

Quarterly Monitoring Report

Project Title	Technical support to advance Transitional Justice in Sri Lanka		
Countries Covered	Sri Lanka		
Implementer	UNDP		
Planned Start date	8 July 2016	Actual start date	8 July 2016
Planned End date	30 April 2017	Predicted/Actual end date	30 April 2017
Explain any variance in predicted start/end dates	n/a		
Quarter for this report	Second Quarter [1 Oct – 31 Dec 2016]		

Project Purpose

Following the report of the comprehensive investigation on Sri Lanka by the Office of the High Commissioner for Human Rights (A/HRC/30/61) as well as the adoption of the Human Rights Council Resolution entitled "Promoting reconciliation, accountability and human rights in Sri Lanka" co-sponsored by Sri Lanka (A/HRC/30/1) in October 2015, the Government of Sri Lanka embarked on the implementation of its key recommendations and provisions.

Acknowledging that dealing with the past and establishing a new human rights culture is an enormous task that would be a major challenge for any country, the Government requested the support and guidance of the United Nations, so that it can strategically move forward with a nationally owned and victim-centric transitional justice process that addresses the needs of the people of Sri Lanka and advances accountability and reconciliation for all.

Against this background, the overall objective of the project is to strengthen the Government's capabilities to develop a comprehensive transitional justice framework that is victim centric, and lays the ground for the establishment of transitional justice mechanisms that will help reconcile and heal Sri Lankan society.

The project includes support to i) establish a Strategic Consultants Group (SCG) to support the Secretariat for Coordinating Reconciliation Mechanisms (SCRM) with strategic planning and design of transitional justice mechanisms, and ii) conduct a national perceptions survey on peacebuilding that will inform the design of a comprehensive communications and public outreach strategy for the government in support of transitional justice and reconciliation.

The principal Government partner for the interventions under the project is SCRM.

Describe key results and activities during this quarter

During the second quarter of project implementation, the SCG extended technical support towards the design of the Office on Missing Persons (OMP), the Reparations programme and the Truth Seeking Commission whilst continuing to support SCRM with outreach and coordination. At the same time, SCRM and the UN worked together, with the support of an international peacebuilding survey expert and GIS expert, to analyse the findings of the national perceptions survey on peacebuilding.

Strategic Consultants Group: The SCG continued to work closely with SCRM, providing technical support directly to the Technical Working Groups and facilitating SCRM in day to day operations. The Special Rapporteur for the promotion of truth, justice, reparation and guarantees of non-recurrence, Pablo De Greiff continued to engage with the SCG and the UN to guide and steer the overall support to Sri Lanka's transitional justice process, and visited Sri Lanka in November.

With a view towards bolstering the capacity of the SCG, and in particular establishing a sustainable national capacity base, during December SCRM recruited national legal, communications and research consultants to work alongside the international consultants. The placement of the legal and research consultant is supported by the Project. Additionally in January, SCRM plans to bring on board two senior consultants largely focusing on legal and transitional justice issues.

Overall, whilst progress has been made in advancing the plans for the transitional justice mechanisms, it has not been as fast as initially anticipated. Although the OMP Bill was passed by Parliament in August 2016, the appointment of Commissioners has been delayed due to the OMP law having not yet been gazetted. The Technical Working Groups have been working closely with the SCG and SCRM to strengthen linkages between the mechanisms and ensure findings from the consultations on reconciliation mechanisms undertaken by the Consultations Task Force (CTF) are reflected. The Working Groups' recommendations will be finalised during the next quarter following the publication of the report of the CTF on 4 January 2017.

A) Technical Support: During the second quarter of their assignment, whilst continuing to directly support SCRM the consultants were also able to significantly scale up their engagement with, and support to, the Technical Working Groups. The key deliverables were as follows:

1. **Office on Missing Persons (OMP):** The concept note and budget prepared by the SCG for the OMP was included in the national budget submission to Parliament, and resulted in a budget for the OMP being secured for 2017. The SCG also worked with a local legal expert to draft an Aide- Memoire with recommendations relating to the appointment of the OMP Commissioners. The note took into account international best practice and interim Consultation Task Force (CTF) recommendations, suggesting a transparent appointment process with at least 4 of 7 Commissioners being women. SCRM intends to share the Aide-Memoire with the Prime Minister once the OMP law is gazetted, since it is at this point that the Constitutional Council can start the nomination process.
2. **Reparations:** The SCG continued to work on adjustments to the concept note of the Technical Committee on Reparations to incorporate best practices including for a child and gender friendly reparations system as well as other suggestions made by members of the committee. A special annex note was developed on best practices regarding gender and reparations systems. The revised note was unanimously endorsed by the Technical Committee on 18 October. The Technical Committee also

endorsed the SCG proposal to invite members of the CTF to discuss the reparations concept note, however, this is proposed to take place in the next quarter.

The SCG continued to explore victim's views on reparations and the experience of service providers through meetings with key stakeholders including the Office of National Unity and Reconciliation (ONUR), the Centre for Human Rights Development, women members of Zonal Task Forces (which was part of the Consultations process) and The Asia Foundation. The SCG also facilitated briefings for the Technical Committee with the Head of IOM's Global Reparation's Unit and UN Women's expert on gender and reparations.

3. Truth Seeking Commission: Following a period of trust-building, the SCG had its first full, substantive meeting with the Working Group on 3 November. The SCG observed that the initial design was a solid one, with strong links to other planned mechanisms, including justice. Extensive discussions were held on substantive issues relating to the temporal limitation of the Commission, the definition of the violations covered and the Commission structure. The Working Group members provided positive feedback on the meeting and requested a follow up meeting to discuss other technical questions once the CTF report is released.
4. SCRM: As with the first quarter, the SCG has continued to support SCRM with its core functions, in particular those relating to communications, i.e. providing key messaging on transitional justice, and outreach.

The SCG has developed a draft note on transitional justice to support the military dialogue that SCRM will be leading on from January 2017 onwards. The note is entitled, "Dealing with our Past. Ensuring the Peace. Transitional Justice. What is it, why we do it and how we do it"

Drawing on recommendations from an open dialogue session with civil society, the SCG has also supported SCRM to plan for a series of dialogues on transitional justice for youth in different parts of the country. These initiatives form part of a wider strategy that also includes outreach to other groups such as the military and religious leaders.

The SCG has also provided mentoring to SCRM colleagues, and has developed an induction training programme on transitional justice for the entire SCRM team that will be delivered in January 2017.

Lastly, the SCG has been supporting SCRM and UNICEF to jointly organise a workshop on the participation of children and youth in transitional justice processes that will take place at the end of January. Current plans are for a 1-2 day closed door workshop to be followed by a live-streamed public forum on children and adolescents in transitional justice on 31 January and a briefing by international experts for the diplomatic community on 1 February 2017.

National Peacebuilding Perceptions Survey: The results of the peacebuilding survey, undertaken jointly with SCRM, were analysed during October and November with the support of two international experts; a peacebuilding survey expert and a GIS expert.

The draft report will formally be made available to the Government through SCRM. However, the findings have been shared with the President, Prime Minister, Chairperson of the Office of National Unity and Reconciliation and other key interlocutors. The findings are being used to inform the Government's communication strategy. There is a request from SCRM to see how the UN can support to further analyse some of the issues through focus group discussions to deepen understanding on issues related to violence and power-sharing for example.

Due to potential sensitivities with regard to the data, wider dissemination is taking place through closed door briefings and bilateral discussions. The RCO is also working on several smaller issue focused reports that will be made publically available.

Update on the results framework from the proposal document

Results and Milestones as per project proposal	Progress <i>Achieved / On track / Not achieved / Not on track</i>	R/A/G
Outcome 1 The Government of Sri Lanka adopts a credible and realistic transitional justice framework		
- SCG regular dialogue with Prime Minister's Action Group (PMAG) jointly led by SCRM and RC.	SCRM has regular dialogues with the President and Prime Minister's Office, and SCG informs these dialogues through the Secretary General of SCRM	
- Cabinet approval of the recommended model for truth telling, reparations and judicial mechanisms	On track for April 2017	
Output 1.1 Strategic Consultants Group (SCG) is established to support the SCRM and the PMAG.		
- Two international consultants identified, deployed and workplan for their contract duration developed	Achieved	
- Expert in reparations deployed to support Government with development of a reparations scheme	IOM is providing support to SCRM on reparations through its Global Unit on Reparations and will second an expert to support the SCG. Funding for this element of the project is therefore being re-programmed in consultation with the BHC	
Output 1.2		

A comprehensive transitional justice framework, including a strategy and action plan is prepared		
- Transitional justice framework drafted, informed by national consultations	The SCG is supporting SCRM to develop this by March 2017	
Output 1.3 SCG technical recommendations for truth telling, reparations and accountability inform the mechanisms adopted by PMAG		
- TRC recommendations put forward	As per the workplan the new timeline is February 2017	
- Recommendations on reparations put forward	As per the workplan the new timeline is February 2017	
- Recommendations on justice mechanisms put forward	As per the workplan the new timeline is April 2017	
Output 1.4 Government communications on transitional justice are informed by a national perceptions survey		
- National survey underway	Achieved	
- Results available with SCRM	Final report developed in collaboration with SCRM in November/December and shared with key government interlocuteurs.	

What have you done to manage your Risks in this quarter – please Update your Risk Register, add any NEW risks which have arisen, and show if any risks have been closed			
Risks to the achievement of outcomes	Likelihood of occurrence (high, medium, low)	Severity of risk impact (high, medium, low)	Mitigating Strategy (and Person/Unit responsible)
Political/Strategic			
There is a significant change in the coalition Government or there is a new Government.	Medium	High	The UN will stay in close contact with the British High Commission in assessing the political context and will work with the Government to protect the project work. If the change in the political environment is significant, consideration will be given to terminating the project (see break point analysis below)
National government dynamics make it difficult for the team to deliver on time	Medium	High	The UN will work with key members of the Government to continually build consensus on issues.

			The UN will look at contingency plans should there be a request to extend the time line for the SCG (i.e. funding sources, cost-sharing models etc)
Potential backlash from Government being seen as having their transitional justice strategy influenced and/or driven by international/western powers	Medium	Medium	The UN adopts a measured approach to all engagement, with a lower profile ensured for any partnership in the more politically sensitive areas.
Extreme Sinhala Buddhist nationalist groups boycott the process of consultations on transitional justice and use political influence to obstruct transitional justice agenda	High	High	The UN will work with key members of the Government and political parties to promote ways and means of reaching out to the Sinhala Buddhist community to engage them in consultations on transitional justice. The Government's communication strategy also seeks to reach out specifically to this group, so as to reduce the influence of the more extreme elements.
Extreme Tamil nationalist leaders encourage boycott of constitutional reform and/or transitional justice process	High	High	The UN will work closely with key members of the Tamil community and Government to engage them in consultations on transitional justice. The Government's communication strategy will also include key messaging to the Tamil communities in the north and east to reduce the influence of more extreme elements.
The majority of Tamil victims boycott all transitional justice mechanisms because of a perceived lack of objective, international involvement and a desire to push for a credible accountability mechanism as the most important.	High	High	The UN will work closely with key members of the Tamil community and Government to engage them in consultations on transitional justice. The UN, SCRM and Government leaders will reach out to Tamil communities to encourage them to engage with new transitional justice mechanisms designed in accordance with international best practice and with strong minority participation.
Government approach not credible or in line with international good practice	Medium	Medium	The project approach is designed to ensure government buy-in and prevent this. The UN and BHC will coordinate closely, continuously review progress and, if necessary, make lobbying interventions.
Operational			

National Consultations Taskforce encounter delays with the timeline for consultations extended	(expired)	(expired)	The CTF completed their consultations. The critical factor during the last quarter was the publication of the report, which was handed over to SCRM during the reporting period. The report was published on 4 Jan 2017.
Delays in gazetting the OMP delays the appointment of Commissioners and the planned support towards operationalisation of the Office	Medium	Medium	Advocacy by the UN in close coordination with Member States will be critical for ensuring that the Government remains on track with its plans for establishing mechanisms. The Human Rights Council meeting in March 2017 will provide a further opportunity for advocacy in this area.
One or more expert consultants cut short their consultancies before the work is completed	Low	Low	Deliverable based contracts will be issued, and a verbal commitment secured that aside from an emergency, they will provide their services for the agreed time period.
The Strategic Consultants Group is unable to work effectively with SCRM or other parts of the government.	Low	High	SGC will work closely with SCRM and will signpost any issues as early as possible to the UN and BHC. Progress will be reviewed regularly (at least monthly) and, if necessary, senior level discussions will be held between SCRM, UN and BHC.

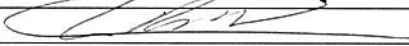
What Lessons have you identified this quarter, and what have you done as a result	
Lesson Identified	Action Taken
The timeline for the transitional justice process is highly dependent on political factors that lie beyond the control of the UN, and the project must remain flexible and have an advocacy strategy in place to respond appropriately	Whilst there have been delays such as the gazetting of the OMP and the publication of the CTF report, the SCG has nevertheless continued to extend support towards the design of the mechanisms, in particular through sharing advice on best practices and facilitating partnerships that can help catalyse implementation once the process is ready to move forward.

Has the level of host/local Government support or engagement changed? If so, how?
The engagement has not changed. The functioning of the SCG remains a high priority for the Government, and SCRM is planning to use the results of the peacebuilding survey to inform its outreach and communications.
Is the project still viable
Yes, the project continues to meet an urgent need and the model of support of the placement of the SCG is working well.
Please give any other relevant information
Priorities for the next quarter include:

1. Working closely with the Technical Working Groups on Reparations and the Truth Seeking Commission to finalise their concept notes factoring in findings from the national consultation process, following the release of the CTF report.
2. Once the OMP law is gazetted, supporting the on-boarding of OMP Commissioners and operationalisation of the office, in terms of best practice ways of working and structuring.
3. Supporting SCRM to finalise its plans for dialogues with the military (in partnership with DPA).
4. Facilitate the SCRM/UNICEF workshop and events on children and youth in transitional justice processes.
5. Discussions with SCRM on developing a comprehensive communications and outreach strategy, including liaison with the UK Communications Mission in January.

In order to respond to current priorities, proposed re-programming:

- Communications Mission from the UK's Government Communications Service (\$30,078).
- 2 national consultants (legal and research) for the SCG (\$7,000).
- Technical support to the GoSL on Counter-Terrorism through (under consideration with the BHC (\$62,000).

Signature	
Name	Lovita Ramguttee
Position	Deputy Country Director
Date	10/01/2017

Please now pass this to the Project Officer in the Post to complete the final section.

Project Officer / Post Comments	
Are you satisfied that this report is a fair and accurate description of progress to date?	Yes / No (delete as appropriate)
What checks have you done on progress this quarter?	Yes / No
Do you believe the Project is still viable?	Yes / No
Is the plan of activities for the next quarter realistic and appropriate?	Yes / No
If the answer to any of these questions is NO, please provide details	

Signature	
Name	
Position	
Post	
Date	