**Mid-Term Evaluation of UNDP’s Portfolio on SDG 16- Peace, Justice and Strong Institutions**

**October -November, 2020**

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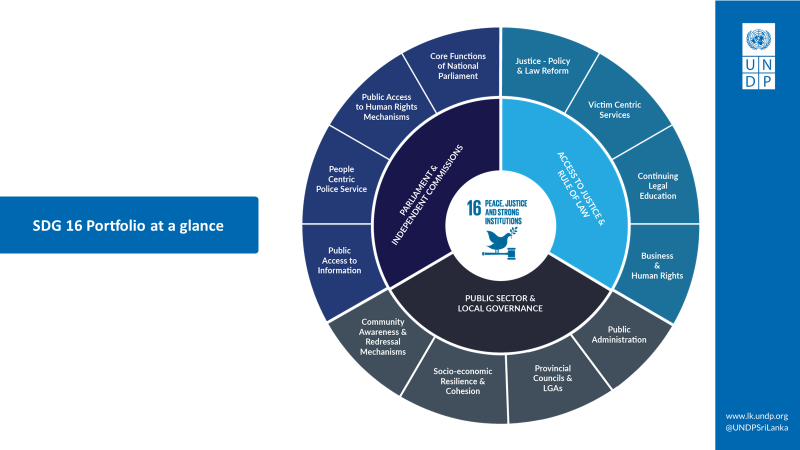
**List of Acronyms and Abbreviations**

|  |  |
| --- | --- |
| Alternative Dispute Resolution | ADR |
| Attorney General’s Department | AGD |
| Bar Association of Sri Lanka | BASL |
| Business and Human Rights | BHR |
| Civil Society Organizations | CSO |
| Committee on Public Accounts | COPA |
| Committee on Public Enterprise | COPE |
| Community-Based Organisations | CBO |
| Constitutional Council | CC |
| Convention on the Rights of Persons with Disabilities | CRPD |
| Commission to Investigate Allegations of Bribery or Corruption | CIABOA |
| Country Programme Document | CPD |
| Development Partners | DPs |
| Ethical Code of Conduct | ECoC |
| Gender Equality and Women’s Empowerment | GEWE |
| Generalised Scheme of Preferences | GSP |
| Government Analyst’s department | GAD |
| Government of Sri Lanka | GoSL |
| *Grama* *Niladhari* | GN |
| Human Rights Commission of Sri Lanka | HRCSL |
| ImplementingPartner | IP |
| Independent Commission | IC |
| International Convention for the Protection of All Persons from Enforced Disappearance | ICPPED |
| Intended Nationally Determined Contributions | INDCs |
| International Non-Governmental Organizations | INGOs |
| Judicial Medical Officers | JMOs |
| Judicial Service Commission | JSC |
| Judges Training Institute | JTI |
| Key Person Interviewed | KPI |
| Legal Aid Commission | LAC |
| Legal Draftsman’s Department | LDD |
| Liberation of Tigers of Tamil Eelam | LTTE |
| Ministry of Mahaweli Development and Environment | MMDE |
| Member of Parliament | MP |
| Mid-Term Evaluation | MTE |
| Millennium Development Goals | MDGs |
| Ministry of Justice | MOJ |
| Ministry of Women and Child Affairs | MWCA |
| National Action Plan | NAP |
| National Police Commission | NPC |
| National Victim and Witness Protection Authority | NVWPA |
| National Human Rights Action Plan | NHRAP |
| Non-Governmental Organisations | NGOs |
| Office of the High Commissioner of Human Rights | OHCHR |
| Office of Missions Persons | OMP |
| Optional Protocol to the Convention Against Torture | OPCAT |
| Parliamentary Development Action Plan | PDAP |
| Parliamentary Secretariat | PS |
| Police Protection Division | PPD |
| Right to Information Commission | RTIC |
| Secretary General of Parliament | SG |
| Sectoral Oversight Committee | SOC |
| Sexual and Gender Based Violence | SGBV |
| Smart Commission Meeting System | SCMS |
| Sri Lanka Podujana Peramuna | SLPP |
| Standard Operating Procedures | SOP |
| Strengthening Enforcement of Law, Access to Justice and Social Integration Programme | SELAJSI |
| Sustainable Development Goals | SDGs |
| Sustainable Development Goal 16 | SDG 16 |
| Terms of Reference | TOR |
| The Nineteenth Amendment to the Constitution | 19th Amendment |
| Transitional Justice | TJ |
| Twentieth Amendment to the Constitution | 20th Amendment |
| United Nations Convention Against Corruption and any other related international Convention | UNCAC |
| United Nations Framework Convention on Climate Change | UNFCCC |
| United Nations Population Fund | UNFPA |
| United Nations Development Programme | UNDP |
| United Nations Evaluation Group | UNEG |
| United Nations Children’s Fund | UNICEF |
| United Nations Guiding Principles | UNGP |
| United Nations Sustainable Development Framework | UNSDF |
| Victim and Witness Protection | VWP |
| Victim Impact Statements | VIS |
| Women and Children’s Bureau | WCB |
| Women in Need | WIN |
| Women Police Constables | WPCs |
| Women, Peace and Security | WPS |
| Women’s Development Centre | WDC |
| Women’s Development Officers | WDO |

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**Table

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**Executive Summary**

The UNDP in Sri Lanka developed a Portfolio on SDG 16 on Peace, Justice and Strong Institutions to be implemented from 2019 to 2022. The SDG 16 Goal provides a broad framework for the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all and building effective and accountable institutions at all levels. For this purpose, the Portfolio intervenes across three inter-related outcomes/service lines namely: Parliament and Independent Commissions; Rule of Law and Access to Justice; and Public Sector and Local Governance.

However, since the inception of the Portfolio major political, economic, health and social shifts and shocks has presented unprecedented challenges in implementing the Portfolio as designed. Given the changed context and based on the Country Evaluation Plan (2018-2022), the UNDP decided to conduct a Mid-Term Evaluation (MTE) cum Strategic Direction Setting. This exercise assessed the results achieved under the Portfolio from January 2019 to August 2020 against the current country context using evidence-based information. The MTE assessed progress towards output level objectives *vis a vis* relevance, effectiveness, efficiency, impact and sustainability of results achieved so far under Pillar One on ‘Parliament and Independent Commissions’ and Pillar Two on ‘Rule of Law and Access to Justice’ and identified strategic and subject specific recommendations. Given that the bulk of work undertaken under Pillar 3 ‘Pubic Sector and Local Governance’ only commenced during the first quarter of 2020, it was decided that evaluation of its progress would be premature at this juncture.

The MTE attempted to follow a mixed method evaluation approach. This included a review of secondary resources as part of the desk review, which was initiated during the inception phase, and continued during the field phase. The desk review involved attempting to draw out the quantitative/number-based information from the secondary sources, to complement the primary data collection through the Key Person Interviews (KPIs). Primary data collected during the period 5th October to 10th November involving KPIs used a semi-structured question guide. Challenges posed by the Covid 19 pandemic, shortcomings in the availability of data and time constraints may be highlighted as limitations to the evaluation.[[1]](#footnote-1)

The key findings and recommendations will inform the strategic realignment that UNDP makes to the Portfolio under each of the three thematic pillars, to better contribute to the new government’s priorities and UNDP’s 2.0 offer for the remaining duration of the CPD and the UNSDF.

**Key Findings**

The MTE revealed that, the Output interventions identified overall, were relevant and context specific and addressed the needs of the beneficiaries, whether state or independent institutions, CSOs or communities. It remained conceptually and policy appropriate throughout the first phase of the project, although regularly challenged by realities of implementation and rapid changes in the political and economic dynamics of the country. Relevance of interventions to improve capacity and strengthen accountability and inclusivity is high. The Portfolio strategy, moving forward, should reflect on the effectiveness of actions towards meeting the overall Outcome of the Portfolio. This is required to ensure greater impact and sustainability of the Portfolio. Therefore, prioratising and consolidating interventions based on an assessment of risks and opportunities, reducing donor dependency and increasing ownership is key to self-sustainability.

*For parliament*, institutional and sectoral policy direction was provided by formulating a Parliamentary Development Action Plan for the Eighth and Ninth Parliament. This exercise adopted a vigorous and consultative process to respond to change in the system of governance introduced by the 19th Amendment to the Constitution. This ensured relevance, through policy alignment and identified several priority areas such as; innovation by digitising the parliament and Parliamentary Secretariate and developing strategies for effective communication with the public, media and CSOs through the concept of ‘open parliament’, strengthening the role and functions of the Committee System, strengthening the accountability of parliamentarians and strengthening rules and procedures. An effective partnership strategy and modality of engagement was followed maximising UNDP’s core strengths as knowledge broker, facilitator and convener, whilst ensuring ownership at the highest level. Efficiency was enhanced by; flexibility in allocation of resources, effective use of resources and ‘best practices’, and by effective collaboration.

Despite strong focus on design, the Output was relatively weak in implementation due to failure to adequately respond to the needs of CSOs, media and communities. Improving the responsiveness and inclusiveness of parliament, to deliver its core functions to all its citizens, through equitable and active participation was largely one sided. The dire need to focus on building stronger partnerships and networks with communities to generate greater awareness and monitoring, shared conscience and movement to push for reforms, etc. is identified by the MTE as critical in the second phase.

*For Independent Commissions* (ICs), the Portfolio capitalised on the space, independence and capacity of ICs generated by the 19th Amendment and justifiably focused on HRCSL, NPC and the RTIC. At the inception, the Portfolio correctly identified, institutional and system gaps, weak competencies, low skill levels and general distrust of commissions as priorities. It then grounded its activities to specifically address these challenges to better respond to beneficiaries. For example; investment in strategic planning and policy interventions, automation of case management systems and digital reforms, changes to inquiry and investigation methods, communication and outreach strategies, skills and capacity development of staff, and research and development were identified as key initiatives to building the profile of the commissions. These interventions added value to the relevance, effectiveness and efficiency and impact of the interventions.

As with parliament, less time and investment were made to aggressively engage with CSOs to expand geographical reach and reach of traditionally excluded vulnerable groups. Further, the MTE revealed that ICs functions were secluded and did not draw from strengths and experiences of each other where relevant. Neither did it build on cooperation and association with peer institutions within and outside the region exploiting UNDP regional and global networks. Developing space and capacities of CSOs and expanding partnerships, to include DPs and private sector, is highlighted as crucial during the second phase. This is relevant, given the current political context, and particularly due to the risks and challenges present working with parliament and ICs, as a result of the 20th Amendment to the Constitution.

To promote the *rule of law and access to justice and gender equality and empowerment*, due to the absence of a country wide sectoral approach to justice sector reform, design and planning of interventions was problematic, although the general country context was conducive for reform. Initial identification of interventions was based on urgent and emerging national priorities, to support the implementation of promises made by the GoSL, internationally and locally. However, Output interventions to promote gender equality and gender sensitive services, from the inception, were framed within the umbrella approach of the National Action Plan to Address Sexual and Gender Based Violence Plan.

These Outputs complemented each other and was mutually reinforcing, which contributed to its effectiveness. The rationale of the Outputs was well articulated, and clearly showed signs of lessons learned from previous phases of engagement. The Outputs also demonstrated adaptability, by immediately responding to address critical gaps in policy and research, institutional capacities, systems and process capacities and human resource capacities, exacerbated by the pandemic.

To maximise relevance and effectiveness, it is vital to engage in a comprehensive and participatory development needs identification process, to increase impact and sustainability, and to weave in the inception work of the Outputs into the broader justice sector framework. Although CSO engagement, which is plainly lacking in Pillar One, is remedied by Pillar two to an extent, the Portfolio would strongly benefit from a revised civil society engagement strategy, to include key partners in implementing and monitoring SDG 16.

For *Business and Human Rights* (BHR), the Output directly referenced the UN Guiding Principles (UNGP) on BHR, which provides a roadmap for protecting and respecting human rights, in the context of business activities. MTE concludes that, it is too early to evaluate the effectiveness of interventions. This is due to its early stages in design and planning, although initial activities have focused on generating greater awareness on the UNGPs, and making a ‘business case’ for businesses to adopt a human rights-based approach. The Portfolio would require an identification of partners and broader engagement with the business community. It would require an identification of ‘champions of best business practices’ to make ‘business sense’ of integrating and investing in human rights, especially within the current political and economic crisis.

**Conclusions and Recommendations**

Although the Portfolio successfully reacted to the pandemic with emergency relief to implementing partners through a rapid assessment, a more strategic approach to preparing beneficiaries, whether state or non-state actors to respond to the pandemic during the term of the Portfolio is critical. UNDP has been recognised as a connector between organisations and institutions, a knowledge broker due to its access to vast resources and networks and convener, bringing groups together for a common purpose. In the second phase, UNDP should harness this role and invest in building resilience of beneficiaries not only to manage political shifts and shocks but also to manage environment and public health crisis such as the current pandemic. Therefore, preparing the leadership and middle management of all the partner institutions is indispensable to maximise effective and impact of activities introduced even after the crisis has passed.

The MTE concluded that the Portfolio did not focus enough to build the capacity of CSOs during the first phase of the project, which may risk the reputation of the UNDP as being ‘state centric’ unless support to build the community base in concert with efforts to build institutional base is realised. Therefore, the second phase of the Portfolio should focus on directly building long-term resilience to counteract political shifts, focusing on approaches that may be outside the traditional experience and expertise of civil society but grounded in real life examples, including: strengthening their constituency base; enhancing collaboration; and communicating with a broader audience. Further, investing in collation of existing research on innovative business models for CSOs to protect civic space could also enhance the impact and relevancy of human rights groups.

It can be concluded that the comparative advantage of UNDP in governance specifically within the justice sector can be attributed to its long-term contribution and commitment to governance and justice sector reforms in Sri Lanka, strengthening institutions and systems, service delivery, coordination and facilitation between various stakeholders. The UNDP has used this leverage to advocate for improvement of laws, systems and processes based on international standards and best practices and inclusion of a victim centric approach to service delivery.

Although UNDP works in collaboration with other UN agencies such as UNICEF, UNFPA and UN Women across the three pillars to implement many activities, the level of coordination between agencies is minimal especially in comparison to the opportunities available for coordination and cooperation, under the ‘One UN’ policy for a sector wide approach to governance, justice, development and peacebuilding issues.

MTE concludes a need to align Outputs to SDGs and cross cutting issues especially reflecting onclimate change and Anti-Corruption recognised as an important policy area of the government under its national policy. There is a need to develop templates and systems to help the programme team collect and collate information in a more systematic manner as well as to be able to report in line with the indicators that have been identified.

There are several lessons learned from the first phase that should be considered moving forward. Firstly, the importance of investing in relationships and partnerships. Secondly, the need to invest in participation and ownership of interventions and thirdly, the limitations in under investing in building capacity of CSOs.

1. **Introduction and Background**

The United Nations Development Programme (UNDP) in Sri Lanka developed a Portfolio on Sustainable Development Goal 16 (SDG 16) on Peace, Justice and Strong Institutions (hereinafter referred to as the “Portfolio”) to be implemented from 2019 to 2022. The Portfolio is strategically aligned to the 2030 Sustainable Development Agenda, UNDP’s Global Strategic Plan (2018-2021), United Nations Sustainable Development Framework (UNSDF) (2018-2022), UNDP’s Country Programme for Sri Lanka (CPD) (2018-2022) and the UNDP’s Gender Equality Strategy (2018-2022).

The SDG 16 Goal titled ‘Peace, Justice and Strong Institutions’ provides a broad framework for the promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all and building effective and accountable institutions, at all levels.[[2]](#footnote-2) SDG 16, which is identified as both an outcome and an enabler to realise Goals 1-15. It is an acknowledgement by the international community that conflict, insecurity, weak institutions and limited access to justice, remain a great threat to sustainable development.

The UNDP Flagship Portfolio was designed in 2018 to address governance deficits and strengthen the effectiveness of key institutions to deliver people-centred services. It is also expected to build space, capacity and trust for excluded and vulnerable groups, to actively participate and inform policy and decision making. This is done through a holistic lens, by explicitly recognising the importance of governance and institution building in development and peacebuilding efforts, in the country. For this purpose, the Portfolio intervenes across three inter-related outcomes/service lines namely:

1. Parliament and Independent Commissions;
2. Rule of Law and Access to Justice; and
3. Public Sector and Local Governance.

Under the first service line, the Portfolio supports the Parliament of Sri Lanka, Independent Commissions (ICs) namely the Human Rights Commission of Sri Lanka (HRCSL), the National Police Commission (NPC) and the Right to Information Commission of Sri Lanka (RTIC) to strengthen their core functions, by adopting a people centred approach, in upholding the rights of vulnerable groups. Under the second service line, to improve access to justice, especially for excluded and vulnerable groups, support for selected justice sector institutions mainly the National Victim and Witness Protection Authority (NVWPA), Ministry of Justice (MOJ), the Ministry of Women and Child Affairs (MWCA) and Office of Missing Persons (OMP), to deliver people centred and gender sensitive services. The third service line contributes to improving the ability of the public sector and local governments to provide effective and equitable services to people across the country. These outcomes are inter-related and are designed to complement each other in order to achieve the overall goals anticipated under the Portfolio.

* 1. **Description of the intervention**

Since the inception of the Portfolio in 2019, Sri Lanka has undergone major political, economic and social transformation from one crisis to another. Several setbacks for the effective functioning of democratic governance and institutions such as; the political controversy in the last quarter of 2018, the Easter attacks in April 2019 and ethnic tensions that followed, the shift in political power subsequent to the Presidential Elections in November 2019, and recently the impact of the Covid-19 pandemic, has posed unprecedented challenges in implementing the Portfolio as designed.

Given the changed context and based on the Country Evaluation Plan (2018-2022), the UNDP decided to conduct a Mid-Term Evaluation (MTE) cum Strategic Direction Setting to assess the results achieved under the Portfolio from January 2019 to August 2020, against the current country context using evidence-based information. The MTE assessed progress towards output level objectives vis a vis relevance, effectiveness, efficiency, impact and sustainability of results achieved so far under Pillar One on ‘Parliament and Independent Commissions’ and Pillar Two on ‘Rule of Law and Access to Justice’ and identified strategic and subject specific recommendations.

The key findings and recommendations will inform the strategic realignment that UNDP makes to the Portfolio under each of the three thematic pillars, to better contribute to the new government’s priorities and UNDP’s 2.0 offer for the remaining duration of the CPD[[3]](#footnote-3) and the UNSDF.

1. **Outputs to be Evaluated**

**Pillar one: Parliament and Independent Commission.**

**Pillar two: Access to Justice and Rule of Law**

1. **Research Design and Methodology**

The MTE was conducted in line with the revised Norms and Standards for Evaluation developed by the United Nations Evaluation Group (UNEG) in 2019, which provides a framework to strengthen and harmonise evaluations practiced across the UN system, and to meet the demands for national ownership and accountability, in the context of the 2030 Sustainable Development Agenda.

# A comprehensive layout of the research design and methodology is detailed in the ‘Approved Inception Report’ (refer Annex One), which guided the collection of data between the period 5th October to 10th November. A comprehensive list of primary documents reviewed, and key persons interviewed is listed in Annex Two and Three.

# **3.1. The Scope and Purpose of the Evaluation**

The scope of the evaluation was to focus on the Portfolio, which will end in 2022, that aims to contribute towards achieving SDG 16. Through this portfolio, UNDP will implement its Governance and Peacebuilding projects, in trying to ensure a cohesive approach across multiple projects with this common goal.

The changing context as a result of a multitude of socio-economic and political issues, including the effects of the more recent Covid-19 pandemic, have brought in added levels of complexity that, needs to be considered in future implementation of the Portfolio.

The evaluation therefore:

* Reviewed the implementation of the portfolio thus far at its mid-term (January 2019 to August 2020), including a review of its envisaged strategic direction and an assessment towards output-level objectives in relation to a specific criterion;
* Identified best practices and achievements to-date, which the Portfolio should continue to build on, in-line with strategic country requirements and government priorities; and
* Identified strategic and subject-specific recommendations under the three thematic pillars, namely, ‘Legislative and Oversight Commissions’, ‘Access to Justice and Rule of Law’ and ‘Public Sector and Local Governance’, suggesting re-alignment in-line with the effects of Covid-19 pandemic, and the changing socio-economic and political situation of Sri Lanka.

**3.2. Evaluation Criteria**

The Evaluation was conducted based on the following criteria as stipulated in the Terms of Reference (TOR) (refer Annex Five) recognised by the UNEG.

1. Relevance
2. Effectiveness
3. Efficiency
4. Impact
5. Sustainability and Ownership
6. Management and Monitoring
   1. **Approach and Methodology**
      1. **Approach**

The evaluation approach sought to identify and clarify the assumptions made at the outset when implementing the Portfolio and how this was translated in implementation. This included a Theory of Change developed and the extent to which it has been consulted and reflected upon as the intervention was implemented.

The evaluation relied on working with the UNDP team to ensure participation of stakeholders in the process, in identifying relevant information/data sources and ensure implementation of the evaluation in the current constrained context. This was done whilst ensuring the independence of the evaluation and maintaining confidentiality of the information shared.

Respondents were provided with a description of the purpose of the evaluation and the use of information and opinions provided, including the confidential nature of reflections they provide. Participation in the evaluation was voluntary.

* + 1. **Methodology**

The MTE followed a mixed method evaluation approach. This included a review of secondary resources as part of the desk review, which was initiated during the inception phase, and continued during the field phase. The desk review involved attempting to draw out the quantitative/number-based information from the secondary sources to complement the primary data collection through the Key Person Interviews (KPIs).

Primary data collected during the period 5th October to 10th November, involving KPIs, used a semi-structured question guide. Where relevant, secondary data drawn from the periodic reporting was further explored, during the interviews, to compare information provided on the broad range of activities within each output area.

Quantitative methods were not used in the evaluation as it did not aim to provide representative results through the evaluation. Rather, the methodology adopted, intended to draw out quantitative data as available in the reporting and sources provided to the evaluator, and focus on the primary data collection using qualitative methods. This enabled an in-depth exploration of the issues within the framework of the evaluation criteria.

All collected data, primary and secondary, was used for formulating the findings and drawing conclusions. Recommendations and lessons learnt from this analysis was formulated to be applicable during the remainder of the project.

* + 1. **Data collection tools**

The following was used to gather information for the evaluation:

* **Desk review**: This involved studying all documentation received from the UNDP team and compiling other relevant documentation from public sources such as government, Non-Governmental Organisations (NGOs), International Non-Governmental Organisations (INGOs), academic institutions, etc. (see list of documents reviewed in Annex Two). These were used during the inception phase to develop a framework for the evaluation and the key question areas within each of the assessment criteria and the strategic direction. The review will provide, insights into the implementation of activities and achievement of outputs, in addition to helping an identification of gaps in information, to be explored in the data collection phase. Information from the review will be triangulated during the key person interviews.
* **Semi-structured key person interviews (KPI):** The initial document review provided key information, to formulate questions for interviews and information gathering. A total of 63 key person interviews were conducted with a broad range of stakeholders (refer table in Annex Three). It included stakeholders who are currently involved in managing and implementing activities and others who work within the broad institutional landscape that the intervention is situated within. A question guideline drawing from the DAC framework helped to establish progress towards activities taking account of each stakeholder’s particular area of work, the level of knowledge or experience of the intervention, and other specificities. Interviewees were asked to reflect on learning, contextual challenges and opportunities, and recommendations for improvements as the initiative continues. (Refer table in Annex Three for a breakdown of the interviews that was conducted within each stakeholder category).

# **Limitations**

# **The evaluation was limited by the following,**

* The increasing prevalence of the Covid-19 pandemic during the months of the evaluation was a serious impediment in accessing different stakeholder groups. Access to the UNCO, government departments, NGO, INGO and Development Partners were restricted due to health and safety regulations of the Ministry of Health, which exacerbated with the second wave of the pandemic, in mid-October 2020. Therefore, majority of the interviews were conducted remotely rather than face-to-face. Conducting interviews remotely had its own share of limitations and challenges due to lack of facilities, connectivity and lack of data and comprehensive internet coverage, interrupting discussions many a time. Remote interviews also meant limited time duration for interviews as most stakeholders were suffering from ‘zoom fatigue’. However, there was no alternative to undertaking these interviews in the prevailing situation given the timeline of the evaluation and uncertainty in the level of risk posted to do the interviews face-to-face.
* In-person meetings with beneficiaries were not possible during the data collection phase and meetings arraigned *via* online communications platforms fell through due to various constraints. As a result, information of beneficiary experiences was ascertained from other stakeholders involved in implementing the intervention.
* Travel outside Colombo was impossible and travel within Colombo was also restricted for non-residents due to police curfew.
* There were shortcomings in collection of data by way of annual reports and quarterly reports due to non-availability of reports by implementing partners, especially government partners and limited information available in periodic reporting by UNDP against the results framework.
* As a mitigation measure the MTE took into consideration each activity cluster in detail and discussed these activities with a relevant and diverse number of key stakeholders including partners. In addition, the MTE arranged discussions at the broader strategic level with UNDP team members and other independent experts and stakeholders working in the justice sector. This enabled the obtaining of a more rounded view of the initiative and the effects of various contextual factors on the intervention and its implementation to date and in the future.
* The impact of the Covid-19 pandemic continues to affect Sri Lanka despite many measures being in place. It can be envisaged that it will continue to affect how interventions such as these can be implemented in the immediate and longer-term intervention timeline. Realistic reflection will be necessary on how the pandemic may delay some or most activities and how these will affect the realisation of outputs and broader outcomes as the intervention progresses.

1. **Country Context and Portfolio Rationale**

The year 2015 marked a historic milestone in global mobilisation, as all member states of the United Nations signed on to the 2030 Agenda for Sustainable Development with the pledge ‘Leave No One Behind.’ In realising this Agenda, member states adopted a range of priorities, packaged into 17 Goals (SDGs)[[4]](#footnote-4) and committed to embark on a universal call of action, to put an end to poverty, protect the planet and ensure that all people enjoy peace and prosperity by 2030. Sri Lanka endorsed the 2030 Agenda for Sustainable Development in 2015, after meeting many of its milestones, under the Millennium Development Goals (MDG), and thereafter undertook several initiatives to facilitate its implementation in the country.[[5]](#footnote-5)

The year 2015 also marked a dramatic change in the political landscape, post 2015 Presidential Elections, whereby the National Unity Government defeated the incumbent president Mahinda Rajapakse, under whose government the conflict between the Government of Sri Lanka (GoSL) and Liberation Tigers of Tamil Eelam (LTTE), came to a decisive end in 2009. The National Unity Government, also undertook to commit towards reconciliation, accountability and human rights, by co-sponsoring the UN Human Rights Council Resolution 30/1, although progress towards meeting its commitments proved to be slow.[[6]](#footnote-6)

The general optimism towards enhanced government commitment to rule of law, good governance, transitional justice (TJ) and sustainable development[[7]](#footnote-7), and the political commitment towards implementing international obligations as evidenced by, the complete withdrawal of the European Union (EU) ban on fisheries exports in 2016 and the withdrawal of the ban on GSP plus tariff concessions in 2017, pushed forward reforms in other areas of governance.

The re-introduction of the Constitutional Council (CC), through the enactment of the Nineteenth amendment to the Constitution (hereinafter referred to as the 19th Amendment), to depoliticise the public service and the establishment of Independent Institutions, and restrictions imposed on the powers of the Executive President, by introducing provisions for enhanced power sharing between the President and the Prime Minister, highlighted the importance of investing in oversight bodies to improve accountability and inclusivity.

The programming rationale also recognised the existence of a centralised, supply driven public sector that, has long suffered from fragmented and disconnected structures, incoherent and incomplete reforms and inadequacy of resources, to provide responsive, accountable and inclusive services to vulnerable groups.[[8]](#footnote-8)

Many areas were identified as cross cutting issues including[[9]](#footnote-9), Gender Equality and Women’s Empowerment (GEWE).[[10]](#footnote-10) Despite high social indicators for women, exceeding that of men,[[11]](#footnote-11) the Portfolio rational highlighted the barriers faced by women accessing justice, exacerbated by war and the existence of a culture of violence against women, particularly Sexual and Gender Based Violence (SGBV) that, go unheeded.

Therefore, taking into consideration the development challenge at the time and country context, the Portfolio strategy[[12]](#footnote-12) was developed to contribute to Sri Lanka achieving SDG 16, which is universally regarded as the enabler for realising SDGs 1-15. The theory of change stemmed from the overarching theory of change of UNDP Sri Lanka’s broader Country Programme Document (CPD). It envisaged reducing inequalities[[13]](#footnote-13) and vulnerabilities and building public trust[[14]](#footnote-14) in public institutions by, developing the capacities of duty-bearers to exercise their mandate more effectively to promote peace and development and supporting right-holders to engage in governance processes, to ensure the representation of public interests, accountability and promotion of peace and reconciliation.[[15]](#footnote-15)

* 1. **Current Context and Challenges 2018 -2020**

There were many challenges to the development trajectory of Sri Lanka despite the momentum experienced during the period 2015-2018. Firstly, the internal power struggles between the two coalition parties under the National Unity government, perpetuated incoherence in policy making, coordination and implementation. This resulted in slow progress of many of the reforms undertaken[[16]](#footnote-16), including government’s commitment to constitutional reform. The political turmoil created by President Maithripala Sirisena, in an unprecedented move to replace the Prime Minister Ranil Wickremasinghe in direct contravention of the Constitution in 2018, followed by the Easter attacks in 2019 and several waves of ethnic and religious violence, further decelerated progress in governance reforms.

Secondly, the Presidential Election in 2019, effectively shifted power to the Sri Lanka Podujana Peramuna (SLPP), which highlighted 10 key areas in its national policy framework ‘Vistas of Prosperity and Splendour’[[17]](#footnote-17). SLPP prioritised national security, friendly, non-aligned, foreign policy, an administration free from corruption, a new constitution that fulfills the Peoples wishes, productive citizenry and a vibrant human resource, people centric economic development, technology-based society, development of physical resources, sustainable environmental management and disciplined, law abiding and values-based society.[[18]](#footnote-18)

In February 2020, the government announced its decision, approved by the Cabinet of Ministers to withdraw from the UNHRC Resolution 30/1 and 40/1. Renouncing the resolution as a ‘historical betrayal by the Yahapalana government’[[19]](#footnote-19), the new government committed to achieving the goals set by the people of Sri Lanka on accountability and human rights towards sustainable peace and reconciliation. The withdrawal sparked domestic and international criticism calling for a robust response from the Human Rights Council (HRC) ‘including steps towards the creation of an accountability mechanism to ensure the victims of the nearly three-decade long conflict get the justice that is owed to them’.[[20]](#footnote-20) In March 2021, the HRC adopted a resolution on Sri Lanka “to strengthen the capacity of the Office of the High Commissioner to collect, consolidate, analyse and preserve information and evidence and to develop possible strategies for future accountability processes for gross violations of human rights or serious violations of international humanitarian law in Sri Lanka to advocate for victims and survivors, and to support relevant judicial and other proceedings, including in Member States, with competent jurisdiction.”[[21]](#footnote-21)

The proliferation of Presidential Task forces[[22]](#footnote-22) reporting directly to the President[[23]](#footnote-23), primarily composed of present and former military and law and order officials and the militarisation of the public service, demonstrates the steady drift towards militarising civil functions within Sri Lanka’s health, educational, development and public administration sectors.[[24]](#footnote-24)

The Parliamentary elections, which were held in August 2020 secured a convincing win for the SLPP, transferring the power balance and reducing minority and inclusive representation in parliament. The passing of the Twentieth Amendment to the Constitution (hereinafter referred to as the 20th Amendment) further weakened oversight functions and institutional resilience of public institutions including the parliament and the judiciary. The new commissions will be appointed by the Parliamentary Council which will comprise solely of Members of Parliament, who will owe their allegiance to the Government or the main party in the opposition.

There is skepticism and fear regarding the rapid closing of civic space and freedom of expression in the aftermath of the Presidential election. There is fear particularly by ethnic and religious minority groups as President Rajapakse was the first executive to win an election solely on the votes of the ethnic majority Sinahalese Buddhist community. The engagement of Civil Society Organisations (CSOs) as enablers for change, which showed a marked improvement in the space for civil society activity in 2015[[25]](#footnote-25), is now viewed as threatened as Sri Lankan security agencies step up surveillance, harassment, and threats against human rights activists and journalists and as several important civilian agencies including the civilian police and the NGO Secretariat, which regulates nongovernmental groups were brought under the Ministry of Defence.

Thirdly, the Covid-19 pandemic, which imposed unprecedented challenges to health and safety of people resulting in a complete lockdown in March 2020, postponing general elections and closing parliament beyond its constitutionally permissible term weakened governance, and further contributed to the macro challenges to the political, socio economic architecture of the country. The second wave of the pandemic which hit Sri Lanka hard and fast in October/November 2020 and the current third wave undoubtedly promises to bring more challenges to governance, peace and security issues in the country.

With regard to SDGs, President Rajapakse made several statements committing to preserving the environment for future generations and pledging to work towards it aiming to fulfill the United Nations (UN) Sustainable Development Goals (SDGs) adopted in 2015.[[26]](#footnote-26) This was also reflected in the appointment of a Working Group to study the current status of Sri Lanka’s implementation & progress of the SDGs. At the Forty Fourth Annual Meeting of Ministers for Foreign Affairs of the Group of 77 held virtually on the 12th of November 2020, the Foreign Minister reiterated the call for ‘adequate funding for development initiatives enabling developing countries to overcome the multifaceted challenges hindering the achievement of the SDGs in the context of the exacerbated global situation due to the pandemic and its adverse effects on trade, tourism, investment and employment’.[[27]](#footnote-27) Although the Parliamentary Select Committee on SDGs is currently suspended the government appointed a Sustainable Development Council consisting of public officials and experts to drive the SDG Agenda 2030 forward.

No doubt the aforementioned contextual changes will impact the interventions of the Portfolio under Pillar One: Parliament and Independent Commissions and Pillar Two: Rule of Law and Access to Justice. Due to the withdrawal from the Joint UNHRC Resolution, commitments which included the establishment of the Office of Missions Persons (OMP) and review of and strengthening of Victim and Witness Protection (VWP) legislation in the country, will now be at stake. Given the regress in the position and independence of justice sector institutions such as the Judiciary and transitional justice institutions/mechanisms in the aftermath of the 20th Amendment, respect for human rights and rule of law has demonstrably diminished. This would have a strong impact on the sustainability of interventions under both Pillars.

Further, there are certain risks and challenges working with parliament as a result of the 20th Amendment. Whilst the term limit of Parliament remains intact, the 20th Amendment re-vests the president with discretionary powers to dissolve parliament any time after the expiration of two years and six months from the date appointed for Parliament’s first sitting, except in certain limited situations.[[28]](#footnote-28) This provision increases the control the President has over Parliament and undermines the doctrine of separation of powers. The Amendment also reduces the period of time within, which a Bill can be scrutinised by the public (by being published in the gazette) and challenged before the supreme court on the basis that, it is inconsistent with the Constitution (from 14 to 7 days). This provision severely undermines the rule of law especially in the constitutional climate of Sri Lanka, which does not provide for post-enactment judicial review of legislation.

This may impact civil society participation in a political climate already where there is a perceived sense of limited space for robust civil society engagement. This also provides a loophole for bills inconsistent with the constitution to be tabled and debated in parliament without challenge. Moreover, the Amendment reintroduced the option for the president to refer to the Supreme Court directly any Bill certified by the Cabinet of Ministers as “urgent in the national interest.” This results in a situation where citizens might not even know the contents of such Bills before it is passed by Parliament.

1. **Evaluation Against Criteria/Evaluation Findings** 
   1. **Pillar One: Parliament and Independent Commissions**

The MTE was structured around the key questions in the TOR defined by the UNDP and expanded by the approved Overall Framework for Evaluation (Annex One). It assessed the Outputs over the implementation period (January 2019 to August 2020) by undertaking an assessment of the Output’s relevance, effectiveness, efficiency, impact and sustainability.

* + 1. **Explanation of Outcome/Outputs**

**Outcome 1: Select policymaking and oversight structures strengthened to perform core functions for improved accountability and inclusivity**

The objective of the Outcome is aimed at strengthening the core functions of selected IPs, namely the parliament and select ICs to improve accountability; independence, transparency, adequate checks and balances and inclusivity; equitable, nondiscriminatory, participatory decision making for, traditionally excluded vulnerable groups, broadly defined by the Portfolio.[[29]](#footnote-29)

During the first phase of the Portfolio, a diverse range of activities were identified with incremental steps towards transformative reform within the parliament and ICs. SDG 16 Indicators[[30]](#footnote-30) for Sri Lanka emphatically highlight the importance of developing effective, accountable and transparent institutions, ensuring responsive, inclusive, participatory and representative decision-making at all levels and enforcing non-discriminatory laws and policies for sustainable development.

Therefore, the selection of Parliament as the repository of the legislative power of the people and three important ICs, namely the HRC, NPC and RTIC as IPs was crucial and context relevant under Outcome 1.

For the purpose of the MTE, **Output 1.1. The core functions (legislative, oversight, representation and budgetary) of parliament and its role in the implementation of the 2030 Agenda for Sustainable Development strengthened and** and **Output 1.2. The openness of the parliament and its ability to obtain public/civil society input to its functions improved,** directed at strengthening the core functions and openness of parliament will be clustered together as they are complementary and mutually reinforcing.

Further, **Output** **1.3**. **Human Rights Commission has improved capacities to discharge its core functions, Output 1.4. National Police Commission has improved capacities to discharge its core functions and Output 1.5. Right to Information Commission has improved capacities to discharge its core functions**, directed at strengthening the core functions of the selected Commissions will be clustered together.

The Outputs under Pillar One are conceptually relevant to the Outcome and resonates with the UNSDF Driver 2 and CPD Output 1.1, which embraces the Sustainable Development Agenda 2030, drawing linkages between Outputs and more specifically, the SDG Goal 16.[[31]](#footnote-31)

1. **Parliament**

**EQ1. Relevance**

Relevance refers to the extent to which the interventions under the Portfolio **identified national priorities and adopted a policy and context sensitive approach.** It refers to the **responsiveness** of the Portfolio to meet the needs of the beneficiaries (most vulnerable communities) identified including its **capacity to adapt and realign** priorities to meet country and context specific socio-economic and political changes. Relevance will also consider the extent to which cross cutting themes informed strategies.

1. **The extent to which strategies adopted reflected local contexts, needs and priorities**

**Policy and Project Alignment:** The Outputs responded to emerging national priorities following the shift in power in 2015. It was aligned to identified priorities, stipulated in the 100 Day Work Programme, the Sustainable Development Strategy for Sri Lanka[[32]](#footnote-32) and the change to system of governance introduced by the 19th Amendment.[[33]](#footnote-33) The 19th Amendment reduced the powers of the executive president by introducing further checks and balances, by way of a hybrid system of power sharing, between the President and Prime Minister and by way of enhancing the role of parliament.[[34]](#footnote-34)

Following the 19th amendment, parliament introduced several reforms to its legal and operational framework, to reflect the new balance between the Parliament and the Executive.[[35]](#footnote-35) Institutional and sectoral policy direction was provided by formulating a Parliamentary Development Action Plan (PDAP)[[36]](#footnote-36) for the Eight Parliament (previous parliament), which was optimised by the support through the Outputs.

This action was further reinforced by formulating a new Action Plan for the Ninth and current parliament in 2019, following a *‘Consultative Assessment on Strengthening Core Functions of Parliament’* (hereinafter referred to as the Consultative Assessment), which aimed to consolidate interventions to parliamentary reforms by several DPs.

**Maximising on Modality of engagement:** The PDAP provided an inclusive platform and an implementation modality by way of an Advisory Board[[37]](#footnote-37) chaired by the Speaker and Project Board chaired by the Secretary General of Parliament (SG) and Resident Representative of the UNDP. The forum was convened by the UNDP for all DPs, to converge and support development priorities identified, which maximised relevance and effectiveness of expected outputs.

Relevance of interventions were also augmented by the consolidation of UNDP’s role as facilitator/convener to coordinate all development partner engagement during the first phase of the Portfolio, which also guaranteed greater influence and continued association with the leadership of the Parliament and Parliamentary Secretariate (PS).

IP interviews and discussions with DPs engaged in parliamentary reforms in Sri Lanka, acknowledged the impartial and valuable role played by UNDP as facilitator, and its continued relevance in the second phase of the Portfolio.

**Adaptability of the Outputs:** The ability of the Outputs to adapt to emerging political and contextual changes, to remain relevant, was challenged in the aftermath of the Presidential elections in 2019. For this paved the way for the formation of a new government implying a change in the balance of power in Parliament. The Portfolio reacted well and devised a New Action Plan for the Ninth Parliament (2020 -2022 and beyond) with broad consultations. These consultations included interviews with opposition Members of Parliament (MPs) who are currently in power. The Consultative Assessment also took note of the current government’s policy on strengthening branches of the government, including the parliament to be more effective and efficient. The simple strategy of conducting extensive consultations, prior to submitting observations and recommendations was profitable, as signaled by the endorsement of the PDAP by the current Speaker. The current Speaker has also requested UNDP’s continued support and role as facilitator/convener. This has ensured continued relevance of interventions in the long-term effort to modernise and reform parliament.

The strength of the design and implementation modality of the Outputs was challenged in 2020, due to prolonged closure of parliament beyond the constitutional permutation and unprecedented challenges thrown by the Covid-19 pandemic. The Portfolio reacted immediately to secure digital solutions by way of Zoom subscriptions for the PS to ensure business continuity during the lockdown period of April 2020.

1. **The extent to which cross cutting themes[[38]](#footnote-38) informed strategies**

**Innovation:** it was generally noted that digitisation of parliament to effectively implement its communications strategy was relevant. Substantial support was provided to parliament, to digitise its proceedings and open parliament to the public, to garner public opinion and to boost equitable and greater participation in policy making. For example, through ICT support, committee proceedings of two main committees that has attracted public interest, namely, Committee on Public Enterprise (COPE) and Committee on Public Accounts (COPA) was broadcasted live and posted live for online viewing. Committee conventions were dramatically changed to invite media to attend proceedings. UNDP support to develop a Toolkit – Media Guidelines for Parliamentary Public Consultations, for constructive media and citizen engagement in the business of parliament, was relevant, and provided an opportunity to broaden its partner base.

**GEWE:** The Outputs were aligned to the Gender Equality Strategy of UNDP Sri Lanka. The strategic interventions identified were augmented by collaborative efforts with a parallel project on Women, Peace and Security (WPS), to implement the UN Resolution 1325 in Sri Lanka. The project worked closely with parliament and particularly with women Members of Parliament and through the Sectoral Oversight Committee (SOC) on Women and Gender. The project supported the Committee, to draft three private member bills to amend the laws on General Marriages Ordinance to allow all citizens to register their marriages under the general law and raising the minimum age of marriage to 18 years of age for all citizens, including for Muslims and introducing gender neutral terminology by amendments to the Land Development Ordinance (LDO) to promote inheritance rights of women. The WPS project also engaged with the MPs and PS to promote dialogue between CSOs and parliament to identify critical issues to promote WPS in the country.

**Anti-corruption:** Although an ECoC for parliamentarians and PS was initiated, the former fell through due to lack of ownership and political commitment from MPs. The Code of Ethics for parliamentarians was introduced as priority under the 100-day work programme of the National Unity government, which demanded a system of declaration of assets of MPs. **Manthri.lk, a website dedicated to monitor the performance of Parliamentarians, allocated an overall score of 71% to the administration, citing the delay in endorsing and implementing the ECoC for parliamentarians as a serious impediment.[[39]](#footnote-39)**

**EQ2. Effectiveness**

Effectiveness refers to the **extent to which the strategic interventions have achieved its overall and specific objectives** identified under the Outputs. It refers to the **contribution it has made to reach targeted beneficiaries** including vulnerable communities and the **effectiveness of the partner selection process.**

1. **The extent to which the strategies adopted achieved its objectives**

Increased support to upgrade systems and processes through digitisation and process enhancement; by adopting user friendly platforms, ICT development for the committee system, amending standing orders to introduce SOCs, streamlining consultations of the SOCs, particularly on Women and Gender and Select Committee on SDGs, formulating media guidelines and toolkit and a template for Ministries to align budgets with SDGs to obtain public/civil society input, made a substantive contribution to improving effectiveness of data collection, reporting and monitoring.

Recognising the need to invest in long term strategic plans, combined with institutional/infrastructure development, the Portfolio made the following contributions namely; establishing SOCs, a new communications department, recruitment of skilled staff for Media and Outreach Units and developing a long-term communications strategy for parliament to improve inclusivity, through interactions between PS and parliamentarians and MPs and media, civil society groups and community groups. These strategies have strengthened policy oversight and direction to enhance effectiveness of public engagement especially *via* mainstream and social media platforms.

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| --- |
| KPIs inform that the development and improvement of online platforms such as the permanent media coverage of parliamentary proceedings, parliament website, Twitter accounts and Instagram accounts for committee proceedings, Facebook and Facebook live, etc. has broadened its audience, appealing to young men and women and changing the way *‘parliament conducts business’*. |

In addition to the effective functioning of the communications department in the first phase of the project the visibility of parliament was also effectively changed due to unveiling of restrictions and granting access to committees such as SOC on Women and Gender.[[40]](#footnote-40)

Institutional and systems development was combined with extensive training on IT for staff of the Communications Department and general capacity building to implement the communications strategy. Capacity development for MPs, through the orientation programme for new parliamentarians was also revamped. IPs highlighted that, concrete and modern communication platforms developed by the Media and Outreach units of the Communications Department, has altered the attitudes of PS staff to minimise barriers to access to parliament.

The Portfolio exploited the committee system and was able to effectively influence the establishment of a Parliamentary Select Committee (PSC) on SDGs to improve monitoring and evaluation of line ministries through parliament. Technical support to streamline procedures, to collect and collate information with relevant MPs responsible for meeting targets, was crucial and relevant to maintain interest and oversight of its implementation. For example, discussions with regard to budgets and funding for the implementation of the SDGs, resulted in mainstreaming SDGs into the National Budget call in 2019, which incorporated a template requiring government institutions to align budget estimates with SDG targets.

The effectiveness of these interventions, may be strengthened by a clearer identification of what is required to fulfill national and international human rights obligations and developing clearer plans to realise them. This should include; supporting capacity enhancement of institutional staff to implement such plans, and assessing how capacity enhancements are improving their work, which will also contribute to greater impact and sustainability of the actions.

1. **The extent to which identified priorities resonated and responded to the needs of beneficiaries and the effectiveness of the partnership selection process**

These Outputs complemented each other and was mutually reinforcing, which contributed to its effectiveness as illustrated below.

Despite strong focus on design the Output was relatively weak in implementation, due to the inability of the interventions to adequately respond to the needs of CSOs, media and communities. KPIs observed that, improving the responsiveness and inclusiveness of parliament to deliver its core functions to all its citizens through equitable and active participation was largely one sided.

Targeted activities were aimed at institutional strengthening, systems and process development, capacity building and attitudinal change within parliament and its bureaucracy through the Speaker, MPs, SG and Staff. Simultaneous engagement with CSOs, the media and community groups that, has the capacity to reach grassroot level organisations and traditionally marginalised groups, such as persons with disabilities, women’s groups, youth groups, etc., did not attract similar attention from the Outputs, except through limited awareness and outreach programmes.

However, whilst the opportunity to engage more actively and aggressively with beneficiaries was less availed, feedback from interviews, reports and statistics of increased use of social media platforms by the public indicate, perceived value in the preliminary activities to improve space for citizen engagement in policy making.[[41]](#footnote-41)

Interviews with IPs repeatedly acknowledged the existence of a trust-based relationship with the UNDP. UNDP’s role as a knowledge broker (drawing from global experience and networks, long term partner and funder of governance initiatives ) and its role as convener and connector (due to its ‘apolitical status’) earned itself the role of facilitator, to coordinate all development partner engagement during the first phase of the Portfolio, which grounded its relationship with the leadership of the parliament and the PS.

For instance, strategic interventions to promote women and gender issues through the SOC was effective during the first phase of the project, due to its consistent engagement with parliament through previous projects. The support to the SOC was combined with the efforts of the work done parallelly through UNDP’s project on WPS. Effective streamlining of committee proceedings and consultations and assistance to document proceedings, to be tabled in parliament for policy consideration, enabled the Committee, consisting of cross bench MPs to routinely invite civil society groups and conduct public consultations to solicit public opinion. KPIs remarked that, the effective functioning of the committee and activism paved the way for the drafting of three progressive private member Bills. Effective collaboration between SOCs promoted policy dialogue and the opportunity to raise pressing issues relating to gender, resulting sometimes in tangible outcomes. For instance, increase in budget allocations for the MWCA to enforce the SGBV Action Plan through discussions with the SOC on Public Finance.

However, the activities identified were less effective in maximising reach of targeted communities. For instance, although the SOC on Women and Gender routinely invited CSOs to participate in proceedings**,** inviting public for discussions appeared to be at the discretion of the Chair, and not necessarily followed by all committees as a rule. Therefore, engagement was limited and selected, and engagement with broader groups on broader issues was limited through the system. Logistical issues and mechanics relating to operations of SOCs also impeded its effectiveness.

Moreover, despite the establishment of SOCs and routine scrutiny of Bills by Committees, secondary data suggest that, civil society does not consider Parliament as a formidable forum for policy engagement[[42]](#footnote-42) and relies heavily on ‘relationship-based access channels to powerful actors within government to secure operational space’, through the executive branch.[[43]](#footnote-43)

Further, limited focus on expanding and maximising existing channels for public petitions such as, the public inquiry procedure under the Parliament Standing Orders,[[44]](#footnote-44) and complimentary work with CSOs to demand information on critical issues that, affect their lives such as disaster management, SGBV, etc. hampered effectiveness of interventions. KPIs note that, the perception of the part of community counterparts is that, there is currently no effective mechanism in place for generation of policy, based on public feedback.

This current limitation is recognised both by UNDP and the IP, and the MTE notes that progressively refining and improving feedback mechanisms with the aim of forming a referral system to inform MPs and parliament, or to be escalated to Cabinet for consideration, is imperative in the second phase. An additional mechanism or refinement that should be considered for the second phase of the Portfolio, is to address community concerns and strengthen effectiveness of the interventions through a more systematic reporting system.

**EQ3: Efficiency**

Efficiency looks at the extent to which the Portfolio has used the **most effective methods** to achieve planned Outputs. Efficiency also refers to the **adequacy of the structures and modalities** of the Portfolio to maximise financial and human resources cost and visibility of **best practices** in cost efficiency and collaborations.

1. **The extent to which the Outputs have used the most effective methods to achieve planned objectives and best practices**

**Flexibility in allocation of resources:** The Portfolio risk log and mitigation measures provides provision for flexibility in the reallocation of resources within the Outcome.[[45]](#footnote-45) The Portfolio envisaging political, economic, social and other context specific risks, introduced a ‘system of fluidity to make adjustments to activities, as required, to correspond to context changes ‘.[[46]](#footnote-46) This flexibility enabled the Outputs to address emerging needs, appropriately and responsively. For example, the Output was able to direct financial and technical resources to conduct a Consultative Assessment to develop a PDAP for the Ninth Parliament, and more importantly allocate immediate funding to parliament, as a response to the pandemic.

**Efficient use of resources and ‘best practices:**  Efficient use of resources and ‘best practices’ is also evident from the direct and indirect beneficial use of the SOCs on thematic issues. With the amendment of the Standing Orders of Parliament, 20 SOCs were introduced.

IPs reflect that, SOCs provided a space for MPs to act in their individual capacity without constraints imposed by party politics and narrow expectations of constituencies. It also provided a space for cross bench dialogue for those interested and vigorous participation for opposition MPs, who were routinely asked to chair SOCs, which allowed for greater transparency and accountability.

Best practice example of collaboration and cross bench dialog can be seen by the Joint-Sub Committee[[47]](#footnote-47), formed in 2019 to develop a national policy on waste management. Through engagement in policy discourse with key stakeholders, the committee identified policy recommendations in April 2019 and developed a work plan, following the research and technical assistance provided by UNDP. Collaborative efforts of the two Sectoral Oversight Committees are a clear example, where the Parliament of Sri Lanka executed its oversight function in a strategic manner, to identify feasible solutions for a growing problem in Sri Lanka.

Although a cost benefit analysis of efficient use of resources to conduct training programmes and impact on outcome projected is difficult to substantially measure, due to lack of adequate data and time, KPI interviews highlight the importance of continued capacity building and training and awareness to bridge the gap between policy makers and the public. This was corroborated by IPs regarding the perceived benefit of staff training programmes attributing to attitudinal shifts within the PS.

However, it is clear that, the Output require allocation of more resources and planning to develop a curriculum and road map for the ‘Orientation Programme for New Parliamentarians’, which is a strategic entry point to realise the Outputs identified.

1. **The adequacy of Structures and Modalities to maximise efficiency**

The strategic approach taken at the inception of the Portfolio, working with multiple partners have positively affected the efficiency of the Output.

The existence of a sustainable platform and modality to channel support by all DPs under one common framework, efficient use of financial resources and technical expertise/knowledge base and joint discussions/decision making involving the political leadership, SG and DPs increased accountability, inclusivity, collaboration, sustainability and ownership, offers as examples of ‘best practice’ in the sector.

There is, however, an opportunity in the future to more efficiently plan for and develop such links in a more strategic and structured manner with the Media, CSOs and Community Based Organisations (CBOs).

The Role of the UNDP is efficiently projected through the Outputs as a significant player, not only as facilitator for donor support but also as a connector, linking parliament and the community. (eg. Support for media and outreach activities and support for public consultations through the WPS project) However, lack of support and initiatives to broaden the civil society base, may affect efficiency in the second phase unless more resources are allocated to raising the voices of the people on the ground.

**EQ4. Impact**

Impact refers to the **change/results o**f the output level achievements so far in line with the outcome level results. It refers to the **positive or negative changes in the short/medium or long term** and to what extent the **targeted beneficiaries have experienced this change**. Impact assesses the contribution of the interventions and external factors that are required to sustain it.

1. **The extent to which output level achievements are contributing to outcome results**

The continued support towards communications over time, has ensured a focus on developing strategic plans that have been accompanied by plans for implementation. This is a clear recognition that, designing plans without planning for implementation, will fall short of achieving identified Outcomes. Future effectiveness of plans would have to factor in the current pandemic context and how engagement with the public can be still done in a safe and effective manner, keeping the objectives and expected Outcomes in mind. For example, utilsiing the broadcasting equipment provided by UNDP, the PS conducted a trial virtual committee proceeding. Since then, more than 24 committee meetings through this system. Virtual committee meetings were also used to help ensure greater participation of MPs in sessions, which was recognised as a shortcoming in the system. Therefore, this system may be elaborated during the second phase to minimise disruptions in parliamentary proceedings, whilst complying with health and safety standards of the government.

However, whether the selected actions, that seem to largely focus on communications and building capacity towards more effective communications, may not be the only actions required to fulfill the public engagement aspect of the Outcome. There may need to be a reflection on the effectiveness of the actions towards meeting the Outcome. Developing these actions further to ensure greater impact can be achieved in line with the outcome, and meeting it more effectively, in the remaining lifetime of the project.

1. **The positive and negative impacts observed**

The newly established Communications department itself is a tangle outcome of the Portfolio and initial technical support for recruitment, infrastructure and systems development, capacity building and training on communication strategy was sustained by receiving cabinet approval and permanent cadre allocations in the 2019 national budget.

The new communications strategy adopted, has increased the possibilities of enhancing the quality and quantity of civic engagement, to ensure openness of parliamentary proceedings. Formerly communications relating to the parliament was mostly handled by the Department of Serjeant-at-Arms and Information Systems and Management. KPIs indicate a change in attitude of the PS in their role to assist parliament and parliamentarians to fulfil their obligations and in their role as a communicator and intermediate between the media/public and parliament.

Skills development, for the newly recruited staff of the media and outreach units of the department maximising on UNDP expertise and comparative knowledge, resulted in the revamping of social media platforms to be more user-friendly and attractive. This reinforces the credibility of information shared on such platforms and other platforms that were generated within a short period of time.

During the period 2019-2020, the Communications Department conducted several activities namely; workshops and awareness programmes on parliament for 30 journalists, 30 members from NGOs, 185 university students from Department of Political Science, University of Ruhuna and University of Sri Jayawardenapura, Sri Lanka College of Journalism, Faculty of Social Sciences, Kotalawala Defence Academic, 21 webinars, 18 E Posters and 15 instructional video/audio clips for MPs and PS on business continuity despite the pandemic and health and safety guidelines. The Department issued approximately 400 tri lingual press releases, media coverage of 30 events, 26 video and feature clips, 23 video documentaries on parliament, 21 interviews with MPs, created and disseminated information through several social media platforms such as 115 uploads on the official you tube channel, approximately 750 uploads on Facebook, Instagram and twitter accounts and publishing of parliament official newsletter and journal.

There are challenges to monitoring and evaluating the qualitative value of information sharing.Information is predominantly one way. The counter component of not adequately engaging with CSOs and Media to act as ‘watchdog institutions’ has posed a problem for monitoring. Building capacity of independent and professional institutions such as, research institutions, universities, law schools, professional bodies such as BASL, etc. will positively impact on the results of the outreach programmes in the second phase.

**EQ5. Sustainability and Ownership**

Sustainability considers the extent to which the outcomes or the progress achieved is **likely to endure beyond the duration of the project**. It looks at whether the project design considered the **handing-over of responsibilities to government and non-government stakeholders** and the capacity of national partners institutionalising efforts through internal processes and budgeting for continuity and ownership. It also considers the **networks and partnerships built** and strengthened and immediate and long-term risks that may impact sustainability.

1. **The extent to which the strategies adopted are likely to ensure beyond the duration of the Portfolio and the extent to which national ownership was encouraged**.

There are a number of strategic interventions that has an increased likelihood of self-sustaining during and beyond the lifetime of the Portfolio.

For example, the investment in high level policy engagement and support for the development of the PDAP for the current parliament through a consultative process, was able to rein the buy in of the current leadership and bureaucracy. Further the endorsement of the modality developed in the first phase to implement the PDAP is proof of strong institutional ownership.

Development counterparts acknowledge the value of UNDP’s role and modality for implementation going forward. Ongoing support through the work of the Advisory and Project Boards and UNDP technical specialists, will be crucial moving forward to institutionalise the reform agenda.

Focus on digitisation of communications enabled the PS to continue capacity building programmes to overcome challenges of remote working and conduct webinar series for parliamentarians, to respond to contextual challenges, posed by Covid-19. Support during the second phase is vital for long term impact and sustainability of the intervention.

Lack of ownership and political commitment and mindset is a serious impediment to improving transparency and accountability not only of the institution but also for its residents. This was evident when, a Code of Ethics for parliamentarians was introduced as priority under the 100-day work programme of the National Unity government, which demanded a system of declaration of assets of MPs, failed due to lack of ownership and will.

1. **The immediate and long-term risks that may prevent sustainability of strategic interventions**

Althoughsupport to develop a comprehensive Communications Strategy for Parliament for the next five years in line with the PDAP was also approved, in order to implement the 5 year strategic plan, which includes; revamping the education tour system to include virtual tours to address health and safety guidelines, introduce and launch an interactive platform for civil society engagement and feedback through the development of websites for proposed committee system, and public consultations with cross bench MPs, webinars and TV programmes, would require further investment from the Portfolio and continued buy in from the leadership. The Portfolio should continue to aggressively engage and contribute towards strategic direction of the communications strategy, to minimise abuse of information platforms such as, using data to politically victimise media institutions, CSOs or communities or legitimise compromising positions of the government contrary to international standards and norms.

The impact of SOCs is now threatened, due to its immediate suspension following the presidential election in 2019. IP interviews noted that, currently the parliament is planning to streamline the committee system and introduce limited SOC on thematic issues. Due to strong partnerships, UNDP has been invited to provide technical support to streamline SOCs, which is imperative to guarantee the incorporation of international best practices.

Further, the impact of strategic interventions such as the support to bills, to repeal discriminatory provisions in the law that, acts as a barrier to access to justice and overall empowerment of women, is reliant on a vibrant system of public engagement to eliminate systematic and political barriers that, as history dictates has pushed back similar reform initiatives in the past. Furthermore, due to the constitutional crisis in 2018, the Easter attacks and election campaigning in 2019 and currently the pandemic has posed additional challenges for gender reforms, which can be delayed owing to its low priority. For example, KPI discussions revealed that regrettably, there are several uncontentious bills relating to women and children such as the amendments to Domestic Violence Act, Juvenile Justice Act, etc. that are pending.

Further, participatory and an aggressive system of democracy is reliant on the constitutional, political, social and cultural space provided for freedom of speech and association for vulnerable groups and the ability of CSOs to reach vulnerable groups and their ability to generate a shared conscience and movement to push for reform. Therefore, building stronger partnerships and networks with non-governmental organisations (NGOs) is crucial particularly in the current political context.

However, willingness of DPs to continue to engage with parliament and new leadership through an agreed framework is promising, and should consider; focusing on continued buy in of the PDAP, with allocation of resources to align with new national priorities, for greater investment and ownership, and to reduce donor dependency, inclusivity in planning and implementation stages; strategic alignment of resources based on development priorities of the partners and greater strengthening and monitoring of interventions and results.

The Portfolio has already experienced significant challenges as a result of closure/non-functioning of parliament due to the unprecedented constitutional crisis or due to unprecedented delays in elections and provisions of the 20th Amendment, add further fuel to this unforeseen crisis.

**B. Independent Commissions**

**EQ1. Relevance**

Relevance refers to the extent to which the interventions under the Portfolio **identified national priorities and adopted a policy and context sensitive approach.** It refers to the **responsiveness** of the Portfolio to meet the needs of the beneficiaries (most vulnerable communities) identified including its **capacity to adapt and realign** priorities to meet country and context specific socio-economic and political changes. Relevance will also consider the extent to which cross cutting themes informed strategies.

1. **The extent to which strategies adopted reflected local contexts, needs and priorities**

**Context specific Priorities:** Interventions identified under the Outputs were context specific and relevant in the aftermath of the 19th Amendment.[[48]](#footnote-48) In general, KPIs agreed that, the Portfolio capitalised on this political ideology and change to direct support to three important commissions namely, the HRC[[49]](#footnote-49), NPC and RTIC.[[50]](#footnote-50) NPC was identified as a new IP, owing to its investigative and monitoring role over the police department and its role in the VWP Division. A needs assessment was conducted to identify priorities of the NPC, which not only was relevant, but also contributed to its effectiveness.

Perusal of annual and quarterly reports and work plans indicated a strong understanding of ground realities, institutional and system gaps, weak competencies and low skill levels and general distrust of commissions at the inception, grounding activities to specifically address those challenges and to respond to beneficiaries. For example, investment in strategic planning and policy interventions, communication strategies and skills development, were identified as key initiatives, to building the profile of the commissions.

Discussions with KPIs revealed that, although the HRC was established in 1997[[51]](#footnote-51) there was a lack of awareness of commission’s core functions amongst the general public and poor reach of vulnerable groups that were most affected by human rights violations by state institutions. They also agreed that, support to RTIC was judicious, given that it provided UNDP an opportunity to further its work[[52]](#footnote-52) and systematically cement the outcome of the work championed by CSO campaigning.[[53]](#footnote-53)

It was generally accepted that, the importance of building the capacity of the Commissions to contribute to critical human rights concerns in general and in particular in the aftermath of the war, was relevant and timely.

1. **The extent to which cross cutting themes informed strategies**

**Innovation:** Strengthening investigation and inquiry procedures to expedite individual petitions, through digitisation of the Commissions, was relevant and timely. Introducing a digital case management system for HRC, to be customised and interlinked to regional offices island wide, and the establishment of the Smart Commission Meeting System (SCMS) for NPC, was relevant. Parallel work on developing Standard Operating Procedures (SOPs), to improve and streamline procedures for investigations and processing public complaints, to minimise delays, due to procedural and administrative barriers, and to expedite hearing and finalising petitions, was beneficial to increase access to justice and public confidence in the system.

As a necessary corollary to the above intervention, immediate and ad hoc support to the HRC to clear backlog of cases was extremely relevant, to ensure the smooth and effective functioning of the automated case management system, once installed. Clearing of backlog of HRC is also relevant, in order to allow HRC to focus primarily on serious fundamental rights abuses by state institutions.

**GEWE:**  Several strategic entry points were used to incorporate gender sensitive norms and standards through integration of victim centred approaches to inquiry and investigation by ICs. This was accompanied by capacity building for Commission staff of NPC on developing gender standards and by support to research and policy, through the Gender Gap Analysis of the Police department, to identify barriers for policewomen and gender considerations under the Prison Study by the HRC.

**EQ2. Effectiveness**

Effectiveness refers to the **extent to which the strategic interventions have achieved its overall and specific objectives** identified under the Outputs. It refers to the **contribution it has made to reach targeted beneficiaries** including vulnerable communities and the **effectiveness of the partner selection process.**

1. **The extent to which the strategies adopted achieved its objectives**

Effectiveness of strategic interventions were aimed to be enhanced by a similar approach followed in previous projects and in the case of NPC through a needs assessment, to develop strategic plans, improve systems, strengthen institutional capacities, strengthen coordination mechanisms and staff competencies.

Systems development was realised through IT solutions to customise and automate case management systems. In particular, for HRC and for NPC, to enhance investigation and inquiry procedures to reduce delays in processing public complaints. The system enhancements, were to contribute towards minimising human errors, corruption, human incapacities and attitudinal barriers. IT solutions, to enhance the media unit of the NPC and recruitment of media coordinator for HRC, were aimed at improving the quality of information and dissemination, through skilled management. Support to draft SOPs, for investigations for HRC, drafting procedural rules for NPC and streamlining procedures for better monitoring of public departments by the RTIC, aimed at reducing administrative and process-based delays, to improve effectiveness of service delivery of ICs.

However, digitisation efforts were thwarted to an extent due to cultural, managerial, staffing and other implementation realities, to effectively make a positive change during the first phase of the Portfolio as referred to below. For instance, general inertia for change due to cultural factors, lack of skills and competencies and operations deadlock, due to resentment to management, particularly at the HRC was considered by IPs and KPIs as s serious drawback, to initialising the case management system, which is yet in its inception phase after more than 2 years.

Institutional support and policy development were executed by devoting funds to the strategic development plan for the NPC, development of a communications plan for the NPC and corollary support to the media unit and hotline and extensive media coverage and publicity material. Communications and outreach strategy were developed for HRC, to enforce their mandate on promoting fundamental rights and generating greater public awareness on their services. Continuous support was provided to the RTIC, by supporting the legal unit to monitor functions of public authorities and to expedite inquires and investigations.

Less time and investment were made to develop coordination platforms for beneficiary engagement through CSOs to promote awareness of ICs, as was the gap under Outputs 1.1. and 1.2.

Advocacy and outreach were implemented in the first phase through media, printing and dissemination of promotional material and user-friendly websites, which are costly and difficult to sustain without project support.

Less resources were spent to aggressively engage with CSOs, to expand geographical reach and reach of traditionally excluded vulnerable groups. Investing in such a medium, would not only contribute to strengthening CSO capacities in the regions and their ability to respond effectively to beneficiaries, but also increase the effectiveness of communication and advocacy strategies of the ICs.

Although linking HRC clients with Legal Aid Commission (LAC) informally, by which LAC agreed to represent petitioners who wish to appeal to the Supreme Court, after the conclusion of the application at the HRC, is relevant and effective, it would require further support to streamline procedures and additional support to LAC to be an effective service in the long term.

1. **The extent to which identified priorities resonated and responded to the needs of beneficiaries and the effectiveness of the partnership selection process**

Several strategic options were resorted to improve inclusivity and respond to the needs of the beneficiaries. This was done, by crafting communications strategies and platforms for dissemination and participation by beneficiaries. Digitisation of the case management systems for greater transparency and reducing delays between filing a complaint and completion of inquiry and recommendations, and further reducing barriers by forming partnerships with legal aid organisations, such as the LAC to assist indigent clients was relevant and effective. However, during the first phase of the Portfolio, the ICs functions were secluded and did not draw from strengths and experiences of each other, where relevant or build on cooperation and association with peer institutions within and outside the region through UNDP regional and global networks.

**EQ3: Efficiency**

1. Efficiency looks at the extent to which the Portfolio has used the **most effective methods** to achieve planned Outputs. Efficiency also refers to the **adequacy of the structures and modalities** of the Portfolio to maximise financial and human resources cost and visibility of **best practices** in cost efficiency and collaborations.
2. **The extent to which the Outputs have used the most effective methods to achieve planned objectives and best practices**

Both the HRC and RTIC were in unison in expressing the high level of contribution extended to improving the investigating, inquiring, monitoring and reporting functions of the Commissions, as a direct result of recruiting United Nations Volunteers (UNVs).

The efficient use of Volunteers and recruitment of staff on short term contracts, to support the initial phase of the Outputs, has contributed to the effectiveness of Outputs with regard to ICs. Volunteers sourced from UN Volunteers, were attached to the HRC from the inception of the Portfolio. They provided much needed assistance to reduce backlog of cases, allowing HRC to focus on serious human rights violations, assistance for reporting and monitoring detention centres, data collection and reporting to international treaty bodies and Special Rapporteurs, data collection to draft specialised situational reports, particularly in the aftermath of the Easter attacks in 2019. An invaluable contribution to RTIC, through engagement of short/medium term lawyers, to strengthen their core legal and monitoring functions stipulated by the Act in the first phase of the Portfolio, was highlighted as a ‘saving grace’. They also emphasised the continued necessity of it, until such time required cadre was allocated and trained from the public service. For example, 70% of back log cases were cleared by the RTIC owing to human resource support to the Commission.

ICs identified as a partner, to contribute towards research and policy development in the country, based on their expertise and practical knowledge was relevant, and proved to be an efficient use of resources. During the first phase, NPC initiated and provided valuable input into several important gender studies namely, the *Gender Gap Analysis of 42 Police stations, particularly the Women and Children’s Bureau (WCB), The Study on Barriers faced by Women Police Officers, particularly on issues relating to promotions,* and the research conducted to develop *Gender Standards for the NPC.* The HRC too contributed to complete a *Prisons Study* as part of their mandate to monitor detention centres.

KPIs expressed that, these studies are aimed at providing practical guidelines and solutions to pressing issues and is an important result of the Outputs.[[54]](#footnote-54)

The investment in establishing a hotline for the NPC, capacity building for the media unit coupled with increased access and publicity, proved to be cost effective as it was effectively used to lodge complaints by the general public during the first wave of the pandemic. The hotline, which continued to function during the first lockdown was accessed by many, to report allegations of unlawful arrests, detention, discrimination, etc. by the police, using health and safety regulations.

1. **The adequacy of Structures and Modalities to maximise efficiency**

Although, digitisation of case management was identified to improve cost effectiveness and efficiency of targeted activities, the implementation was far from smooth. Operations were hampered due to regular transfer of staff members to other public departments, insufficient capacity building and training on IT and delays in selection, procurement and management of digital service providers during the first phase of the Portfolio. Therefore, an assessment to understand existing structures and barriers that needs to be addressed prior to transition should be supported by rigorous capacity development, recruitment of skilled personnel and training, to ensure smooth transition from paper to automation during the second phase of the Portfolio.

**EQ4. Impact**

Impact refers to the **change/results o**f the output level achievements so far in line with the outcome level results. It refers to the **positive or negative changes in the short/medium or long term** and to what extent the **targeted beneficiaries have experienced this change**. Impact assesses the contribution of the interventions and external factors that are required to sustain it.

As noted in the approved Evaluation Inception Report and confirmed in discussions with the UNDP, the MTE is unable to conduct an impact assessment using a quantitative component using primary data owing to limited time between the commencement of the Portfolio and MTE, the initial stages at which currently majority of activities are placed and lack of quantitative data to measure impact (which is also beyond the scope of the evaluation). Therefore, impact will be assessed against positive/negative changes at the Output level and the extent to which there is perceived impact on beneficiaries in the short/medium and long term and internal and external attributes that maybe factored in.

1. **The extent to which output level achievements are contributing to outcome results**

Although number of inquiries have increased to commissions since the inception of the Portfolio, there are several challenges to evaluating impact. For instance, the automated case management system introduced for HRC is still ongoing, due to severe delays encountered in the first phase of the Portfolio. In order to effectively capture impact, it is important to capture how the case management system is working and how it has been able to improve the HRC’s ability to handle complaints so that, there is resolution of the complaint or a movement towards this for the persons making the complaint.

During the second phase of the Portfolio, it is important to capture data, asking questions such as how digitisation has helped to streamline and expedite processing of complaints and who it has helped. In addition, it is important to capture how the web-based case management system allows the public to make complaints and check the case status of complaints, as a means of ensuring greater transparency of the HRC processes and strengthen public trust in the institution.

The pending work on developing a communication strategy also poses a challenge to the MTE. It is pertinent to develop a mechanism to capture how greater awareness has ensured greater usage of services, as a result of communication campaigns through client feedback, which will also help identify other barriers including context specific barriers that people face when they try to access services.

While capacity strengthening initiatives are relevant, in the context of achieving the outcome and has visibly contributed to its effective use, it is unclear how this is being tracked and documented, to illustrate achievements towards the outcome. However, this set of activities also draw on previous project interventions and if continuations are strategic, they can add more value towards sustainability.

The effort that led to the adoption of a cabinet paper on proactive disclosure by the RTIC, is still at an initial stage of development. The political context and space for engagement that, may be available for such activities, will have a large influence on how this outcome can be achieved, through the currently identified outputs, including the effective implementation of a policy. At the same time, the relevance for this to the commission to discharge its functions remains high, given that the policy paper is in line with the RTI Act. Hence, strategizing to continue on these actions is important to ensure continued relevance, greater effectiveness and impact and ensure sustainability.

1. **The positive and negative impacts observed**

Despite the limitations to assessing impact, strategies adopted have contributed to enhance the positive image of the ICs, which can be seen quantitatively by the increase in the number of cases to HRC, NPC and RTIC and increase in number of cases discharged.

In 2020, 300 /1000 total public complaints to NPC were received through web-based systems, reducing the paper processing transaction time. Further, monthly complaints and inquiries to the NPC, has approximately increased by 50% in 2020. In addition to the tangible outcome of research and data for policy reform, the gender specific study completed with the expert guidance from the NPC on ‘Barriers faced by Women police Officers’, particularly on issues relating to promotions with additional lobbying from the NPC as part of their mandate, contributed positively to the promotion of 9 women police officers to the role of Officer in Charge (OICs) and the appointment of the first woman Deputy Inspector General (DIG) of the Women and Children’s Bureau (WCB).

Several other recommendations of the Studies are currently in the process of being implemented. For instance, previously service time of Women Police Constables (WPCs) serving at the WCB were not considered for promotions due to the derisory status afforded to the WCB. Based on the findings and recommendations made by the Study, NPC drafted guidelines for the Police Department to elevate the status of WCBs, by allocating points for police officers serving in the WCB of the police to be considered for promotions. Furthermore, NPC has also issued guidelines, to remove reviewing the mandatory body height criteria for WPCs to be considered in promotion applications by female police officers.

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| High level responsiveness to targeted activities from the Chairperson and the Members of the Commissions of the all three commissions has pushed forward momentum, in implementation and continued relevance of the interventions. |

The technical specialists observed that, the responsiveness of the NPC to activities identified and completion of activities was very high, and less support and monitoring from the Portfolio was required towards the end of phase one. However, engagement primarily with Commission members of the HRC at the inception phase has resulted in disengagement with the Staff of the Commission identified to operationalise these interventions, (E.g., Automated case management system) and therefore developed some resistance (attitudinal) to the intervention itself.

The inability to attract qualified officers with necessary expertise and experience to ICs due to low salary schemes, lack of incentives, differential treatment and concessions in comparison to ‘public officers’ especially in line ministries, test the effectiveness and thereby the impact of the Outputs. Further, as noted by KPIs, particularly in relation to HRC, the inefficiency of staff members, cultural barriers, resistance to UNV or external expertise and support, threatened the core functions of the Commission. Furthermore, the practice adopted by HRC to resist recruiting experienced officers from the public service to preserve the independence of the Commission and confidentiality of clients to sustain public trust, was an impediment to effectiveness and impact of the interventions.

**EQ5. Sustainability and Ownership**

Sustainability considers the extent to which the outcomes or the progress achieved is **likely to endure beyond the duration of the project**. It looks at whether the project design considered the **handing-over of responsibilities to government and non-government stakeholders** and the capacity of national partners institutionalizing efforts through internal processes and budgeting for continuity and ownership. It also considers the **networks and partnerships built** and strengthened and immediate and long-term risks that may impact on sustainability.

1. **The extent to which the strategies adopted are likely to ensure beyond the duration of the Portfolio and the extent to which national ownership was encouraged**

Feedback from IPs highlight that, support to the legal unit of the RTIC was relevant in implementing the mandate of the RTI. However, it can only be sustained with further support to the legal unit pending allocation of cadre and resources from the upcoming budget. Documenting the institutional memory and ensuring a smooth transition from temporary to full time permanent staff of the Commission, would be an important aspect of sustaining impact and ensuring sustainability of the effort put towards the initiative. IPs emphasise the importance of implementing the proactive disclosure policy, which was approved by the Cabinet, which may be sustained with support from the Portfolio during the second phase.

Institutional ownership of interventions was generally high with all three commissions, which has developed as observed by IPs themselves a strong partnership with UNDP as an agency trusted to support good governance initiatives and the role of the technical specialists to ensure continuity of results.

**Ownership and high-level support from leadership in all three commissions were identified**. All three commissions have continuously engaged with the UNDP and provided the necessary guidance and leadership to ensure the completion and continuity of the interventions.

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| However, IPs and KPIs observe that over reliance on key personalities within the Commission without due recourse to investment in the middle management and staff of the commissions, may impact ownership and sustainability, especially during the second phase. |

IPs and KPI also pointed out that, although it is common parlance to rely on ‘personalities’ and ‘key people’ as entry points for corporate buy in and ownership, this has time and again proven to be ineffective and inefficient, especially in instances of over reliance. Therefore, adoption of alternate or multiple strategies in engagement at different tiers to enhance ownership and inter alia sustainability is crucial to mitigate potential risks, as evidenced by the parliamentary reforms’ agenda and also by the timely completion of interventions by the NPC and RTIC.

**Sustainability of interventions to show results still depend on Portfolio funding.** Most of the interventions are ongoing or at an initial phase and therefore cannot be sustained without further technical and monetary support from the Portfolio.

1. **The immediate and long-term risks that may prevent sustainability of strategic interventions**

Investment in capacity development in staff of ICs as in other instances are regularly threatened due to constant and irregular transfers in the public service. Whilst staff of NPC and RTIC are eligible for transfer within the public service, staff of the HRC are permanent and constant. Although this presents an opportunity to invest in longer term capacity development and training, it has also been highlighted as an impediment by KPIs due to reasons mentioned above.

The enactment of the 20th Amendment and the abolition of the CC and suspension of ICs has presented a serious impediment to the continuation of interventions as well as a serious risk to improving the accountability and inclusivity of ICs by strengthening their core functions. The 20th Amendment repealed and replaced the Constitutional Council with a much weaker Parliamentary Council.[[55]](#footnote-55) In essence, the Parliamentary Council may function as a body that rubber stamps executive decisions. This is compounded by the fact that the members appointed to the Parliamentary Council comprise solely of MPs unlike the previous council which had representations of eminent members of the civil society.

Visible opposition to ICs by the 20th amendment, erosion of powers particularly with regard to NPC and erosion of independence and standing of ICs and lack of controls to safeguard the appointments to commissions as well as the public service, casts a strong shadow in the way ICs will be perceived in the future by all stakeholders. Although the essential powers and functions of the HRC and RTIC remain intact. due to recognition of it by legislation and constitutional recognition of RTI as a fundamental right, The NPC will be the most affected by a severe dilution of power and control over the police department.

IPs cautioned the effectiveness of the Commission without its powers of overseeing appointments, transfers and dismissals as well as its role as an appellate body for police officers against state interference. The erosion of powers of the NPC also has an impact on the victim and witness protection mechanism. Prior to the 20th Amendment appointments, to the Police Protection Division (PPD) was streamlined by the NPC, to ensure independence in the appointment process, thereby amplifying protection.

Moreover, whilst ICs regularly suffer from lack of adequate resources, allocation of cadre and delays in recruitment of cadre according to the approved scheme of recruitment for public officers, the probability of risks associated with such general management issues may be higher after the 20th Amendment. It is important to identify and invest in building the capacity and competencies of middle management and staff members of the commissions, to ensure sustainability and ownership of interventions, in the second phase of the project.

Another gap in the 20th Amendment is that, it fails to set out any transitional provisions dealing with appointments to RTIC along with the Office on Missing Persons and the Office for Reparations. All three of these Acts require appointments to be made on the Recommendation of the CC. With the Constitutional Council being abolished and the resulting Parliamentary Council not having the power to make recommendations, the individual Acts will require amendments. In the absence of a transitional provision which deals with this situation and without amendment to the acts, the said commissions could become defunct.[[56]](#footnote-56) This scenario may affect sustainability of actions during the second phase.

* 1. **Pillar Two: Rule of Law and Access to Justice**

The MTE is structured around the key questions in the TOR defined by the UNDP and expanded by the approved Overall framework for Evaluation (Annex One). It assesses the Outputs over the implementation period (January 2019 to August 2020) by undertaking an assessment of the Output’s relevance, effectiveness, efficiency, impact and sustainability.

* + 1. **Explanation of Outcomes/Outputs**

**Outcome 2: Marginalised and vulnerable communities have increased and equitable access to justice, including demand-driven legal protection and gender sensitive services.**

A diverse range of interventions undertaken during the first phase of the Portfolio focused primarily on policy development, institutional capacity development, human capacity development and training, community engagement, awareness raising, increased provision of gender sensitive services, legal education and legislative drafting and reform of systems and processes.

These interventions have been undertaken under the overarching outcome objective of improving demand driven and gender sensitive services for marginalised and vulnerable groups. Vulnerable groups have been broadly defined in the Portfolio rationale.

For the purpose of the MTE **Output 2.1: Baselines established/updated, and policy dialogue, policy adoption and implementation increased on access to justice, with a focus on excluded and vulnerable groups, Output 2.2. State and non-state justice sector actors strengthened to deliver victim-centric services on areas including SGBV, victims and witness protection, and transitional justice and 2.3: State and non-state justice sector actors have increased access to progressive international principles, standards and good practices on access to justice**  will be clustered together for the evaluation against the five criteria where there is an overlap in strategic interventions identified and assessed against the broader outcome as stated above, where possible. A separate evaluation will also be conducted for Output 2.2 owing to its primary focus on Gender Equality and Women’s Empowerment (GEWE) and its implementation by the Ministry of Women and Child Affairs (MWCA[[57]](#footnote-57)). Moreover, **Output 2.4**: **UN Guiding Principles on Business and Human Rights adopted and implemented** will be evaluated separately as the Output was at an extremely early stage of design and implementation at the time of the MTE.

**A. Rule of Law and Access to Justice (A2J)**

**EQ1. Relevance**

Relevance refers to the extent to which the interventions under the Portfolio identified **national priorities and adopted a policy and context sensitive approach.** It refers to the **responsiveness** of the Portfolio to meet the needs of the beneficiaries (most vulnerable communities) identified including **its capacity to adapt and realign** priorities to meet country and context specific socio-economic and political changes.

1. **The extent to which strategies adopted reflected local contexts, needs and priorities**

**Policy and project alignment**

The SGD 16 Goal indicators for Sri Lanka highlights, the importance of promoting the rule of law at the national and international levels and ensure equal access to justice for all through, enhanced accountable and transparent institutions and through participatory decision making and through the promotion of non-discriminatory laws and policies. The Portfolio, which adopted an umbrella approach, identified access to justice and rule of law as one of the three pillars and outcomes to contribute towards its overall objectives, under UNSDF Driver 2 and CPD Output 1.2, which embraces the Sustainable Development Agenda 2030, drawing linkages between Outputs and the SDG Goal 16.

It was noteworthy that, during the inception of the Portfolio due to the absence of a country wide sectoral approach to justice sector reform, design and planning of interventions was problematic, although the general country context was conducive for reform. Consultations revealed that, initial identification of interventions was based on urgent and emerging national priorities, to support the implementation of promises made by the GoSL under the UN Resolution 30/1, which included the establishment of the Office of Missions Persons (OMP) and review of and strengthening of Victim and Witness Protection (VWP) legislation in the country.

However, Output interventions to promote gender equality and gender sensitive services from the inception were framed within the umbrella approach of the Nationa Action Plan to Address Sexual and Gender Based Violence Plan (SGBV Plan) 2016-2020.[[58]](#footnote-58) GEWE is also prioratised under the Gender Equality Strategy and cross cutting issued identified in the Portfolio. The Portfolio built on these critical investments to focus during the first phase under Output 2.2.

In response, significant policy and institutional level support was provided to three main justice sector actors namely, the MOJ, NVWPA and MWCA and to a lesser extent, related state and non- state justice sector institution such as the Legal Draftsman’s Department (LDD), Attorney General’s Department (AGD), LAC, BASL, police department, judiciary, National Committee on Women and CSOs.

**b. The extent to which identified priorities resonated and responded to the needs of beneficiaries**

**Adequacy:** The Output interventions identified were relevant and context specific and addressed the needs of the beneficiaries whether, state institutions, CSOs or vulnerable groups and remained conceptually and policy appropriate throughout the first phase of the project, although regularly challenged by realities of implementation and rapid changes in the political and economic dynamics of the country. These Outputs complemented each other and was mutually reinforcing, which contributed to its effectiveness.

At the outset, it identified poor institutional capacities, service delivery, lack of procedures and processes, poor skill management and lack of awareness in order to devise a sensible strategy to take on a multi-faceted approach to promote VWP in Sri Lanka.

The Outputs also anticipated the need to invest in independent research and launched several pioneering studies on sentencing patterns, to develop a National Sentencing Policy for Sri Lanka, and qualitative assessment of criminal victimization trends and national crime trends to contribute towards a National Crime Prevention Strategy for the country.

The rationale of the Outputs was well articulated and clearly shows signs of lessons learned from previous phases of engagement. For example, the formulation and launch of the SGBV Plan in 2016 under the Strengthening Enforcement of Law, Access to Justice and Social Integration Programme (SELAJSI) was sensibly implemented through substantial support to the MWCA under Output 2.2.

The recognition of OMP, as one of the first mechanisms adopted towards TJ in Sri Lanka, was context specific and relevant. OMP was set up in 2017 and the first commission was appointed in 2018. Although OMP comes under the MOJ, due to under resourcing and staffing, UNDP assistance in recruitment and financing staff in the initial phase, and assistance for legal representation was noted not only as relevant but crucial for its initial success.

However, given the broad mandate of the OMP, KPIs observed that, to maximise relevance of interventions, commission would have benefited from an assessment of immediate/medium and long term needs and targeted technical support to strengthen the mandate of the Commission, particularly strengthening in areas such as, technical capacity of staff and commissioners in the investigation and inquiry procedure, developing SOPs and tools for protection, technical support in designing and developing a database on missing persons and building the knowledge base on relevant laws and investigation techniques. It is apparent that, whilst Office of the High Commissioner for Human Rights (OHCHR) was primarily responsible for design and implementing activities of OMP, UNDP was primarily responsible for design and implementing activities of VWP, which was also established in response to government’s commitments under the UN Resolution.

As outlined above, there were few obstacles to UNDP design and planning owing to the absence of a sector wide approach to A2J, which gave rise to constant change in programmatic decision making and prioritising allocation of resources. For example, the review and upgrading of the NVWP law[[59]](#footnote-59) based on international standards and best practices was compounded by conflicting legal provisions in several other archaic statutes that, slowed the progress of the Ministerial Committee appointed. The Portfolio demonstrated the ability to adapt effectively to address the gaps in laws and processes.

The Outputs also demonstrated adaptability, by immediately responding to address critical gaps in institutional capacities, systems and process capacities and human resource capacities exacerbated by the pandemic to minimise delays in access to justice. This can be illustrated by recognising the lack of access to the laws/regulations, UNDP in collaboration with the LAC compiled and disseminated (amongst judiciary, medical professionals, public) laws and regulations pertaining to infectious diseases, quarantine, and restriction of movement to minimise discriminatory and unfair practices. Concurrently in collaboration with LAC, UNDP lobbied with the National Covid Recovery Task Force, to extend the government relief package (LKR 5000) to indigent clients of LAC who rely on court-ordered maintenance of which 12,000 persons received this support.

**Outputs 2.2. State and non-state justice sector actors strengthened to deliver victim-centric services on areas including SGBV, victims and witness protection, and TJ**

* The rational of the Outcome, which is linked to CPD Output 1.2. and more specifically, to Portfolio Output 2.2. aims at increasing demand driven equitable access to justice, which includes legal protection and gender sensitive services by state and non-state actors for marginalised and vulnerable groups.
* The Portfolio specifically recognises a comprehensive and non-exhaustive category of most vulnerable groups. To ensure ‘gender sensitive services’, it is crucial to focus on basic service delivery (eg. Health, education, water, etc) as well as strategic governance services (eg. Political, governance, justice, police, electoral, registration, etc). ‘Legal protection’ would necessarily include, adequate laws, redress mechanisms, equal and equitable access to justice by minimising barriers, access to quality and affordable legal aid, rights awareness and shelters for survivors of SGBV.
* To improve basic service delivery by eliminating SGBV, the Output focused on implementing the SGBV Action Plan and to improve strategic governance services and legal protection, the output targeted CSO service delivery.
* Feedback from technical specialists indicate that, gender integration into the Portfolio was informed by the development context of Sri Lanka, as highlighted in several UN country specific documents, such as UNSDF and CPD. It is also aligned to UNDP’s global mandate and principles of mainstreaming gender equality and inclusiveness at all levels of programming, as stipulated in the Gender Equality Strategy and more specifically enunciated in Signature 6 Solution – strengthening gender equality and empowerment of women and girls. As mentioned, UNDP interventions also strategically aligned itself to the SGBV Policy Framework and Action Plan, government policy and strategy on mainstreaming gender within the public service and government’s commitments under CEDAW and other international conventions.
* The activities under 2.2. and 2.1. and 2.3 were mutually reinforcing as a majority of persons seeking assistance under the VWP were women. Moreover, major undertakings under the SGBV Action Plan informed the policy reform on identifying vulnerable categories of victims for special protection, to draft special laws on child victims and witnesses. It also assisted to articulate a module on trauma informed care and positively influence judicial practices on awarding compensation and sentencing for perpetrators of violence.
* Classification of activities, as with justice sector interventions relied upon existing relationships and initiatives supported through previous project phases, to ensure ongoing support for policy development and provision of gender centric services
* The primary beneficiaries of the Outputs were MWCA and selected CSOs. MWCA was identified as the primary state institution responsible for enforcing the SGBV Action Plan. Therefore, technical assistance to the MWCA to operationalise the SGBV Action Plan was extended to formulate the new SGBV plan for the next cycle. This includes a plan to build institutional capacity of MWCA (to strengthen its institutional role as the national machinery for engagement on SGBV) and support to the National Committee on Women (NCW) to monitor and identify gaps in implementation.
* To respond to beneficiaries on the ground, the Output provided support to CSOs to expand protection to SGBV victims, by strengthening services provided by them and institutionalising the UNDP referral system for SGBV (Hereinafter referred to as the referral pathway).

**EQ2. Effectiveness**

Effectiveness refers to the **extent to which the strategic interventions have achieved its overall and specific objectives** identified under the Outputs. It refers to the contribution it has made **to reach targeted beneficiaries** including vulnerable communities and the effectiveness of the **partner selection process.**

1. **The extent to which the strategies adopted achieved its objectives**

Initial detection of sectoral deficiencies and incapacities pushed for substantive support, to improve the effectiveness of strategic interventions of services of selected justice sector partners.

To improve policy dialogue and policy adoption, the Portfolio as highlighted above invested in research and development. Complimentary support to strengthen institutional capacities and develop systems and processes to enable the operation of the VWP law, was beneficial. IPs indicated the significant support and technical expertise to the Ministerial Committee, to undertake the ‘magnanimous task’ of reviewing the Assistance to and Protection of Victims of Crime and Witnesses Act (NVWP Act). The Committee incorporated international best practices, rectifying jurisprudential errors and drafted complimentary legislation on child victims and witnesses and whistleblower protection. The Committee was also supported to devise a special compensation scheme, which was identified by KPIs as significant contributions towards VWP.

To operationalise the law, provision was made to improve the systems and processes and coordination mechanisms. This was done by introducing a hotline, drafting SOPs/Protection Guidelines for the Police Protection Division (PPD), guidelines for awarding compensation, streamlining appointments to the PPD through the NPC to ensure independence in the appointment process, forging partnerships with relevant justice sector partners such as the LAC and the NVWA and promoting victim and gender centric approach to service delivery, through continuous capacity and skills development of various stakeholders.

IPs acknowledged the relevance and effectiveness of the series of public consultations cum sensitisation/awareness[[60]](#footnote-60), held to change the mindset of law makers, law enforcement authorities, the Bar and victims and witnesses themselves, to direct focus on Victim and Witnesses as opposed to the traditional criminal justice focus of punishing the perpetrator. Although lack of partner reporting and feedback dilutes the evaluation of effectiveness, beneficiary perception was positive, as it also enabled feedback on practical and implementation realities to be absorbed by the law-making process.

The mode of communication, a model adopted through lessons learned in the aftermath of the Tsunami to promote the Tsunami Relief Package and the use of a combination of mainstream and traditional forum theatre/art was successful, according to IP interviews, to raise the profile of the Authority and increase the number of inquiries received by the Authority.

However, it was also notable that whilst majority of interventions were pre planned, others such as ad hoc assistance to the Authority to handle the backlog of cases as a result of advocacy and outreach was reactionary. To maximise relevance and effectiveness, it is vital to engage in a comprehensive and participatory development needs identification process, which will be beneficial for the Outputs during the second phase of the Portfolio, to increase impact and sustainability. It will also provide a necessary platform to weave in the inception work of the Outputs into the broader justice sector framework.

Moreover, there were few obstacles in evaluating the effectiveness of the interventions under the Outputs relating to strengthening state and non-state justice sector actors to deliver victim centric services on TJ by the OMP. Further to a policy decision taken by the UNCO to implement all TJ initiatives through the OHCHR via its administrative arm United Nations Office for Project Services in Sri Lanka (UNOPS), resulted in dual reporting. Therefore, it was observed that there was limited reporting on activities relating to TJ under Pillar Two in the annual reports and quarterly reports produced by the UNDP for MTE. Further, TJ interventions were broadly linked to interventions identified under Pillar three, public sector and local governance related interventions on peacebuilding and reconciliation and responsive institutions that were excluded from the MTE.

Based on interviews with UNDP and KPIs it may be observed that separation of responsibilities is intentional rather than accidental due to the apolitical stance taken by UNDP in development and governance work in comparison to the OHCHR given their specific mandate. KPIs also highlighted the risks involved in overemphasizing the duality of the roles of agencies under ‘One UN’ policy for perceived conflict in principles and approaches.

The MTE was unable to make conclusive remarks on effectiveness, as most of these initiatives are currently at an inception phase and therefore cannot be subjected to a test on effectiveness and impact. Although some surveys have been completed, they are yet to be incorporated within the overall plan for strategic development, whilst others have been delayed due to the Covid 19 pandemic.[[61]](#footnote-61) Amended law on Victims and Witnesses are currently in review phase, although UNDP has supported this phase too to accelerate its enactment in parliament.

The Hotline introduced for the NAVWP, which would enable a systematic complaints mechanism for the public is still in early stages of development. The Board of the Authority was suspended after the Presidential election in 2019 and was only recently appointed, barring decision making and acceleration of activities. The Module on Trauma informed care, which was being developed to establish a coordination mechanism between law enforcement and clinical psychiatrists on responding to the needs of victims of crime, is currently pending.

As in Pillar One, there was consensus among IPs with regard to the role and capacity of UNDP to influence policy development, through partnerships and collaboration and the role played by technical specialists being instrumental in furthering and advancing the reform agenda.

1. **The effectiveness of the partner selection process.**

The early selection of interventions also determined the strategy adopted for partner engagement. UNDP engagement with governance institutions especially justice sector institutions pre dates the Portfolio. Previous Rule of Law and Access to Justice projects targeted a broad range of justice sector actors including the relevant line ministries, Judiciary and Judicial Service Commission (JSC), AGD, LDD, Government Analyst’s Department (GAD), Judicial Medical Officers (JMOs), BASL and LAC, police department, divisional secretaries and Grama Niladharis (GNs) and CSOs. The projects provided a holistic approach to justice sector reforms, including policy development, institutional and capacity development, accessible legal aid and awareness raising. Contrastingly, the focus of the Outputs has been limited to selected justice sector partners, in comparison to its multi partner approach availed in previous access to justice reform projects.

According to discussions with UNDP, this was partly owing to donor response and focus emphasising on TJ mechanisms as opposed to a justice sector delivery. This however, denied the opportunity of conducting a comprehensive mapping of existing justice sector initiatives, either with support of UNDP or other DPs, to formulate a comprehensive policy and strategy towards justice sector reforms, to promote rule of law and access to justice.

**Output 2.2. State and non-state justice sector actors strengthened to deliver victim-centric services on areas including SGBV, victims and witness protection, and transitional justice and Outputs**

* Based on the responses received from IPs, there is perceived value in extensive support afforded to strengthen delivery of services of state and non-state actors. As mentioned above, support was holistic and deliberately aimed at gaps identified under the SGBV Plan and the Strategic Action Plan developed by the MWCA, with significant input from UNDP technical specialist.
* Institutional, process and systems developments were directly targeted by the Portfolio towards the MWCA, to operationalise the Action Plan by strengthening the different units of the Ministry, including the National Committee on Women to collect, collate, report and monitor the progress of Outputs under the SGBV Plan by the 9 sectoral committees.
* The Output continued to resource and reinforce the development of strategic planning of the MWCA. The SGBV Plan, which is due to expire in December 2020 is currently being reviewed taking into consideration international best practices and standards and lessons learned, to reduce risks imposed by the pandemic.
* The Portfolio has been successful in building coordination and referral mechanisms, bridging a gap between the national state institutions, regional state institutions and CSOs. For example, the referral pathway, which was formulated in 2014 with UNDP support, has been updated and institutionalised through the Portfolio. The pathway provides a comprehensive roadmap to identify, intervene and provide essential services to survivors of SGBV, at the District and Divisional level by multi stakeholder engagement.

**Diagram

Description automatically generated**

* A simple strategy to successfully implement the referral pathway, the Output combined institutional strengthening and process development with extensive skills enhancement, through para legal training for Women Development Officers (WDOs) and CSOs. To increase effectiveness of interventions through efficient coordination and referral, support also extended to building coordination mechanisms, between the MWCA and regional state bodies such as the district and divisional secretariats.
* To improve effectiveness, the Output simultaneously targeted strengthening the capacities of CSOs to respond to beneficiaries. CSO engagement is primarily through three selected CSOs, namely Women in Need (WIN), OfERR Ceylon and Women’s Development Centre (WDC) with a geographic presence in 15 districts in the country. Community outreach and advocacy strategy of the Output was by strengthening CSOs to provide victim and gender centric services to communities. This modem was not only employed to implement UNDP core activities, but also community outreach programmes of the MWCA as well. Capacity building was supported to provide psychological counselling, legal aid and shelter support for SGBV survivors. UNDP also supports CSOs to engage with the governance machinery within the region through the referral pathway.[[62]](#footnote-62)
* OfERR provides a good example of supporting coordination and cooperation at different levels. Through Portfolio support OfERR strengthens the existing village level committees consisting of state actors and village leaders to discuss, identify and resolve issues, particularly relating to women and children and fortifies the referral mechanism to the DS, police and other relevant state institutions to provide redress. Through these initiatives they have been successful in dealing with child marriage/cohabitation in Vavuniya, by educating women and elders as well as convincing state institutions to withhold compensatory schemes for families that encourage child marriage.
* CSO engagement, which is plainly lacking in Pillar One is remedied by Pillar two, particularly under this Output. KPIs positively endorsed the strategy adopted by the Portfolio to strengthening the core services, competence, delivery and outreach of CSOs to deliver gender sensitive and victim centric services to traditionally excluded vulnerable groups. The strategy acknowledges the traditional role played by CSOs in providing an invaluable service by linking government and communities and DPs and communities. The strategy adopted under the overarching framework of the SGBV Plan, also as KPI discussions highlight, reinforces the role of CSOs as a crucial partner in monitoring and implementing the SDGs.
* The human right based approach, followed by the Output activities that focuses on engagement with CSOs to provide protection services such as psychological counselling, legal advice and court representation, documentation services, shelter facilities, vocational training and skills development and referral services to empower women and create a demand driven rights culture, augmented by simultaneous support to state institutions to improve inclusiveness and responsiveness is effective and has positively contributed towards impact.

**Partner Selection Process**

* During the inception phase of the Portfolio, an online application process was initiated to identify and select CSO partners.
* Discussions with UNDP, indicated the challenges faced by the team in the application process as most CSOs were unable to access or comply with the online application criteria, or simply did not have the technical capacity, language capacity or knowhow to submit their interests through an online process. This hindered a robust system of selection based on merit, experience and capacity of CSOs to reach ground level organisations.
* However, this challenge was mitigated to some extent by the evaluation process adopted and by relying on longstanding successful partnerships with CSOs. It is noteworthy that, all three CSOs identified by the Output either have extensive experience and expertise working on women’s issues particularly, on SGBV or extensive reach through regional offices and coordinators and linkages to grassroot level organisations or extensive range of services provided or extensive experience working with state institutions and relevant line Ministries.
* However, although CSOs selected are strong victim centric organisations that has a strong geographical and institutional presence in the periphery (covers 15 districts), the portfolio will benefit from a review of mapping of CSOs in relevant areas. This will enable them to categorise new vulnerable groups or ‘new vulnerabilities’ due to increase in cyber-crimes and communities affected and victims re victimised by the pandemic.
* The Portfolio overall could benefit from the study on ‘*Civil Society Engagement Strategy for the UN Country Team Sri Lanka: Inclusive Engagement of Civil Society in SDG Implementation and Monitoring Processes’* developed in December 2019. The report discloses the UN-CSO engagement strategy, to establish clear engagement platforms, enhance CSO capacities, regularise internal UN mechanisms and CSO mapping to enforce SDGs in Sri Lanka.
* Legal protection envisaged by the Outcome for SGBV survivors, also include a strong component of access to free and quality legal aid services and shelter facilities through CSOs. The Output further assist shelter facilities operated by the MWCA to fill in an important gap in the system of VWP. Limited information from annual and quarterly reports on results indicate the increase in number of cases relating to domestic violence, etc. due to increased support to CSOs providing these services. Although it is challenging to evaluate the substantive effectiveness of these services, due to lack of reporting or inadequate data from IPs, it can be observed that by strengthening the existing functions and services of CSOs and their expertise and presence within regions, the Output was able to maximise the effectiveness of the targeted activities and targeted beneficiaries. It was noted that UNDP could benefit from previous surveys and mapping done through former A2J projects namely ‘The Legal Aid Sector in Sri Lanka: Searching for Sustainable Solutions’ which, provides a comprehensive map of Sri Lanka’s legal aid system to identify legal aid providers at community level. To increase effectiveness the Output would benefit from institutionalising partnership for greater collaboration with MOUs with established legal aid organisations such as the LAC.

**EQ3. Efficiency**

Efficiency looks at the extent to which the Portfolio has used the **most effective methods** to achieve planned outcomes/outputs under each of Pillars One and Two. Efficiency also refers to the **adequacy of the structures and modalities** of the Portfolio to maximize financial and human resources cost and visibility of **best practices** in cost efficiency.

1. **The extent to which the Outputs have used the most effective methods to achieve planned objectives and best practices**

**Flexibility in allocation of resources:** Feedback received identified the Output as being efficient in its flexibility in reallocation of resources to address emerging needs fittingly as seen from the strategic interventions identified and supported if and when they were required.  Further allocation of resources to support linked interventions to push the Victim and Witness protection reforms through identifying several other partners in the justice sector including, LDD, AGD, police, universities, psychiatrists, government officials in the periphery, LAC and BASL, etc., and by renewing and extending partnerships formed through former A2J initiatives secured support for the second phase of the project for potential areas for collaboration. Moreover, extended partnerships also resulted in recognition of other crucial areas of further intervention in the second phase such as, ensuring greater access to affordable quality legal aid, launching the national legal aid policy and focusing on community mediation, which is considered as a well-established cost effective and popular form of dispute resolution.

1. **The adequacy of Structures and Modalities to maximise efficiency**

Introducing international standards and best practices into the law and strengthening it by building strong partnerships between state and independent institutions such as the NVWPA, PPD of the police and the NPC and providing additional services to draft Victim Impact Statements (VISs) for compensation, strengthening the independence and transparency of the mechanisms was identified as a positive approach, maximising efficiency.

**Output 2.2. State and non-state justice sector actors strengthened to deliver victim-centric services on areas including SGBV, victims and witness protection, and transitional justice**

* The support to institutionalise the referral pathway, according to KPI interviews, has improved the efficiency and effectiveness of reporting SBGV at the regional level. Several positive steps have been taken to identify existing forums, to connect the referral pathway to women in order to improve efficiency, effectiveness and impact. For example, taking advantage of existing women’s economic/resource centres in the regions, a forum for women entrepreneurs were regularly used as a platform by the WDC to reach vulnerable groups. Whilst the resource centres assist women economically, WDC assists women to deal with their social, cultural and legal issues through counselling, legal aid, shelter services and documentation support and other services to improve their livelihoods. These forums, which are either established by WDC or improved by them are considered by IPs, as a sustainable forum for capacity building and advocacy.
* Improving existing hotlines, operated by the MWCA and CSOs to provide access to women victims of violence, proved to be efficient and relevant during the lockdown, due to the increase in domestic violence. Mobile applications, such as the 2SIX4 and the caller helpline operated by WIN was increasingly used during the lockdown, where access to police and other state institutions were restricted.
* Consequently, a range of partnerships have positively influenced the efficiency of the Output. For instance, the UNDP works closely with several UN agencies such as UNICEF, UN Women and UNFPA contributing to similar goals. The SGBV Forum consisting of UN agencies, NGOs and experts is facilitated by UNFPA to discuss issues relating to GEWE and UN responses to them. The forum is an ideal opportunity to brainstorm and identify common areas of work to improve efficiency. For example, the forum promotes a programme ’16 days of activism’ each year, to highlight gender related activities of the UN and enhance visibility of coordination and cooperation.
* However, more effective coordination and cooperation may be required in the second phase to improve effectiveness and impact. Discussions with IPs highlighted that, there are instances where there is considerable overlap between activities and overlap of support to IPs, namely the MWCA. This may be illustrated by the convergence of activities relating to SGBV by UNFPA and UNDP. Both agencies support to eliminate SGBV and harmful practices by initiatives through the MWCA. Both agencies support CSOs to provide shelter facilities and operate referral pathways, which are similar in nature but implemented through different modalities. IPs stressed the possibility of agencies coordinating areas of work, best suited to their core strengths. For example, UNDP is best suited to focus support on legal protection services and strengthening the justice sector to minimise SGBV. Feedback from DPs also indicate a strong willingness to collaborate in areas of complementarity, each focusing on their exclusive niche and experience, which should be maximised during the second phase.
* Working with CSOs to help them build their ‘brand’ and raise their level of standards to provide gender sensitive services, which are either not provided by the state or inadequately provided by the state, according to KPIs contribute to efficiency of resource management. For example, shelter services for survivors of SGBV, are not adequately supplied by the state. CSOs such as WIN and WDC has stepped in to fill a much-needed gap in the system. However, shelter costs are high and CSOs depend on donor funding to sustain them.

**EQ4. Impact**

Impact refers to the **change/results o**f the output level achievements so far in line with the outcome level results. It refers to the **positive or negative changes in the short/medium or long term** and to what extent the **targeted beneficiaries have experienced this change**. Impact assesses the contribution of the interventions and external factors that are required to sustain it.

As noted in the approved Evaluation Inception Report and confirmed in discussions with the UNDP, the MTE is unable to conduct a substantive impact assessment due to several reasons including the limited time between the commencement of the Portfolio and MTE, initial stages at which currently majority of activities are placed and lack of data to effectively measure impact. Therefore, impact will be assessed against positive/negative changes at the Output level and the extent to which there is perceived impact on beneficiaries in the short/medium and long term and internal and external attributes that maybe factored.

1. **The extent to which output level achievements contribute to outcome results**

There is evidence to show high level of execution of capacity building through awareness raising pragrammes on VWP for various stakeholders, which based on IP perceptions was focused on increasing understanding on the operationalisation of the Act. While the relevance is high it is important to relate advocacy programmes to its output and intended outcome more directly. There is a need to bring in the focus of whether and how victims may experience the support as a way of linking this to a more outcome orientation. The indicator that captures this aspect is only reflected through a quantitative/number-based lens and prevents capturing the ‘demand’ side of the related issues – such as the nature of assistance that victims received and its appropriateness, the result of the assistance, etc. Brining in these angles may help illustrate the relevance further as well as explore angles of impact and effectiveness.

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1. **The positive and negative impacts observed**

However, discussions with KPIs and based on observations made through secondary data available, there are several key positive changes/results that can be attributed to the Output interventions.

A key change is the attitudinal shift towards VWP by multi stakeholders. The willingness and robust participation by the VWPA, to construct laws and procedures to reflect current thinking and achieve considerable progress in less than two years, is a positive result. KPI interviews note that this corresponds to long term sector wide assistance and fostering institutional relationships by UNDP. Government and sectoral buy in for research and justice reforms, also signals UNDP’s strategic advantage to positively engage with the justice sector.

Another high-level result owing to established relationships and strategic influence, is the impact on vulnerable and indigent groups based on the rapid assessment and strategic intermediations as a response to the pandemic.

For example, the demonstration of support by justice sector actors (the LAC, the chief justice, the judiciary, MOJ and the Prisons department) to prioritise bail hearings of remand prisoners arrested under Covid regulations, to enable remote court hearings in 10 prisons and 23 courts as a pilot through a judicial circular, remote counselling for indigent clients, extension of the government relief package (LKR 5000)[[63]](#footnote-63) to LACE indigent clients relying on court-ordered maintenance (total of 12,000 persons received this support) through LAC and collation and dissemination of (amongst judiciary, medical professionals, public) laws and regulations pertaining to infectious diseases, quarantine, and restriction of movement for ease of business, was considered by all interviewees as a significant contribution.

As a result of engaging with the Ceylon College of Psychiatrists to sensitise and train on special measures, such as psychological assistance provided for victims of crime, case conferencing model, special measures adopted in courts for victims undergoing trauma including children, led to discussions for the development of a module on trauma informed care for victims of crime and creation of a coordination mechanism between law enforcement and clinical psychiatrists on responding to needs of victims of crime.

Evidence of further change may be found in short term, but aggressive media campaigning and awareness of duty bearers coupled with forging partnerships leading to a drastic increase in inquiries and support services. For instance, as a result of regular communications and consultations, the police, LAC and BASL referred approximately 400 requests for protection and assistance to prepare VISs, which resulted in enhanced compensation for victims.[[64]](#footnote-64) However feedback from IPs and KPIs highlight the difficulties in funding and sustaining media campaigns without donor support.

Although, the effectiveness and long-term impact of these interventions on beneficiaries is too early to evaluate, sustainability of future support may depend on investing in the government’s coordinated vision for justice sector reform and their ownership of it. Consultations with UNDP and IPs indicate the current reform movement within the justice sector as an opportunity for rigorous engagement and the willingness of the MOJ to consider UNDP in the role of facilitator for the donor coordination forum is indeed encouraging for the second phase.

**Output 2.2. State and non-state justice sector actors strengthened to deliver victim-centric services on areas including SGBV, victims and witness protection, and transitional justice and Outputs**

* Based on the broader level collaboration between UN agencies such as UNFPA, UN Women and UNICEF on improving gender centric services by state and non-State actors, the output would benefit from greater participatory planning at design and implementation stages to identify core strengths, broad areas of expertise and focus based on their mandates to mobilise resources and maximise impact to achieve a common objective.
* Targeted and strategic interventions under the rubric of the SGBV Action Plan that, concurrently target duty bearers and rights holders was highlighted above. CSO engagement, which is strongest in comparison to Pillar One has resulted in strong partnerships between CSOs and communities, particularly linking communities at the village level through village committees or vigilant committees to the divisional secretariat.
* The referral pathway, which has been tried and tested is now established practice, particularly in the local communities UNDP support is strong. During the last two years, over 50 divisional and district referral meetings on SGBV were held to strengthen the SGBV referral mechanism, which will inform the National Action Plan on SGBV.
* Targeted interventions have also contributed to stronger partnerships with government officers attached to the DS including WDOs, Child Protection Officers (CPO), youth officers, GNs, etc. Partnerships were strengthened through training, capacity development and information sharing. Despite work targeting several tiers to maximise impact, KPIs and IPs sadly note that improvement in rights awareness in general within communities, especially rural communities is dismal. CSOs also note macro factors such as poverty, economic deprivation, low literacy, school dropouts, and harsh climatic conditions that decelerate the full impact of rights-oriented programmes. KPIs also note despite the rhetoric on SGBV, the lack of political will and commitment suppresses any real reform on GEWE.
* IPs acknowledged the importance of the work done by UNDP and the aggressive role that it should play to raise community issues at the national level, through its engagement with the MWCA and supporting the operationalisation of the SGBV Plan of Action, to maintain the momentum to promote gender equality.

**EQ5. Sustainability and Ownership**

Sustainability considers the extent to which the outcomes or the progress achieved is **likely to endure beyond the duration of the project**. It looks at whether the project design considered the **handing-over of responsibilities to government and non-government stakeholders** and the capacity of national partners institutionalizing efforts through internal processes and budgeting for continuity and ownership. It also considers the **networks and partnerships built** and strengthened and immediate and long-term risks that may impact on sustainability.

1. **The extent to which the strategies adopted are likely to ensure beyond the duration of the Portfolio and the extent to which national ownership was encouraged**

There are a number of strategic interventions that has an increased likelihood of progressing towards self-sustenance during and beyond the lifetime of the Portfolio. Investment in legislative drafting by supporting the Ministerial Committee and the Authority and amendments introduced to complimentary laws and procedures to operationalise the Act looks promising especially given the reappointment of the Board for the NVWPA recently.

Increasing ownership and reducing donor dependency is key to sustainability beyond the project phase. UNDP supported evidenced based sentencing study conducted by the MOJ through consultative participation is now being absorbed within the broader sector wide approach to reforms. Moreover, the Portfolio has already obtained the buy in for rolling out the transitionary provision on remote court hearing piloted during the first wave of the pandemic to other courts and prisons. The streamlining of this process, will be based on previous studies conducted by UNDP, on Case flow management to reduce laws delays.

Research studies and surveys on crime trends and victims’ perceptions, to feed into a national crime prevention strategy, prison’s study conducted to reduce overcrowding and reform prisons’ systems and sectoral buy in secured to develop a disability inclusion strategy for the justice sector which is ongoing, requires continuous support in the next phase for long term impact and sustainability.

As noted above, ownership of initiatives should be strengthened by strong partnerships and extended support to justice sector institutions, to provide a basis for increased institutional ownership and decreased donor dependency.

1. **The immediate and long-term risks that may prevent sustainability of strategic interventions**

However, considerable bureaucratic and administrative flux resulting from changes in personnel and policy preferences slows progress considerably, and reliance on key persons at an institutional level also as experience shows impedes progress. It is important not to assume that beneficiaries, whether state or non-state will automatically take over administrative and financial leadership or ownership. Change in political shifts and shocks leave most public institutions vulnerable as highlighted above.

Therefore, the second phase is crucial to implement a strategy on change management and invest not only in high level management but also in middle management of institutions. The second phase will also be vital to come up with a solid strategy of ‘handing over’, whilst strengthening the Portfolio’s as well as the institution’s capacity to report, monitor and evaluate.

The second phase provides an opportunity to work within a new sectoral approach to justice sector reform and thereby an opportunity to engage in a participatory approach to programme planning, implementation, prioritisation, monitoring and reporting. The newly establish Reforms Unit of the MOJ consisting of legal experts from the private bar is a strategic entry point for UNDP. It is also an opportunity to identify and invest in reforms that are already in the pipeline.

**Output 2.2. State and non-state justice sector actors strengthened to deliver victim-centric services on areas including SGBV, victims and witness protection, and transitional justice and Outputs**

* The SGBV Action plan is a government owned process supported by the Portfolio. Apart from government funding, which is scarce, the Action Plan relies heavily on donor funding and expertise. Donor support to the action plan differs based on different priorities and interests of donors themselves. In order to maximise impact and long-term sustainability of the Action Plan, the Output must support a strategy towards self-sustenance, building high level and middle level institutional capacity to coordinate with other sectors, collect data and monitor implementation.
* The second cycle of the Action Plan is an opportunity to draft a plan with objectives that are relevant, achievable within the time frame, flexible to adapt to changing political and economic contexts and measurable to monitor outcomes and outputs, which will contribute towards better planning and programming in the future. The second cycle is also an opportunity for the Portfolio to construct a forum for donor coordination, participatory management and planning and engagement.
* Although CSO support as KPIs agree, add value in many ways, it is difficult to effectively contribute towards a long-term impact since most donor funding is project based and short term. Therefore, the culminative effect of the second phase activities should result in consolidating and institutionalising activities that, can be consolidated and institutionalised and disengaging in activities that cannot. For instance, it was highlighted that whilst support to CSOs to facilitate SGBV Forum meetings at the DS level has a positive impact on the levels of engagement and cooperation, it should be institutionalised working parallelly with the WDOs of the DS and district secretariate through the relevant Ministry for sustainability.
* Another risk that may impact leadership, ownership and therefore sustainability is the current status of the Ministry. The MWCA, which had hitherto been a Cabinet Ministerial Portfolio, was merged with the Ministry of Education along with pre-schools and primary education, school infrastructure and education services and relegated to a State Ministerial Portfolio by the new Government by Gazette Extra-Ordinary No. 2194/74.
* While the relevant Gazette notification has listed fourteen priority areas which are under the remit of the new State Ministry, only four are women and children specific. i.e. (a)Implementing a programme to ensure the security of women (b) Providing relief to rural women affected by unregulated micro finance schemes (c) Implementing a permanent programme to provide protection and minimise adversities to persons subject to regular vulnerabilities, especially women and children and (d) Establishing a methodology to provide women with the necessary knowledge, skills and time to give birth to a healthy child, to look after their children with motherly care and to guide their children .[[65]](#footnote-65) An inevitable consequence of abolishing the Cabinet Portfolio is resource restrictions and direct access to Cabinet thereby diluting or trivializing the status of issues relating to women and children and also contributing to logistical issues.
* Despite the difficulty in evaluating impact of awareness programmes, KPIs note the perceived value in ongoing advocacy and the difference it makes at the community level, which is evident from the increase in the number of cases reported to the legal coordinators of CSOs, supported by the Portfolio. A move away from traditional advocacy and media programmes to eliminate VAW by adopting innovative strategies such as using traditional forum theatre, particularly in the North and the South and engaging men against violence against women has perceived impact.

1. **Business and Human Rights (BHR)**

**EQ1. Relevance**

Relevance refers to the extent to which the interventions under the Portfolio identified **national priorities and adopted a policy and context sensitive approach.** It refers to the **responsiveness** of the Portfolio to meet the needs of the beneficiaries (most vulnerable communities) identified including **its capacity to adapt and realign** priorities to meet country and context specific socio-economic and political changes.

The Output directly reference the UN Guiding Principles (UNGP) on BHR[[66]](#footnote-66) and the SDGs, particularly the SDGs 5, 8, 10, 16 and 17.[[67]](#footnote-67) The UNGPs provide a roadmap for protecting and respecting human rights in the context of business activities. The UNGP roadmap is inextricably linked to the SDGs roadmap bringing together partnerships between the private sector and governments to address the world’s development challenges.[[68]](#footnote-68)

The focus on thematic areas, advancing GEWE and sustainable environment are not only globally relevant but also context relevant locally in light of the pandemic. According to studies, promoting gender equality is projected to add up to $12 trillion to the global GDP by 2025 if public, private and social sectors work together to close gender gaps in the workplace and society[[69]](#footnote-69). These thematic areas are also identified as cross cutting issues under the Portfolio.

Relevance of BHR should resonate different and varying interests of stakeholders including, the innate sense to protect businesses, to make profits and interests to protect the labour force and communities and the environment.

**EQ2. Effectiveness**

Effectiveness refers to the **extent to which the strategic interventions have achieved its overall and specific objectives** identified under the Outputs. It refers to the **contribution it has made to reach targeted beneficiaries** including vulnerable communities and the **effectiveness of the partner selection process.**

It is too early to evaluate the effectiveness of interventions due to its early stages in design and planning. The interventions so far have focused on support generating greater awareness on the UNGPs and making a ‘business case’ for businesses to adopt human rights approaches. However, there has been a considerable gap between the initial national dialogue in 2019 and the first CSO consultation held in early 2020. The health and safety concerns as a result of the pandemic has severely delayed the progress of consultations, which has so far been Colombo centric.

The national consultation although aimed at a multi sectoral participation, attracted big time corporations, the HRC and CSOs. However, there were notable absentees such as the different Chambers of Commerce in Sri Lanka and the officials from the government.

KPIs note that it is essential to consult a wide range of partners from the business community that, includes different categories of industries, SMEs and actors from the informal sector as well as civil society groups and importantly the state. KPIs also recognise the vastness of the business sector and the impact on business practices by various key players such as employees, supply chains, manufacturers, trade unions, shareholders and communities. Observations also stressed the importance of identifying businesses based on industry and size and target consultations for greater effectiveness.

KPI interviews emphasised the need to build the legal framework and education platforms simultaneously in order to pitch effectively to businesses.

**EQ3. Efficiency**

Efficiency looks at the extent to which the Portfolio has used the **most effective methods** to achieve planned outcomes/outputs under each of Pillars One and Two. Efficiency also refers to the **adequacy of the structures and modalities** of the Portfolio to maximize financial and human resources cost and visibility of **best practices** in cost efficiency.

Reflections based on interviews with the UNDP and KPIs expressed the need to promote partnerships with the state, businesses and national human rights bodies such as the HRC to maximise efficiency. Currently support through the Output to conduct a survey on human rights violations of FTZ workers and a study to assess legislative gaps with regard to BHR and investment and trade laws is relevant in recognising the overall framework, under which businesses operates.

Further feedback noted the importance of identifying ‘champions of best business practices’ to take forward the agenda and the necessity to make ‘business sense’ of integrating and investing in human rights, especially within the current economic crisis.

KPIs note that it is important to project the right pitch for businesses and to show the relevance of doing good business using the UNGPs to build brand equity, manage and minimise risks and support community and planet to increase the efficiency of consultations that would provide a rigorous platform to integrate human rights into business practices.

**EQ4. Impact**

Impact refers to the **change/results o**f the output level achievements so far in line with the outcome level results. It refers to the **positive or negative changes in the short/medium or long term** and to what extent the **targeted beneficiaries have experienced this change**. Impact assesses the contribution of the interventions and external factors that are required to sustain it.

Conflicting feedback of KPIs present the dilemma of states and businesses, where on the on the one hand KPIs believe that incorporating human rights into business practices are not only necessary but also timely, given the global economic and health crisis effectively pushing companies to adopt survival mechanisms and lowering human rights standards to stay afloat and, on the other hand unprecedented tests afflicting businesses, bankruptcy and loss of employment for thousands of workers locally and globally, under which businesses may not prioritise their human rights obligations.

Consultations with multiple stakeholders to strategically identify entry points is relevant in order to ensure a sector wide buy in for the UNGPs. However, majority of KPIs demonstrate the importance of highlighting BHR particularly in today’s context, which could otherwise prove devastating.

A study conducted in 2012 in Sri Lanka[[70]](#footnote-70) demonstrated that whilst one third of the companies selected was taking steps to integrate human rights into their business operations, two thirds were not taking any steps at all. The study may be a starting point to assess the status quo and take stock of existing mechanisms in the country. Moreover, the C19 Rapid Self-Assessment[[71]](#footnote-71) designed by UNDP, may also be an opening for advocacy to help businesses consider and manage the human rights impacts of their operations. The Rapid assessment contains a non-exhaustive list of potential actions allowing for rapid but continuous reflection on the human rights risks and impacts common to many industries.[[72]](#footnote-72)

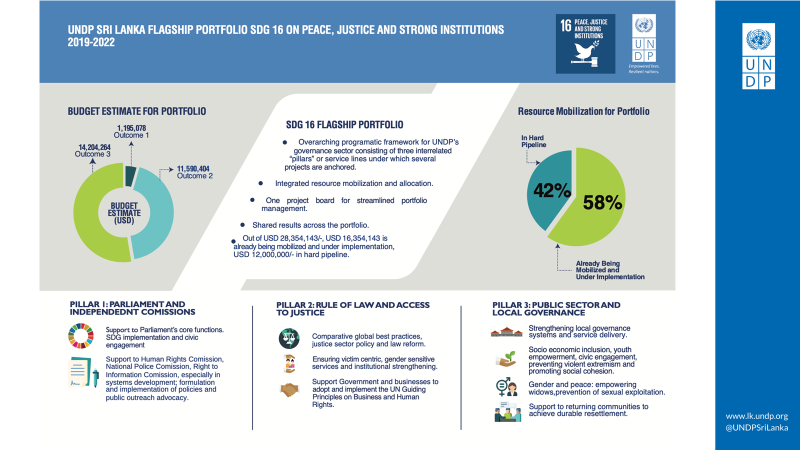
**EQ5. Sustainability and Ownership**

Sustainability considers the extent to which the outcomes or the progress achieved is **likely to endure beyond the duration of the project**. It looks at whether the project design considered the **handing-over of responsibilities to government and non-government stakeholders** and the capacity of national partners institutionalizing efforts through internal processes and budgeting for continuity and ownership. It also considers the **networks and partnerships built** and strengthened and immediate and long-term risks that may impact on sustainability.

In order for any intervention to make a lasting impact which can be sustained beyond the scope of the Portfolio will have to build in mechanisms to promote ownership of the agenda by the state, businesses and interested civils society groups. Whilst BHR in Sri Lanka is a long way from developing into National Action Plans (NAPs) or actions plans integrated into existing NHRAPs or NAPs designed and driven by CSOs[[73]](#footnote-73) as it is the preferred modalities adopted in various countries, it is important to build sustainable platforms including multiple stakeholders to sustain and navigate the reforms agenda especially during this time.

Sustainability of BHR also depend on larger issues of state protection of human rights, space and freedom for civil society engagement and state monitoring of civil society space, space for trade union engagement and freedom of association, incentives for businesses to integrate human rights, certification standards, incentives for businesses to attract foreign funding based on human rights due diligence standards, etc.

1. **Management and Monitoring**

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The Portfolio design was an innovative model developed by the UNDP to link governance, development and peacebuilding efforts as underpinning sustainable development. Apart from its ideological coherence and logic by integrating projects that contribute to shared results, the Portfolio model also intended to generate several benefits for ease of programming, planning, managing, reporting, resource mobilization and monitoring.

The Portfolio is directly implemented by the UNDP, as part of its overall Country Programme and therefore assumes overall management responsibility, accountability for programme implementation. According to UNDP procedures using open and competitive processes, partners from the state, civil society, academic, etc. are selected as implementing partners for activities identified. Where necessary UNDP project managers and technical specialists, either based at the Country Office or based part time at identified national institutions provide technical knowledge to facilitate and coordinate activities. The Portfolio is managed by a Portfolio manager and strategic direction is provided by the UNDP’s Senior Management and Policy and Design Specialist (Governance and Reconciliation).

Feedback from technical specialists expressed the efficiency of the model as it maximises human resource management by reducing time and transaction costs in managing, budgeting, procuring, reporting and implementing projects. The model also envisages a convergence in expertise, experience and resourcing within and between the three pillars for effective and efficient execution of Outputs/Outcomes and thereby improving long term impact and sustainability.

The Portfolio design also provides several benefits to implementing partners. IPs identify UNDP as one donor for a multiplicity of projects aimed at strengthening weak governance structures and disconnected communities in the aftermath of a prolonged conflict, to progressively achieve the goals under the 2030 Sustainable development Agenda and more specifically, SDG 16.

Similarly, there is administrative ease not only for UNDP but also for IPs as the Portfolio is overseen by a Project Board co-chaired by the UNDP and External Resources Department (ERD) on behalf of the government, which meets every quarter.

In general, Technical Specialists and KPIs recognised the ideological as well as its pragmatic value of a Portfolio model. However, there were concerns with regard to several aspects. Firstly, although the Outcome/Outputs were designed to apply and appeal to one another in order to produce the overall goal of the Portfolio, in considering the realities of planning and implementation the individual Outcomes/Outputs functioned as separate ‘projects’ and for the most part worked as ‘silos’ disjoined and disconnected. The projects not only fell short of drawing linkages across the pillars but overall struggled to draw linkages within the individual outcome as well. This may be owing to diversity of activities, multiple implementing partners, the volume of activities undertaken during the short span of time and the macro factors such as political instability, national security issues and currently the pandemic that continue to present challenge after challenge from the inception of the Portfolio.

Secondly, although the Portfolio anticipated a robust process for the selection of implementing partners and identification of larger governance issues due to the country context at the time, according to feedback from technical specialists’, opted to prioritise national requirement and governance issues requiring urgent attention that UNDP has already supported or initiated in previous projects. This prevented a wider scoping of country’s governance requirements and a scoping of implementing partners, especially non-government partners. However, such potential risks were mitigated by recognising context relevant national priorities and governance deficits to maintain relevance of the activities implemented during the first phase of the project.

Thirdly, although the Project Board is required to provide overall guidance and direction, the Project Board was only able to meet twice during the last two years due to the country situation. Minutes of the Project Board indicates utility in terms of identification of relevant and timely issues, responses to barriers and challenges and approval of activities. It is difficult to assess the qualitative value of project boards in general given the time constraints of top-level officers especially from the government that serve in multiple forums. However, the Board is useful for building and consolidating partnerships as well as increasing ownership of interventions.

The MTE shows that the method of data consolidation for monitoring and evaluation (M&E) and presentation of output and outcome related information in reporting deviates to a certain extent from the log frame and theory of change and needs to be better aligned. Reporting structures need to be enhanced to present information consistent with the results framework. The use of quantitative and qualitative indicators requires a mix of data collection and reporting processes, which need to be built into the M&E process.  There is a need to develop templates and systems to help the programme team collect and collate information in a more systematic manner as well as to be able to report in line with the indicators that have been identified.[[74]](#footnote-74)

When presenting outcome-oriented information, how these are attributed to project activities needs to be thought through and presented with greater clarity and demonstrate linkages to outcomes more effectively so as not to ensure that expected outcomes are not far-removed from the intervention. This may mean that the outcomes need to be reflected upon at this point and adjusted if required to be able to reflect more achievable impact chains.

The theory of change that has been developed at the conceptualisation process needs to be continuously reflected upon and used as part of the monitoring and evaluation process throughout the course of the intervention. At the mid-term point of the Portfolio, it would be a useful point to assess if the Theory of Change needs to be adjusted to be more in line with the ground realities and changing nature of the context.

It is unclear how the partner reporting process function. Partner reports should feed into the UNDP reporting process as well as M&E systems and continuous support to partners would help streamline what is needed and how to capture information in line with outputs and outcomes.  Developing simple easy to use templates can help partners present the narrative and capture output and outcome information in a consistent manner. Such templates should ideally be developed and relate to UNDP reporting structures as well to be easily integrated into the overall M&E process as well as periodic reporting processes.

* 1. **Resource Mobilisation and Allocation**

A comparative strength of the Portfolio design was to move away from supply-based system of resource mobilisation to a demand-based system of resource mobilisation to maximise effectiveness and impact of the Outputs. The Portfolio created an overall framework for governance, development and peacebuilding for, which donor funding was to be elicited.

The Portfolio provides provision for flexibility in the allocation of resources within the Outcome. The Portfolio envisaging political, economic, social and other context specific risks introduced a ‘system of fluidity to make adjustments to activities, as required, to correspond to context changes.[[75]](#footnote-75) This flexibility enabled the Outputs to address emerging needs appropriately and responsively within the Outcome.

However, there were challenges in resource mobilisation and allocation. Although $ 27 million was the estimated budget for the four-year action plan, UNDP was only able to generate $17 million in the first two years, whilst $10 million are expected to be resourced by end of 2020. The Portfolio was initiated with seed funding of $1.5 million from Norway, the main funder for the inception phase. Bulk of the monies are allocated to Pillar Three, whilst only approximately $2 million dollars were allocated for Pillars One and Two. A cursory assessment of available information show an efficient use of funding for the inception period, being utilised under Pillar One and Pillar Two. Nevertheless, since the seed funding for Pillars One and Two were only granted for the inception phase, there was difficulty in allocating budgets for two years although the Portfolio multiyear plan was approved for four years. Since funding had to be sourced progressively, posed challenges to planning and design and commitment towards IPs for the duration of the Portfolio.

Procurement was done directly by UNDP for all IPs based on approved standard guidelines for procurement. UNDP procurement process is designed to ensure reliability and sustainability and procurement partners are already identified through an open and competitive process. Although there may be issues with regard to customisation required to meet specific standards and guidelines with relevant partners for relevant tasks, which may lead to delay and tension with IPs, the procurement process being directly operated by the UNDP minimises undue delays especially within state institutions and also to ensure quality assurance.

1. **Cross Cutting Issues and the Portfolio**
   1. **Gender Equality and Women’s Empowerment (GEWE)**

The Portfolio recognises the disproportionate impact of under development, weak governance and conflict on women. The Portfolio strategy and rationale identifies several cross-cutting principles and approaches of which GEWE is one. GEWE has been intentionally integrated from the inception of the Portfolio, through an identification of development challenges and legal, institutional, systems and attitudinal gaps that continue to affect women adversely. The Portfolio is expressly linked to several UN country specific documents such as the UNSDF and the CPD, both which emphasise the global mandate to mainstream gender at all levels of programming. The Portfolio is also strengthened by the Gender Equality Strategy and more specifically Signature 6 Solution, which promotes strengthening gender equality and empowerment of women and girls.

As a result, GEWE is included in all three pillars, but specifically under Output 2.2. within Access to Justice and Rule of Law.[[76]](#footnote-76)

More specifically, GEWE has been strategically positioned within the umbrella framework adopted by the SGBV Policy and Action Plan and more specifically under the Essential Services Package, formulated with support from UNDP through previous phases of programming that adopts a multi sectoral approach to eliminate SGBV in Sri Lanka rooted in SDGs particularly SDG 5 and 16. Aligning interventions under the Action Plan provides a sound rationale for grounding strategic interventions to minimise piece meal approach to GEWE.

The Portfolio identifying serious gaps in state and non-state institutions, weaknesses in processes and systems and lack of sensitivity towards women’s issues, particularly SGBV provides support to several activities. Primary support to the state is to operationalise the Action Plan and to formulate a new Plan for the next 5 years by strengthening their mandate to implement and monitor the Action Plan and to strategically integrate GEWE initiatives into the strategic plan of the Ministry. Support is also directed at assisting the 9 sectors on identifying, integrating, monitoring, reporting and budgeting of gender-based initiatives.

Institutional and systems strengthening is replicated at the divisional level targeting WDOs and other officers under the DS. This is to bridge capacity gaps through training including para legal training. Substantial support is also provided to forge coordination mechanisms through the referral pathway, the road map for reporting SGBV within the community.

The WCB of the police, the PPD for victims and witnesses were specifically targeted for sensitisation to reduce attitudinal and other barriers that prevent women’s access to justice. Support to VWPA and WCB of the Police department was augmented by research initiatives to, provide much needed scientific evidence to push for relevant policy and legal reforms, within the state apparatus.

The Portfolio, specifically under Output 2.2 works with several CSOs, recognising the strategy on CSO engagement reflected in the SGBV Action Plan to reach communities and vulnerable groups in 15 geographic locations. Institutional and other competencies are developed to provide invaluable services such as psychological counselling, legal aid, referral services, skills training, awareness raising and importantly shelter facilities for survivors of SGBV. The Portfolio through Outputs 2.1. and 2.3. also strengthened the legal and institutional capacities of the NVWPA to provide assistance to women victims and witnesses.

* 1. **Human Rights Based Approach**

The two-pronged approach of strengthening the ability of duty bearers to respond effectively to citizens and be accountable and creating rights awareness of rights holders, especially vulnerable groups to demand rights and access to justice, was systematically followed across all three pillars. Primary support to the supply side under the Portfolio has been to state institutions to develop their ability to include public participation, accountability and independence in decision making. A host of interventions supporting the core functions of parliament and its ability to open out to citizens, improving the core functions of ICs and justice sector institutions under Pillars One and Two were identified for implementation during the first phase. To a lesser extent strengthening CSOs to increase the demand side to enable engagement was also addressed primarily by capacity building for provision of quality services and awareness raising.

* 1. **Innovation**

Innovation to ensure transformative change as opposed to incremental change is clearly visible in pillars One and two. Substantial support has been provided to both parliament and ICs to digitise their case management systems to reduce systematic and procedural delays whist reducing corruption and other barriers as a result of negative attitudes and lack of sensitivity towards human rights violations.

For example, through ICT support broadcasting committee proceedings of COPE and COPA in parliament is a transformative move. Committee conventions were dramatically changed to invite media to attend proceedings. Efforts to innovation has been slow due to realities of implementation and ‘tech inertia’. However, innovation has been identified by the Portfolio as a priority since its inception and will continue to remain a priority, especially given the interests of the current government under its national policies to provide innovative digital solutions to increase the effectiveness and efficiency in the public sector.

* 1. **Capacity Development**

Capacity Development including institutional, organisational, human or individual and society has been adopted as a single cross cutting strategy across Pillar One and Two and primarily focused on building the capacity of state institutions and to a lesser extent non state institutions such as CSOs, CBOs, media, academic and research institutions.

1. **Conclusions and Recommendations**
   1. **Subject Specific Conclusions**
2. **Parliament**

* **High level responsiveness to targeted activities from the [Former] Speaker and Parliamentary Secretary/Secretariate:** Interventions to parliament was received with high level support and ownership.
* **The PDAP identifies priorities for the current parliament and provides a strong inclusive platform for effective implementation and ownership by all partners:** The consultative strategy adopted to formulate the PDAP provided an inclusive platform and a strong implementation modality by way of an Advisory Board and Project Board.
* **The current political and pandemic context will have a considerable impact on relevance and effectiveness of interventions during the second phase**: Restrictions imposed by health and safety standards by reason of the pandemic and resulting priorities of the parliament will considerably affect the relevance of interventions and its effectiveness during the second phase of the Portfolio.
* **Interventions to improve the capacity of the staff of the Parliament Secretariat (middle management) was relevant, effective, efficient and sustainable:** The investment in human development of the PS through capacity building has proven to be effective not only to assure success of investments in structural, process and systems development but also in changing mind sets of different stakeholders.
* **There are risks and challenges working with parliament as a result of the 20th Amendment:** The position of parliament was severely weakened by the 20th Amendment and the lack of equal and inclusive representation in parliament only exacerbates the situation.
* **The Portfolio did not allocate sufficient resources to improve capacity of CSOs:** Despite strong focus on design, the Output was relatively weak due to its inability to adequately respond and reach targeted vulnerable groups directly or through CSOs, media and other institutions. This is exacerbated by the general perception of civil society, not considering parliament as a formidable forum for policy engagement, despite it being the main repository of legislative power of the people.

1. **Independent Commissions**

* **High level responsiveness to targeted activities from the Chairperson and the Members of the Commissions:** High level responsiveness to targeted activities from the Chairperson and the Members of the Commissions of the all three commissions has pushed forward momentum, in implementation and continued relevance of the interventions.
* **The 20th amendment, the abolition of the CC and current suspension of ICs is a serious impediment to the continuation of interventions as well as a serious risk to improving the accountability and inclusivity of ICs by strengthening their core functions:** The 20th Amendment repealed and replaced the Constitutional Council with a much weaker Parliamentary Council. In essence, the Parliamentary Council may function as a body that rubber stamps executive decisions. This is compounded by the fact that the members appointed to the Parliamentary Council comprise solely of MPs unlike the previous council which had representations of eminent members of the civil society. Therefore, the Portfolio faces a dilemma, having to work within confined parameters to strengthen structurally and conceptually weak institutions. However, for pragmatic reasons it is recommended that, the Portfolio continue to engage these institutions, especially with the HRC and RTIC at different levels.
* **The current political and pandemic context will have a considerable impact on relevance and effectiveness of interventions during the second phase**: Apart from the 20th Amendment, the pandemic will pose severe restrictions in the second phase, as proven from the delays and constraints suffered by the commissions, during the first phase. The commissions were only able to conduct inquiries through documentation and had to severely limit or completely stop all applications that required applicants appearing in person. Although the RTIC has a system in place to conduct online applications, it was not effectively used during the pandemic. Other commissions were constrained as well, since digitisation of case management is still ongoing.
* **Independent Commissions, identified as a partner to contribute towards research and policy development in the country based on their expertise and practical knowledge, was relevant and proved to be an efficient use of resources.**: During the first phase, NPC initiated and provided valuable input into several important gender studies namely, the Gender Gap Analysis of 42 Police stations, particularly the Women and Children’s Bureau (WCB), The Study on Barriers faced by Women Police Officers, particularly on issues relating to promotions, and the research conducted to develop Gender Standards for the NPC. The HRC too contributed to complete a Prisons Study as part of their mandate to monitor detention centres.
* **The National Police Commission is/will be the most adversely affected commission under the 20th Amendment:** The essential powers and functions of the HRC will remain intact, due to its recognition by legislation. The powers and status of the RTIC will also remain intact, due to its recognition by the 19th Amendment. However, the NPC will be the most affected by a severe dilution of its power and control over the police department.
* **High level responsiveness to targeted activities from the Chairperson and Commissioners of all three commissions pushed forward momentum in implementation and continued relevance of the interventions:** Although the strength of the commissions should not be measured against individual personalities, the short history of ICs has shown that, the relative success or failure of commissions may be attributable to the strength of the commissioners themselves. In 2018 the HRC was accredited as an A Status National Human Rights Institution after being accredited as B Status in 2009. Therefore, particularly with regard to HRC due to its important role in protecting and promoting human rights, its role in monitoring detention centres under the Act as well as under OPCAT and its role in assessing the eligibility of military officers to serve in Peacekeeping forces abroad, the composition of the board is crucial.

1. **Rule of Law and Access to Justice**

* **High Level Responsiveness to Targeted Activities from the relevant Ministries and Justice Sector Institutions and the Victim and Witness Protection Authority:** Interventions under this Output, directed at the Ministry of Justice and other justice sector institutions and the VWP Authority was received with the highest level of support and ownership. due to this, UNDP was able to initiate, complete and operationalise several research studies towards formulating a National Crime Prevention Policy and Strategy for Sri Lanka. Further, UNDP was instrumental is successfully advocating for the amendment of the VWP Act to fall in line with international standards and international commitments.
* **There are number of activities initiated during the first phase that has potential to be sustained beyond the project life cycle with realistic planning and support:** The several research studies and surveys conducted on crime prevention, crime trend analysis, etc. and the study conducted sentencing to formulate a sentencing policy for Sri Lanka are well within the ambit of the current reform policy of the Ministry of Justice, which has potential to be carried forward and sustained beyond the life time of the Portfolio.
* **Although the Portfolio broadly defined vulnerable groups, the beneficiary reach of interventions has been specifically targeted at victims and witnesses of criminal and civil offences under the VWP law and survivors of the SGBV**
* **The 20th Amendment may present challenges for the operations of the OMP and the Office for Reparations:** The 20th Amendment failed to set out any transitional provisions dealing with appointments to the above institutions. All three of these Acts require appointments to be made on the Recommendation of the CC. With the Constitutional Council being abolished and the resulting Parliamentary Council not having the power to make recommendations, the individual Acts will require amendments. In the absence of a transitional provision which deals with this situation and without amendment to the Acts, the said commissions could become defunct. Although KPIs agree that space for TJ work is narrowing, the space for advocacy on non-recurrence, social cohesion and strengthening justice sector is still open.
* **The absence of a sectoral approach to justice sector reform by the government, affected the design and planning of interventions during the first phase:** Although, the general country context was conducive for reform, the absence of a sectoral approach to justice reforms by the government was problematic. Currently the MOJ has designed an umbrella framework that incorporates a wide range of justice sector reforms based on short, to medium to long term goals.
* **There was minimal engagement with the private sector during the inception phase:** It was noted that during the inception phase UNDP engagement with the private sector was minimal with the exception of engaging with the private sector in order to promote its agenda on Business and Human Rights

1. **Gender Equality and Gender Empowerment**

* **Targeted interventions focused on operationalising the SGBV Action Plan:** Institutional, process and systems developments were directly targeted by the Portfolio towards the MWCA to operationalise the Action Plan by strengthening the different units of the Ministry including the National Committee on Women to collect, collate, report and monitor the progress of Outputs under the SGBV Plan by the 9 sectoral committees.
* **The Implementation of the SGBV Action Plan is considerably dependent on donor funding and expertise:** The SGBV Action plan is a government owned process supported by the Portfolio. Apart from government funding, which is scarce, the Action Plan relies heavily on donor funding and expertise. Donor support to the action plan differs based on different priorities and interests of donors themselves.
* **The Output is well aligned to UNDP’s global mandate and principles of mainstreaming gender equality and inclusiveness at all levels of programming**: This is stipulated in the Gender Equality Strategy and more specifically enunciated in Signature 6 Solution – strengthening gender equality and empowerment (GEWE) of women and girls. As mentioned, UNDP interventions also strategically aligned itself to the SGBV Policy Framework and Action Plan, government policy and strategy on mainstreaming gender within the public service and government’s commitments under CEDAW and other international conventions.
* **UNDP Referral Mechanism has been Successful in bridging the Gap between State and Non-State Actors:** The Portfolio has been successful in building coordination and referral mechanisms bridging a gap between the national state institutions, regional state institutions and CSOs. The referral pathway, according to KPI interviews, has improved the efficiency and effectiveness of reporting SBGV at the regional level. Several CSOs work with existing village and divisional level informal forums to expand reach of the pathway.
* **There are many political, structural and administrative challenges to implementing GEWE initiatives:** Lack of political will and lack of recognition to enhance GEWE at the national level impeded progress at the district and divisional level. Although Portfolio support to the SOC on Women and Gender resulted in presenting three draft bills, increasing age of marriage for all to 18 years of age and amending the Land Development Ordinance to promote equal rights to inheritance, all have fallen through due to lack of priority for GEWE. Following the general election MWCA was recognised as a State Ministry as opposed to a Cabinet Ministry, during the unity government. Lack of a cabinet portfolio reflects the political will and commitment to GEWE. The current ministry is lodged within the Cabinet Portfolio, under the Ministry of Education. IPs note that, emphasis is on advocating for universal education as an impetus to alleviating poverty.
  1. **Subject Specific Recommendations**

1. **Parliament**

* **Take Immediate and direct action to consolidate the position of the UNDP as facilitator/convener:** Although the PDAP was endorsed by the new leadership and shows positive signs towards high level commitment and ownership as in the previous phase, direct action needs to be taken to consolidate the position and role of the UNDP as facilitator/convener and its ability to influence the process and strategic direction in order not to compromise on principles of good governance, accountability and inclusivity.
* **Allocate adequate resources to implement selected interventions identified by the PDAP:** Although, the willingness of DPs to continue to engage with parliament and new leadership through an agreed framework is promising, the second phase should consider; focusing on continued buy in of the PDAP with adequate allocation of resources to align with new national priorities and greater investment and ownership, to reduce donor dependency, inclusivity in planning and implementation stages, strategic alignment of resources based on development priorities of the partners and greater strengthening of reporting and monitoring of interventions and results.
* **Appoint a full time Coordinator for parliament to maintain interest and support:** The role of a full-time coordinator, based in parliament, as it was the practice in the past, should be considered in the second phase. assisted by the Technical Specialist for strategic support and direction.
* **Prioritise and focus on strategic entry points:** it is crucial to focus on selected strategic entry points identified by the PDAP, to consolidate interventions. These should include the following:
* Support to streamline SOCs (to ensure support to SOC on women and gender, PSC on SDGs and committees on climate, etc.);
* Support to implement the communications strategic plan to enhance ‘openness of parliament’ and creating space for open dialogue with MPs and communities;
* Support to digitisation and capacity building that, may have a high probability of achievement in the short term.

Further taking into consideration current support and start up activities, resources, expertise and UNDP core strengths, it is vital to select activities that may have a high impact in the longer term. These should include the following:

* Build the knowledge base of MPs by expanding the research and development unit of parliament;
* link MPs with peer institutions and university/research institutions;
* Expand on curriculum/methodology of the orientation programme for new parliamentarians
* Create space for open dialogue with MPs and cross section of experts such as academics, retired judges, UN experts, visiting MPs from other countries, etc. through collaborations, national and district forums, peer contacts and developing South-South Cooperation, through the Research Unit or through the ‘Speaker’s Forum’ initiative of the parliament.
* **Continue support to the Parliamentary Secretariate during the second phase:** It is crucial to continue to invest in capacity building of the staff of the PS to strengthen institutional resilience to political shifts and shocks.
* **Identify key players in parliament (eg. women parliamentarians and new parliamentarians) and target discussions to prioratise rule of law, access to justice, GEWE and transitional justice issues:** It is crucial to identify key players in parliament, especially female and young/new parliamentarians. It is important to expand and support the research/open dialogue initiative of parliament, to inform MPs of bills and other matters that come before parliament, for better monitoring and reporting. For example, initiatives such as, the preparation of expert summaries for MPs on each and every bill tabled in parliament, by the research unit or the ‘Speaker’s Forum’ to invite eminent persons from civil society to speak on specialised subjects, are opportunities to support, to minimize, the impact of limited space for parliament and civil society under the 20th Amendment.
* **Focus aggressively on strengthening the capacity of CSOs and the Portfolio’s engagement modality in the second phase:** The second phase of the Portfolio, should aggressively focus on strengthening and engaging with CSOs, Media, etc. to act as civilian watchdog institutions. Activities should reinforce internal institutional mechanisms of integrity and accountability and their ability to disseminate accurate information ethically. The next phase, should also focus on building capacity of professional and academic institutions such as, research institutions, universities, law schools, professional bodies such as BASL, etc. to contribute to parliamentary debates or committee proceedings. The Portfolio should also maximise existing channels for public petitions such as, the public inquiry procedure under the Parliament Standing Orders.

1. **Independent Commissions**

* **Continue to support Independent Commissions:** However, in order to move forward with support to ICs without compromising on key principles such as, independence, responsiveness, accountability and inclusivity, in the aftermath of the 20th Amendment, the Portfolio should consider the following interventions:
* Review activities initiated during the first phase of the Portfolio and target selected activities that, has a high probability of achievability during the next two years; For example, the completion of digitisation of case management systems for the HRC and the NPC, where substantial investment has already been made to improve inquiry and investigation procedures, which has shown tangible results in the first phase;
* Revise Output with the insertion ‘independent institutions’ to consider initiating support with a long-term aim to other independent institutions. The Portfolio should consider initiating discussions with other independent institutions/commissions, which have been given high priority through the current national policy, namely the Bribery Commission, the Public Service Commission (PSC) and the Elections Commission., all which are important oversight bodies to improve accountability and inclusivity. There is record of support in the past to the Bribery Commission by UNDP. The PSC should be considered as another avenue for improving effectiveness and efficiency of public service, during the second phase;
* Promote collaboration with like regional and international independent institutions and develop South-South Cooperation to promote peer review, cooperation and engagement.; and
* Devise a strategy to empower civil society voices that critique these institutions.
* **Prioratise and support select initiatives for the National Police Commission during the second phase:** The studies conducted by the NPC, provide a list of progressive recommendations to be handpicked, which has a high probability of implementation in the short term and impact in the longer term, beyond the life cycle of the project. The Portfolio should build on the long-term partnership and ongoing support to the Police Department and focus directly on initiatives of the NPC recognised by the research. For instance:
* To improve the gender standards of the commission;
* to improve victim centric services of the WCB; and
* To improve the facilities and capacities of the police for video evidence recording.
* **Prioratise interventions aimed at digitisation of case management systems to cope with the ongoing pandemic situation.**
* **Continue to support research and policy development efforts of the Independent Commissions/Institutions:** Ccontinued support to complete/launch as the case maybe and take steps to implement, short to medium term recommendations, of research studies initiated by the NPC and HRC (The prisons study) with relevant line ministries or departments namely, the police and prisons department, which UNDP already has a long-standing relationship, would consolidate activities initiated and also enhance impact and sustainability of the Output.
* **Focus and support capacity building of staff members of Independent Commissions/Institutions (middle management):** During the first phase, the Portfolio primarily engaged with the Chairperson or selected members of the commissions. However, this proved to be counter-productive especially with regard to the HRC as highlighted in the MTE. The second phase should consider building capacities, not only of Commissioners/senior management, but also of the staff members/middle management of the commissions/institutions.
* **Strengthen Capacities of selected Regional Offices of the Commissions/Institutions:** Another area of support to be targeted during the second phase is to strengthen the capacities of regional offices of the commissions. This would not only improve the visibility of regional officers of commissions through increase in inquiries and investigations, but also provide a medium through which the Portfolio may reach vulnerable groups in the regions. This initiative should be synchronised with the strategy adopted for CSO engagement for the Portfolio.

1. **Rule of Law and Access to Justice**

* **Prioratise and Select interventions which has potential to be sustained beyond the project life cycle with realistic planning and support:** For example, consider the following:
* Adopt a strategic road map to implement the law on VWP, which should include support to relevant state institutions to ensure the expeditious enactment of the law in parliament, capacity building for the Authority and relevant state institutions such as the PPD of the police department, to improve gender and victim centric service delivery;
* Initiate dialogue with the Chairperson and the newly established Board of the NVWPA to resume activities that were interrupted during the first phase; and
* Develop a sustainable communications strategy for VWP promotion apart from short term media campaigns, which are expensive and donor dependent. The strategy should include engagement with CSOs strengthening their capacity as highlighted above and more broadly with other NGOs and professional bodies such as the BASL, to promote the law and services.
* **Expand Beneficiary base of the Output:** The beneficiary reach of interventions has been specifically targeted at victims and witnesses of criminal and civil offences under the VWP law and survivors of the SGBV. Whilst the focus for these categories should continue in the next phase, it is also important to identify new ‘vulnerable categories’ as well as ‘new vulnerabilities’, especially as a result of the ongoing pandemic.
* **Expand Partnerships to include other Justice Sector Partners:** UNDP should consider expanding their partnership base with other justice sector partners during the second phase of the Portfolio, based on their strategic alignment with the justice sector reform agenda. Minimal work was carried out during the first phase of the Portfolio working with the JSC and the Judges Training Institute (JTI) to promote access to justice. It is important to recognise the judiciary as an equal and relevant actor within the justice sector reform process, as it is the executing arm of the judicial power of people. Especially in the wake of the 20th Amendment, it is paramount to focus on building accountability, inclusivity and responsiveness of the judiciary, especially at the highest level. The JSC and the JTI are strong and influential institutions to generate and accelerate reform as evidenced by the sentencing study, which was instigated by the Chief Justice. UNDP has a long history of working with the judiciary in Sri Lanka and the strength of that relationship was manifested in the immediate support provided by the Chief Justice in issuing a judicial circular to operate remote court hearings and remote legal counselling during the lockdown.
* **allocate adequate resources for continuing legal education for the Judiciary:** Considerable resources should be allocated for continuing legal education for the judiciary. In addition to current judges, retired judges too have played an active role in the past in the justice reform process. Therefore, engaging with the Retired Judges Association to inform policy, to organise public discussions/forums to raise current issues across partners in Pillars One and Two should be areas prioritised in the second phase.
* **Focus on legal aid mechanisms to improve access to justice:** The MTE highlighted the importance of ensuring greater access to affordable quality legal aid and community mediation and other forms of ADR mechanisms to increase access to justice to vulnerable groups, which is considered as a well-established cost effective and popular form of dispute resolution. The following should be considered:
* Strengthen the provision of legal aid of state and non-state legal aid organisations, within the legal aid policy developed;
* Launch the National Legal Aid Policy during the second phase to consolidate activities initiated in previous phases of programming and to explore different models with different implementing partners and beneficiaries.
* Support the LAC and establish referral pathways between CSOs and LAC - Although three CSOs are supported by the Portfolio to improve service provision primarily for SGBV survivors, these initiatives are painfully donor dependent and cannot be sustained by CSOs themselves. Greater support for the LAC and referral pathways between CSOs and LAC should be an area of focus in the next phase; and
* Consolidate a strong alliance with the BASL given their extensive membership, and extensive coverage across the country through regional associations-The BASL is also currently a prominent player in the justice sector, given their role as members serving in the five major reforms committees appointed by the Minister of Justice.
* **Support key initiatives of the Justice Sector Reform Strategy:** The second phase provides an opportunity to work within a new sectoral approach to justice sector reform and thereby an opportunity to engage in a participatory approach to programme planning, implementation, prioritisation, monitoring and reporting. The newly establish Reforms Unit of the MOJ consisting of legal experts from the private bar is a strategic entry point for UNDP. Further the willingness of the MOJ to consider UNDP in the role of facilitator for donor coordination is also a strategic entry point for UNDP to push reforms that has already being initiated, either through the first phase of the Portfolio (eg. pioneering studies on victims and crime trends in Sri Lanka to develop a national crime prevention strategy, sentencing study to develop a sentencing policy, victim and witness protection related studies to develop compensations schemes and trauma informed care models for victims, remote court hearing, etc.) or through previous project phases (eg. Research on Case-flow management and laws delays) and an opportunity to identify and invest in reforms that are already in the pipeline to ensure ownership and sustainability.
* **Engage with the private sector:** Whilst the private sector is identified as a key stakeholder within the Business and Human Rights agenda, the full potential of the private sector to directly or indirectly contribute towards the achievement of SDG 16, is currently understated and unexplored. There is equal benefit to be gained by the private sector as other stakeholders in enhancing the rule of law and access to justice. Therefore, the Portfolio should consider rethinking their engagement strategy with the private sector, especially as an entry point for reforms with respect to access to justice.

1. **Gender Equality and Gender Empowerment**

* **Continue to support the Ministry of Women and Child Affairs to operationalise the SGBV Action Plan:** The Output should continue to resource and reinforce the development of strategic planning of the MWCA to review and develop the next SGBV Action Plan taking into consideration international best practices and standards and lessons learned to reduce risks imposed by the pandemic.
* **Develop a Strategy to reduce donor dependency and increase sustainability:** In order to maximise impact and long-term sustainability of the Action plan the Output must support a strategy towards self-sustenance, building high level and middle level institutional capacity to coordinate with other sectors, collect data and monitor implementation. The second cycle of the Action Plan is an opportunity to draft a plan with objectives that are relevant, achievable within the time frame, flexible to adapt to changing political and economic contexts and the pandemic and measurable to monitor outcomes and outputs, which will contribute towards better planning and programming in the future. The second cycle is also an opportunity for the Portfolio to construct a forum for donor coordination, participatory management and planning and engagement.
* **Identify key Interventions of the Government (Ministry of Women and Child Affairs) to Mainstream Gender in the Public Service:** The Portfolio should focus support to mainstream gender through identified government activities to ensure impact and sustainability. For instance, the former government led initiative of gender focal point in every ministry to integrate GEWE into works plans and ethics although introduced with good intentions failed due to lack of follow through. The new initiative to appoint an Additional Secretary as gender focal point to elevate its status and thus its work and expand the concept to other relevant public institutions should be a strategic entry point for the Portfolio during its second phase.
* **Align Interventions to Identified Key Policy Initiatives of the Government (Ministry of Women and Child Affairs):**  for instance, the current Ministry has the mandate to eliminate SGBV, increase political participation of women and increase women’s participation in the labour force, which are serious impediments for GEWE. IPs believe that, currently the Portfolio focus has been on improving protection and coping mechanisms. During the second phase, the Portfolio should align itself to educations pathways and opportunities provided by being an entity within the Ministry of Education, to provide human rights education, GEWE education and reduce school drops out that contribute to many political, economic, social and cultural impediments for women.
* **Continue Support to Expand the Referral Pathway:** Recognising the prevalence and importance of informal committees at the community level, it is crucial to continue support in a targeted way to promote the interface between formal and informal justice mechanisms. Interventions should focus on capacity building and training of informal justice systems. These training programmes should be based on human rights standards and include skills development (eg. leadership, conflict resolution, mediation, due process in decision making and resource management). Initiatives, should also encourage men and boys as drivers of social change, encourage community leaders using traditional art and theatre to build community awareness and buy in to build in systems and processes to ensure participation, accountability and inclusivity. These interventions maybe strategised together with Rule of Law and Access to Justice approaches to enhance legal aid and mediation, at the community level, in the second phase of the Portfolio.
  1. **General Conclusions and Recommendations**

**General Conclusions**

* **Partnership engagement strategy focused primarily on duty bearers:** The MTE concluded that not enough attention was given to build the capacity of non-government organisations during the first phase of the project, especially under Pillar One. KPIs expressed the view that UNDP may risk the reputation of being ‘state centric’, unless support to build the community base in concert with efforts to build institutional base is realised. KPIs highlighted the need to maintain legitimacy with CSOs, as no amount of operational space afforded by the government can compensate for the loss of confidence among CSOs.
* Feedback received from various KPIs disclose, the uncertainty towards the operation of non-government organisations such as CSOs and Media within the current political context. On the one hand, CSOs fear greater regulation, surveillance or system of prior approval of activities, especially activities that are not popular with the current political regime, such as TJ mechanisms relating to prosecution, accountability or issues touching on counter terrorism measures and national security.[[77]](#footnote-77) On the other hand, CSOs believe that space to lobby for non-contentious issues such as governance and justice sector reforms still exist.
* It must be noted that, taking account of discussions, past experience and secondary data, although CSOs in general have been influential in the direct lobbying of government for reforms, they have been less successful in generating public support for reforms due to their lack of investing in building awareness and consciousness at the ground level. Either way the general opinion of KPIs was the need of the day to strengthen the CSO base in the country and to engage with CSOs more vigourously and ambitiously.
* **The UNDP has a Comparative Advantage especially within the Governance and Justice Sector**: It can be concluded that the comparative advantage of UNDP in governance specifically within the justice sector can be attributed to many factors. Firstly, UNDP has been a long-term contributor to governance and justice sector reforms in Sri Lanka contributing to strengthening institutions and systems, service delivery, coordination and facilitation between various stakeholders. Due to its engagement, responsiveness and investment in improving the governance sector, UNDP has established a reputation of being a knowledge broker, convener and connector. Senior officers of IPs acknowledged the positive contribution made by UNDP through the Portfolio and recognised its ability to facilitate on behalf of stakeholders, which is manifested by many examples such as facilitating the development partner forum for parliamentary reforms and leading the support to MWCA to operationalise the SGBV Plan. Many DPs interviewed also recognised the proclivity of UNDP to convene and coordinate such high-level meetings/forums. The significant level of credibility exercised by national partners is also visible from the Secretary of the Ministry of Justice inviting UNDP to coordinate the donor forum for justice sector reform this year.
* **There is collaboration and coordination between UNDP and other UN Agencies:** Although UNDP works in collaboration with other UN agencies such as UNICEF, UNFPA and UN Women across the three pillars to implement many activities, the level of coordination between agencies is minimal especially in comparison to the opportunities available for coordination and cooperation, under the ‘One UN’ policy. The best example of collaboration is presented by the donor forum facilitated by UNDP for parliamentary reform, which may be a result of a requirement of the IP rather than an initiative of donors. Further, although transitional justice related activities were enforced by OHCHR there is little evidence to show active interaction between the two agencies.
* **Interventions were not Integrated Across the Three Pillars:** In general, Technical Specialists and KPIs recognised the ideological as well as its pragmatic value of a Portfolio model. However, there were concerns with regard to several aspects. The Outcome/Outputs were designed to apply and appeal to one another in order to produce the overall goal of the Portfolio. However, considering the realities of planning and implementation, the individual Outcomes/Outputs, functioned as separate ‘projects’ and for the most part worked as ‘silos’, disjoined and disconnected. The projects not only fell short of drawing linkages across the pillars but overall struggled to draw linkages within the individual outcome as well. This may be owing to the diversity of activities, multiple implementing partners, the volume of activities undertaken during the short span of time and the macro factors such as political instability, national security issues and the pandemic that, continue to present challenge after challenge from the inception of the Portfolio.
* There are several areas where access to justice overlap with Outputs under Pillar three. Particularly, under Outputs 3.4 and 3.5 improving social economic conditions and social cohesion of excluded and vulnerable groups and to increase understanding of rights, civic duties and access enforcement/redressal mechanisms are interdependent on Output 2.2. and may mutually reinforce one another, if these synergies are recognised at an early stage of planning. Although there is effort to integrate GEWE under Pillar three, through programmes addressing sexual exploitation and bribery among war and military widows, a joint programme with UN Women and through peace building and reconciliation work, evidence based on interviews with KPIs and secondary data does not support collaborations between the access to justice work carried under Pillar two and access to justice work carried under pillar three.
* It is noteworthy that although interventions under Pillar Three was not within the scope of the MTE, a cursory assessment of the Outputs of Pillar three indicate a strong engagement with identified CSOs for sustainable and cohesive development of communities. The strategy adopted also emphasise on building forums for monitoring and reporting to prevent extreme violence, CSO forums to promote peacebuilding and reconciliation, media engagement for non-violent communications and ethical journalism.
* Interestingly Pillar Three also contains several initiatives to promote GEWE, This is done by influencing policy, legislative and pragmatic action on sexual bribery and sexual exploitation, support to newly formed Sexual Harassment Committees in public institutions and supporting women through livelihood and rural development projects. These areas overlap with Outputs 2.2 and therefore should be merged to increase effectiveness and impact.
* **The Portfolio is Strategically aligned to SDGs and Cross Cutting Issues:**  SDG 16, which is identified as both an outcome and an enabler to realise Goals 1-15 is an acknowledgement by the international community that, conflict, insecurity, weak institutions and limited access to justice remain a great threat to sustainable development. The UNDP Flagship Portfolio was designed in 2018 to address governance deficits and strengthen the effectiveness of key institutions to deliver people-centred services. It was also expected to build space, capacity and trust for excluded and vulnerable groups, to actively participate and inform policy and decision making through a holistic lens, by explicitly recognising the importance of governance and institution building in development and peacebuilding efforts in the country. It is also aligned through the Output 2.4. directly reference the UNGPs on Business and Human Rights and the SDGs, particularly the SDGs 5, 8, 10, 16 and 17.

**General Recommendations**

* **Adopt a Strategic Approach to respond to the Covid 19 Pandemic:** Although the Portfolio successfully reacted to the pandemic with emergency relief to implementing partners through a rapid assessment, a more strategic approach to preparing beneficiaries, whether state or non-state actors to respond to the pandemic in the next two years is critical. UNDP has been recognised as a connector i between organisations and institutions, a knowledge broker due to its access to vast resources and networks[[78]](#footnote-78) and convener, bringing groups together for a common purpose. In the second phase, UNDP should harness this role and invest in building resilience of beneficiaries not only to manage political shifts and shocks but also to manage environment and public health crisis such as the current pandemic.
* Therefore, preparing the leadership and middle management to: firstly, recognise the crisis to mount a response and get over the ‘normalcy bias’; secondly, to improvise and innovate for effective responses; thirdly to change the mindset and behaviour that is required for crisis management for short to long term is indispensable to maximise effective and impact of activities introduced even after the crisis has passed.[[79]](#footnote-79)
* The *UN Advisory Paper: Immediate Socio -Economic Response to Covid-19 in Sri Lanka*[[80]](#footnote-80) provides a credible and informative recommendations that may be considered to inform the Portfolio’s Covid response strategy in the next two years as well as incorporate it into existing activities that will be affected by the pandemic. The report identifies categories of ‘people who must be reached’ and key strategic priorities namely, advancing health first, people first, economic responses and recovery, social cohesion and community resilience and macroeconomic responses and multi-lateral cooperation promoting immediate, to medium to long term responses for each priority, strategically aligning to the relevant SDGs towards the 2030 Agenda. Therefore, the report would provide a strong basis to align activities during the second phase of the Portfolio to overcome challenges faced by the pandemic whilst maintaining its relevance to achieve the overall goals under SDGs particularly SDG 16.
* **The Portfolio should Revisit the Current Partnership Engagement Strategy:** There was general agreement among KPIs that donors and UN agencies tend to partner with ‘usual suspects’, CSOs that are relatively visible and Colombo centric.
* Therefore, as mentioned in the report, the Portfolio should design an engagement strategy to select organisations that, represents different interests related to the Portfolio, that represents diversity and inclusivity and the ability to reach out to traditionally excluded vulnerable communities as envisaged by the Portfolio rationale. Non-government base should be expanded to include media, research institutes, universities, professional bodies, youth councils, youth parliament and youth led societies and forums, inter religious bodies, etc.
* The second phase of the Portfolio should also focus on directly building long-term resilience of CSOs to counteract political shifts, focusing on approaches that may be outside the traditional experience and expertise of civil society but grounded in real life examples, including: strengthening their constituency base; enhancing collaboration; and communicating with a broader audience.
* Further, investing in collation of existing research on innovative business models for CSOs to protect civic space could also enhance the impact and relevancy of human rights groups.[[81]](#footnote-81)
* Further it is important to support organisational strengthening of CSO partners, including assistance to improve their internal reporting and monitoring mechanisms to enhance effectiveness and efficiency in partnerships. Support for the development of CSO capacity to undertake objective monitoring of service delivery of government institutions, as an important contribution to increase demand for quality and participatory delivery of services is crucial moving forward.
* To strengthen CSOs and to ensure resilience in the face of increasing political shifts and state scrutiny, UMDP should also invest in a strategy to deal with the perennial dilemma of donor dependency and the continuous impact on CSOs due to rapid changes in donor priorities.
* The Portfolio overall could benefit from the study on ‘*Civil Society Engagement Strategy for the UN Country Team Sri Lanka: Inclusive Engagement of Civil Society in SDG Implementation and Monitoring Processes’* developed in December 2019. The report discloses the UN-CSO engagement strategy to establish clear engagement platforms, enhance CSO capacities, regularise internal UN mechanisms and CSO mapping to enforce SDGs in Sri Lanka. There again aligning to the CSO strategy may allow the Portfolio to remain focused in contributing towards SDGs, particularly SDG 16.
* **UNDP should be Strategic in focusing its Comparative Advantage**: Although the UNDP has used this leverage to advocate for improvement of laws, systems and processes based on international standards and best practices and inclusion of a victim centric approach to service delivery, from the perspective of KPIs UNDP needs to play a more aggressive role to push forward reforms that may not always be a priority of the government of the day but a priority for beneficiaries. For instance, KPIs strongly believe that UNDP should advocate and strengthen the role of CSOs to create space for initiatives on peacebuilding, reconciliation, inter religious harmony, prevention of violent extremism and TJ mechanisms such as reparations.
* **Increase Collaboration and Coordination Efforts between UN Agencies under the ‘One UN Policy’:** More effective coordination and cooperation may be required in the second phase to improve effectiveness and impact. Discussions with IPs highlighted that, there are instances where there is considerable overlap between activities and overlap of support to IPs, namely the MWCA. This may be illustrated by the convergence of activities relating to SGBV by UNFPA and UNDP. Both agencies support to eliminate SGBV and harmful practices by initiatives through the MWCA. Both agencies support CSOs to provide shelter facilities and operate referral pathways, which are similar in nature but implemented through different modalities. IPs stressed the possibility of agencies coordinating areas of work, best suited to their core strengths. For example, UNDP is best suited to focus support on legal protection services and strengthening the justice sector to minimise SGBV. Feedback from DPs also indicate a strong willingness to collaborate in areas of complementarity each focusing on their exclusive niche and experience, which should be maximised during the second phase.
* Although there is willingness to undertake collaborative tasks and share resources and contacts within UN agencies and although there are examples of that in practice, IPs and KPIs recognise the need for greater engagement across UN agencies for sector wide approach to governance, justice, development and peacebuilding issues as well as greater coordination and engagement between UNDP and other development agencies.
* **The Portfolio should Adopt an Integrated Approach Across the Three Pillars:** Better integration across Pillars has the potential to enhance relevance, effectiveness, efficiency, impact and sustainability of activities in the second phase of the Portfolio. For instance, the strategy to engage with communities, especially traditionally excluded communities, either through CSOs or Media or through other mediums is crucial, for medium to long term results of activities.
* Strategies engaged under Pillar Two for gender inclusion or strategies engaged by Pillar three for peacebuilding and reconciliation efforts should be assessed, for a cohesive plan for CSO engagement for the Portfolio. The CSO engagement for monitoring and implementing the SDGs, developed by UNDP in December 2019, should be considered as a guide. Further, it is imperative to expand the CSO base to forge new partnerships, specifically identifying CSOs that, work on parliamentary reforms, youth parliament, universities and colleges, etc. and to strengthen them to be effective monitoring and reporting bodies.
* Since Capacity building is a cross cutting issue identified by the Portfolio, all three pillars should follow a coherent amalgamated approach to capacity building, particularly in terms of advocacy and outreach. Firstly, to provide a holistic and integrated service to beneficiaries, which includes livelihood support and legal protection. Secondly, to expand and diversify outreach to capture the most vulnerable groups. Thirdly to strengthen the institutional capacity of CSOs linking with state and non-state actors, for improved coordination and participation using UNDP core strength as connector and fourthly contributing to livelihood, peacebuilding, reconciliation and prevention of violent extremism work by improving processes through international best practices and standards.
* Interestingly Pillar Three also contains several initiatives to promote GEWE, This is done by influencing policy, legislative and pragmatic action on sexual bribery and sexual exploitation, support to newly formed Sexual Harassment Committees in public institutions and supporting women through livelihood and rural development projects. These areas overlap with Outputs 2.2 and therefore should be merged to increase effectiveness and impact.
* **Ensure Greater Alignment to Anti-Corruption and Climate Change as Cross Cutting Issues:** KPIs noted that there should be a stronger alignment to climate change recognised under Output 2.1. of CPD and Anti-Corruption recognised as an important policy area of the government under its national policy. The Portfolio should consider targeted support to these efforts as summarised below.

**Anti-corruption**

Fighting corruption, increasing transparency and tackling illicit financial flows are important components of the 2030 Sustainable Development Agenda. The compulsory recommendations of the United Nations Convention Against Corruption and any other related international Convention (UNCAC) and Sri Lanka’s commitments as per the Open Government Partnership prompted the CIABOC to adopt an anti-corruption strategy entitled “Seven steps to zero tolerance” to guide its work in the areas of enforcement and prevention, together with a three-year implementation plan.[[82]](#footnote-82)

In October 2017, the Cabinet of Ministers approved and entrusted the CIABOC with the task of formulating a NAP for Combating Bribery and Corruption in Sri Lanka. This culminated in developing the NAP for Combatting Bribery and Corruption in Sri Lanka 2019 – 2023 which was approved by the Cabinet of Ministers on 05 February 2019.[[83]](#footnote-83) The launch of the NAP also marked a recognition of Sri Lanka’s obligations under UNCAC. The NAP integrates a multi-pronged strategy, premised on the four pillars of Prevention, Value Based Education, Institutional Strengthening, and Law and Policy reforms as the foundation of the country’s anti-corruption plan over the next five-year period, i.e. from 2019 to 2023.[[84]](#footnote-84) Periodic oversight of institutional Action Plans will be carried out by the corruption prevention committees of each institution as well as the National Integrity Council, while the periodic assessments of the NAP will be carried out by the National Integrity Council in consultation with CIABOC.

In addition to the above the Commissions of Inquiry (Amendment) Act, No. 3 of 2019 was introduced which enables CIABOC to initiate proceedings based on material received from a Commission of Inquiry without recording evidence afresh which has already been obtained by a Commission of Inquiry. This amendment improved the efficacy and the timeliness of the prosecutions.

Further, the legal provision which allowed for proceedings in even the most serious of corruption offences to be instituted in the Magistrates Court while lesser bribery offences were prosecuted in the High Court was amended by way of the Bribery (Amendment) Act, No. 22 of 2018 to allow proceedings relating to the offence of Corruption to be instituted in the High Court in addition to the Magistrates Court. While this measure gave due regard to the severity of the offences, it led to the high Court being inundated with cases. Therefore, the Judicature (Amendment) Act, No. 9 of 2018 established permanent High Courts-at-Bar to expedite trial of large scale financial and economic offenses such as bribery, money laundering, and misappropriation of property.[[85]](#footnote-85)

As a result of the new measures taken to combat corruption, Sri Lanka’s ranking on Transparency International’s Corruption Perceptions Index improved slightly, from 91 in 2017 to 89 in 2018.[[86]](#footnote-86) However, incidents such as the Central Bank bond scandal[[87]](#footnote-87) has led to a disillusionment with regard to the government’s pledges to combat corruption.

**Climate Change**

The SDGs aim to inform development priorities in a manner that balances economic, social, and environmental aspects of sustainable development. The Sri Lankan government has endorsed the SDGs and has taken several initiatives to ensure their implementation.[[88]](#footnote-88)

In April 2016 Sri Lanka marked its commitment to strengthen the global response to climate change and sustainable development by signing the Paris Climate Agreement, at the 21st Conference of the Parties (COP21) to the United Nations Framework Convention on Climate Change (UNFCCC) in Paris. The Intended Nationally Determined Contributions (INDCs) submitted by Sri Lanka mainly covered the areas of mitigation, adaptation, loss and damage and means of implementation. The Ministry of Mahaweli Development and Environment (MMDE) is the national focal point for the UNFCC and also the driving agency for coordination of INDCs implementation in the country targeting year 2020-2030 to meet the commitments of COP21 Paris Agreement.

Accordingly, on 6th January 2016 the MMDE formally initiated the ‘*Sri Lanka-NEXT- A blue Green Era’* to familiarise all sections of the Sri Lankan society on climate change and to provide directions on development strategies. The objective of the programme was to provide a platform for researchers, engineers, academics and industrial professionals from all over the world to present their research results and development activities on climate change. Thereafter, the first *‘Sri Lanka-NEXT- A blue Green Era’* environmental conference and exhibition was held in October 2017.[[89]](#footnote-89)

In order to successfully strengthen Sri Lanka's institutional and technical capacities to respond effectively to climate change challenges and meet its obligations under the UNFCCC, the proposal made by President Maithripala Sirisena, in his capacity as the Minister of Mahaweli Development and Environment, to implement the Project on the Preparation of the Third National Communication Report on Climate Change, utilising the grant assistance to be provided under the Global Environment Facility by the UNDP and to submit the Report so prepared to the UNFCCC Secretariat, was approved by the Cabinet on the 18th of October 2016.[[90]](#footnote-90)

In addition to the above, the Nationally Appropriate Mitigation Actions in the Energy Generation and End-use Sectors in Sri Lanka Project commenced in 2015. This is a project executed by the UNDP, Ministry of Environment and Renewable Energy and Sri Lanka Sustainable Energy Authority to ensure environmental sustainability, address climate change, mitigation and adaptation and reduce disaster risks in place at national, sub national and community levels.[[91]](#footnote-91)

* **Monitoring and Reporting Strategy to be Streamlined:** The MTE shows that the method of data consolidation for monitoring and evaluation (M&E) and presentation of output and outcome related information in reporting deviates to a certain extent from the log frame and theory of change and needs to be better aligned. Reporting structures need to be enhanced to present information consistent with the results framework. The use of quantitative and qualitative indicators requires a mix of data collection and reporting processes, which need to be built into the M&E process.  There is a need to develop templates and systems to help the programme team collect and collate information in a more systematic manner as well as to be able to report in line with the indicators that have been identified.[[92]](#footnote-92)
* When presenting outcome-oriented information, how these are attributed to project activities needs to be thought through and presented with greater clarity and demonstrate linkages to outcomes more effectively so as not to ensure that expected outcomes are not far-removed from the intervention. This may mean that the outcomes need to be reflected upon at this point and adjusted if required to be able to reflect more achievable impact chains.
* The theory of change that, has been developed at the conceptualisation process needs to be continuously reflected upon and used as part of the monitoring and evaluation process throughout the course of the intervention. At the mid-term point of the Portfolio, it would be a useful point to assess if the Theory of Change needs to be adjusted to be more in line with the ground realities and changing nature of the context.
* It is unclear how the process of partner reporting functions. Partner reports should feed into the UNDP reporting process as well as M&E systems and continuous support to partners would help streamline what is needed and how to capture information in line with outputs and outcomes.  Developing simple easy to use templates can help partners present the narrative and capture output and outcome information in a consistent manner. Such templates should ideally be developed and relate to UNDP reporting structures as well to be easily integrated into the overall M&E process as well as periodic reporting processes.

1. **Lessons Learned**

There are several lessons learned from the first phase that should be considered moving forward.

* Firstly, the importance of investing in relationships and partnerships. UNDP has been successful in engaging with implementing partners at a high-level owing to its long-term investment in development, governance and the justice sector. Its long-term partnerships with beneficiaries particularly state institutions and the high level of trust under which UNDP is recognised and its ability to convene and connect state and non-state actors should be enhanced during the second phase.
* Secondly, it is important to invest in participation and ownership of interventions. It was noted that during the first phase considerable bureaucratic and administrative flux resulting from changes in personnel and policy preferences slows progress and reliance on key persons at an institutional level also as experience shows impedes progress. It is important not to assume that beneficiaries, whether state or non-state will automatically take over administrative and financial leadership or ownership. Therefore, it is crucial to work closely with counterparts to build in effective partnerships to progressively devolve responsibility to counterparts for leading and managing ongoing change and progressively reducing donor depending and increasing sustainability.
* Thirdly, the limitations in under investing in building capacity of CSOs. It is more important now than before to strengthen resilience of CSOs and civilian oversight of government to promote peace, development and good governance.

**Annexes**

**Annex One: Approved Inception Report**

**Mid-Term Evaluation and Strategic Direction Setting of UNDP’s Portfolio on SDG 16+- Peace, Justice and Strong Institutions**

**Inception Report**

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# **List of Acronyms and Abbreviations**

UNDP United Nations Development Programme

SDGs Sustainable Development Goals

KPI Key Person Interview

# **Introduction**

This Inception Report is an initial output of the mid-term evaluation and strategic direction setting of UNDP Sri Lanka’s Portfolio on SDG 16+ - Peace, Justice and Strong Institutions. It describes the purpose, scope, and overall approach that will be taken in completing the evaluation.

The evaluation will involve:

* an analysis of the available documentation and periodic reporting for the portfolio and its related intervention activities;
* information from consultations with the UNDP country team and other stakeholders working on the intervention and those working in the intervention environment;
* preparation and presentation of a draft evaluation report to UNDP for review; and
* a final evaluation report incorporating feedback to the draft report.

# **Purpose of the Evaluation**

The evaluation will:

* review the implementation of the portfolio thus far at its mid-term (January 2019 to August 2020), including a review of its envisaged strategic direction and an assessment towards output-level objectives in relation to the criteria of relevance, effectiveness, efficiency, impact and sustainability of results achieved at the mid-term;
* identify best practices and achievements to-date, which the Portfolio should continue to build on, in-line with strategic country requirements and Government priorities;
* identify strategic and subject-specific recommendations under the three thematic pillars (1. Legislative and Oversight Commissions, 2. Access to Justice and Rule of Law and 3. Accountable and Effective Service Delivery), suggesting re-alignment in-line with the new normal Covid-19 context, and the changing socio-economic and political situation of Sri Lanka.

# **Scope of the Evaluation**

The scope of the evaluation is to focus on the Portfolio, which will end in 2022, that aims to contribute towards achieving the Sustainable Development Goal (SDG) 16 – Peace, Justice and Strong Institutions. Through this portfolio, UNDP will implement its Governance and Peacebuilding projects, in trying to ensure a cohesive approach across multiple projects with this this common goal. The changing context as a result of a multitude of socio-economic and political issues, including the effects of the more recent Covid-19 pandemic, have brought in added levels of complexity that need to be considered in future implementation of the Portfolio.

Given the changed context, this evaluation is required to strategically assess the results achieved under the Portfolio over 2019-2020, against the current country context, using evidence-based information to analyse relevance, effectiveness, efficiency, impact and sustainability. The evaluation is intended to generate findings, lessons learned and thematic-specific recommendations that are intended to inform strategic re-alignments to the Portfolio that would align and contribute to the Government’s priorities, the remaining duration of Sri Lanka’s Country Programme and UN Sustainable Development Framework until 2022.

# **Approach and Methodology**

* 1. **Approach**

The evaluation approach will seek to identify and clarify the assumptions made at the outset when implementing the Portfolio and how this was translated into implementation. This will include a reflection on the Theory of Change developed and the extent to which it has been consulted and reflected upon as the intervention was implemented.

The evaluation will rely on working with the UNDP team to ensure participation of stakeholders in the process, in identifying relevant information/data sources and ensure implementation of the evaluation in the current constrained context. This will be done while ensuring the independence of the evaluation and maintaining confidentiality of those who participate.

Respondents will be provided with a description of the purpose of the evaluation and the use of information and opinions provided, including the confidential nature of reflections they provide. Participation in the evaluation is voluntary and participants will be given the time and information to decide whether or not they wish to participate in the evaluation process.

* 1. **Methodology**

The mid-term evaluation and strategic review will follow a mixed-methods evaluation approach. This will include a review of secondary resources as part of the desk review, which will be initiated during the inception phase, and continued during the field phase.

Primary data will also be collected during the period 5th October to 10th November involving a set of key person interviews (KPIs) using semi-structured question guide. Where relevant and available, secondary data drawn from the periodic reporting will be further explored during the interviews to compare and verify information provided by the KPIs on the broad range of activities within each output area.

All collected data, primary and secondary, will be used to as a basis for formulating the findings and drawing conclusions. Recommendations and lessons learned will be derived from these analyses. Recommendations will be formulated to be applicable during the remaining project period.

Given the scope of the evaluation, primary data collection will not include a large extent nor employ a representative effort to undertake data collection from beneficiaries. Instead, attempts will be made to interview beneficiaries of selected partnerships and related activities where possible under the current pandemic context. Further, primary data collection at an extensive beneficiary level is beyond the scope of this exercise. An exploration of results and other related aspects focusing on beneficiaries will be integrated into interviews with other stakeholder in trying to get a sense of how they may have benefitted etc.

**Data collection tools:**

The following will be used to gather information for the evaluation:

* **Desk review**: this will involve studying all documentation received from the UNDP team and compiling other relevant documentation from public sources such as government, NGOs, INGOs, academic institutions, etc. (see list of documents reviewed in Annex Two). These will be used during the inception phase to develop a framework for the evaluation and the key question areas within each of the assessment criteria and the strategic direction. The review will provide insights into the implementation of activities and achievement of outputs in addition to helping an identification of gaps in information to be explored in the data collection phase. Information from the review will be triangulated during the key person interviews.
* **Semi-structured key person interviews:** The initial document review will provide key information, which will be used to formulate questions for interviews and information gathering. A total of **63 key person interviews** will be held with the broad range of stakeholders (see table provided below). It will include stakeholders who are currently involved in managing and implementing activities and others who work within the broad institutional landscape that the intervention is situated within. A question guideline drawing from the DAC framework will help establish progress towards activities taking account of each stakeholder’s particular area of work, the level of knowledge or experience of the intervention, and other specificities. Interviewees will also be asked to reflect on learning, contextual challenges and opportunities, and recommendations for improvements as the initiative continues. See table below for a breakdown of the interviews that will be conducted within each stakeholder category.

**Table: Summary of key person interviews to be conducted within stakeholder category**

|  |  |  |
| --- | --- | --- |
| **Respondent category** | **Number of interviews to be conducted** | **Rationale for selection/interview method (face-to-face or online)** |
| Government/Independent Commissions | 25 | As an ally and key partner to UNDP to implement the portfolio. Has a commitment to achieving SDG 16. |
| NGOs/civil society | 8 | Partnerships that would ensure local level implementation, focus on targeting a broad range of issues within each pillar and linkages to various target groups, including vulnerable groups. |
| UNDP/UNCO team | 14 | Informing and implementing the strategic direction of the portfolio, managing related activities, monitoring progress and reporting. |
| Beneficiaries (community level) | 0 | Recipients of services, intended to be improved through the portfolio and related activities. |
| Independent | 11 | Independent experts in the field of governance, rule of law and access to justice, reconciliation and transitional justice |
| Development Partners | 5 | Donors and Development Partners in the field of governance, rule of law and access to justice |

* 1. **Cross‐cutting issues**

Gender will be the key cross-cutting issue that will be considered together with youth, and human rights as relevant. These aspects will be explored in the document review and during interviews with various stakeholders. The analysis will reflect on the extent to which the Portfolio has intended and been able to influence these aspects and the issues within them in a meaningful manner.

* 1. **Indicative Work Plan**

|  |  |
| --- | --- |
| **Task** | **Timeline** |
| Document review and evaluation design | 5th October – 15th October, 2020 |
| Inception report | 22nd October, 2020 |
| Data collection | 5th October-10th November, 2020 |
| Data analysis and preparation of preliminary report | 10th -23rd October, 2020 |
| Consolidated Draft Evaluation Report and Evaluation Brief | 4th November, 2020 |
| Review by UNDP team | 16th November, 2020 |
| Submission of final report | 24th November, 2020 |

# **Limitations**

The evaluation may be limited by the following.

* The increasing prevalence of the Covid-19 during the months of the evaluation could mean that access to different stakeholder groups will be limited and some interviews may have to be done remotely. In-person meetings with beneficiaries may have to be curtailed during the data collection phase as a result and information of beneficiary experiences may have to be ascertained from other stakeholders involved in implementing the intervention if beneficiary access is limited.
* Travel outside Colombo would be limited due to the current situation and some areas being restricted for non-residents.
* One way to try to mitigate these challenges could be that the evaluator may be able to consider each activity cluster in detail and to discuss these with a relevant number of key stakeholders. In addition, it may be possible to have discussions at the broader strategic level with UNDP team members and other stakeholders working in the justice sector. This could enable the obtaining of a more rounded view of the initiative and the effects of various contextual factors on the intervention and its implementation to date and in the future.
* The impact of the Covid-19 pandemic continues to affect Sri Lanka despite many measures being in place. It can be envisaged that it will continue to affect how interventions such as these can be implemented into the immediate and longer-term intervention timeline. Realistic reflection will be necessary on how the pandemic may delay some or most activities and how these will affect the realisation of outputs and broader outcomes as the intervention progresses.

# **Evaluation Report**

The draft report will be submitted to UNDP for review and feedback by the 20th of November, 2020. A final report incorporating relevant feedback will be submitted by 24th November, 2020.

# **Annex 1: Evaluation Matrix**

The diagram below shows the flow and structure of the aspects that have to be considered broadly within the mid-term evaluation. The following table details the investigation question areas that will be developed into the more detailed questions to support data collection and consolidation.

**Overall Framework**

|  | **Relevance** | **Effectiveness** | **Efficiency** | **Impact** | **Sustainability/Ownership** |
| --- | --- | --- | --- | --- | --- |
| **Big question to answer** | **Is the intervention doing things right?** | **Is the intervention achieving its objectives?** | **How well are resources being used?** | **What difference is the intervention making?** | **Will the benefits last?** |
| **Sub questions** | * What was done? * Was it what was needed in the country context (priorities)? * What more needs to be done to improve relevance? * How can the way things have been done improve? * How does the current context and dynamism within it (political, economic, Covid-19, etc.) affect the relevance of the portfolio? * How does the integration of gender apply in relation to relevance and how has this been implemented? * How does the integration of other cross cutting themes such as HRBA, youth and innovation apply in relation to relevance and how has this been implemented? | * To what extent was what was done/methods to ensure the objectives and results of the portfolio are achieved through the identified activities? * Can it continue unchanged as it moves towards completion? * What needs to change? Why? * How is gender factored into the objectives? Is it sufficient to ensure realization of gender related objectives? * How has it helped beneficiaries? How can beneficiary reach and support be improved? * Has implementation been more effective for some groups of beneficiaries as opposed to others? How and Why? Did the implementation context affect this? * What has been the learning to date on the relevance of the portfolio? * What could have been done differently to ensure more effective implementation? | * Have there been challenges in rolling out the portfolio and related activities? What? To what extent have these been internally and externally driven? * Going forward, what needs to be considered to improve implementation of the overall portfolio and related activities? * What are the best practices in cost efficiency, and what improvements are needed? | * What have been the positive/negative changes that the intervention has achieved? Short-term, medium term and longer term * To what extent can this be attributed to the intervention? * What else has affected the changes achieved? * How have beneficiaries experienced changes? Was this as expected? * What new partnerships needs to be explored? * How has gender been impacted? * What more needs to be done to ensure impact continues? What needs to change? * How can impacts achieved been sustained? | * What have been the benefits of the intervention? * What strong partnerships/networks have been established? What other alternative strategic partnerships are required? * Who has benefited and to what degree? * What can be improved to ensure benefits of the intervention are felt more widely? * How can the benefits last and continue during the life of the intervention and beyond? * Are the risks identified still relevant? Why? Are there other risks? * How have risks been managed? How can these be managed to ensure effective implementation during the rest of the intervention period and after to ensure sustainability in the medium and long-term? * What contextual factors will affect sustainability? How can this be managed? |

# **Annex Two: Documentation Provided for the Document Review**

Achieving Gender Equality in the Sri Lanka Police: An analysis of Women Officers (Centre for Women’s Research) (2019)

Baseline Report: Study on Perceptions of Reconciliation and Sexual Bribery among Female Heads of Household in Kurunegala, Anuradhapura and Kilinochchi Officers (Centre for Women’s Research) (2019)

Better Criteria for Better Evaluation: Revised Evaluation Criteria Definitions and Principles for Use (2018-2019)

Civil Society Consultation on Responsible Business and Human Rights (UNDP Sri Lanka in partnership with Law and Society Trust) (10th February 2020)

Civil Society Engagement Strategy for the UN Country Team Sri Lanka: Inclusive Engagement of Civil Society in SDG implementation and Monitoring Process (December 2019)

Communications Strategy for Parliament of Sri Lanka and Recommendations (February 2020)

Consultative Assessment of The Eighth Parliament and Development Priorities for The Ninth Parliament

Divisional Bureaus for the Prevention of Abuse of Children and Women: An Assessment: UNDP and Centre for Women’s Research

Establishment/ Verification of Baselines and Targets for the Results framework of UNDP, Marga Institute, September 2020

Gender Equality Strategy (UNDP Sri Lanka Country Office) (2019-2022)

Global Pilot: The Role of Parliaments as Partners in Advancing the Women, Peace and Security Agenda, Final Report (UNDP) (30th June 2019)

Guidance note of the Secretary General: UN Approach to Transitional Justice (March 2010)

Lessons learned Exercise on UN/UNDP Peacebuilding Efforts in Sri Lanka, Final Report (October 2018)

Oct 2020

Of

Parliamentary Development Support Project (UNDP) (2016-2019)

Programming Standards and Principles Evaluation (2017)

Progress Template LOA MWCD & UNDP following Sec meeng on 5

Progress Template LOA MWCD and UNDP following Sec meeting on 5th October 2020

Quarterly Progress Reviews

Accountable and Effective Service Delivery 2020 Q1

Efficient Local Governance

Parliament and Independent Commissions 2020 Q1

Parliament and Independent Commissions 2020 Q2 Mid-Term

Rule of Law and Access to Justice 2020 Q1

Rule of Law and Access to Justice 2020 Q2

Referral Pathway for Survivors of SGBV: Model developed by the MWCA

Report of the Secretary General’s Internal Review Panel on United Nations Action in Sri Lanka

Report on the Sri Lanka National Dialog on Responsible Business and Human Rights (October 2019)

SGBV Referral Mechanisms and Follow up Meeting (Presentation)

Sri Lanka’s flagship Portfolio on SDG 16: Final Report (November 2012)

stablishment/verification of Baselines

Standing Orders of the Parliament of the Democratic Socialist Republic of Sri Lanka (April 2018)

Terminal Evaluation: Catalytic Support to Peace building in Sri Lanka (Outcome 4 - UN catalytic engagement with resettlement and durable solutions has supported wider political transition, Peacebuilding and reconciliation efforts in Sri Lanka) (October 2019)

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The 2030 Agenda for Sustainable Development

The Consultative Assessment on Strengthening the Core Functions of Parliament and the formulation of a draft Parliamentary Development Action Plan (2020-2022)

The Twentieth Amendment Bill to amend the Constitution of Sri Lanka (August 2020)

Training needs Assessment of the National Police Commission (SLIDA) (December 2018)

UN Advisory Paper: Immediate Socio-Economic Response to Covid-19 in Sri Lanka (UN Sri Lanka) (June 2020)

UN Draft country programme document for Sri Lanka (Executive Board of the UNDP, UNPF and the UNOPS) (2018-2022)

UN General Assembly Resolution 30/1 adopted on 1st October 2015

UNDP Country Programme Document 2013-2017

UNDP Evaluation Guidelines (January 2019)

UNDP Sri Lanka Flagship Portfolio on SDG 16 on Peace, Justice and Strong Institutions: Progress Report (December 2018-October 2019)

UNDP Sri Lanka:

Action Plan to Prevent Sexual Harassment in the Workplace and Sexual Exploitation and Abuse 2020

Gender Equality Action Plan 2020

Gender Equality Seal 2018-2019: Country Office Action Plan

Responding to critical needs of survivors of SGBV and strengthening shelters for women and girl victims of SGBV - COVID-19 response and recovery

UNDP Sri Lanka, Annual Work Plans (2019 and 2020)

UNDP Sri Lanka Flagship Portfolio on SDG 16 on Peace, Justice and Strong Institutions:

Indicator Tracking Sheet: Pillar 1 and 2

Minutes of the Project Board Meeting dated 17th July 2020

Portfolio Document

Programme Diagram

Results Framework

Risk Log

UNDP Sri Lanka’s Flagship Portfolio on SDG

UNDP Strategic Plan (Executive Board of the UNDP, UNPF and the UNOPS) (2018-2022)

UNEG Norms and Standard for Evaluation (2016, 2017)

United Nations Sustainable Development Framework (UN Sri Lanka) (2018 – 2022)

# **Annex Three: Evaluation Tool**

**Key Person Interview Guidelines**

**Introduction:**

UNDP Sri Lanka has commissioned a mid-term evaluation of its Portfolio, (for the duration 2019-2022) prioritizing SDG 16 – Peace, Justice and Strong Institutions. The evaluation aims to identify best practices and achievements to-date (January 2019 to August 2020) which the Portfolio should continue to build on, in-line with strategic country requirements and government priorities.

**Your views:**

* Will be confidential. We will only present findings in an aggregated manner.
* Your answer will not be linked back to you. The information will be used to compile a report to be used by UNDP to improve the programme implementation.
* You may stop at any time.
* You may ask me any questions at any time.
* We value your inputs and thank you for making the time to speak to us.

1. **Profiling information:**

|  |  |
| --- | --- |
| 1. Name: |  |
| 1. Institution: |  |
| 1. Designation: |  |
| 1. Involvement in the intervention: |  |
| 1. KPI category |  |

1. **Understanding the Context:**

I would like to know what you think about the previous and current context that that intervention and activities you implement operate in. We will focus on the political and economic context.

* 1. **Political context**
  2. How has changes in the political context affected the implementation of the portfolio? Reflect on changes in President and changes in government, related institutional changes and how that has affected the landscape within which the portfolio has been implemented in the last two years.
  3. How conducive is the current political environment to implement the current portfolio under pillar 1 and 2?
  4. What are some of the opportunities that the present political environment presents?
  5. What are the challenges? How can these be overcome for more effective implementation and to see results?
  6. **Economic conditions**

1. What are the critical economic factors/challenges that need to be considered in the current economic context, that may be affecting how the portfolio is implemented? Have these worsened? How?
2. How conducive is the current economic environment to implement the current portfolio under pillar 1 and 2?
   1. **Other contextual challenges**
3. How do you think other challenges within the current context will affect the intervention? Reflect on what is taking place in the context now and immediate future.
4. Has it affected the intervention in any way?
5. How can the effects of these be managed when implementing the intervention, how can challenges be managed? What do we need to be mindful of? (such as Covid-19, 20th Amendment to the Constitution, new constitution, economic instability etc.)
6. How will the Twentieth Amendment to the constitution affect the independence of the current commissions and parliament?
7. What action/support can the UNDP take to mitigate/minimize this?
8. What are the substantive gaps/areas that the Portfolio should focus on given the current context and government interests?
9. What are the positive trends/factors that may contribute towards the implementation of the portfolio?
10. **Gender**
11. There is no cabinet Ministry for women and children. Only a state ministry. What is the implication of this to achieving gender equality and addressing the many gender related issues and problems in the country? How does integrating gender into the portfolio get affected as a result?
12. Do you think the space for gender equality and women’s empowerment is diminishing significantly under the current government? Why do you think so?
13. How have women been included in the intervention activities? How has gender equality been included? In which aspects has it been included? How effective has this been in implementing and achieving the objectives of the overall portfolio?
14. What has been done to increase women’s political participation? How effective has this been in implementing and achieving the objectives of the portfolio?
15. Can you reflect on how gender has been integrated into the portfolio? Is it adequate? How does it need to be improved to ensure more effective realization of gender? What other means can be used to ensure greater integration of gender within the portfolio?
16. Where do you think UNDP should be currently focusing on?
17. **Youth**
18. Do you think the space for youth engagement within the current context? How so? How is this/has this been challenging?
19. Can you reflect on how youth has been integrated into the portfolio? Is it adequate? How does it need to be improved to ensure more effective youth participation and addressing youth issues? What other means can be used to ensure greater integration of youth and youth issues?
20. **Human Rights Bases Approaches**
21. Do you think the space for addressing human rights issues within the current context? How so? How is this/has this been challenging?
22. Can you reflect on how human rights issues have has been integrated into the portfolio? Is it adequate? How does it need to be improved to ensure more effective addressing of human rights related issues? What other means can be used to ensure greater integration of the relevant issues?
23. **Sustainable Development Goal 16**
24. What should be the priorities to focus on in Sri Lanka in order to achieve SDG 16 (peace, justice and strong institutions) and its related targets?
25. Are there any opportunities that have arisen that UNDP can take advantage of in trying to implement the portfolio? Nationally and/or sub-nationally
26. What more can UNDP be doing to realise Goal 16 in Sri Lanka?
27. How could the current context in Sri Lanka and related issues within it affect the achievement of Goal 16 positively and/or negatively? Opportunities and challenges.
28. **Strategic direction of the portfolio**

* *Strategy aims to address governance deficits and strengthen effectiveness of institutions nationally and sub-nationally to deliver people-centered services; build space, capacity and trust for excluded and vulnerable groups to participate and inform policy and decision-making do needs and interests are met.*
* *Strategy intends to support key institutions to be more people-centered, responsive, inclusive, transparent and conflict-sensitive, in order to strengthen the social contract between the state and all its citizens, to address conflict drivers, and to prevent future conflict, and in doing so, contribute to achieving sustainable peace and development in Sri Lanka.*

1. Can you reflect on the the conceptualisation of the portfolio and its validity in the current context?
2. What are your views on the applicability within its current scope of conceptualisation, does it need to be refined? How?
3. Has its implementation been effective in achieving the desired strategic direction? How has the approach brought together the interfaces between governance, development and peace in Sri Lanka, considered critical by UNDP?
4. What has been the learning of implementing the portfolio thus far? Is it helping contribute to achieving SDG 16 as it was intended to?
5. Does anything need to change to improve successful implementation of the portfolio? What? Why?
6. Has it been effective in reaching those who need to be reached (people centered, built citizen trust etc.)? Why? How should it be improved?
7. Has it enabled UNPD to work more effectively in  a changing context? How?
8. **Relevance of the intervention:**
9. Please describe the intervention and activities you and your organization has been undertaking within the UNDP portfolio
10. In your view, were these activities the most appropriate given the overall objectives of the UNDP portfolio? Was it appropriate in terms of your organization’s mandate? Was it appropriate in the country context? Please elaborate your answers.
11. What more needs to be done to improve the relevance of the intervention in order to meet the objectives of the UNDP portfolio?
12. How is gender factored into the objectives? Is it sufficient to ensure realization of gender related objectives?
13. How does the integration of other cross cutting themes such as HRBA, youth and innovation apply in relation to strategic interventions identified and implemented?
14. How does the current context and dynamism within it (political, economic, Covid-19, etc.) affect how your intervention has been implemented and how it can be implemented? What are the challenges you have faced and could face?
15. **Effectiveness of the intervention:**
16. In your view, how does your activities link to the UNDP portfolio? To what extent has what was done/methods used ensure the objectives and results of the portfolio have been achieved so far?
17. Can your activities continue to be implemented unchanged as it moves towards completion? If not, how does it need to change? Why does this change need to happen?
18. Who were the beneficiaries? Should these beneficiaries have been targeted? Was any beneficiary category missed? How has your intervention helped beneficiaries? How can beneficiary reach and support be improved? Were there any challenges?
19. Has implementation been more effective for some groups of beneficiaries as opposed to others? How do? Why? Did the implementation context affect this?
20. What have been some of the learnings of implementing your activities that you want to share?
21. What could have been done differently to ensure more effective implementation?
22. **Efficiency of the intervention:**
23. Have there been challenges in rolling out the portfolio and related activities? What? To what extent have these been internally and externally driven?
24. Going forward, what needs to be considered to improve implementation of the overall portfolio and related activities?
25. What are the best practices in cost efficiency, and what improvements are needed?
26. **Impact of the intervention:**
27. What have been some of the changes (positive and negative) that the intervention has achieved? Focus on the Short-term, medium term and longer term?
28. To what extent can this be attributed to the intervention?
29. What else has affected the changes achieved?
30. How have beneficiaries experienced these changes? Was this as expected?
31. What new partnerships needs to be explored?
32. How can impacts achieved been sustained/continued? What is your organization doing to ensure sustainability? What support do you need to ensure sustainability of the intervention and changes that have been achieved?
33. **Sustainability and Ownership of the intervention:**
34. What have been some of the benefits of intervention you were involved in?
35. What can be improved to ensure benefits of the intervention are felt more widely?
36. How can the benefits last and continue during the life of the intervention and beyond?
37. Are the risks identified still relevant? Why? How have risks been managed? How can these be managed to ensure effective implementation during the rest of the intervention period and after to ensure sustainability in the medium and long-term?
38. Are there other risks that we need to consider? How can these be managed to ensure effective implementation during the rest of the intervention period and after to ensure sustainability in the medium and long-term?
39. What contextual factors will affect sustainability? How can this be managed?

**Annex Two**

**List of Documents Reviewed**

Abandoned Promises? Preserving Human Rights and Pursuing Accountability in Gota’s Sri Lanka (Sri Lanka Campaign for Peace and Justice) (February 2020)

Achieving Gender Equality in the Sri Lanka Police: An analysis of Women Officers: UNDP and Centre for Women’s Research (2020)

and Targets for the Results Framework

Baseline Report: Study on Perceptions of Reconciliation and Sexual Bribery among Female Heads of Household in Kurunegala, Anuradhapura and Kilinochchi Officers (Centre for Women’s Research) (2019)

Better Criteria for Better Evaluation: Revised Evaluation Criteria Definitions and Principles for Use (2018-2019)

Circular Issued by the Ministry of Finance No. ERD/AE/GEN/16 dated 2nd October 2020, *Streamlining the Fund Channeling Mechanism and Implementation of Modalities of Grand Funded Projects*

Circular Issued by the Presidential Secretariat No: PS/SP/SB/ Circular/ 06/2019 dated 19th December 2019, *Rationalization of the Prevailing Mechanism on Engaging with Investors, Lending Agencies, Foreign Organizations and Missions*

Civil Society Consultation on Responsible Business and Human Rights (UNDP Sri Lanka in partnership with Law and Society Trust) (10th February 2020)

Civil Society Engagement Strategy for the UN Country Team Sri Lanka: Inclusive Engagement of Civil Society in SDG implementation and Monitoring Process (December 2019)

Communications Strategy for Parliament of Sri Lanka and Recommendations (February 2020)

Divisional Bureaus for the Prevention of Abuse of Children and Women: An Assessment

Divisional Bureaus for the Prevention of Abuse of Children and Women: An Assessment: UNDP and Centre for Women’s Research

Establishment/ verification of Baselines and Targets for the Results framework of UNDP

Gender Equality Strategy (UNDP Sri Lanka Country Office) (2019-2022)

Global Pilot: The Role of Parliaments as Partners in Advancing the Women, Peace and Security Agenda, Final Report (UNDP) (30th June 2019)

Guidance note of the Secretary General: UN Approach to Transitional Justice (March 2010)

Human Rights Integration Across business operations of the top 50 companies in Sri Lanka: A Preliminary Scan (2012)

Lessons learned Exercise on UN/UNDP Peacebuilding Efforts in Sri Lanka, Final Report (October 2018)

Mid Term Review, United Nations Development Programme, Country Programme Document 2016, Verite Research

National Policy Framework, Vistas of Prosperity and Splendour 2019

Oct 2020

Of

Nineteenth Amendment to the Constitution

Parliamentary Development Support Project (UNDP) (2016-2019)

Programming Standards and Principles Evaluation (2017)

Progress Template LOA MWCD & UNDP following Sec meeng on 5

Progress Template LOA MWCD and UNDP following Sec meeting on 5th October 2020

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Accountable and Effective Service Delivery 2020 Q1

Efficient Local Governance

Parliament and Independent Commissions 2020 Q1

Parliament and Independent Commissions 2020 Q2 Mid-Term

Rule of Law and Access to Justice 2020 Q1

Rule of Law and Access to Justice 2020 Q2

Referral Pathway for Survivors of SGBV: Model developed by the MWCA

Report of the Secretary General’s Internal Review Panel on United Nations Action in Sri Lanka

Report on the Sri Lanka National Dialog on Responsible Business and Human Rights (October 2019)

SGBV Referral Mechanisms and Follow up Meeting (Presentation)

Sri Lanka’s flagship Portfolio on SDG 16: Final Report (November 2012)

stablishment/verification of Baselines

Standing Orders of the Parliament of the Democratic Socialist Republic of Sri Lanka (April 2018)

Status of Sustainable Development Goal Indicators of Sri Lanka (Department of Census and Statistics and Ministry of national Policies and Economics) (December 2017)

Summary of Changes under the Proposed 20th Amendment, Centre for Policy Alternatives 2020

Supreme Court Determination of the Draft Twentieth Amendment to the Constitution of Sri Lanka 2020

Terminal Evaluation: Catalytic Support to Peace building in Sri Lanka (Outcome 4 - UN catalytic engagement with resettlement and durable solutions has supported wider political transition, Peacebuilding and reconciliation efforts in Sri Lanka) (October 2019)

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The 2030 Agenda for Sustainable Development

The Consultative Assessment on Strengthening the Core Functions of Parliament and the formulation of a draft Parliamentary Development Action Plan (2020-2022)

The Twentieth Amendment Bill to amend the Constitution of Sri Lanka (August 2020)

Training needs Assessment of the National Police Commission (SLIDA) (December 2018)

Twentieth Amendment to the Constitution

UN Advisory Paper: Immediate Socio-Economic Response to Covid-19 in Sri Lanka (UN Sri Lanka) (June 2020)

UN Draft country programme document for Sri Lanka (Executive Board of the UNDP, UNPF and the UNOPS) (2018-2022)

UN General Assembly Resolution 30/1 adopted on 1st October 2015

UNDP Country Programme Document 2013-2017

UNDP Evaluation Guidelines (January 2019)

UNDP Project Document on Access to Justice (Phase II) Sri Lanka

UNDP Sri Lanka Flagship Portfolio on SDG 16 on Peace, Justice and Strong Institutions: Progress Report (December 2018-October 2019)

UNDP Sri Lanka:

Action Plan to Prevent Sexual Harassment in the Workplace and Sexual Exploitation and Abuse 2020

Gender Equality Action Plan 2020

Gender Equality Seal 2018-2019: Country Office Action Plan

Responding to critical needs of survivors of SGBV and strengthening shelters for women and girl victims of SGBV - COVID-19 response and recovery

UNDP Sri Lanka, Annual Work Plans (2019 and 2020)

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Indicator Tracking Sheet: Pillar 1 and 2

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UNEG Norms and Standard for Evaluation (2016, 2017)

United Nations Sustainable Development Framework (UN Sri Lanka) (2018 – 2022)

Voluntary National Review on the Status of Implementing the Sustainable Development Goals, 2018

**Annex Three**

**Key Persons Interviews**

|  |  |  |  |
| --- | --- | --- | --- |
| **Implementing Partners**  Parliament | **Name and Designation** | **Institution / Organization** | **Type of Organization** |
| Mr. Dhammika Dasanayake  Secretary General of Parliament | Parliamentary Secretariat | Governmental |
| Mr. Shan Wijethunge  Director Communications | Communications Department of the Parliament | Governmental |
|  | | | |
| Independent Commissions | Mr. D.G.M.V Hapuarachchi  Director General | Right to Information Commission of Sri Lanka | Independent Commission |
| Mr. Mahinda Gammampila  Chairman | Right to Information Commission of Sri Lanka | Independent Commission |
| Mr. K W E Karaliyadda  Chairman | National Police Commission | Independent Commission |
| Ms. Savitri Wijesekera  Commissioner | National Police Commission | Independent Commission |
| Mr. Y L M Zawahir  Commissioner | National Police Commission | Independent Commission |
| Mr. Tilak Collure  Commissioner | National Police Commission | Independent Commission |
| Mr. Gamini Navaratne  Commissioner | National Police Commission | Independent Commission |
| Mr. Ashoka Wijetilleke  Commissioner | National Police Commission | Independent Commission |
| Mr. Nishantha Weerasinghe  Secretary | National Police Commission | Independent Commission |
| Ms. Deepika Subasinghe  Commissioner | Human Rights Commission | Independent Commission |
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| Ministry of Justice and Prison Reforms | Mr. M.M.P.K. Mayadunne  Secretary | MOJ | Governmental |
| Ms. Priyumanthi Peiris  Additional Secretary Legal Division | Legal Division of the MOJ | Governmental |
| Ms. Dilhara Amerasinghe  Legal Consultant to the Cabinet Sub Committee on Legislation | MOJ | Governmental |
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| State Ministry of Women and Child Development, Pre-Schools & Primary Education, School Infrastructure & Education Services | Ms. Kumari Jayasekara  Secretary | MWCA | Governmental |
| Ms. Nilmini Herath  Additional Secretary | MWCA | Governmental |
| Ms. Manel Jayamanna  Executive Director | MWCA | Governmental |
| Ms. Sujeewa Palliyaguru  Director Development | MWCA | Governmental |
| Ms. Sanduni Rajapakse  Ass. Director Development | MWCA | Governmental |
| J. P. S Jayasinghe  Director Planning | MWCA | Governmental |
| Ms. Champa Upasena  Director | Women’s Bureau | Governmental |
|  | | | |
| Independent Institutions | Mr. Mirak Raheem  Commissioner | Office of Missing Persons | Governmental |
| Mr. Rohan Sahabandu  Chairman | Legal Aid Commission | Governmental |
| Mr. Suhada Gamlath  Chairman | National Authority for the Protection of Victims and Witnesses of Crimes | Governmental |
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| Civil Society Organizations | Ms. Sashi Stephen  Executive Director | Women’s Development Centre | CSO |
| Ms. Chandi Delwala  Project Manager | Women’s Development Centre | CSO |
| Ms. Padmini Weerasooriya  Treasurer | Women’s Centre | CSO |
| Ms. S.S. Sooriyakumary  President | OfERR Ceylon | CSO |
| Mr. Sandun Thudugala  Director | Law and Society Trust | CSO |
| Mr. Hemantha Withanage  Executive Director | Centre for Environment Justice | CSO |
| Ms. Savithri Wijesekera  Executive Director | Women in Need | CSO |
| Ms. H. Niroshika  Programme Manager | Women In Need | CSO |
|  | | | |
| **Independent Partners** | Dr. Gehan Gunatilleke  Dphil/Attorney-at-Law  Founding Partner | LexAG Law Firm | Independent |
| Ms. Bhavani Fonseka  Senior Researcher and Attorney-at-Law | Centre for Policy Alternatives | Independent |
| Mr. Rohan Edirisinghe  Senior Constitutions and Political Advisor  Visiting Lecturer | Department of Political and Peacebuilding Affairs, United Nations  University of Colombo, Sri Lanka | Independent |
| Ms. Ermiza Tegal  Attorney-at-Law | Human Rights Lawyer | Independent |
| Dr. Ramani Jayasundera Director Gender & Justice Programme | The Asia Foundation | Independent |
| Mr. Rajeev Amarasuriya  Secretary | Bar Association of Sri Lanka | Independent |
| Dr. Jehan Perera  Executive Director | National Peace Council of Sri Lanka | Independent |
| Ms. Selyna Peiris  Director Business Development | Selyn Exporters Pvt. Ltd | Private Sector |
| Ms. Ambika Sathkunathan  Former Commissioner, HRC  Attorney-at-Law | Human Rights Lawyer | Independent |
| Prof. Sharya Scharenguivel Former Dean of the Faculty of Law. Law Commissioner, Law Commission of Sri Lanka Board Member National Child Protection Authority | University of Colombo | Independent |
| Ms. Udeni Thewarapperuma  UNDP Consultant, Women, Peace and Security Project | Human Rights Lawyer | Independent |
| Mr. Priyanga Hettiarachchi  Country representative for Sri Lanka and Maldives | The Westminster Foundation for Democracy | Independent |
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| **United Nations Development Programme** | Ms. Faiza Effendi  Deputy Resident Representative | UNDP | UNCO |
| Mr. Nicholas Booth  Governance and Peacebuilding Team Leader | UNDP | Bangkok Regional Hub |
| Ms. Chandrika Karunaratna  Policy Specialist and Team Leader-Governance | UNDP | UNCO |
| Ms. Bimali Ameresekera  Gender Specialist | UNDP | UNCO |
| Ms. Shashini Kulanayake  Project specialist – Parliament and Access to Justice Inclusive Governance Team | UNDP | UNCO |
| Ms. Shihara Rajakaruna  Technical Specialist | UNDP | UNCO |
| Mr. Priyan Senevirathne  Technical Specialist, Reconciliation and Peacebuilding | UNDP | UNCO |
| Ms. Myanthi Peiris  Business and Human Rights Specialist | UNDP | UNCO |
| Mr. Jothirajah Karunenthira  Monitoring, Evaluations and Knowledge Management Specialist, Inclusive Governance Team | UNDP | UNCO |
| Ms. Nimmi Ariyaratne  Programme Quality and Design Analyst | UNDP | UNCO |
| Mr. Mohamed Muzain  Portfolio Manager/ SDG 16 portfolio | UNDP | UNCO |
|  | | | |
| **UN Country Team** | Ms. Janeen Fernando  Reconciliation and Development Specialist | Office of the Resident Coordinator | UNCO |
| Ms. Krishna …………. | OHCHR | UNCO |
| Mr. Rathika De Silva | UN Global Compact | UNCO |
| Dr. Hemamal Jayawardena  Child Protection Specialist | UNICEF | UNCO |
|  | | | |
| **Development Partners** | Ms. Shirani Narayana  Governance and Rule of Law Advisor | Office of Governance and Vulnerable Populations  USAID| Sri Lanka and Maldives |  |
| Ms.Sharika Cooray  National Programme and Policy Analyst - Women's Rights & Gender | UNFPA |  |
| Ms. Indrani Rajendran  Seniro Gender Consultant M&E | UNFPA |  |

**Annex Four**

**Partner Summary**

**Parliament of Sri Lanka**

In terms of Article 3 of the Constitution, the sovereignty of the people includes the powers of the government, fundamental rights and the franchise. The Parliament of Sri Lanka, a unicameral legislature consisting of two hundred and twenty-five Members elected by proportional representation, is the main institution by which the legislative power of the people is exercised.

The 19th Amendment to the Constitution reduced the term of Parliament from six to five years.[[93]](#footnote-93) It also introduced a constitutional bar to the President’s power to unilaterally dissolve Parliament until the expiration of a period of four years and six months from the first sitting of the current Parliament unless two thirds of Members of Parliament pass a resolution requesting dissolution.[[94]](#footnote-94)

The Parliament has power to make laws, including laws having retrospective effect and repealing or amending any provision of the Constitution.

In addition to its law-making functions, Parliament has full control over public finance.

The Supreme Court has in several determinations[[95]](#footnote-95) concluded that Article 148 makes it mandatory that Parliament retains full control of matters relating to public finance. The Supreme Court has further explained that the obligation on Parliament to exercise full control means:

1. Control over the sources of finances, i.e., imposition of taxes, levies, rates and the like and the creation of any debt of the Republic.
2. Control by way of allocation of public finance to the respective departments and agencies of the Government and the setting of limits of such expenditure; and
3. Control by way of continuous audit and check as to due diligence in performance in relation to (i) and (ii) above.

**Committee system**

The Parliament of Sri Lanka has devised a well-knit Committee System,[[96]](#footnote-96) to inquire into and report to the House on a particular matter referred to such Committee. These Committees, apart from the obvious advantage of saving floor time, have made a distinct contribution to the effective functioning of parliamentary democracy in Sri Lanka.

Apart from the Committee of whole Parliament, the Standing Orders make provision for the following types of Committees

* **Select Committees**

These are Ad-hoc Committees appointed from time to time as per the requirements. Each Committee is appointed by a resolution of Parliament to inquire into and report to the House on a particular matter referred to such Committee. The scope of an inquiry by these Committees is defined by the Terms of Reference under which they are appointed.[[97]](#footnote-97)

* **Sectoral oversight Committees**

Sectoral oversight committees are appointed by the Committee of Selection of Parliament after six weeks of its first sitting consequent to an election. SOCs have general oversight responsibilities in order to assist Parliament in its analysis, appraisal and evaluation of the application, administration, execution and effectiveness of legislation. They may also indicate the necessity or desirability of enacting any new or additional legislation.[[98]](#footnote-98)

* **Ministerial Consultative Committees**

At the commencement of every Session of Parliament and from time to time as necessity may arise, the Committee of Selection appoints a number of Ministerial Consultative Committees corresponding to the number of Ministries of the Cabinet. A Ministerial Consultative Committee is entrusted with the duty of discussing such matters as are referred to the Committee by any Member of Parliament.

A Ministerial Consultative Committee shall comprise of-

a. the Cabinet Minister in-charge of the relevant subject as Chairperson;  
b. the State Minister;   
c. the Deputy Minister; and  
d. five other Members of Parliament nominated by the Committee of Selection.[[99]](#footnote-99)

* **Legislative Standing Committees**

Legislative standing committee are entrusted with the duty of considering Bills/Proposed statutes referred to it by Parliament. A legislative standing committee generally consists of the Deputy Speaker as the Chair, the Deputy Chairperson of Committees and 10 other Members nominated by the Committee of Selection.[[100]](#footnote-100)

* **Committees for Special Purposes.**

The Standing Orders of Parliament Committees for special purposes such as, the Committee of Selection, Committee on Parliamentary Business, Committee on Standing Orders, House Committee, Committee on Ethics and Privileges, Committee on Public Accounts, Committee on Public Enterprises, Committee on Public Finance, Committee on Public Petitions, Committee on Constitutional Affairs. Committee on High Posts, Liaison Committee and Backbencher Committee.[[101]](#footnote-101)

**Public Inquiry procedure**

The Committee on Public Petitions is entrusted with the duty of considering public petitions referred to it under the provisions of Standing Order 30.[[102]](#footnote-102) Where the Committee is of the view that any petition discloses an infringement of a fundamental right or other injustice by a public officer or an officer of a public corporation, local authority or other like institution, it may inquire into such petition or refer such petition to the Parliamentary Commissioner for Administration (Ombudsman) to inquire and report. The Committee thereafter reports to Parliament its opinion on the action to be taken on such petition or report.[[103]](#footnote-103)

**Independent Commissions**

The governance architecture in Sri Lanka has included independent statutory bodies with a view to empowering the people by placing certain public functions in the hands of experts in the field and beyond the reach of political interests of governments.[[104]](#footnote-104) In the new wave of democratization that was ushered in after the presidential elections of 1994, the model of independent commissions was revisited.[[105]](#footnote-105) New commissions such as the Commission to Inquire into Allegations of Bribery or Corruption (CIABOA) and the Human Rights Commission (HRC) were established during this time.

**The Commission to Investigate Allegations of Bribery or Commission (CIABOC)**

The permanent Commission to Investigate Allegations of Bribery or Corruption (CIABOA) established by Act No. 19 of 1994, is the main anti-corruption body in Sri Lanka designated with authority to investigate and directly institute actions against allegations of bribery, corruption and matters related to the Declaration of Assets and Liabilities law. The CIABOA is headed by a Director General and three commissioners, two of whom must be retired judges of the Supreme Court or Court of Appeal.[[106]](#footnote-106) In order to preserve the independence of the commission, the commissioners are appointed by the President upon recommendations of the Constitutional Council for a non-renewable five-year period and can be removed only with Parliament’s approval.[[107]](#footnote-107) However, matters pertaining to the appointment, tenure and removal of the Director General rests solely in the hands of the President. The 19th Amendment to the Constitution of Sri Lanka provided that the mandate of CIABOC be broadened by law to provide for the implementation of the UN Convention Against Corruption and any other related international Convention, thus giving the treaty constitutional recognition.[[108]](#footnote-108)

**National Human Rights Commission of Sri Lanka (HRCSL)**

The National Human Rights Commission (HRCSL) set up under the Human Rights Commission of Sri Lanka Act No. 21 of 1996 is the primary state institution for the protection of human rights. It is mandated to investigate and inquire into complaints of violations or imminent violations of fundamental rights,[[109]](#footnote-109) to advise and assist the government in formulating legislation and administrative directives, and to ensure compliance by the Sri Lankan State of international human rights standards. Although the commission is not empowered to adjudicate cases, it can engage in mediation and conciliation, failing which recommendations can be made to the appropriate authorities. The commission is also mandated to offer advisory services to the government and to engage in dissemination of human rights education.[[110]](#footnote-110) During the peak of the internal armed conflict in the Northern and Eastern parts of the country, the HRCSL played a peripheral role in addressing human rights issues on the ground.[[111]](#footnote-111) On a few occasions the HRCSL has been beset with issues arising from its politicization and has come under intense criticism for its lack of independence.[[112]](#footnote-112)

**Right to Information Commission of Sri Lanka (RTIC)**

A key pledge in the 100-day work program of the Sirisena government, in its pursuit for good governance, was the elevation of the ‘Right to Information’ to fundamental right status.[[113]](#footnote-113) This was followed by the passage of the Right to Information Act No. 12 of 2016, which was viewed by many as a welcome move towards fostering a culture of transparency and accountability in public authorities. The Right to Information Commission (RTIC) is the central oversight and enforcement agency established under the Act. The RTIC is empowered to formulate rules and regulations relating to the RTI process, hold inquiries into complaints on non-compliance, prosecute offending officials, and recommend disciplinary actions.[[114]](#footnote-114) The RTIC comprises of a Chairperson and four Commissioners appointed by the President upon recommendations of the Constitutional Council for a period of five years.[[115]](#footnote-115) In making such recommendations, the Constitutional Council is mandated to recommend persons nominated by the Bar Association of Sri Lanks, organizations of publishers, editors and media persons, and other civil society organizations.[[116]](#footnote-116)

**National Police Commission (NPC)**

The National Police Commission (NPC) established in November 2002, was one of the seven independent commissions introduced by the 17th Amendment to the Constitution of Sri Lanka. The main objective in establishing an oversight body on policing, was to ensure the independence of the Police Service from interference or undue influence, and to instil respect for rule of law.[[117]](#footnote-117) The NPC is entrusted with powers for managing police personnel (including the formulation of schemes of recruitment, promotion and transfers etc.), receiving and investigating public complaints against the police, and handing over reports to the Inspector General of Police for follow up action.[[118]](#footnote-118) While the powers of the NPC were diluted with the enactment of the 18th Amendment, the change of government in 2015 and the passage of the 19th Amendment provided a new framework for strengthening independent commissions including the NPC. The NPC consists of seven members with experience in policing, police and public administration, law and legal procedure, society and human behaviour and international relations.[[119]](#footnote-119) The NPC is subject to the jurisdiction conferred on the Supreme Court under Article 126 and the powers granted to the Administrative Appeals Tribunal.[[120]](#footnote-120)

**Elections Commission (EC)**

Although the need for establishing an independent Elections Commission (EC) was initially mooted in 2001, it was only in November 2015 that the EC was finally constituted under the 19th Amendment to the Constitution. The EC has a constitutional mandate to hold free and fair elections in Sri Lanka including the election of Members of Parliament, the election of members of Provincial Councils, the election of members of Local Authorities and the conduct of Referenda.[[121]](#footnote-121) The EC is vested with duties and functions relating to the preparation and revision of registers of electors and the enforcement of all laws relating to the holding of any such election.[[122]](#footnote-122) The EC should also be responsible and answerable to Parliament for the discharge of its powers, duties and functions. The Constitutionmakes provision for the EC to prohibit the use of public or State-owned property for the purposes of election campaigning.[[123]](#footnote-123) Following the enactment of the 19th Amendment, failure by public authorities to comply with the directives of the EC has been declared a punishable offence.[[124]](#footnote-124)

The EC comprises of three members appointed by the President on the recommendations of the Constitutional Council, from amongst persons who have distinguished themselves in any profession or in the fields of administration or education.[[125]](#footnote-125) One of the members so appointed should be a retired officer of the Department of Elections, who has held office as a Deputy Commissioner of Elections or above. The President should also appoint one member as its Chairman on the recommendations of the Constitutional Council.[[126]](#footnote-126)

**Public Service Commission**

The 19th Amendments to the Constitution introduced a progressive reform into the profile of the Public Service Commission (PSC). The amendment delegated the authority with regard to appointment, promotion, transfer, disciplinary control and dismissal from public service of all public officers, to the independent PSC subject to the provisions of the Constitution. The PSC consists of a Chairman and nine members appointed by the President on the recommendation of the Constitutional Council.[[127]](#footnote-127) Of this number, not less than three members should be persons who have had over fifteen years experience as a public officer.[[128]](#footnote-128) While the President is empowered to remove a member of the PSC, it can only be done with the approval of the Constitutional Council. The decisions of the Commission cannot be challenged or called into question in any Court of Law or Tribunal except in the Supreme Court (exercising its fundamental rights jurisdiction under Article 126), or in the Administrative Appeals Tribunal established by the Administrative Appeals Tribunal Act No. 4 of 2002.[[129]](#footnote-129)

**Legal Aid Commission**

Legal aid was institutionalized in Sri Lanka in 1978, with the passage of the Legal Aid Act No.27 of 1978. The law resulted in the formation of the Legal Aid Commission (LAC). The objectives of LAC is to operate an effective legal aid scheme by providing legal advice, funds to conduct legal and other proceedings for and on behalf of deserving persons, to obtain the services of Attorneys-at-Law to represent deserving persons, and to provide other necessary assistance to deserving persons.[[130]](#footnote-130) The power to determine the ‘matters or classes of matters in respect of which legal aid may be given’ is reposed with the LAC.[[131]](#footnote-131) While the LAC’s main focus is legal aid, its mandate extends beyond the provision of legal aid services, covering such areas as legal awareness, training, and reform.[[132]](#footnote-132) The LAC consists of nine members: three appointed by the Minister of Justice, and six nominated by the Bar Council of Sri Lanka from among its members. For the delivery of legal aid services, the LAC is empowered to establish regional or district committees or clinics. The LAC is primarily funded by the Ministry of Justice and Law Reforms and is governed by an independent Commission.

**National Authority for the Protection of Victims and Witness**

The provision for victim and witness protection is fundamental to a Government committed towards a credible justice system especially in a context where the country has been mired in a prolonged ethnic conflict. The enactment of the Assistance to and Protection of Victims of Crime and Witnesses Act No. 04 in 2015 which provided, *inter alia*, for the establishment of a National Victim and Witness Protection Authority and a Board of Management, was therefore a welcome development in the sphere of rule of law in Sri Lanka. The objective of the Act was to set out, uphold, enforce and promote the rights and entitlements of victims and witnesses of crime[[133]](#footnote-133), and to give effect to appropriate international norms, standards and best practices relating to the same. The Board of Management of the Authority consists of five members appointed by the President from among persons who are academically or professionally qualified and have experience in professions or fields of professional activity associated with criminology, the criminal justice system, the promotion and protection of human rights or medicine[[134]](#footnote-134) and  seven other ex-officio members.

**Office of Missing Persons**

By co-sponsoring the United Nations (UN) Human Rights Council 30/1 titled ‘Promoting Reconciliation, Accountability and Human Rights in Sri Lanka’ in October 2015, the Sri Lankan Government formally committed itself to embark on a transitional justice process in order to address the human rights issues which surfaced during and in the aftermath of the armed conflict. It is on this journey that Sri Lanka established and operationalized the Office of Missing Persons (OMP) under the Office on Missing Persons (Establishment, Administration and Discharge of Functions) Act No. 14 of 2016, with a view to advocating a humanitarian approach towards tracing the missing. The OMP has a broad mandate to receive complaints, to trace and search for the missing, make recommendations towards non-recurrence, ensure the protection of the rights of the missing, the disappeared and their relatives, and to identify proper avenues of redress.[[135]](#footnote-135) The OMP Act defines missing persons as persons who went missing in the context of “the conflict which took place in the Northern and Eastern Provinces or its aftermath”, “members of the armed forces or police who are identified as ‘missing in action’” and persons who went missing “in connection with political unrest or civil disturbances.”[[136]](#footnote-136) The OMP’s mandate also covers enforced disappearances as defined in the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED).[[137]](#footnote-137)

The OMP consists of seven members appointed by the President on the recommendations of the Constitutional Council.[[138]](#footnote-138) Members should be persons with previous experience in fact finding or investigation, human rights law, international humanitarian law and humanitarian response. The OMP Act upholds constitutional best practice by mandating the Constitutional Council to make its recommendations in such manner that the composition of the OMP would reflect the pluralist nature of the Sri Lankan Society.[[139]](#footnote-139)

**State Ministry of Women and Child Development, Pre-Schools & Primary Education, School Infrastructure & Education Services**

The Ministry of Women and Child Affairs (MWCA) was established in September 2015 by Gazette Extraordinary No. 1933/13 with a view to providing legal, physical and institutional infrastructure for the empowerment of children, women, low income groups, elders and persons with disabilities including marginalized groups, and for creating a society that is sensitive to their needs.

The MWCA which had hitherto been a Cabinet Ministerial Portfolio, was merged with the Ministry of Education along with pre-schools and primary education, school infrastructure and education services and relegated to a State Ministerial Portfolio by the new government by Gazette Extraordinary No.2194/74.

While the relevant Gazette notification has listed fourteen priority areas which are under the remit of the new State Ministry, only four are women and children specific. i.e.

1. Implementing a programme to ensure the security of women
2. Providing relief to rural women affected by unregulated micro finance schemes
3. Implementing permanent programme to provide protection and minimize adversities to persons subject to regular vulnerabilities, especially women and children
4. Establishing a methodology to provide women with the necessary knowledge, skills and time to give birth to a healthy child, to look after their children with motherly care and to guide their children .[[140]](#footnote-140)

The inevitable consequence of abolishing the Cabinet Ministry would be the restriction of funding and other resources, thereby creating logistical problems and trivializing the long-standing issues pertaining to the welfare of women and children.

Sri Lanka Women’s Bureau, National Committee on Women, Department of Probation and Child Care Services, National Child Protection Authority and the Children’s Secretariat are the departments and statutory institutions which come under the purview of the MWCA.[[141]](#footnote-141) The key responsibilities of the MWCA include, formulation, monitoring, implementation and evaluation of policies and projects pertaining to, advancement of women’s quality of life, women’s participation and representation in the sphere of decision making in public affairs and politics, empowerment of women affected by conflict and poverty, prevention of women and child abuse, empowerment of female-headed households, accomplishment of Millennium Development Goals, early childhood care and development, and the implementation of the Women’s Charter.[[142]](#footnote-142)

**Ministry of Justice and Prison Reforms**

The Ministry of Justice and Prison Reforms is a key Cabinet Ministry entrusted with the efficient functioning of the justice system, introduction of law reforms in keeping with global advancements and the aspirations of the people, and the administration of prisons.[[143]](#footnote-143) To this end, the MOJ formulates and implements various policies, plans and programmes throughout the year. The MOJ also undertakes criminal prosecutions and civil proceedings on behalf of the government, tenders legal advice to the government and to all governmental departments, drafts legislation, makes recommendations to grant pardons, commutations, remissions, respites and suspensions in relation to sentences passed on any offender, prepares legal glossaries, documents and consolidates law, and publishes law reports.[[144]](#footnote-144)

The departments which come under the purview of the MOJ are, the Attorney General’s Department, the Department of Law Commission, Registry of the Supreme Court, Department of Community Based Corrections, Department of Prisons, Legal Draftsman’s Department, Department of Public Trustee, Department of Debt Conciliation Board and the Government Analyst Department. The institutions which come under the purview of the MOJ are, the Legal Aid Commission, Superior Courts Complex Board of Management, International Arbitration Centre (Guarantee) Ltd., Mediation Boards Commission, Sri Lanka Judges Institute, Training Institute for Non-Judicial Officers, Commercial Mediation Centre of Sri Lanka, National Authority for the Protection of Victims and Witnesses of Crime, Quazi Courts, Quazi Board of Appeal and the Office of the Secretary Labour Tribunals.[[145]](#footnote-145)

**Annex Five**

**Terms of Reference**

**Mid-Term Evaluation cum Strategic Direction Setting of UNDP’s Portfolio on SDG 16+- Peace, Justice and Strong Institutions**

Assignment: Mid-term Evaluation for Pillar 1 and 2 of the SDG 16+ portfolio on Peace, Justice and Strong Institutions.

Reports to: UNDP Regional Advisor – Access to Justice and Rule of Law

Type of Contract: Individual Contract

Application Deadline:   31st August 2020

Language(s) Required: English

**1. Background and Context.**

In line with the Sustainable Development Goals (SDGs), United Nations Sustainable Development Framework (UNSDF) and UNDP’s Country Programme Document (CPD), UNDP has developed a Portfolio, (for the duration 2019-2022) prioritizing SDG 16 – Peace, Justice and Strong Institutions, to implement its Governance and Peacebuilding projects, and to ensure a cohesive approach across multiple projects working towards achieving this common goal. The Portfolio aims to address governance deficits and strengthen the effectiveness of key institutions to deliver people-centered services. It also aims to build the space, capacity and trust for excluded and vulnerable groups to participate and inform policy- and decision-making, so that it meets their specific needs and interests.

The portfolio is being implemented under three main thematic pillars; namely 1. Legislative and Oversight Commissions, 2. Access to Justice and Rule of Law and 3. Accountable and Effective Service Delivery, with the common objectives of upholding the rights of excluded and vulnerable groups, and strengthening inclusive service delivery to bridge the gap between the state and its citizens. Under the first service line, the portfolio is supporting Parliament, the Human Rights Commission (HRC), National Police Commission (NPC) and Right to Information Commission (RTIC) to enhance service delivery and outreach, while service line two of the portfolio is contributing to improving the ability of justice sector institutions to deliver people-centered services. Service line three is contributing to improve the ability of the public sector and local governments to provide equitable and effective services to citizens across the country. strengthen service delivery and bridge gap between government/state and citizens. These three service lines are linked with the Country Programme Document (CPD), which is jointly endorsed by the Sri Lankan Government and UNDP.

Since the formal inception of the Portfolio in 2019, Sri Lanka has undergone many contextual changes both on the political as well as socio-economic fronts. The April terror attacks in 2019 have put strain on inter-communal relations and social cohesion. Most recently, the COVID-19 pandemic crisis and resulting limitations, have unfolded in a period when Parliament has also been dissolved beyond the constitutionally permissible timeframe, thereby further exacerbating the democratic functioning of key Governance institutions including the Executive, Legislative and Judiciary. The economy of the country has also suffered and is expected to experience negative growth in the year 2020, with the poorest and most marginalized households most impacted by the economic downturn, increasing their vulnerability to falling back into a poverty trap.

In this context UNDP, in consultation with national and international partners, has taken immediate measures to reprogramme funding to respond to the COVID1-9 context. Some examples include the digitalization of courts to facilitate remote hearings, increasing connectivity at the district level to promote business continuity, procurement of medical supplies to support local governments respond to the pandemic.

Given the changed context, UNDP Sri Lanka has planned to evaluate its Portfolio in order to strategically assess the results achieved under the Portfolio over 2019-2020, against the current country context using evidence-based information to analyze relevance, effectiveness, efficiency, impact and sustainability in order to generate timely findings, lessons learned and importantly, thematic-specific recommendations which will inform strategic re-alignments that UNDP makes to the Portfolio to align and contribute to the new government priorities and corresponding state architecture for the remaining duration of Sri Lanka’s Country Programme and UN Sustainable Development Framework until 2022.

**2. Purpose of the Mid-term Evaluation cum Strategic Direction Setting**

While an evaluation of the Portfolio is mandatorily required at the mid-term of implementation, UNDP has decided to advance the evaluation to 2020 given the very rapid country context changes. An ultimate purpose of the proposed exercise is to identify best practices and achievements to-date which the Portfolio should continue to build on, in-line with strategic country requirements and Government priorities. Covering the portfolio progress from January 2019 to August 2020, the mid-term evaluation cum strategic direction setting exercise will assess progress towards output-level objectives vis-a-vis relevance, effectiveness, efficiency, impact and sustainability of results achieved so-far. Secondly, it will also identify strategic and subject-specific recommendations under each of the three thematic pillars where re-alignment is required in-line with the new normal COVID-19 context, and the changed socio-economic and political situation of Sri Lanka. The evaluation scope and methodology will be further finalized at the inception stage with stakeholder consultations and following an evaluability assessment.

**3. Evaluation criteria and key questions.**

The Mid Term Evaluation cum Strategic Direction Setting shall be guided by the following quality criteria and key questions as per UNDP corporate guidance:

1. **Strategic:**
   1. To what extent is the support provided through the Portfolio helping Sri Lanka to achieve commitments under SDG 16? Are there any other SDGs to which the Portfolio’s achievements are significantly contributing? What improvements to the Portfolio design are needed to ensure better alignment with national SDG commitments, especially under SDG 16?
   2. Within a new political and institutional context which is coping with an ongoing pandemic, what changes are required to the Portfolio’s Theory of Change and key assumptions? What strategic new opportunities relevant to the three pillar areas have arisen to which UNDP should consider responding through the Portfolio?
   3. How strategic has UNDP’s approach been to achieve planned results under each of the Pillar areas vis-à-vis other development partners?
2. **Relevance:**
   1. To what extent were the strategies adopted and achievements under each of the three pillars relevant to national and local contexts, needs and priorities?
   2. What strategic re-alignments are required under reach of the thematic pillars, in terms of work already on-going /work that needs to be under-taken, to equip UNDP to better meet the needs on the ground in the changed country context given the new normal COVID situation and the socio-economic-political changes? Recommendations should take into consideration linked initiatives by Government and other development partners.
   3. To what extent has analysis of cross cutting themes such as climate change & environment, women’s rights and gender equality, human rights, and anti-corruption informed ongoing work under the three pillars and what changes are required to improve their mainstreaming across the pillars?

**Effectiveness:**

* 1. To what extent did the Portfolio reach out to the targeted beneficiaries and reach planned results, under each of the three pillar areas?
  2. How far have output level objectives been achieved? A rating scale is to be provided at out-put level to measure this.
  3. How effective has the partner-selection process been under each pillar area to achieve planned results?
  4. Propose any adjustments in the portfolio necessary to enhance the effectiveness of partnerships forged and results achieved;
  5. Has the portfolio approach enabled the CO to promote integrated approached across the three governance pillars and with other thematic areas of the CO including climate and environment as well as partnerships and engagement;

1. **Efficiency:** the extent to which the Portfolio was efficiently managed, implemented and has delivered cost-efficient results
   1. Has the Portfolio used the most-effective methods to achieve the planned results under each of the three pillar areas? What changes are needed?
   2. What examples are available of best practices in cost-efficiency, and what improvements are needed?
   3. Have sufficient financial and human resources been allocated under each of the pillar areas to facilitate planned results? What changes are needed to enhance the efficiency of the portfolio?
2. **Impact:**
   1. To what extent are the out-put level achievements so far in-line with the outcome level-results planned under each of the pillar areas? What changes, if any, need to be made to ensure this?
   2. Were there any positive or negative impacts observed so far? To what extent have vulnerable groups (including female headed households and people with disabilities) been positively or negatively impacted by work undertaken under the three pillars?
   3. What strategic changes/re-alignment are required to achieve high-level results under the three pillar areas moving forwards? What new partnerships need to be explored?
3. **Sustainability: and National Ownership**:
   1. What key national institutional capacities have been strengthened and what strong partnerships/networks have been established under each of the pillar areas to ensure continuity of results beyond the life-span of the Portfolio?
   2. What are the immediate/long term risks which may prevent the project from sustaining planned results under each of the three pillar areas?
   3. What measures need to taken (including establishing altenative strategic partnerships ) in order to overcome the above mentioned risks, and achieve improved long-term sustainability?
   4. **Management and Monitoring:** effective are the Governance and management arrangements of the Portfolio? Is the Project Board providing the required quality assurance and oversight of implementation decision-making?
   5. How effective are the Portfolio’s results framework, monitoring and reporting plans and other monitoring mechanisms in regularly measuring change?
   6. Are gender-responsive changes and sex-disaggregated indicators being measured across the three pillars?
4. Propose any modifications
   1. How
   2. to the management and management arrangements to ensure achievement of higher quality results;

**4. Methodology.**

The evaluation should be conducted in-line with the principles outlined in the United Nations Evaluation Group (UNEG) “Ethical Guidelines for Evaluations.”[[146]](#footnote-146) The rationale behind key methodological decisions, including sample selection and data collection tool development and administration, and their limitations (including an analysis of how such limitations would affect key findings and conclusions) should be systematically elaborated in the proposed evaluation methodology. To ensure accuracy and credibility of the findings, data should be triangulated as far as possible with the use of multiple primary and secondary data collection methods and sources, including but not limited to desk reviews, document analysis, key informant interviews /focus group discussions with rights-holders and thematic experts (these could be conducted virtually subject to the country context exigencies) and case studies. The methodology should outline the strategies to answer the evaluation criteria and key questions above, including proposed strategies to assess gender related aspects.

**5. Key Deliverables**

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| **Key deliverables** | **Details of expected deliverables** | **Percentage of total contract** | **Indicative Timeframe** |
| 1. Consolidated Inception Report | The Inception Report should include a Rapid Evaluability Assessment (REA), and should be carried out following preliminary discussions with UNDP as well as relevant desk review of documentation available. The scope covered, final methodological choices in the context of the COVID-19 crisis, evaluation schedule, and data collection plan and draft tools (questionnaires/surveys/interview questions etc.) should be included in the Report. The inception report should be developed and consolidated with the report provided by the independent consultant assigned to evaluate Pillar 3 of the portfolio. | 25% | TBD |
| 2. Presentation of Preliminary Findings | Following data collection and analysis, a consolidated presentation of preliminary findings is to be conducted together with the Consultant assigned for Pillar 3 for feedback and approval from UNDP and other relevant stakeholders. | 25% | TBD |
| 3. Consolidated Draft Evaluation Report and Evaluation Brief | A consolidated draft Report (including the strategic recommendations for the portfolio recalibration) to be submitted for review and feedback. A draft Two-Page brief summarizing evaluation findings and recommendations should also be submitted. The consultant to work in close collaboration with the Consultant assigned to Pillar 3 in consolidating the draft evaluation report | 20% | TBD |
| 4. Consolidated Final Evaluation Report | The consolidated final Report incorporating all feedback received from UNDP is to be submitted. The Report is considered final upon confirmation of approval from the Evaluation Manager. | 20% | TBD |
| 5. Presentation of Findings | A presentation of final findings is to be conducted together with the consultant assigned to evaluate the pillar 3 of the portfolio as a knowledge dissemination/learning event to UNDP and relevant stakeholders. | 10% | TBD |

**6. Evaluation ethics.**

The evaluation consultant should have both personal and professional integrity and abide by the [UNEG Ethical Guidelines](http://www.unevaluation.org/document/detail/102) for evaluation and the [UNEG Code of Conduct for Evaluation in the UN system](http://www.unevaluation.org/document/detail/100) to ensure that the rights of individuals involved in the evaluation are respected. The evaluator must act with cultural sensitivity and pay attention to protocols, codes and recommendations that may be relevant to their interactions with women. As part of the Inception Report, the evaluator will develop a specific protocol for the conduct of the evaluation and data collection in line with respecting do no harm, diversity and gender equality. All data collected through the evaluation is property of UNDP and must be provided to the organization, if requested, in a word format. The evaluator must explicitly declare their independence from any organizations that have been involved in implementing any aspect of the SDG 16 portfolio

**7. Management and Implementation Arrangements.**

The Mid-term evaluation cum Strategic Direction setting exercise will be facilitated by UNDP. The focal point for leading this evaluation from UNDP will be the designated representative of the Resident/Deputy Resident Representative. Two stakeholder groups – Evaluation Management (EMG) and Evaluation Reference (ERG) – will be established and engaged systematically at key milestones of the evaluation process to facilitate the conduct of a transparent and participatory evaluation.

Key donors and partners shall be invited to the presentation of preliminary findings, and their feedback shall be incorporated into the final inception report. The inception and finals report will be finally approved by the Resident/Deputy Resident Representative.

**8. Duration of Assignment**

The contract will be supervised and financed by UNDP. Considering the ongoing COVID-19 crises, the contract duration and requirements may change based on the measures imposed by the government, which may further impact data collection by restricting access to district beneficiaries and stakeholders. The evaluator must demonstrate flexibility given such shifting conditions.

**9. Evaluation Consultant and required competencies.**

The independent Individual Consultant is required to evaluate the Pillar 1 (Legislative and Oversight Commissions) and Pillar 2 (Access to Justice and Rule of Law) using the stipulated evaluation criteria. The consultant is required to work in close collaboration with the independent Individual Consultant assigned to evaluate the Pillar 3 (Accountable and Efficient Service Deliver)y of the portfolio

Given that subject-specific knowledge under Pillar 1 and Pillar 2 is required, the consultant would need to demonstrate strong technical knowledge and expertise in the areas specified. Additionally, the consultant should demonstrate expertise in monitoring, evaluation, statistical analysis, and communication of data, with proven experience conducting research, evaluation and complex data gathering as well as experience working with institutions specific to pillars 1 and 2.. The consultant should also have a strong understanding of gender equality and sensitivity as well as language capability to produce high quality reports in English and interact comfortably with local audiences

In addition, the following requirements are desirable:

1. Strong networks on the ground with government, parliament, independent institutions justice sector institutions, and civil society partners
2. Substantive experience working on legislative and justice related initiatives in Sri Lanka or in peacebuilding contexts, will be an added advantage.

**Profile of the Consultant**:

The midterm evaluation cum strategic direction setting mission will be led by UNDP’s Regional Advisor on Access to Justice & Rule of Law based at the Regional Hub in Bangkok to whom the Consultant (including the consultant assigned for pillar 3) would report.. A UN advisor and reconciliation specialist based in Sri Lanka will also inform the strategic direction setting of the portfolio Lanka

**REQUIRED QUALIFICATIONS OF the CONSULTANT**

* **Education:**
  + Minimum education of master’s degree in Law or Law related discipline;
  + Qualifications, including specialized trainings or certifications program on evaluation and results-based management;
* **Professional experience:**
  + At least 7 years of experience in designing and leading program evaluation on Legislative and Justice sector in a peacebuilding context, including with programming in relation to gender equality,
  + Experience in conducting and managing evaluations of projects in Sri Lanka and/or South Asia highly desirable;
  + Proven knowledge and understanding of M&E methodologies, including qualitative and quantitative data analysis skills and participatory data collection approaches;
  + Proven ability to produce high-quality reports and manage diverse perspectives in communications and consultations with relevant stakeholders and beneficiaries;
  + Knowledge of national and local justice and governance systems and legal and policy frameworks and previous experience engaging with UN agencies, donors and high-level government stakeholders, law enforcement, and CSOs are preferred;
  + Demonstrated capacity to work as a team;
  + Excellent written and spoken English and representational capacities;
  + Fluency in either of the national languages Sinhala or Tamil.

1. **SUBMISSION OF APPLICATION AND DEADLINE**

Interested candidates are requested to submit an electronic application containing the items listed below to [consultants.lk@undp.org](mailto:consultants.lk@undp.org) no later than **31 August 2020**. The financial proposal should provide professional fees as a lump sum amount for each deliverable, as well as travel-related costs. The submission package should include:

* + Cover letter outlining relevant experience (s)
  + Curriculum Vitae
  + Proposed preliminary evaluation methodology based on the criteria and context noted above.
  + Financial proposal specifying proposed fee based on each deliverable, and travel-related costs\* as per the following template:

**Required corporate competencies of consultancy:**

* Comprehensive knowledge on the UN’s norms and standards; and human rights-based approach.
* Demonstrates integrity by modeling the UN’s values and ethical standards.
* Displays cultural, gender, religious, race, nationality and age sensitivity and adaptability.
* Fulfills all obligations to gender sensitivity and zero tolerance for sexual harassment.

**FINANCIAL PROPOSAL**

All Inclusive Lump Sum Fee: LKR (\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

Amount in words:  (LKR\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_)

Note: Payments will be based on invoices on the achievement of agreed milestones, i.e. upon delivery of the services specified in the TOR and certification of acceptance by the UNDP. The applicant must factor in all possible costs in his/her “*All-Inclusive Lump Sum Fee*” including his/her consultancy and professional fee, travel (economy class flights is required to and from the Duty Station) honorarium, board and lodging, and any other foreseeable costs in this exercise. No costs other than what has been indicated in the financial proposal will be paid or reimbursed to the consultant. UNDP will only pay for any unplanned travel outside of this TOR and Duty Station on actual basis and submission of original bills/invoices and prior agreement with UNDP officials. Daily perdium and costs for accommodation/meals/incidental expenses for such travel shall not exceed established local UNDP DSA rates.

For an Individual Contractor who is 65 years of age or older, and on an assignment requiring travel, be it to arrive at the duty station or as an essential duty required travel under the TOR, a full medical examination and statement of fitness to work must be provided.  Such medical examination costs must be factored into the financial proposal above. A medical examination is not a requirement for individuals on RLA contracts.

**PAYMENT FOR SERVICES**

Payment will be made upon completion of the following milestones verified by the B&HR Specialist

* **Deliverable 1:** Consolidated Inception Report: 25% of the total contract upon the submission of inception report in 2 weeks from the contract starting date.
* **Deliverable 2:** Presentation of Preliminary Findings: 25% of the total contract value upon completion of the presentation of preliminary findings of the evaluation in 4 weeks from the contract starting date.
* **Deliverable 3**: Consolidated Draft Evaluation Report and Evaluation Brief: 20% of the total contract value upon submission of the consolidated draft evaluation report in 6 weeks from the contract starting date.
* **Deliverable 4**:  Consolidated Final Evaluation Report: 20% of the total contract value upon submission of the Consolidated final Evaluation report in 8 weeks from the contract starting date
* **Deliverable 5**: Presentation of Findings: 10% of the total contract value upon completion of the final collective presentation on findings in 9 weeks from the contract starting date.

***UNDP is committed to achieving diversity within its workplace, and encourages all qualified applicants, irrespective of gender, nationality, disabilities, sexual orientation, culture, religious and ethnic backgrounds to apply. All applications will be treated in the strictest confidence.***

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1. See Annex One: Approved Inception Evaluation Report for more information on Methodology and Limitations [↑](#footnote-ref-1)
2. SDG 16 encapsulates twelve targets which aim at reducing violence, abuse, exploitation and corruption; promoting rule of law and access to justice; curbing illicit financial and arms flows; developing transparency, inclusivity and responsiveness in institutions at all levels; ensuring public access to information; and providing a legal identity for all. https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKEwipwuD\_vIftAhWEaCsKHbacBCEQFjAAegQIAhAC&url=https%3A%2F%2Fwww.un.org%2Fruleoflaw%2Fsdg-16%2F&usg=AOvVaw1haXg5GvmqJeHnAoj0g1mx> [↑](#footnote-ref-2)
3. The MTE will also inform the next generation of the Country Programme Document 2023-2027 [↑](#footnote-ref-3)
4. Goal 1: No Poverty; Goal 2: Zero Hunger; Goal 3: Good Health and Well-Being; Goal 4: Quality Education; Goal 5: Gender Equality; Goal 6: Clean Water; Goal 7: Affordable and Clean Energy; Goal 8: Decent Work and Economic Growth; Goal 9: Industry, Innovation and Infrastructure; Goal 10: Reduces Inequalities; Goal 11: Sustainable Cities and Communities; Goal 12: Responsible Consumption and Production; Goal 13: Climate Action; Goal 14: Life Below Water; Goal 15: Life on Land. https://sdgs.un.org/goals [↑](#footnote-ref-4)
5. This included the establishment of a dedicated Ministry, establishing a Parliamentary Select Committee on SDGs and the enactment of the Sustainable Development Act No. 19 of 2017 to provide the legal framework for implementing the SDGs. There were also efforts to align the country’s policy and budget frameworks with the SDGs, through the country’s strategic development framework and the ‘Blue Green’ Budget of 2018. Furthermore in 2018 Sri Lanka underwent a Voluntary National Review (VNR) on the status of implementation through a multi stakeholder process to identify trends, gaps and challenges. [↑](#footnote-ref-5)
6. In response to limited implementation, the Human Rights Council (HRC) has since adopted a further two resolutions: [Resolution 34/1](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/34/L.1) (in March 2017) and [Resolution 40/1](https://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/40/L.1) (in March 2019). The effect of these has been to ‘roll over’ the commitments contained in the original resolution, and to extend the monitoring mandate of the UN High Commissioner for Human Rights. Under the terms of the most recent resolution, the High Commissioner is due to present a [written update](https://www.ohchr.org/EN/HRBodies/HRC/RegularSessions/Session43/Pages/ListReports.aspx) to the HRC at the 43rd session (in March 2020), as well as a comprehensive report at the 46th session (in March 2021). <https://www.srilankacampaign.org/take-action/keep-the-promise/> [↑](#footnote-ref-6)
7. Mid Trm Review, United Nations Development Programme, Country Programme Document 2016, at page 12 [↑](#footnote-ref-7)
8. In the Sri Lankan context, UNDP regards particular groups of women, youth and ethnic, caste and class-based minorities; those affected by human conflict, climate change and natural disasters; the urban and rural poor; the disabled; people living with communicable diseases; and those with these intersecting identities; as traditionally excluded and vulnerable groups, among other more issue and location specific groups. UNDP Sri Lanka Flagship Portfolio on SDG 16 on Peace, Justice and Strong Institutions, 2019 [↑](#footnote-ref-8)
9. Human Rights and Human Rights Based Approaches (HRBA), Gender Equality and Women’s Empowerment (GEWE), Youth empowerment, Innovation, Capacity Development, Conflict sensitivity, Quality data and data management [↑](#footnote-ref-9)
10. UNDP Sri Lanka Flagship Portfolio on SDG 16 on Peace, Justice and Strong Institutions 2019, 10. [↑](#footnote-ref-10)
11. Gender Inequality Index places Sri Lanka at 80/160 countries in 2018, largely due to low female political representation and labour force participation. Despite equal access to all levels of education, women continue to face barriers in the employment sector. The majority of Sri Lankan women are employed in plantations, free trade zones, stereotypical jobs and foreign employment. There are also mobility restrictions imposed by cultural beliefs and social norms [↑](#footnote-ref-11)
12. The strategy aims to address governance deficits and strengthen the effectiveness of key institutions to deliver people-centred services. It was also expected to build space, capacity and trust for excluded and vulnerable groups, to actively participate and inform policy and decision making to meet their specific needs and interest. [↑](#footnote-ref-12)
13. To reduce inequalities governance institutions must develop more inclusive, equitable, evidenced based policies and programmes. [↑](#footnote-ref-13)
14. To build trust in public institutions, the quality of governance must be imporved to ensure effective service delivery and inclusive, responsive and accountable governance. [↑](#footnote-ref-14)
15. Mid Term Review, United Nations Development Programme, Country Programme Document 2016 [↑](#footnote-ref-15)
16. Mid Term Review, United Nations Development Programme, Country Programme Document 2016, 12-13. [↑](#footnote-ref-16)
17. The 10 priorities included Priority to National Security; Friendly, Non-Aligned Foreign Policy; An administration free from corruption; New Constitution that fulfils the people’s wishes; Productive Citizenry and a vibrant Human Resource; People Centric Economic Development; Technology Based Society; Development of Physical Resources; Sustainable Environment Management; Disciplined, Law Abiding and Values based Society. <https://gota.lk/sri-lanka-podujana-peramuna-manifesto-english.pdf> accessed 10 December 2020 [↑](#footnote-ref-17)
18. <http://www.doc.gov.lk/images/pdf/NationalPolicyframeworkEN/FinalDovVer02-English.pdf> accessed 10 December 2020 [↑](#footnote-ref-18)
19. ‘Update: Sri Lankan Government to Withdraw from Co-Sponsoring UNHRC Resolution 30/1’ *News First* (19 February 2020) <https://www.newsfirst.lk/2020/02/19/sri-lanka-government-to-withdraw-from-co-sponsoring-unhrc-resolution-30-1/> accessed 12th December 2020 [↑](#footnote-ref-19)
20. ‘Sri Lanka: Withdrawal from UN commitments requires robust response by Human Rights Council’ *Amnesty International* (27 February 2020)

    <https://www.amnesty.org/en/latest/news/2020/02/sri-lanka-withdrawal-from-un-commitments-requires-robust-response-by-human-rights-council/> accessed 12th December 2020 [↑](#footnote-ref-20)
21. https://www.ohchr.org/EN/HRBodies/HRC/Pages/NewsDetail.aspx?NewsID=26938&LangID=E [↑](#footnote-ref-21)
22. Presidential Task Force to build a Secure Country, Disciplined, Virtuous and Lawful Society (established by Gazette Extraordinary no. 2178/18) dated 2nd June 2020.

    Presidential Task Force for Archaeological Heritage Management in the Eastern Province (established by Gazette Extraordinary no. 2178/17) dated 2nd June 2020 [↑](#footnote-ref-22)
23. Appointment of a committee to review all cases completed or yet to be completed by the Commission to Investigate Allegations of Bribery and Corruption (CIABOC), the Financial Crimes investigation Division (FCID) and the Special Investigations Unit (SIU) of the Police by Gazette Extraordinary Notification No. 2157/44. If it is determined that the probes were politically motivated, suitable compensation or relief will be offered to the victims.

    Establishment of a Special Presidential Commission of Inquiry (SPCOI), under the SPCOI Law No 7 of 1978 to investigate government officials who had conducted ‘witch hunts’ of other public officials during the time of the Sirisena-Wickremesinghe coalition.  [↑](#footnote-ref-23)
24. ‘Presidential Task Force appointed to build a “secure country and a disciplined, virtuos and lawful society”’’ *News Wire* (3 June 2020)< <http://www.newswire.lk/2020/06/03/presidential-task-force-appointed-to-build-a-secure-country-and-a-disciplined-virtuous-and-lawful-society/>> accessed 12th December 2020 [↑](#footnote-ref-24)
25. V Mid Term Review, United Nations Development Programme, Country Programme Document 2016 [↑](#footnote-ref-25)
26. Rajapaksa acknowledged the importance of.  Gotabaya Rajapaksa addresses the nation after being ceremoniously sworn in as the 7th Executive President yesterday at the historic Ruwanweliseya in Anuradhapura - Pic by Chamila Karunarathne, the policy statement made by His Excellency Gotabaya Rajapaksa, President of the Democratic Socialist Republic of Sri Lanka at the inauguration of the Fourth Session of the 8th Parliament of Sri Lanka. [↑](#footnote-ref-26)
27. <https://www.un.int/srilanka/news/statement-made-hon-dinesh-gunawardena-foreign-minister-sri-lanka-44th-annual-meeting-ministers> [↑](#footnote-ref-27)
28. Article 12 of the Twentieth Amendment to the Constitution [↑](#footnote-ref-28)
29. Vulnerable groups are defined by the Portfolio strategy and rationale as women, youth, ethnic, class, caste-based minorities, groups affected by human conflict, climate change and natural disasters, the urban and rural poor, the disabled, people living with communicable diseases and groups with intersecting identities as traditional, excluded and vulnerable groups and among other issues and location groups. REPEATED [↑](#footnote-ref-29)
30. Goal 16. Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

    *Status of Sustainable Development Goals Indicators in Sri Lanka: 2017*’ (Department of Census and Statistics, 2017) [↑](#footnote-ref-30)
31. More specifically, 16.5 Substantially reduce corruption and bribery in all their forms, 16.6 Develop effective, accountable and transparent institutions at all levels, 16.7 Ensure responsive, inclusive, participatory and representative decision-making at all levels , 16.8 Broaden and strengthen the participation of developing countries in the institutions of global governance, 16.9 By 2030, provide legal identity for all, including birth registration , 16.10 Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements , 16.a Strengthen relevant national institutions, including through international cooperation, for building capacity at all levels, in particular in developing countries, to prevent violence and combat terrorism and crime 16.b Promote and enforce non-discriminatory laws and policies for sustainable development.

    ‘Sustainable Development Goals’ (United Nations) <https://www.un.org/ruleoflaw/sdg-16/#:~:text=Goal%2016%20Targets&text=End%20abuse%2C%20exploitation%2C%20trafficking%20and,access%20to%20justice%20for%20all.> accessed 10th December 2020 [↑](#footnote-ref-31)
32. Report on Sustainable Sri Lanka 2030 Vision and Strategic Path (Presidential Secretariat, January 2019) <http://www.presidentsoffice.gov.lk/wp-content/uploads/2019/05/Final-v2.4-Typeset-MM-v12F-Cov3.pdf> accessed 10th December 2020 [↑](#footnote-ref-32)
33. Nineteenth Amendment to the Constitution of Sri Lanka <https://www.parliament.lk/uploads/acts/gbills/english/5974.pdf> [↑](#footnote-ref-33)
34. <https://www.veriteresearch.org/2017/01/08/71-out-of-100-yahapalanayas-100-day-programme-in-retrospect/ [↑](#footnote-ref-34)
35. [↑](#footnote-ref-35)
36. The PDAP in its goal highlighted the constitutional ideal of parliament as the repository of the legislative power of the people and its role as overseer of inclusive, accountable and responsive governance, national reconciliation and sustainable development recognizing the aspirations of the people and the Global Development Agenda 2030. [↑](#footnote-ref-36)
37. An Advisory Board consisting of Speaker, Secretary General, cross bench of Members of Parliament and Development Partner Agencies were formed to implement and give strategic direction for the work plan. A Project Board co-chaired by Secretary General and UNDP Resident Representative was formed to discuss progress, challenges and opportunities to report to Advisory Board. [↑](#footnote-ref-37)
38. Human Rights and Human Rights Based Approaches (HRBA), Gender Equality and Women’s Empowerment (GEWE), Youth empowerment, Innovation, Capacity Development, Conflict sensitivity, Quality data and data management, Anti-corruption, Climate Change. [↑](#footnote-ref-38)
39. The Maithrimeter on manthri.lk, a Parliamentary monitoring initiative by Verité Research, created a weighted system to measure the progress made under the 100-Day Programme, scoring ‘100 days out of 100’. While scoring less than 50 at the 100-day mark, many promises such as the passage of ‘RTI’ Act were eventually fulfilled, increasing the total score to 71. This is in part because some promises, including the campaign’s central promise of abolishing the EP (addressed in part through the 19th Amendment to the Constitution), remain within the ongoing Constitutional reform process. However, two key promises- the National Audit Bill and the Ethical Code of Conduct (ECoC) are notable delays. See http://www.manthri.lk/en/maithrimeter [↑](#footnote-ref-39)
40. Traditionally, access to committee proceedings of the Parliament of Sri Lanka is restricted. However, public access to key information through which public institutions are held accountable was enhanced through provision of broadcasting equipment to enable COPA to conduct live sessions in August 2019. COPA is one of the most active committees and through support for live broadcasting COPA has provided the public with greater insight into public expenditure and a key tool to assess the financial discipline of the Government, Ministries, Departments, Provincial Councils and Local Authorities. Consultative Assessment of The Eighth Parliament and Development Priorities for The Ninth Parliament. [↑](#footnote-ref-40)
41. See page 31 of MTE for discussion of Impact of Outputs 1.1. and 1.2. [↑](#footnote-ref-41)
42. The Consultative Assessment on Strengthening the Core Functions of Parliament and the formulation of a draft Parliamentary Development Action Plan (2020-2022) [↑](#footnote-ref-42)
43. Mid Term Review, United Nations Development Programme, Country Programme Document 2016, Verite Research [↑](#footnote-ref-43)
44. The Committee on Public Petitions is entrusted with the duty of considering public petitions referred to it under the provisions of Standing Order 30. Where the Committee is of the view that any petition discloses an infringement of a fundamental right or other injustice by a public officer or an officer of a public corporation, local authority or other like institution, it may inquire into such petition or refer such petition to the Parliamentary Commissioner for Administration (Ombudsman) to inquire and report. The Committee thereafter reports to Parliament its opinion on the action to be taken on such petition or report. [↑](#footnote-ref-44)
45. Risk Log, UNDP Sri Lanka Flagship Portfolio on SDG 16 on Peace, Justice and Strong Institutions: Progress Report (December 2018-October 2019) [↑](#footnote-ref-45)
46. For example, if there is no continued political and/or administrative buy-in for a particular activity/output and thereby in-built mechanisms to divert funds to the remaining components as long as alternative activities/outputs will nevertheless contribute substantially to the expected outcomes. [↑](#footnote-ref-46)
47. Joint Sub Committee was formed through a joint decision of the SOC on Health and Human Welfare, Social Empowerment, and the SOC on Sustainable Development and Environment and Natural Resources, at a meeting held in February 2019. [↑](#footnote-ref-47)
48. The 19th Amendment was unanimously adopted by parliament in 2015 and replaced the Parliamentary Council to be re substituted by the CC. The CC strengthened the space and capacity of ICs to discharge their core functions, particularly their powers to inquire, investigate and monitor human rights violations according to their mandate. Further co-sponsorship of the UN Resolution 30/1 and effective role of ICs in implementing and monitoring the National Human Rights Action Plan (NHRAP) 2017-2021, ratification of important international conventions such as the International Convention for the Protection of All Persons from Enforced Disappearance (ICPPED), Convention on the Rights of Persons with Disabilities (CRPD) in 2016 and ratification of the Optional Protocol to the Convention Against Torture (OPCAT), whereby HRC was identified as the national preventative mechanism for the monitoring of detention centres in 2017, was considered. [↑](#footnote-ref-48)
49. The Human Rights Commission apart from its crucial role in the investigation and inquiry into violations of fundamental rights of individual petitioners also performs an important function of vetting armed personnel to be eligible to serve in peacebuilding forces. With the appointment of a new Chairperson and Commission in 2015 subsequent to re-establishment of the CC, greater transparency and independence was availed and in 2018 HRC was re-accredited with ‘A’ status by Global Alliance for National Human Rights Institutions (GANHRI) after a rigorous process of review, ‘A’ status means that the institution is in full compliance with the Paris Principles adopted by the UN General Assembly in 1993. [↑](#footnote-ref-49)
50. Refer to Annex Five [↑](#footnote-ref-50)
51. Human Rights Commission of Sri Lanka Act No. 21 of 1996 [↑](#footnote-ref-51)
52. In response to strengthening Right to Information in Sri Lanka, the ‘Right to Information Guiding Manual’ was recently launched by the Ministry of Mass Media. The manual acts as a guide for Information Officers to implement the Right to Information Act in the country. The manual was developed with technical support from the United Nations Development Programme (UNDP) in Sri Lanka.  Further, as part of UNDPs ongoing support, a pilot project was undertaken to develop an online RTI application tracking system for RTI requests for the Central Environment Authority, with the broader aim of developing a central system accessible by all public institutions. In addition, steps have been taken to restructure the websites of the Vocational Training Authority and the Department of Agrarian Services in accordance with the guidelines and internationally acclaimed standards relating to proactive information disclosure on the Right to Information. [↑](#footnote-ref-52)
53. Mid Term Review 2016 (United Nations Development Programme Country Programme Document 2013-2017) [↑](#footnote-ref-53)
54. Voluntary consultation and observations sought by the Ministry of Foreign Affairs on matters relating to human rights in preparing periodic reports, HRC was also selected as the independent observer to monitor the process, selection of non-government partners for drafting and monitoring and evaluation of the NHRAP in 2016. [↑](#footnote-ref-54)
55. While the Constitutional Council under the 19th Amendment was empowered to recommend individuals for appointment to the independent commissions and to approve the names of individuals recommended by the president to key positions (i.e., attorney general, IGP, judges of appellate courts etc.), 5 under the 20th Amendment, the President is only required to seek the observations of a Parliamentary Council in making such appointments. [↑](#footnote-ref-55)
56. Summary of Changes Under the Proposed 20th Amendment. (Centre for Policy Alternatives, September 2020). [↑](#footnote-ref-56)
57. Currently termed as the State Ministry of Women and Child Development [↑](#footnote-ref-57)
58. The National Action Plan, developed on the vision of creating “a violence free life for women and children” with Zero Tolerance for Sexual and Gender-based Violence in Sri Lanka, is significant as it was formulated using a multi-sectoral approach with engagement from key ministries representing nine sectors. Some of the lead Ministries include the Ministry of Disaster Management, the Ministry of National Policy and Economic Affairs, the Ministry of Education, the Ministry of Skills Development and Vocational Training, University Grants Commission, Ministry of Labour and Trade Union Relations, Ministry of Plantation Industries, Department of *Divineguma*, the Ministry of Foreign Employment, the Ministry of Health, Nutrition and Indigenous Medicine the Ministry of Justice, the Ministry of Parliamentary Affairs and Mass Media, Ministry of Law and Order, Sri Lanka Police and the Ministry of Women and Child Affairs. [↑](#footnote-ref-58)
59. Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015 [↑](#footnote-ref-59)
60. The programmes were targeted at police officers, clinical and forensic officers, BASL and child protection officers and GNs at the divisional level supported by a media campaign using traditional forum art to promote the law. [↑](#footnote-ref-60)
61. Trainings for the judges and the Protection Division of the National Authority for the Victims and Witness Protection could not be conducted as planned due to the current context including Covid 19 [↑](#footnote-ref-61)
62. The pathway provides a forum for all state and non-state actors to meet and identify and address gaps and bottlenecks at the divisional level which feeds into the district level meetings that are connected to the MWCA. [↑](#footnote-ref-62)
63. Cabinet paper to provide Rs. 5000 relief packages for those affected by the Covid 19 pandemic was approved in March and since then the government has provided more than Rs. 7.3 billion (Rs 7355.53 million) to provide relief to the people in the quarantine process to control the Covid-19 virus outbreak. https://covid19.gov.lk/news/general/government-allocates-over-7-3-billion-rupees-in-october-to-provide-relief-to-the-people-during-the-quarantine-process.html  [↑](#footnote-ref-63)
64. The Victims and Witness protection law provides for the provision of Victim Impact Statements to be prepared to enhance protection throughout court proceedings and also to assist the court is computing compensation or issuing aggravated sentencing for perpetrators. [↑](#footnote-ref-64)
65. Gazette Extraordinary Notification No 2194/74 dated 25th September 2020. < http://www.cabinetoffice.gov.lk/cab/images/Downloads/functions\_2020-09-25\_E.pdf> <https://economynext.com/opinion-not-having-a-cabinet-level-ministry-dealing-with-women-and-childrens-needs-is-regressive-73059/> accessed 20th October 2020. [↑](#footnote-ref-65)
66. [UN Guiding Principles on Business and Human Rights](http://www.ohchr.org/Documents/Publications/GuidingPrinciplesBusinessHR_EN.pdf) endorsed by the UN Human Rights Council in June 2011.  In the same resolution, the UN Human Rights Council established the UN Working Group on Business & Human Rights. The UNGP are a set of guidelines for States and companies to prevent, address and remedy human rights abuses committed in business operations. June 2021 will see the 10-year anniversary of the adoption of the UN Guiding Principles on Business & Human Rights (UNGPs) by the UN Human Rights Council. To mark this occasion, the UN Working Group on Business and Human Rights has launched a new project to further drive and scale up implementation of the UNGPs more widely over the next 10 years. <https://www.ohchr.org/documents/publications/guidingprinciplesbusinesshr\_en.pdf> accessed 12December 2020 [↑](#footnote-ref-66)
67. Gender Equality; Decent Work and Economic Growth; Reduced Inequality; Peace, Justice and Strong Institutions; Partnerships to achieve the Goal [↑](#footnote-ref-67)
68. Therefore achieving ‘SDGs will require that States meet their duty to protect human rights from business-related human rights abuses and that businesses meet their corporate responsibility to respect human rights.’ The Working Group on Human Rights issued 10 key recommendations for government and private sector for embedding private sector's contribution to the SDG in June 2017. <https://www.ohchr.org/Documents/Issues/Business/Session18/InfoNoteWGBHR\_SDGRecommendations.pdf> [↑](#footnote-ref-68)
69. Therefore, emphasis on Gender equality (improving skilled labour and providing an opportunity to add value to economy and society by not hindering childcare and migration) and environmental protection (reducing emissions, deforestation, renewable energy, etc.) is a good starting point to assess the viability of the agenda. The high participation of women in the informal sector and the low participation of women in the formal sector and systematic challenges due to discrimination, sexual harassment and hostile working environments, poor conditions of work, low wages, absence of good work life balance and other cultural and social barriers exacerbate the impact of human rights abuses by companies on women. <[https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth#](https://www.mckinsey.com/featured-insights/employment-and-growth/how-advancing-womens-equality-can-add-12-trillion-to-global-growth)> accessed 15December 2020 [↑](#footnote-ref-69)
70. Human rights integration across business operations of the top 50 companies in Sri Lanka: a preliminary scan, RightsBusiness, 2012. See https://media.business-humanrights.org/media/documents/dcf75d3219ec5d7f56e4e4c9e71c8a3aa2925d15.pdf [↑](#footnote-ref-70)
71. Human Rights Due Diligence and COVID-19: Rapid Self-Assessment for Business designed by UNDP in 2020 The C19 Rapid Self-Assessment is offered to companies as a partial but informative view of human rights actions in the specific context of COVID-19. The listed actions are based on relevant provisions of UN Human Rights Treaties, the ILO Fundamental Conventions, and the UNGPs. It is organized to present key actions or considerations along three stages of the COVID-19 crisis period: Prepare, Respond and Recover. [↑](#footnote-ref-71)
72. https://www.undp.org/content/undp/en/home/librarypage/democratic-governance/human-rights-due-diligence-and-covid-19-rapid-self-assessment-for-business.html [↑](#footnote-ref-72)
73. <https://www.ohchr.org/en/issues/business/pages/nationalactionplans.aspx> accessed 16December 2020 [↑](#footnote-ref-73)
74. Establishment/Verification of Baselines and targets for the Results Framework of UNDP Sri Lanka’s Flagship Portfolio on SDG 16, Marga Institute, September 2020 [↑](#footnote-ref-74)
75. For example, if there is no continued political and/or administrative buy-in for a particular activity/output and thereby in-built mechanisms to divert funds to the remaining components as long as alternative activities/outputs will nevertheless contribute substantially to the expected outcomes. [↑](#footnote-ref-75)
76. [↑](#footnote-ref-76)
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