

**UNDP Access to Justice Partners Meeting with Ministry of Justice, Ministry of Women and Child Affairs
and the National Authority for the Protection of Victims of Crimes and Witnesses**

Date: Thursday 20th July 2017
Time: 10.00 am – 11.00 am
Location: FAO Conference hall, UN Compound.

Participants:

GoSL:

Mr. Suhada Gamalath – Chairman, National Authority for the Protection of Victims of Crimes and Witnesses (NAPVCW), Ms. Ashoka Alawatte - Additional Secretary - Development, Ministry of Women and Child Affairs (MWCA), Ms. Sunimali Gunathilake - Development Officer, MWCA.

UNDP:

Ms. Lovita Ramguttee - Deputy Country Director, Ms. Amanthi Wickramasinghe - Programme Analyst, Ms. Nimmi Ariyaratne - Programme Analyst, Ms. Roshini Wickremesinhe - Programme Manager, Ms. Chandrika Karunaratna - Consultant Technical Specialist, Ms. Bimali Ameresekere - Technical Specialist, J. Karunenthira - Project Associate.

Opening Remarks:

- Ms. Lovita Ramguttee welcomed the partners and thanked them for their presence at the meeting.
She explained that the currently envisaged programme stems from the Strengthening Enforcement of Law, Access to Justice and Social Integration (SELAJSI) programme implemented during 2013-2016; and in response to a request by the government of Sri Lanka for further support around access to justice. She further clarified that since the closure of SELAJSI in 2016, UNDP has continued to provide technical advisory support to the Ministries and the NAPVCW, and through this engagement identified some priority activities to support. The purpose of this meeting was to discuss some specific areas of UNDP support covering victim and witness protection and sexual and gender based violence; under the present initiative within the broader theme of access to justice.
- Ms. Ramguttee further explained that as per now, there is a period of 12 months available for completion of this initiative, with UNDP working in close consultation with the relevant partner government institutions. Additionally, she clarified that the contribution places emphasis on the need to strengthen Civil Society capacities and engagement as part of the overall initiative.

- Ms. Chandrika Karunaratna and Ms. Bimali Ameresekere made a brief presentation, explaining the outcomes and outputs, guiding principles, cross cutting issues, management and partnership modalities of the UNDP supported Strengthening Enforcement of Law, Access to Justice & Social Integration Programme; specifically, in relation to the following:
 - a) Access to Justice - Ministry of Justice; support to the Victim & Witness Protection Authority
 - b) Response to Sexual & Gender Based Violence - Ministry of Women and Child Affairs.

Summary of Main Discussion Points:

- Mr. Suhada Gamalath noting that the preliminary review process of the Act governing victim and witness protection is underway, re-iterated the NAPVCW 's request for an international expert, from the United Kingdom cognizant of it being a common-law country, and as such relevant to Sri Lanka. He also expressed the value of studying the excellent deliberations of the Scottish Law Reform Commission on the subject of victim and witness protection, South Africa or any another common-law country with similar experience from which good practices can be drawn for incorporation in to the Sri Lankan law.
- It was agreed by NAPVCW and UNDP that both the comparative study on laws in other countries as well as the review of the existing Sri Lankan Act will benefit from expert consultants. UNDP to explore the possibilities of securing the services of consultants remotely, on a retainer basis as a cost-effective method, as suggested by Mr. Gamalath.
- Mr. Gamalath suggested that following the completion of the preliminary review of the existing Act, a panel of national experts including academics and lawyers be brought on board for further expert feedback.
- Mr. Gamalath suggested and UNDP agreed to recruit several apprentices (ideally young law graduates – from the faculty of law) as researchers to conduct a comparative study on relevant judgements from the UK and other countries, identifying legal principles and best practices which can be incorporated in to the Sri Lankan Act. It was suggested to seek the assistance of Prof Sharya Scharenguivel from the Faculty of Law, University of Colombo, immediately, to identify suitable candidates.
- Mr. Gamalath noted that once the review of the law is completed, there needs to be information dissemination/training on Victim and Witness Protection, tailor-made for specific sectors such as the Police (including the Protection Division), Judges (Magistrates and High Court Judges), and to the new staff members of the NAPVCW who are being recruited. He further shared that in response to requests from the police protection division, 2 training sessions on victim and witness protection will be scheduled without delay.
- Ms. Karunaratna appraised Mr. Gamalath of the need to provide a list of names of all Police officers to be trained, in keeping with the vetting process requirement of the donor (INL), for submission to the US Embassy, and this requirement was agreed to by NAPVCW.

- Mrs. Alawatte mentioned that the MWCA plans to engage with all 9 Provincial Councils to raise awareness on the implementation of the National Plan of Action to address Sexual and Gender Based Violence (SGBV), the Concluding Observations of CEDAW (put forward in March 2017) and input to the National Plan of Action on Female Headed Households which is being formulated at present. It was agreed that MWCA will identify 3 new areas to introduce the referral system in 2017 under UNDP support. At initial discussions at MWCA and with Mrs. Alawatte the possibility of including Jaffna and Kurunegala was mentioned. It was agreed that the Northern Province will be given priority when scheduling awareness programmes, considering the high number of SGBV incidents reported from the North as well as the prevailing conditions resultant from the war which affect many women in the Northern Province.
- Mr. Gamalath offered to facilitate the participation of Districts level legal professionals including Judges (through Judicial Service Commission) to support the MWCA's awareness programmes on the SGBV referral system. As suggested by Ms. Karunaratna, it was agreed that MWCA will also be called upon to conduct a session on SGBV awareness programmes conducted by the NAPVCW on victim and witness protection for relevant stakeholders.
- Mrs. Alawatte, while noting the lack of knowledge of basic legal protections among women's societies in GN divisions, suggested combining the grass-root presence of the MWCA as a support to the NAPVCW in effective dissemination of information on victim and witness protection. It was agreed by MWCA and NAPVCW that the awareness raising component for the Victim and Witness Protection can be done in a more cohesive manner with the NAPVCW and the MWCA working in collaboration. Mr. Gamalath requested MWCA to formulate a plan for the target group that should be reached, the geographical locations and tentative timelines, so that the NAPVCW can take this information into account when planning their overall awareness initiative so as to ensure maximum collaboration with MWCA.
- Mr. Gamalath stressed the importance of a holistic, rights based approach where society is educated on both legal and sociological aspects of SGBV and victim and witness protection, to bridge the lack of knowledge among both victims and perpetrators. Mr. Gamalath further elaborated that such awareness should begin from schools, if we are to bring about effective change.
- Mrs. Alawatte appreciated UNDP's support the implementation of the National Plan of Action to address SGBV, and for supporting to continue the work with the referral systems. She also noted that communication has been sent to the sectoral Ministries and the Treasury to make financial allocations in 2018 for implementation of the plan. She also noted that the Ministry will be having discussions with the Legal Aid Commission, to provide para-legal training for the Ministry field staff.
- Mr. Gamalath thanked UNDP for involving the NAPVCW and for the support it has been providing thus far.
- Ms. Ramguttee requested that the Ministry of Justice be briefed of the discussions which took place; given that they could not make it for the meeting.

Key Decisions and Recommendations:

- A group of apprentices to be selected and recruited to conduct study of victim and witness protection related judgements. (Ms. Karunaratna - UNDP)
- Scope for 1 international expert to be recruited as consultant (Ms. Karunaratna - UNDP)
 - i. From the United Kingdom, for expert input on review of existing law.
 - ii. For comparative study of laws.
- Training programmes for police protection division (at least 2) upon Mr. Gamalath's return from Fiji on 15th September (Ms. Karunaratna – UNDP)
- MWCA to share a road map of the awareness programme with NAPVCW and together identify points of collaboration. (Ms. Ameresekere - UNDP)
- MWCA – initial awareness programme in Jaffna [on the SGBV Referral system] and Anuradhapura [awareness programme for district/ divisional Secretaries and key service providers on the work of the NAPVCW, the Act with the engagement of judges]. (Ms. Ameresekere - UNDP).
- NAPVCW to share list of names of police personnel selected for the training programmes on victim and witness protection with UNDP, to be shared with the US Embassy.
- MWCA and NAPVCW to work in collaboration wherever possible in awareness raising.
- Implementation to begin with immediate effect.
- A review meeting with all partners will be held every quarter, with the next meetings scheduled for October 2017 and December 2017.
