**Project Title:** Support for Sri Lanka to design and implement transitional justice mechanisms: Phase 2

**Recipient UN Organization(s):**
OHCHR, UNDP, IOM, UNICEF, UNWOMEN, UNV

**Implementing Partner(s):** Secretariat for Coordination of the Reconciliation Mechanism, Human Rights Commission, Office on National Unity and Reconciliation, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Women and Children Affairs, other line ministries as required, relevant justice sector and security sector entities, local civil society partners

**Project Description:**
The project will support transitional justice mechanisms to be established and implemented by the Government, with meaningful participation of civil society, in particular victims (groups), and in an inter-linked and mutually reinforcing manner so as to unleash their joint potential to enhance reconciliation and peacebuilding.

**Financing**
Peacebuilding Fund, 1.8 mill USD

**Government Input:**
Other:

**Total Project Cost:**

**Proposed Project Start Date:** 1 February 2017

**Proposed Project End Date:** 31 August 2019

**Total duration (in months):** 31 months

**Gender Marker Score:** Score 2
Score 3 for projects that have gender equality as a principal objective.
Score 2 for projects that have gender equality as a significant objective.
Score 1 for projects that will contribute in some way to gender equality, but not significantly.
Score 0 for projects that are not expected to contribute noticeably to gender equality.

**Priority Plan Outcome to which the project is contributing:**
Outcome 1: Transitional Justice
Transitional justice measures implemented to help reconcile and heal Sri Lankan society

**Project Outcomes:**
Outcome 1: Support in the design of truth-seeking, justice and reparations mechanisms

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1 PRF project duration must be within the approved dates for the Priority Plan (September 2016 – August 2019)
2 PBSO monitors the inclusion of gender equality and women’s empowerment all PBF projects, in line with SC Resolutions 1325, 1888, 1889, 1960 and 2122, and as mandated by the Secretary-General in his Seven-Point Action Plan on Gender Responsive Peacebuilding.
1. Rationale for the project

Following more than 25 years of armed conflict, and subsequent lack of progress in addressing past violations and abuses, in 2015 the Government undertook the commitment to implement a comprehensive transitional justice strategy, based on Human Rights Council resolution 30/1 (co-sponsored by Sri Lanka) and in follow-up to the report of the OHCHR Investigation on Sri Lanka (OISL, A/HRC/30/61). The suggested activities to promote truth, justice, reparations and guarantees of non-recurrence are designed with a preventive perspective, so as to enhance accountability, and contribute to reconciliation and peacebuilding. This follows the joint strategy as agreed by OHCHR, DPA, the RCO, the Peacebuilding Support Office and other UN entities, and upon advice of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.

The General Assembly and Security Council resolutions on ‘sustaining peace’ (A/RES/70/262, S/RES/2282) of April 2016 marked a crucial step towards the development of a more comprehensive approach for peacebuilding, by underscoring Member States’ commitment to strengthening the UN’s ability to prevent the “outbreak, escalation, continuation and recurrence of [violent] conflict,” not only by tackling the immediate symptoms of conflict and/or repression, but also the root causes and systemic structures that enable conflict, violations and abuses in the first place. Based upon the resolutions, which specifically highlight that a comprehensive and inclusive approach to transitional justice is necessary to prevent countries from (re-)lapsing into conflict, the activities as devised in this PPP are an integral component of conflict prevention and hence peacebuilding.

The Government of Sri Lanka has committed to the design and implementation of a comprehensive transitional justice approach (Human Rights Council resolution 30/1, para. 4) – a process to be led by the Prime Minister’s Action Group (PMAG), with the support of the Secretariat for Coordinating Reconciliation Mechanisms (SCRM), established in December 2015. In January 2016, the Government set-up a Consultation Task Force to elicit views and comments of the public on the proposed mechanisms for transitional justice and reconciliation. On 3 January 2017, the Task Force presented its report to the Chairperson of the Office of National Unity and Reconciliation. Additionally, Technical Working Groups were established to advise on different aspects of the design of the four respective mechanisms for truth, justice, missing persons and reparations. In August 2016, Parliament adopted legislation on the Office on Missing Persons; its enactment and operationalization are expected shortly.

Building upon Security Council Resolution 2122 and mindful of transitional justice measures being required to address the full range of violation and abuses of women’s human rights, and the differentiated impacts on women’s and girls’ rights of these violations, this projects aims at contributing towards an increased participation of women in reconciliation efforts and peacebuilding.

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3 The report of the Consultation Task Force on Reconciliation Mechanisms, including its volume 1 (final report), volume 2 (consolidated report of the Zonal Task Forces) and the executive summary and recommendations are available at: http://www.scrm.gov.lk/documents-reports.
processes, addressing the need to respond to long-term trauma as well as ensuring access to justice for women. Furthermore, Security Council resolution 2250, highlighting the importance of increased youth participation in peacebuilding initiatives, the project intends to tap into the rich culture of volunteerism in Sri Lanka and to engage youth as relevant stakeholders in shaping lasting peace, by strengthening state-society and people-to-people relations, enhancing ownership, trust and sustainability.

2. **Objective of PBF Support**

**Theory of change:**

The project is designed on the premise that IF the Government and conflict-affected society commit to a) uncover the facts and openly discuss the past, b) investigate, prosecute and try those involved in gross human rights violations and serious violations of international humanitarian law, c) provide effective redress to the victims and their families and d) reform institutions and other structures which enabled the violations in the first place, AND through an active and meaningful involvement of victims, witnesses, civil society and other relevant stakeholders in the consultations processes in order to design a comprehensive transitional justice framework, THEN the process of accountability, reconciliation and healing stands a better chance to effectively contribute to sustainable peace and security.

A comprehensive and gender-sensitive transitional justice framework contributes to fostering two mid-term objectives: 1) the recognition of victims as holders of rights that have been violated, and, hence, require effective redress, and 2) (re-)building of trust of individuals, particularly victims, in State institutions, and strengthening trust among individuals. In the longer term, the interconnected and mutually reinforcing set of transitional justice mechanisms aims at 3) strengthening the rule of law, and thereby 4) contributing to reconciliation and peacebuilding.

The transitional justice processes are to adopt a transformative approach, tackling not merely the violations/abuses as immediate symptoms of conflict and/or repression, but addressing more broadly discrimination, including gender and social inequalities as the root causes and systemic structural deficiencies that enable conflict, violations and abuses in the first place.

**PPP outcome: Transitional justice measures implemented to help reconcile and heal Sri Lankan society**

**UN engagement**

Led by OHCHR, the UN engagement will be guided by the following principles:

1) Providing continuing strategic legal and technical advice to contribute to the process of the design and implementation of a comprehensive transitional justice strategy, upon which the project activities as described below will build. To this end, the UN will work in close partnership with SCRM and others, and with advice from the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence.
2) At all stages and in all project areas, the UN will support the Government and society to ensure the meaningful participation of victims in the design and implementation of the transitional justice strategy, as well as in the work to strengthen preventive mechanisms and processes.

3) Across all project activities, the UN will work to contribute to the integration of a gender perspective. Efforts will also be undertaken to enhance the capacity of youth to engage and actively participate in transitional justice mechanism as they pertain to the overall peacebuilding process.

4) Links will also be promoted among the transitional justice mechanisms themselves and between those mechanisms with other fields such as economic development and security policies, so as to mutually reinforce each other in order to unleash their joint potential to enhance reconciliation and peacebuilding.

A. Project outcomes – Support in the design of truth-seeking, justice and reparations mechanisms

Outcome 1: Credible and trustworthy truth-seeking, accountability and reparations mechanisms designed based upon international good practices, and informed by the report of the Consultation Task Force and the decisions taken by the Secretariat for Coordination of Reconciliation Mechanisms, and with meaningful participation of victims and their representatives.

Outputs

Output 1.1: Legislation (and policies) on truth-seeking, accountability and reparations mechanisms adopted, including procedures for the transparent and legitimate appointment of Commission members, judges, prosecutors and investigators, and members of the reparations entity; vetting procedures for those appointments; built-in victims and witness protection schemes and mechanisms for meaningful participation of victims and civil society.

Activities:

1.1.1. Provide expert advice and technical support and access to international good practices to inform the drafting of legislation and policies on the respective mechanisms, including on selection, appointment and vetting procedures for its members.

1.1.2. Organise workshops, with the participation of regional and international experts, on the issue of witness and victim’s protection with a focus on truth-seeking and justice mechanisms, including the Office of Missing Persons.

1.1.3. Conduct working sessions on ways to enhance victim’s participation in (the design of) the transitional justice mechanisms.4

Output 1.2: Access to, and awareness of, the report of the Consultations Task Force on Reconciliation Mechanisms (henceforth CTF) is enhanced; continuing consultation mechanism on transitional justice

4 This activity will be informed by the report of the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence to the 34th session of the Human Rights Council A/HRC/34/62.
and reconciliation is established; and mechanism for the preservation of, access to, and use of the CTF report and any future reports prepared by (to-be-established) transitional justice mechanisms is set-up.

1.2.1. Facilitating the translation into Sinhalese, Tamil and English of the Consultation Task Force report and its country-wide dissemination (in coordination with activities under the IRF project).

1.2.2. Building on the structures used by the CTF and other civil society networks, contribute through technical advice to the set-up of a continuing consultation channel/entity on transitional justice and reconciliation, which regularly informs Government policies and civil society initiatives in these areas.5

1.2.3. Contribute to the preparation of archiving procedures and the identification of a trustworthy repository entity, and support the archiving of the records of the CTF with a view to preservation, access to and use in/by future transitional justice mechanisms/processes (in coordination with activities under the IRF project).

Output 1.3: Capacity of the justice sector actors to impartially and independently investigate, prosecute and try war crimes and crimes against humanity is enhanced.6

1.3.1. Together with expert/academic institution(s), provision of comparative examples on specialized justice mechanisms having dealt with past gross human rights violations and serious violations of international humanitarian law in other countries, through seminars and workshops.

1.3.2. Through expert consultants, providing of specialized investigation expertise in relation to war crimes and crimes against humanity, including on forensics.

1.3.3. Expert workshop, and continuing advice from regional and/or international experts on the development of prosecutorial strategies to address war crimes and crimes against humanity, engaging the Attorney General’s Office and the Office of the future Special Counsel (OHCHR with UNDP).

Output 1.4: Roadmap on the establishment of a credible and inclusive reparations scheme developed, led by SRCM.

1.4.1. Map and analyze past and ongoing efforts for reparations, including existing institutions, programmes and existing eligibility criteria,7 taking into account the needs reflected in the Consultation Task Force report (IOM with OHCHR).

1.4.2. Support the SCRM and future institution(s) responsible for reparations to design a comprehensive reparations scheme (IOM with OHCHR, and advised by the Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence).

5 In cooperation with, among others, the Peace-building Fund Project on “Empowering women for an inclusive and sustainable transitional justice and reconciliation process,” undertaken by Handicap International, Search for Common Ground, Viluthu and the Women’s Development Center.

6 The activities under this output need to be read in conjunction with the activities under output C “Support institutional reform and initiatives at community and individual levels to prevent recurrence of violations” in relation to the reform of the ordinary justice system.

7 This is to be undertaken against, and separately from, the existing social welfare benefits system (and its eligibility criteria) and development projects.
1.4.3. Support the SCRM and future institution(s) responsible for reparations to design a comprehensive outreach strategy for raising awareness, victim empowerment and managing expectations regarding the reparations process, eligibility and benefits (IOM with OHCHR).

1.4.4. Provide legal and policy advice, technical assistance and enable opportunities for exchange of international and regional experience on reparations for victims of gross human rights violations and serious violations of international humanitarian law, including conflict-related sexual and gender-based violence, through an expert consultancy to the SCRM and other bodies, the organization of two exposure visits for relevant stakeholders to countries with similar experience and the organization of international/regional conference and other meetings with participation of experts and representatives from relevant countries (OHCHR with IOM and UN Women).

1.4.5. Support a study with women’s organisations and victims on prevalence of past and continuing cases of legacy-related SGVB, in collaboration with the Human Rights Commission (UN Women, OHCHR and IOM) to inform the thematic issues to be dealt with by the international/ regional conference (under A.1.4.4.)

B. Project outcome – Support in the operationalization of transitional justice mechanisms

Outcome 2: Operationalization of the victims-tracing entity (Office of Missing Persons, OMP), and other transitional justice mechanisms to be established by the Government.

Output 2.1: OMP has been operationalized to function as a trusted, accessible and effective victim-tracing mechanism, with effective links to future transitional justice mechanisms.

Activities:

2.1.1. Provide technical advice to the overall functioning of the OMP, including in relation to structuring and staffing the Secretariat of the OMP, operating procedures, a witness protection scheme, the overall planning and main steps of inquiry, including in relation to forensics, taking into account the recommendations of the UN Working Group on Enforced and Involuntary Disappearances.

2.1.2. Conduct working sessions to contribute to the design of gender policies, including the establishment of a specific gender unit within the OMP, and the preparation and adoption of a gender mainstreaming approach.

2.1.3. Contribute to a system of recording and archiving of information received by witnesses and family members of the disappeared; facilitating the provision of expert advice on the identification and preservation of those records (building on activity A 1.2.3.).

2.1.4. Through expert advice, provide examples of effective linkages of victim-tracing mechanisms to other transitional justice processes, particularly justice mechanisms.

2.1.5. Contribute through expert advice on selected topics to the provision of advice on psycho-social support services and structures, as an aspect of the functioning of the OMP.\(^9\)

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\(^8\) See in particular SG’s Guidance Note on Reparations for Conflict-Related Sexual Violence.

\(^9\) Specifically, contributions will be made to activities under PP Outcome “Reconciliation” for project activities under outcome 3 ‘Psychological care and support system.’
2.1.6. Advice on the design of an outreach structures, and conduct of outreach activities in relation to the OMP (OHCHR, SCRM, other UN entities).

Output 2.2: Other future transitional justice measures have been operationalized to function as credible, trustworthy, accessible and effective mechanisms, in line with international human rights standards and good practices.

Activities:

2.2.1. Provide technical advice to the functioning of future transitional justice mechanisms, including in relation to structuring and staffing their Secretariats, operating procedures, witness and victim protection schemes, their overall planning and main initial steps taking up their functions.

2.2.2. Capacity building for members/Commissioners of future transitional justice mechanisms and the staff of their respective secretariats in relation to transitional justice and reconciliation, as well as the design of effective gender policies, including the establishment of specific gender units within the mechanisms, and the preparation and adoption of a gender mainstreaming approach (OHCHR, UN Women, IOM)

2.2.3. Provision of technical assistance to operationalize the reparations mechanism, once established, including but not limited to: development of detailed SOP’s for claims admission, review and processing; delivery of remedies including cross-institutional referral mechanisms and cooperation protocols (when reparations involves multiple government agencies), development of user specifications, development and operationalization of claims processing information management system, development and operationalization of appeals and monitoring mechanisms (IOM).

2.2.4. Support the Government to conduct outreach and awareness-raising for victim groups and their representatives to increase their level of agency and capacity to more meaningfully participate in and monitor the operationalization and implementation process of gender-responsive transitional justice mechanisms (OHCHR, UN Women and IOM).10

2.2.5. Contributing to an anticipated system of recording and archiving for any future transitional justice mechanisms by facilitating the provision of expert advice in the strengthening of domestic archiving processes (building on activity A.1.2.2.).

2.2.6. Advice on the design of outreach structures for the future transitional justice mechanisms and development of a series of outreach activities (OHCHR, SCRM, UN entities).

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10 See also Project outcome D “Strengthening the capacity of civil society and outreach.”
C. Project outcome – Catalyse institutional reform and initiatives at community and individual levels to prevent recurrence of violations

Outcome 3: Strengthen institutional reform and support initiatives at community and individuals levels as preventive tools, with meaningful participation of victims, taking into account persisting root causes of gender and social inequalities, violence and systemic structural deficiencies.

Output 3.1. Overall strategic planning prepared and finalized by the Government, informed by a thorough mapping of relevant institutional and personnel reform requirements.

Activities:

3.1.1. Contributions and advice provided to the elaboration of a strategic plan prepared by the Government for justice sector and security sector reforms, drawing on the recommendations of the Special Rapporteur on torture and the Special Rapporteur on the independence of judges and lawyers.

3.1.2. Contributions to, and advice on, human rights and rule of law related governance issues or other structural and institutional reforms, including on constitutional aspects.

3.1.3. Analytic study prepared on persisting discrimination in law and practice both as a root cause and as a legacy to the conflict, in the areas of health, education, language, shelter, land and employment, in particular in relation to single-headed households throughout the country so as to inform initiatives/activities addressing systemic deficiencies and root causes of violence and violations, taking into account the observations and recommendations of the Special Rapporteur on minorities and informed by the Consultation Task Force report.

3.1.4. Drawing on the analytical study (C.3.1.3.), and in coordination with process on the design of the comprehensive reparations scheme, preparation of an options paper to provide urgent interim relief/assistance to those who are experiencing continuing discrimination and marginalization.\(^{11}\)

Output 3.2. Strengthening judicial independence and capacity regarding accountability issues.

3.2.1. Expert workshops on the strengthening of selected aspects of judicial independence and capacity of the judicial system, for various actors of the ordinary justice system, informed by the recommendations of the Special Rapporteur on the independence of judges and lawyers (OHCHR with UNDP).

3.2.2. Support to the Judicial Service Commission on raising capacities of judges in relation to the gender-responsive handling of cases regarding past violations of human rights and international humanitarian law, and on other transitional justice issues (OHCHR, UNDP, UN Women).

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\(^{11}\) This is in line with recommendations made by the Special Rapporteur on transitional justice to address persisting discrimination while the design and functioning of the Reparations office and the operationalization of reparations schemes are pending.
Output 3.3. Awareness of, and capacities on, selected issues of security sector reform are enhanced.

3.3.1. Workshops and continuing legal advice provided by international and/or regional experts on selected issues of security sector reform, including the establishment of multifaceted and -layered civilian oversight mechanisms and vetting procedures, for Government officials, members of the security sector, professional organisations and civil society.12

3.3.2. Seminars on the identification and preservation of, and access to, legacy-related records and archives, including those help by the security sector, so as to strengthen (future) accountability mechanisms.

Output 3.4. Initiatives by communities and individuals on issues of transitional justice, reconciliation and peacebuilding have increased, and achieved significant outreach to the grassroots level.

3.4.1. Contributions to awareness-raising and capacity-building activities for psycho-social counseling and community healing initiatives.13

3.4.2. Support provided to individual and community-led initiatives, with the participation of youth, on issues of transitional justice, reconciliation and peacebuilding, including in the cultural and other spheres.14

D. Project outcome – Strengthening the capacity of civil society and more effective outreach

Outcome 4: Capacity of civil society, including victims’ groups and their representatives strengthened regarding their work and outreach on transitional justice, reconciliation and peacebuilding issues.

Output 4.1: Strengthened capacity and resources of civil society organizations,15 including victims’ groups and their representatives, to work on transitional justice issues.

Activities:

4.1.1. Provision of small grants or other budget support for civil society organizations, including victims’ groups, to work on the dissemination, and awareness raising with respect to transitional justice issues, preferably initiatives or projects that promote information sharing, networking or other cooperation between different organisations throughout the country.

4.1.2. Series of training sessions for civil society organisations and the Human Rights Commission on transitional justice issues, including justice sector and security sector reform.

12 See also below under Project Outcome D. “Strengthening the capacity of civil society.”
13 Specifically, contributions will be made to activities under PP Outcome “Reconciliation” for project activities under outcome 3 ‘Psychological care and support system.’
14 See Peacebuilding Fund Project “Heal the past: Build the future - Young women and visual literacy in promoting reconciliation and justice,” undertaken by the Centre for Peacebuilding and Reconciliation.
15 For the purpose of this outcome, ‘civil society’ is meant as including a broad range of actors, including religious and faith-based organisations, women and youth organisations, professional organisations and labour unions.
4.1.3. Support to civil society led initiatives to empower women, including marginalized women, to participate across the dividing lines in a collaborative platform to provide women’s recommendations on the transitional justice and reconciliation process and mechanisms by engaging in advocacy, awareness and accountability actions.\textsuperscript{16}

**Output 4.2. More effective outreach by civil society to the grassroots level in relation to issues of transitional justice, and a more objective reporting by the media on transitional justice issues.**

4.2.1. Provision of advice and comparative examples to civil society on ways to more effectively reaching out to the grassroots level on issues of transitional justice.

4.2.2. Training sessions to be conducted by an expert for journalists and other media personnel on transitional justice issues (sessions in the North, Centre, East, South and Colombo), as a follow-up and/or build-on to previous/ongoing activities (OHCHR with UNDP).

5. **Monitoring and Evaluation**

Describe how the project will track peacebuilding impact at the outcome level. A detailed M&E framework is not needed at this stage, but thought should be given to whether baseline surveys are needed, and how results will be captured.

6. **Budget**

Please provide an indication as to how the resources will be used. Detailed budgeting is not required at this stage, at this stage.

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<tr>
<th>CATEGORIES</th>
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<th>OHCHR</th>
<th>IOM</th>
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<td>1. Staff and other personnel</td>
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\textsuperscript{16} Support will be provided to the Peace-building Fund Project on “Empowering women for an inclusive and sustainable transitional justice and reconciliation process,” undertaken by Handicap International, Search for Common Ground, Viluthu and the Women’s Development Center.
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<th>8. Indirect Support Costs (Fixed at 7% for PBF)</th>
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