafting the legislation.

**Output 2.3.**

Output statement not specified

Indicator 2.3.1. Advice provided to UNCT enables its members to take into account issues of TJ and accountability in their programming.

Target

- Knowledge among UNCT members on TJ and accountability issues significantly increased so as to contribute with the programming to implementation of HRC resolution 30/1 (now 34/1).

This output is a new addition in subsequent progress reports. The output cannot be assessed as there is a lack of clarity in the program design/information provided by OHCHR.<sup>56</sup>

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<sup>56</sup> According to OHCHR's appraisal of CEPA's main evaluation findings and recommendations report submitted on December 20, 2019, OHCHR and the Strategic Consultants Groups conducted informative/training sessions with UNCT staff working on TJ projects as well as coordination meetings with all agencies working on the TJ pillars of the PPP.

## **Concluding Remarks and Recommendations**

The entire consultation process was very rewarding and satisfactory for the civil society at large. The project created the space and the capacity for the CTF to carry out the consultations – which was considered vital for the TJ process. It remains valid to date. It helped to successfully mobilize people at the grassroots level to give their input on the design of the TJ mechanisms. Following are some recommendations to guide future project interventions.

### ***Consultations***

In the Sri Lankan context, affected communities have been subjected to numerous commissions of inquiry with little or no redress for many decades. These communities have gained very little from such consultations. Therefore, OHCHR, in its future TJ initiatives, should be mindful of consultation fatigue that the communities suffer over multiple consultation processes on the different dimensions of the TJ mechanisms.

It must also be borne in mind that while the views and wishes of people should be taken into account in any TJ programme, that these very same consultations would do more harm than good if they are not followed up by any concrete forms of redress.

OHCHR could have played a bigger role through UNICEF in advocating for the inclusion of the voices of children in the CTF process, and also give legal and technical expertise, considering the number of children affected directly and indirectly during the civil war.

### ***Selection Criteria for CTF***

The composition of the Task Force comprising exclusively civil society groups and few academics, despite their varied expertise which contributed to the process, was however, perceived by the larger community as a NGO-driven exercise. A balanced group consisting of both government and non-government experts in the CTF would have led to the report and recommendations being received better by the public. Therefore, in any future TJ effort OHCHR should make recommendations for selection criteria for national consultants and they should include individuals who are not only independent experts but also those who are accepted by all communities.

### ***Archives to be Publicly Accessible***

The accessibility of the digital database with the submissions made by affected parties to the CTF would be beneficial for the long-term transitional justice efforts. The evaluation team recommends that the database be publicly accessible imminently.

### ***Training to Bridge Knowledge Gaps on TJ***

OHCHR had identified that there was a lack of understanding on TJ among the government institutions. However, the evaluation team did not find any effort from OHCHR's part to address the obvious knowledge gaps that had been identified by the Special Rapporteur on the Promotion of Truth, Justice, Reparation and Guarantees of Non-Recurrence among some sections of the government sector in his early visit. OHCHR in this light ought to have conducted capacity building programs in a more substantive manner to address the patent knowledge gaps. It ought not to have missed the precarious opportunity.

### ***Financial Support for CSOs***

Additional financial support would have been helpful for the CSOs work, which was critical at this period of political transition, as there were hardly any funding sources for CSOs for such work in the country during the period of intervention.

### ***Project Design***

The original project ideas, while being well thought out, ought to be well translated to the results framework. The results framework need clarity in terms of recognising the degrees of function between 'outputs', 'activities', 'indicators' and 'targets to be achieved'. Risks inherent in a project of this nature should be clearly defined or understood.

### ***Reporting and documentation***

The multi-party programme structure has many advantages, allowing the project room to adapt and synergise across various projects in a dynamic context. Accordingly, it is recommended, especially in such a fluid context, the management style and process is grounded in adequate reporting and documentation that records agreements, decisions made and all deviations from the original activity plan and results framework. This supports the institutionalization of information and knowledge and helps increase transparency of the project management process.



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## Annex 01 - List of Interviews Conducted

Name and Designation	Date	Location
<i>UN Office of the Resident Coordinator (RCO)</i>		
Ms. Dushanthi Fernando, Programme Coordination Specialist	Nov 22, 2019	UN Compound
<i>Office of the United Nations High Commissioner for Human Rights (OHCHR)</i>		
Mr. Juan Fernandez-Jardon, Senior Human Rights Advisor	Nov 27, 2019	UN Compound
Ms. Julia Raue, Transitional Justice Advisor	Dec 6, 2019	Via Skype
Mr. Pradeep Wagle, Senior Human Rights Advisor	Nov 22, 2019	Via Skype
Ms. Sahani Dikkumbura, Programme Assistant	Nov 27, 2019	UN Compound
<i>Secretariat for Coordinating and Reconciliation Mechanisms (SCRM)</i>		
Mr. Tharaka Hettiarachchi, Director UN & Intl. Affairs Coordination Unit	Nov 8, 2019	SCRM
<i>Office on Missing Persons (OMP)</i>		
Ms. Nimalka Fernando, Commissioner	Nov 15, 2019	OMP
<i>Consultation Task Force (CTF)</i>		
Dr. Farzana Haniffa, Member	Nov 28, 2019	University of Colombo
Prof. Gameela Samarasinghe, Member	Nov 28, 2019	University of Colombo
Mr. Mirak Raheem, Member	Nov 14, 2019	OMP
Dr. P. Saravanamuttu, Secretary	Nov 7, 2019	CPA
<i>CTF Archiving Project</i>		
Mr. Nigel V. Nugawela, Former Overall Research Coordinator	Nov 22, 2019	CEPA
<i>CSOs and Key Stakeholders</i>		
Ms. Ambika Satkunanathan, Commissioner, Human Rights Office	Nov 21, 2019	HRCSL
Dr. Jehan Perera, Executive Director, National Peace Council of Sri Lanka (NPC)	Dec 9, 2019	NPC
Ms. Kumudini Samuel, Director Programmes, Women and Media Collective (WMC)	Nov 22, 2019	WMC
Ms. Sherine Xavier, Executive Director, The Social Architects (TSA)	Nov 22, 2019	TSA
Ms. Shreen Saroor, Founder, Mannar Women's Development Federation	Nov 13, 2019	Residence
<i>Focal Points</i>		
Ms. Mahishini Colonne, Former Head of UN Division, Ministry of Foreign Affairs	Dec 3, 2019	Taj Samudra
<i>Other Stakeholders</i>		
Ms. Chulani Kodikara, Former Researcher, CTF	Nov 28, 2019	Via Skype
Amb. H.M.G.S Palihakkara, Former Foreign Secretary; Former Governor, Northern Province; Member, LLRC	Nov 13, 2019	Residence
Ms. Krishna Velupillai, Former Technical Specialist (UNDP)	Nov 20, 2019	CEPA
Ms. Nethimini Medawala, Consultant, Ministry of Finance	Nov 28, 2019	CEPA
Mr. Ruki Fernando, Civil Society Member/Activist	Nov 7, 2019	INFORM
Prof. Savitri Goonesekere, Emeritus Professor of Law, University of Colombo	Nov 28, 2019	Residence

## **Annex 02 – Data Collection Instrument**

### ***Specimen Question Guide for UN Staff***

1. Could you please explain the context and the process of the project?
2. Could you please brief us about the mandate of the Task Force?
3. What activities were planned and what were implemented?
  - 3.1. Can you explain how they were done?
4. Were government partners/stakeholders in agreement with these activities?
  - 4.1. Did they feel something different should have been done?
5. Were the consultations satisfactory?
6. What was the most outstanding feedback you got from Task Force members that was achieved to their satisfaction?
7. Did you experience any issues in implementing?
8. Who are your stakeholders?
  - 8.1. How were stakeholders selected for the process?
  - 8.2. What sort of challenges did you face?
9. Please explain the activities that were planned and later conducted to empower the stakeholders.
10. Was there any issue in implementation? Did it progress as planned?
11. Please explain the government mechanisms.
12. How do you see this mechanism continuing with a change of government?
13. Could you compare and contrast the transformation that is demonstratively evident post-resolution 30/1 interventions?
14. What were the dissemination methods used by the UN? Was it a country-wide reach out?
15. Who are the community-based organisations selected for the dissemination work?
  - 15.1. Were they given training/orientation/guidelines to carry out dissemination work?
  - 15.2. Please explain the mechanism. Were there local stakeholders?
16. Share with us the process/selection of stakeholders especially the community-based organisations.
17. What activities did you plan on doing to strengthen the capacity of the stakeholders?
18. How do you measure that capacity was strengthened?
19. Were the activities implemented as planned? How did you mitigate any issues?
20. How was women's participation ensured (beyond attendance lists)?
21. What is the methodology in formulating the database of missing persons and the disappeared?
22. Was a strategy/methodology developed to consolidate existing databases? (if no, why?)
  - 22.1. Do you feel it is in line with international standards?

- 22.2. Where is the database housed now?
23. Can you explain to us how the independent archiving system works, and how it will support and be sustained to hold future accountability?
24. Explain the support provided by OHCHR in setting up of the database.
25. How would you assess their work? Was it satisfactory?
26. Do you think the objectives of this exercise had its value for money?

### ***Specimen Question Guide for Stakeholders***

#### *Questions for Prime Ministerial Action Group (PMAG)*

1. You were a part of an advisory team to the Prime Minister/former Foreign Minister Mangala Samaraweera during 2015 /2016? Could you tell me who else was in this group at the time?
2. Was there any discussion on what was to be taken up at the UNHRC meeting in September 2015?
3. The government set up the PMAG chaired by the Prime Minister, to guide the process of reconciliation and accountability, who were the Ministers in this action group?
4. There was also a Steering Committee under this action group which was chaired by the Foreign minister who else was in this steering committee (this was supported by the SCRM)?
5. Were there any training programmes conducted on TJ with the Ministry of Foreign Affairs or Ministry of Defence or any other government ministry by UN (OHCHR) during that time ?
6. The government set up a Consultations Task Force in January 2016 , what was the context of this Task Force?
7. Do you know the process by which the CTF members were chosen?
8. Do you feel that the CTF was planned properly?

#### *Questions for CTF Members*

1. Please discuss the context of the National Consultation Process?
  - 1.1 What are your thoughts on the need for such a project? (what was necessary for the country?)
2. What was your specific role or principal functions as a member of the CTF?
3. How did the OHCHR interventions help/empower you to share your views on justice, truth and reconciliation? (i.e. advocacy, activism or on the truth and reconciliation related work that you carry out?)
4. Do you feel that the OHCHR intervention has empowered you to influence government policy on reconciliation positively ? (i.e. policy on language, education, integration, truth commission, special courts etc.)

5. What resources were you given by OHCHR to do that?
  - 5.1. Were you given advice expert support from OHCHR training/orientation/guidelines to carry out dissemination work by the OHCHR? In what ways?
  - 5.2. How did the introduction of resources help? What were the hassles it tried to overcome?
6. Were the consultations satisfactory and inclusive?
  - 6.1. Were any focused methods introduced to engage women, children and youth to reflect their views in the national consultation process?
  - 6.2. How were women and other marginalised minorities effectively engaged in this process?
7. What were the gaps? What more could have been done?
8. Was capacity building training provided to the CTF/Government/Civil Society and other stakeholders to ensure informed involvement and participation in TJ process?
9. Are you aware of any awareness raising activities targeting victims and victims groups by OHCHR for greater understanding TJ for their participation in the national consultations/CTF process?
10. Are you aware of any training given by UN or GoSL on these mechanisms to government servants ? (in the north?) even at higher levels SCRM etc?
11. Were residential trainings given on different aspects of TJ Accountability, truth seeking and historical record management, reconciliation, restitution and institutional reform.
12. Are you aware of any awareness raising activities targeting victims and victim groups by OHCHR for greater understanding TJ for their participation in the national consultations/CTF process.
13. What form of advisory support did the GoSL/OMP receive from OHCHR in reviewing relevant legislation on criminalising enforced disappearances and on victim and witness protection.
14. Was there a general awareness amongst the public in the northern province of the CTF process and what it was going to do?
15. What do you feel about the existing legislation on disappearances and victim and witness protection? Do you feel it is in accordance with international standards?
16. What is the methodology in formulating the database of missing persons and the disappeared?
17. Was a strategy/methodology developed to consolidate existing databases? (if no, why?)
18. Do you feel it is in line with international standards?
  - 18.1 . Where is the database housed now?
19. Can you explain to us how the independent archiving system works, and how it will support and be sustained to hold future accountability?
20. Could you explain how technical support was given to GoSL in designing and establishing a historical record management system to preserve information and documentation on violations that took place during the war



### ***Specimen Question Guide for CSOs***

1. How did you get involved/ get contacted for this project?
2. Can you tell us about the context of the project and how you and your community got involved in it?
  - 2.1 What are your thoughts on the need for such a project?
  - 2.2 Was it necessary for the country/ your community?
3. To what extent was the objective of engaging society in peacebuilding and reconciliation/human rights/accountability achieved in this process?
4. What process of desired change has the intervention initiated on the ground level, in terms of peacebuilding and reconciliation?
  - 4.1. Are the results sustainable?
5. Do you think there was value for money in this whole process, given that the PBF funding was sought for the activities? (efficiency-related question)
6. Have you made submission to previous commission of inquiry? (what were they?)
  - 6.1. If so, how do the CTF 's consultations with those affected differ from previous commissions of inquiry?
7. Was there general awareness amongst the public of the CTF process and what it was going to do?
8. Were you given training/orientation/guidelines to carry out dissemination work?
9. Who are the local partners you selected for your dissemination work?
10. What were the dissemination methods used?
11. How did you carry out your work?
12. What obstacles did those affected persons face in making their submissions to the ZTFs?
  - 12.1. How were they overcome?
  - 12.2. What's their current view?
13. Could you compare and contrast the transformation that is demonstratively evident since the consultative process took place in the districts?
14. Could you explain the expectations which the community had of the CTF and to what extent those expectations have been fulfilled.
15. What are your thoughts on the space for truth seeking for victims and their families? (Truth Commission)
16. Do you feel that the CTF intervention has opened the space for discussion for truth commissions and hybrid courts?
17. Do you personally feel empowered by the knowledge dissemination or the course of action i.e. advocacy, activism or on the truth and reconciliation related work that you carry out? If, yes. how?

18. Were you and those in your organisation given training or guidance in carrying out work in transitional justice by any organisation?
19. Are the objectives achieved in a cost-efficient manner by the development intervention? Was there value for money? How big is the efficiency or utilization ratio of the utilized resources?

### Annex 03 – Work Plan

	N1	N2	N3	N4	D1	D2	D3	D4	J1	J2
Inception Phase	X	X								
Submission of Inception Report		X								
Secondary Document Review	X	X	X	X						
Primary Data Collection		X	X	X	X					
Analysis & Reporting				X	X	X				
Draft Final Report Submission							X			
Validation Meeting									X	
Finalize Final Report									X	
Final Report Submission										X

## Annex 04 - Evaluation Matrix

The rating is based on a score given by the evaluation team for each outcome and output under the OECD-DAC criteria. The rating is on a scale of 1 to 5 (1 being poor, 5 being excellent).

Where the output has been replaced in the progress reports, the rating is given for the new output area.

<b><i>Outcome 1: A National Consultation process that captures diverse views and opinions of different stakeholders in Sri Lankan society on Justice, Truth, Reparations and guarantees of Non-Recurrence.</i></b>	
<b>Criteria</b>	<b>Score</b>
Peacebuilding Relevance	4.00
Peacebuilding Effectiveness	3.00
Impact on Macro Peacebuilding	3.24
Sustainability for Long-Term Peacebuilding	2.25
Efficiency of Management and Governance	2.00
Participation and Ownership of National Local Stakeholders	3.00
Coordination and Coherence with Other Initiatives	2.00
Gender Inclusiveness	4.75
<b><i>Output 1.1 Provision of technical assistance by OHCHR to the Ministry of Foreign Affairs (MFA) and relevant stakeholders to conduct National Consultations</i></b>	
<b>Criteria</b>	<b>Total Average</b>
Peacebuilding Relevance	4.50
Peacebuilding Effectiveness	2.50
Impact on Macro Peacebuilding	2.25
Sustainability for Long-Term Peacebuilding	2.25
Efficiency of Management and Governance	1.75
<b><i>Output 1.2: Support provided to the Government in designing and establishing a historical record management system, which would support future accountability and memorialisation initiatives.</i></b>	
<b>Criteria</b>	<b>Total Average</b>
Peacebuilding Relevance	4.00
Peacebuilding Effectiveness	3.00
Impact on Macro Peacebuilding	Cannot be assessed
Sustainability for Long-Term Peacebuilding	1.00
Efficiency of Management and Governance	2.00
<b><i>Outcome 2: Sri Lankan stakeholders obtain a basic knowledge and understanding of Transitional Justice processes that will put them in a position to implement the Human Rights Council Resolution 30/1 of 2015.</i></b>	
<b>Criteria</b>	<b>Total Average</b>
Peacebuilding Relevance	4.00
Peacebuilding Effectiveness	2.00
Impact on Macro Peacebuilding	2.25
Sustainability for Long-Term Peacebuilding	2.50
Efficiency of Management and Governance	2.00

Participation and Ownership of National Local Stakeholders Gender Inclusiveness	2.25
Coordination and Coherence with Other Initiatives	2.00
<b>Output 2.1: Key stakeholders have strengthened capacity on transitional justice principles and standards, to facilitate broad-based and informed participation in the process of establishing credible and effective mechanisms.</b>	
<b>Criteria</b>	<b>Total Average</b>
Peacebuilding Relevance	4.50
Peacebuilding Effectiveness	2.50
Impact on Macro Peacebuilding	2.25
Sustainability for Long-Term Peacebuilding	2.75
Efficiency of Management and Governance	1.75
<b>Output 2.2: Relevant stakeholders are supported in their early brainstorming and conceptualization of transitional justice policies and measures that ensure accountability for human rights violations and provide redress, effective remedies and reparations to victims and conflict affected groups that meet international standards.</b>	
<b>Criteria</b>	<b>Total Average</b>
Peacebuilding Relevance	2.75
Peacebuilding Effectiveness	2.00
Impact on Macro Peacebuilding	2.00
Sustainability for Long-Term Peacebuilding	2.00
Efficiency of Management and Governance	2.00
<b>Output 2.3: (not specified - this output was not originally envisaged)</b> <b>Indicator 2.3.1. Advice provided to UNCT enables its members to take into account issues of TJ and accountability in their programming.</b>	
<b>Criteria</b>	<b>Total Average</b>
Peacebuilding Relevance	Cannot be assessed
Peacebuilding Effectiveness	Cannot be assessed
Impact on Macro Peacebuilding	Cannot be assessed
Sustainability for Long-Term Peacebuilding	Cannot be assessed
Efficiency of Management and Governance	Cannot be assessed

## Annex 05 - Results Framework Verification

**Project Title:** Support for Sri Lankan to Design Transitional Justice Mechanisms: Phase 1: National Consultations and Design Follow-up Strategy

**Country name:** Sri Lanka

**Project Effective Dates:** January 2016 to June 2018

**PBF Focus Areas:** 1: *Support the implementation of peace agreements and political dialogue (Priority Area 1):*

(1.1) SSR, (1.2) RoL; (1.3) DDR; (1.4) Political Dialogue

2: *Promote coexistence and peaceful resolution of conflicts (Priority Area 2)*

(2.1) National Reconciliation; (2.2) Democratic Governance; (2.3) Conflict prevention/management;

3: *Revitalise the economy and generate immediate peace dividends (Priority Area 3)*

(3.1) Employment; (3.2) Equitable access to social services

4: *(Re) – establish essential administrative services (Priority Area 4)*

(4.1) Strengthening of essential national state capacity; (4.2) extension of state authority/local administration;

(4.3) Governance of peacebuilding resources (including JSC/PBF Secretariats)

Outcome	Outputs	Indicators	Expected Targets	Achieved Targets	Means of Verification (Available / UnAv)	Risks and Assumptions Implemented
1. A National Consultation process that captures diverse views and opinions of different stakeholders in Sri Lankan society on Justice, Truth, Reparations and guarantees of Non-Recurrence.		1.1 Conflict affected groups, including women, youth, children, and families of the disappeared <u>are enabled</u> , through consultations with Government, civil society and other key stakeholders across the country <u>to participate</u> in an informed and effective manner in shaping a common vision for the establishment of credible and effective transitional justice mechanisms.	- Consultations conducted - Final CTF report presented to the public	- Achieved - Achieved	Available	N/A
		1.2 Broad and inclusive participation of key stakeholders so as to	- Capacity and knowledge of a number of vulnerable groups and victims groups enhanced on TJ mechanisms so that they	- Achieved	Available	N/A

		provide voice for vulnerable groups	effectively feed into the consultations. - Reports submitted by all ten CSOs in January 2017 on small grant awareness programmes.	- The evaluation team reviewed 2/10 reports - submitted by the CSOs directly to us and not provided by OHCHR		
	1.1 Provision of technical assistance by OHCHR to the Ministry of Foreign Affairs (MFA) and relevant stakeholders to conduct National Consultations	1.1.1 Strengthening of OHCHR's capacity on TJ matters through deployment of one International Human Rights Officer to Colombo	- 1 HRO with TJ expertise deployed	- Achieved	Available	N/A
		1.1.2 Deployment of 2 National UNV's to assist SCRM and 6 UNV's to assist HRCSL with the support of the RCO	- SCRM, CTF and HRCSL have sufficient capacity to implement their mandate.	- Information on SCRM and CTF available but no information to verify the capacity in HRCSL.	Available	N/A
	1.2 Support provided to the Government in designing and establishing a historical record management system, which would support future accountability and memorialization initiatives (also under output 2.2.1)	1.2.1. Archived material is preserved in an appropriate manner, indexing of material allows for use in future TJ mechanisms, and access of the public database strengthens knowledge about views expressed during the consultations and needs identified.	- Long term preservation of all submissions ensured - Tagging all material and indexing for reference - Searchable digital database developed.	- Achieved  - Achieved  - Not yet achieved (not seen)	Available  Available  Not Available	N/A

2. Sri Lankan stakeholders obtain a basic knowledge and understanding of Transitional Justice processes that will put them in a position to implement the Human Rights Council Resolution 30/1 of 2015	2.1 Key stakeholders have strengthened capacity on transitional justice principles and standards, to facilitate broad-based and informed participation in the process of establishing credible and effective mechanisms.	2.1.1. Sensitisation and training sessions with Government.	- A comprehensive TJ strategy/plan designed and implemented by dedicated Government experts.	- YES, but not certain if it is directly linked to this project.	Unavailable	N/A
		2.1.2. Continuing exchanges with victims and their representatives in relation to the commitments undertaken in HRC resolution 30/1 (now 34/1) so as to enable them to feed effectively into the process.	- Civil society and victim groups are organised in an advocacy umbrella to push for progress on TJ mechanisms, in particular the OMP.	- Not clear	Unavailable	N/A
	2.2 Relevant stakeholders are supported in their early brainstorming and conceptualization of transitional justice policies and measures that ensure accountability for human rights violations and provide redress, effective remedies and reparations to victims and conflict affected groups that meet	2.2.1. Advice provided to Government	- Technical capacity to conduct specialised TJ work on mapping, documentation and archiving.	- Achieved	Available	N/A
		2.2.2. Legislation put in place on the TJ mechanisms.	- Legislation allows and facilitates the implementation of a comprehensive TJ strategy.	- Legislation on OMP, Reparations and Disappearance are achieved but CTA legislation not enacted as yet - how much the OHCHR contributed to it is not clear.	Available	N/A



	international standards.					
	2.3. (not specified)	2.3.1. Advice provided to UNCT enables its members to take into account issues of TJ and accountability in their programming.	- Knowledge among UNCT members on TJ and accountability issues significantly increased so as to contribute with the programming to implementation of HRC resolution 30/1 (now 34/1).	- No information to assess this target/output	Not Available	N/A

## Annex 06 – Document Checklist

Documents Requested		Status	Date Received	Comments
1	<b>Project Documents</b>			
1.1	IRF Results Framework	<input checked="" type="checkbox"/>	5th Nov 2019	
1.2	Mid-term evaluations	<input checked="" type="checkbox"/>	5th Nov 2019	
1.3	Annual Work Plan	<input type="checkbox"/>		Not provided to CEPA
1.4	Strategy Plans	<input type="checkbox"/>		Not provided to CEPA
1.5	IRF Project Proposal	<input checked="" type="checkbox"/>	5th Nov 2019	
1.6	Concept Note for IRF	<input checked="" type="checkbox"/>	5th Nov 2019	
2	<b>Progress Reports</b>			
2.1	Half-yearly progress report (June 2012)	<input checked="" type="checkbox"/>	5th Nov 2019	
2.2	PBF Progress Report - Final Report (2018)	<input checked="" type="checkbox"/>	5th Nov 2019	
3	<b>Financial Documents/Statements</b>			
3.1	PBF Project Budget	<input checked="" type="checkbox"/>	5th Nov 2019	
3.2	PBF Funding Approval	<input checked="" type="checkbox"/>	5th Nov 2019	
3.3	Financial details of 10 small grants given to CBOs	<input checked="" type="checkbox"/>	5th Nov 2019	
3.4	Letter to SCRM approving funding for CTF support staff	<input checked="" type="checkbox"/>	5th Nov 2019	
3.5	IRF 'no cost extension' document	<input checked="" type="checkbox"/>	5th Nov 2019	
3.6	Statement of Income and Expenditure	<input checked="" type="checkbox"/>	5th Nov 2019	- April 2016 - December 2017 - April 2016 - December 2016
3.7	CTF Advance Settlement Voucher	<input checked="" type="checkbox"/>	5th Nov 2019	
4	<b>CSOs Related Documents</b>			
4.1	Details of CSO small grant scheme	<input checked="" type="checkbox"/>	5th Nov 2019	
4.2	Final Reports of CSO projects	<input type="checkbox"/>		2/10 received directly from CSOs.
4.3	Call for Applications	<input checked="" type="checkbox"/>	5th Nov 2019	
5	<b>CTF Related Documents</b>			
5.1	List of Task Force Members	<input checked="" type="checkbox"/>		In our possession
5.2	Task Force Mandate	<input checked="" type="checkbox"/>		In our possession
5.3	List of (chronologically/ date wise) Task Force meetings with corresponding minutes	<input type="checkbox"/>		Not provided to CEPA
5.4	CTF Final Report (Volume 1&2)	<input checked="" type="checkbox"/>	25th Oct 2019	In our possession
5.5	List of meeting/FGDs conducted by Zonal Task Force	<input checked="" type="checkbox"/>	5th Nov 2019	
6	<b>Partner Institutions/Stakeholder Related Documents</b>			
6.1	List of Stakeholders and Development Partners	<input checked="" type="checkbox"/>	5th Nov 2019	
6.2	SCRM/ Office of Reparations			
	<i>Correspondence between OHCHR and SCRM</i>	<input checked="" type="checkbox"/>	5th Nov 2019	
6.3	HR Commission Sri Lanka	<input type="checkbox"/>		Not provided to CEPA
6.4	Ministry of Foreign Affairs	<input type="checkbox"/>		Not provided to CEPA
6.5	swisspeace			
	<i>MoU</i>	<input checked="" type="checkbox"/>	5th Nov 2019	
	<i>First Progress Report of Archiving Project - swisspeace (2016)</i>	<input checked="" type="checkbox"/>	5th Nov 2019	
	<i>Final Report of Archiving Project - swisspeace (2018)</i>	<input checked="" type="checkbox"/>	5th Nov 2019	
	<i>OHCHR Correspondence with swisspeace</i>	<input checked="" type="checkbox"/>	5th Nov 2019	
	<b>Other Documents</b>			
7	Letter of Clearance from the OHCHR (for the evaluation team)	<input type="checkbox"/>		Not provided to CEPA

## Terms of Reference

### **Thematic support on Transitional Justice for an Independent Final Evaluation of Project 1: “Support for Sri Lanka to design transitional justice mechanisms: Phase 1: National consultations and design follow-up strategy”**

Assignment:	Final Project Evaluation
Reports to:	Senior Human Rights Advisor (OHCHR)
Type of Contract:	Institutional Contract (Services)
Application Deadline:	In two weeks after the date of advertisement
Language(s) Required:	English
Expected Duration:	Two months from the start date of the contract
Contract Start Date:	Minimum two weeks after the closing date of the advertisement

#### **A. BACKGROUND**

The Senior Human Rights Advisor Unit is a component of the Office of the UN Resident Coordinator and is responsible for 1) providing advice, technical expertise, situational assessments and analysis on human rights issues to the UN Resident Coordinator and the UN Country Team (UNCT) in Sri Lanka as well as OHCHR, the UN Human Rights Mechanisms (Charter and treaty based), and when requested and appropriate, other UN Agency headquarters or UN Secretariat Departments; b) building the capacity (training and other) of the UNCT to integrate a human rights based approach into on-going and envisaged humanitarian, recovery and development work of the UN; c) supporting the UNCT in convening relevant working groups on human rights and protection issues; d) supporting and/or undertaking relevant projects as is appropriate and possible on human rights issues. The Senior Human Rights Advisor in Sri Lanka supports the Government of Sri Lanka and civil society in implementing a comprehensive transitional justice strategy to address the legacy of past violations based on four pillars including accountability, truth seeking, reparation and institutional reform, based on Sri Lanka’s commitment made during 30th session of the Human Rights Council in September 2015 (resolution 30/1 on promoting reconciliation, accountability and human rights in Sri Lanka).

In June 2015, Sri Lanka was a recipient of the Immediate Response Facility (IRF) of the Peacebuilding Fund (PBF). One of the PBF IRF funded projects was led by the UN Office of the High Commissioner for Human Rights (OHCHR) in support of the accountability and transitional justice process. The Project titled **“Support for Sri Lanka to design transitional justice mechanisms: Phase 1: National consultations and design follow-up strategy”** (*herein referred to as Project 1*) was implemented from January 2016 to June 2018. This project was initiated to support the Government with advice and technical assistance on policy, legislation and standards related to transitional justice, based on the findings of the National Consultations Task Force that elicited views of a range of stakeholders including victims of human rights violations, women, youth and traditionally marginalized groups. This was to lay the foundation for effective and comprehensive transitional justice mechanisms, as well as credible initiatives to advance human rights, reconciliation, accountability and address grievances in Sri Lanka.

As per the project document the project objectives and outcomes are as follows:

Overall Objective: **“Broad based Sri Lankan society engagement in peacebuilding with support of credible initiatives to advance human rights, reconciliation, accountability and address grievances.”**

**Outcome 1: A National Consultation process that captures diverse views and opinions of different stakeholders in Sri Lankan society on Justice, Truth, Reparations and Non-Recurrence.**

*Output 1.1:* The Task Force mandate to conduct National Consultations is fulfilled.

*Output 1.2:* Stakeholders are empowered to share their views and opinions on justice, truth and reconciliation.

**Outcome 2: Sri Lankan stakeholders obtain a basic knowledge and understanding of Transitional Justice processes that will put them in a position to implement the Human Rights Council Resolution 30/1 of 2015.**

*Output 2.1:* Key stakeholders have strengthened capacity on transitional justice principles and standards, to facilitate broad-based and informed participation in the process of establishing credible and effective mechanisms.

*Output 2.2:* Relevant stakeholders are supported in their early brainstorming and conceptualization of transitional justice policies and measures that ensure accountability for human rights violations and provide redress, effective remedies and reparations to victims and conflict affected groups that meet international standards.

## **B. SCOPE AND OBJECTIVES**

Against the background, the UN is looking to commission an independent final evaluation of the Project's performance, that would provide evidence of the project's relevance, efficiency, effectiveness, impact and sustainability in achieving its objectives, according to the OECD DAC Guidelines Evaluating Peacebuilding Activities in Settings of Conflict and Fragility as well as the United Nations Evaluation Group (UNEG) norms.

The evaluation will be used for learning and accountability, and to contribute to the PBF's decision-making regarding further engagement in the country.

- a. *Relevance:* The evaluation will assess the degree to which the project considered the local context, and the conflict drivers as well as whether the project addressed the needs of stakeholders. The evaluation will also review the extent to which the project design was logical and coherent. It will consider to what extent the project was designed based on a conflict analysis and more broadly the peacebuilding priorities of the country. It will also consider the relevance of the proposed theory of change for the peacebuilding priorities of the country and whether it addressed peacebuilding gaps. It will assess the link between activities and expected results, and between results and objectives to be achieved.
- b. *Effectiveness:* The evaluation will assess the extent to which the Project's objectives have been achieved, compared to the overall project purpose as well as the immediate peacebuilding environment and broader peacebuilding priorities. In evaluating effectiveness, it is useful to consider: 1) if the planning activities were consistent with the overall objectives and project purpose; 2) the analysis of principal factors influencing the achievement or non-achievement of the objectives. It will assess the extent to which human rights and gender equality perspectives were incorporated in the design and implementation of the project. The project will also consider



to what extent did the PBF support take risks to achieve peacebuilding objectives, especially in areas where other donors were not ready to do so.

- c. *Efficiency*: Using a range of cost analysis approaches, from the elaborate cost-effectiveness and cost-benefit analysis, to cost-efficiency analysis, to a quick cost comparison, the evaluation will assess how well did the project produce the products and services it committed itself to deliver; the extent to which resources were programmed in an efficient and strategic manner; how costs affected the sustainability of the results; how timely and responsive was the PBF intervention; how well did the monitoring system work; and whether the project provided value for money.
- d. *Impact*: The evaluation will assess any credible evidence and the main peacebuilding impact effectively achieved by the Project in the context of reference. It will assess whether the Project contributed to changes at the communal and societal level (beyond participants), and changes to the key drivers of conflict.
- e. *Sustainability*: The evaluation will assess the Project capacity to produce and to reproduce benefits over time. In evaluating the project sustainability, it is useful to consider to what extent intervention benefits will continue even after the Project was concluded and the principal factors influencing the achievement or non-achievement of the project sustainability. It will also assess the extent to which the project made attempts and managed to ensure catalytic results, and how strong was the commitment of the Government and other stakeholders to sustaining the results of PBF support and continuing initiatives.

Further, the evaluation will include questions to evaluate the Gender Responsiveness of the programme. The recipients of the evaluation would be the PBSO, OHCHR and the PBF Secretariat in the RC Office Sri Lanka.

The proposed contract will be in effect approximately for 2 months from the start date of the contract. Thus, the project envisages that evaluation and reporting takes place during these months and to include recommendations and lessons learned that would help inform both the design of future interventions but also guide ongoing programming under the framework of the PPP, specifically those funded by the Peacebuilding Fund (PBF) which were in turn designed to take forward some of the initiative and logic that were designed by the two projects under review.

### **C. EXPECTED OUTPUTS AND DELIVERABLES**

The service provider will:

- Produce a final evaluation report that describes the thematic/conceptual issues and recommendations related to Transitional Justice processes, taken forward by Sri Lanka;
- Use its expert knowledge and experience on Transitional Justice to produce a good quality and comprehensive evaluation report that can support future development of projects/programmes contributing to the Transitional Justice agenda in the country and future PBF interventions.
- Ensure timely work is carried out to meet each deliverable target in accordance with the work plan
- Be open to working collaboratively and effectively with all relevant stakeholders and partners to effectively conclude the assignment.

#### **DELIVERABLES:**

<b>Deliverables/ Outputs</b>	<b>Review and Approvals Required</b>
<b>1. Deliverable-</b> <b>Submission of Inception Report- 30%</b> Support to finalize the inception report The Work plan and methodology/approach for the evaluation with sufficient thematic justification to be included with methods of victims' sensitive data collection, key questions and timelines. <b>Approximate time frame- within the first month from start date of contract</b>	Senior Human Rights Advisor- OHCHR
<b>2. Deliverable-</b> <b>Thematic Presentation on findings of TJ Evaluation- 50%</b> Validation session with thematic Presentation (PowerPoint) of main evaluation findings and recommendation <b>Approximate time frame- 1.5 months from start date of contract</b>	Senior Human Rights Advisor- OHCHR
<b>3. Deliverable-</b> <b>Final Evaluation Report with strong TJ thematic analysis- 20%</b> <b>Approximate time frame- before the end of the final month of contract period</b>	Senior Human Rights Advisor- OHCHR

#### **D. INSTITUTIONAL ARRANGEMENT**

The service provider will be contracted by the United Nations Development Programme (UNDP) Sri Lanka and the following will be provided:

- Introductory meeting(s) with relevant key stakeholders
- Relevant background information/details to successfully complete the above deliverables

The Service Provider should incorporate all related costs in their financial proposals, as per the format given below

#### **FINANCIAL PROPOSAL**

The financial proposal should satisfy the following:

The calculation of fees should indicate the Total Cost for an "all-inclusive" cost in Sri Lanka Rupees (LKR) for the breakdowns, as per the TOR:

The cost should be all inclusive covering all outputs indicated in TOR.

<b>Description of Task/Activity</b>	<b>Cost (LKR)</b>
<b>Submission of Inception Report</b>	
<b>Thematic Presentation on findings of TJ Evaluation</b>	

<b>Final Evaluation Report with strong TJ thematic analysis</b>	

- a) Any and all 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) No amount other than the proposed total “all-inclusive prices” fees shall be paid by UNDP for the provision of the Consultancy;
- f) The costs of preparing a proposal and of negotiating a contract are not reimbursable by UNDP.

**E. CONDITIONS:**

- The end product and all outputs pertaining to this assignment remains the exclusive property of UN joint team.
- The contract will include all costs to be incurred and UN will not be liable to pay any charges extraneous to the contract value

**F. DURATION OF WORK**

The duration of the contract will be two months from the start date of the contract.

**G. CONSULTANCY FIRM’S EXPERIENCE AND REQUIREMENTS**

The consultancy team deployed for this assignment should comprise of national experts with high level of technical, sectoral and policy expertise in peacebuilding and transitional justice efforts of Sri Lanka; rigorous research, evaluation and drafting skills; and the capacity to conduct an independent and quality analysis. The following requirements of the company / firm are preferable.

1. Strong networks on the ground with government and civil society partners.
2. 8 years working experience in conducting strong legal or peacebuilding research initiatives either in Sri Lanka or overseas, experience in transitional justice is highly desirable.
3. A minimum of 10 years’ experience conducting project/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 English language.
5. The service provider (consultancy firm/company) should be a legal entity with a valid registration such as Business Registration Certificate or registration with the NGO Secretariat and should have the ability to deploy multiple teams, including experts to ensure timely delivery of the outputs.

**Profile of the team of experts:**

The team’s composition should mainly consist of a Team Leader and a Technical Specialist who should bring extensive experience in research on peacebuilding and transitional justice

**H. TEAM EXPERIENCE AND REQUIREMENTS**



- Minimum of 1 team leader (Masters or Doctoral degree in Law, Human Rights, Social Sciences in which Transitional Justice as major and/or as a subject) and 1 technical specialist (Master's Degree in Law, peacebuilding, Transitional Justice, Human Rights, Social Sciences) with at least 10 years of cumulative experience in design of monitoring & evaluation, research and research methodology in the area of peacebuilding and transitional justice;
- The Team Leader to have a minimum of 8 years' relevant experience carrying out assignments of a similar scope with a strong analytical background;
- The team should comprise of members with excellent English language writing ability and the required local language skills to successfully conduct the evaluation;
- Availability of all team members during the entire time frame of the assignment;

**Required corporate competencies of consultancy team:**

- Knowledge of the UN's norms and standards; and human rights-based approach.
- 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.

**I. 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 and realistic proposal including methodology and work plan along with rationale as to why it would be the best way to carry out the scope of 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 end results. However, the decision as to the final methodology to be followed in the report will rest with the UN.

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 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: Resource team capacity	200
<b>Total</b>	<b>700</b>

Details of evaluation criteria and marking scheme:

**Section 1:** Competence/expertise of the consultancy firm:

No.	Criteria	Points
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1.1	Previous experience in undertaking similar studies, analysis and work on transitional justice, peace building, reconciliation etc.	100
1.2	Quality of <u>relevant</u> sample materials provided (NOTE: This is a mandatory requirement. Those proposals which do not contain sample material will score 0 (zero) under this criterion.	50
1.3	Previous clients and partners.	25
1.4	Sufficient support staff and resources to organize and carry out scope of work.	25

**Section 2:** Proposed methodology/approach and work plan:

No.	Criteria	Points
2.1	Methodology/approach	200
2.2	Tasks defined for the scope of work and aligned to TOR	50
2.3	Realistic work plan	50

**Section 3:** Capacity of resource team:

No.	Criteria	Points
3.1	<u>Relevant</u> qualifications and work experience of resource team	100
3.3	Composition of consultancy team, which demonstrates the ability to undertake the scope of work and deliverables, including subject expertise as well as inter-disciplinary/cross-sectoral composition.	100

**J. PAYMENT FOR SERVICES**

The firm will deliver the following over a period of two months, and payments will be made upon the satisfactory certification by the Senior Human Rights Advisor:

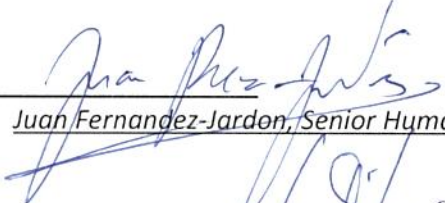
- 30% of payment upon completing Deliverable 1 (**Submission of Inception Report**)
- 50% of payment upon completing Deliverable 2 (**Thematic Presentation on findings of TJ Evaluation**)
- 20% of payment upon completion of Deliverable 3 (**Final Evaluation Report with strong TJ thematic analysis**)


**HOW TO APPLY**

To apply please email to: [procurement.lk@undp.org](mailto:procurement.lk@undp.org) Email 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.

Prepared by:   
Dushanthi Fernando, Programme Coordinator Specialist, UN RCO

Cleared by:   
Juan Fernandez-Jardon, Senior Human Rights Advisor, OHCHR

Approved by:   
Ereesha de Silva, Project Coordinator, UNDP