

EU – Sri Lanka Justice Reform Programme – JURE

Annex I – Description of the Action

1. SUMMARY OF THE ACTION

Title of the action:	EU – Sri Lanka Justice Reform Programme (JURE)
Location(s) of the action:	Sri Lanka (national level), with specific focus on select provinces to be identified during the programme inception phase, based on assessments and consultations with national counterparts.
Total duration of the action:	53 months: 01 January 2022 to 31 May 2026
Overall Objective of the Action and Outcomes	<p>Overall objective: The overall objective is to contribute to a more independent judiciary and an improved and responsive justice system in Sri Lanka.</p> <p>Outcome 1: Improved access to justice for all, in particular women, the poor and persons in vulnerable situations</p> <p>Outcome 2: Improved accountability, transparency, and credibility of the justice system</p> <p>Outcome 3: Improved efficiency and quality of justice</p>
Target groups and beneficiaries	<p>Main targets of the Action include: The Chief Justice, Judicial Training Institute, Attorney General's Department (AGD), Government Analyst's Department (GAD), Legal Draftsman's Department (LDD), Judicial Medical Service (JMS), Police Department, Prisons Department</p> <p>Ministry of Justice (MOJ); Ministry of Public Security; Ministry of Rehabilitation and Prison Reforms; State Ministry of Women and Child Development (MOWCD), Pre-Schools and Primary Education, School Infrastructure and Education Services - Department of Probation and Child Care Services (DPCCS) and National Child Protection Authority (NCPA)</p> <p>Independent Commissions and institutions including the Human Rights Commission (HRCSL), National Police Commission (NPC), Judicial Service Commission (JSC), Legal Aid Commission (LAC), National Authority for Victims of Crimes and Witnesses (NVWPA)</p> <p>Civil Society Organizations, academic and research institutions such as universities and law colleges, Bar Association of Sri Lanka and media.</p>

	Beneficiaries of the intervention are: general population, including in particular the poor and persons in vulnerable situations (Women, Children, Internally Displaced Persons, Persons With Disabilities)
Expected Outputs	<p>OUTCOME 1: Improved access to justice for all, in particular women, the poor and persons in vulnerable situations</p> <p>Output 1.1. Efficient and accessible legal aid including legal representation for vulnerable communities (including women, IDPs, PwDs, children)</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 1.1.1. Enhance the capacity and scope of the LAC, BASL and other legal aid service providers to provide efficient and efficacious legal aid services</p> <p>Activity 1.1.2 Operationalize the cabinet approved National Policy and Strategic Action Plan on Legal Aid</p> <p>Activity 1.1.2 a) Provide technical support to the consultative process among Justice for Children stakeholders to provide inputs to the National Policy and Strategic Action Plan on Legal Aid and the representation of children</p> <p>Activity 1.1.3 Improve and strengthen “Assigned Counsel system” in High Courts and Magistrate’s Courts and improve the knowledge and capacity of lawyers especially those working on pro-bono cases</p> <p>Activity 1.1.3 a) Provide training and support to lawyers to ensure age-appropriate representation for children</p> <p>Activity 1.1.4 Enhance sensitivity and responsiveness, by training, of ‘first point of contact’ individuals such as JMOs, police officers, other similar professionals especially when assisting girls and women victims of violence</p> <p>Activity 1.1.5. Develop sustainable mechanisms to provide for legal protection of economic and property rights of vulnerable communities and women, including legal protection from predatory lending</p> <p>Output 1.2. Equal Access to Justice strengthened including through language mainstreaming across the justice sector (through improved translation/interpretation capacities)</p>

	<p>INDICATIVE ACTIVITIES</p> <p>Activity 1.2.1. Enhance capacity for legislative drafting, translation & consolidation of laws and set up a sustainable mechanism that facilitates (real time) public access (including online) to laws and subsidiary legislation</p> <p>Activity 1.2.2. Improve interpretation and translation services at all stages of judicial proceedings (including through special translations units in Courts)</p> <p>Activity 1.2.2 a) Improve interpretation and translation services for all children in contact with the law</p> <p>Output 1.3. Improved legal awareness amongst the public (especially vulnerable communities)</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 1.3.1. Conduct awareness raising on specific rights, entitlements/obligations of the right-holders (with specific focus on vulnerable groups)</p> <p>Activity 1.3.1 a) Conduct awareness raising programmes on Justice for Children and the law in relation to young people and ensure its inclusion in curriculum reform</p> <p>Activity 1.3.2. Improve the capacity and level of awareness of CSOs (non-state organizations, think tanks, lawyers, law faculties and colleges and professional research institutions) involved in access to justice, defense of human rights, children and women's rights; and support to their dialogue with duty-bearers including on environmental justice</p> <p>OUTCOME 2: Improved accountability, transparency and credibility of the justice system</p> <p>Output 2.1. Strengthened data collection, analysis and dissemination capacities of government institutions, professionals, CSOs, and other accountability organizations on justice sector performance for the public</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 2.1.1. Capacity building of justice sector institutions to collect and analyse disaggregated data (including on gender-based violence and environmental justice)</p> <p>Activity 2.1.1 a) Improve the collection, analysis and use of routine data on Justice for Children and undertake research on key J4C issues</p>
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	<p>Activity 2.1.2. Enhance the criminological knowledgebase of the Sri Lanka Police through targeted research to promote evidence-based policy and reform</p> <p>Activity 2.1.3. Regular and updated monitoring of the various statistics and performance of the identified institutions to facilitate public access to quality information</p> <p>Output 2.2. Increased capacities of different justice sector actors to develop and implement codes of ethics and professional conduct</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 2.2.1. Support the Judicial Service Commission to better regulate the discharge of judicial function of judges through the introduction and improvement of policies, manuals, procedures and processes</p> <p>Activity 2.2.2. Assist in developing transparent and non-discriminatory Human Resources policies at all levels of the justice system and administration</p> <p>Activity 2.2.3. Support the establishment and implementation of a plan of action to improve women's representation especially within higher levels in the justice system</p> <p>Activity 2.2.4. Develop/revise codes of conduct and procedural manuals for sector professionals</p> <p>Activity 2.2.4 a) Provide support to the professionalization of the justice for children workforce and the development of Codes of Conduct and HR Policies that support child friendly justice</p> <p>Output 2.3. Strengthened capacity of independent institutions to carry out their mandate</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 2.3.1. Conduct system reviews and individual institutional assessments of each of the targeted independent institutions (to assess capacity constraints and bottlenecks to achieving their mandate)</p> <p>Activity 2.3.2. Strengthen the role of targeted independent institutions and of the National Child Protection Authority to independently monitor child rights and provide age-appropriate justice services</p>
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Activity 2.3.3. Review the procedures and procedural norms of targeted independent institutions with a view to streamline business practices to achieve their mandate

Activity 2.3.4. Support the targeted independent institutions to establish and/strengthen grievance handling mechanisms and complaint-flow management

Activity 2.3.5. Developing means, mechanisms and methods for engaging and educating the public (including CSOs) on the role of independent institutions and to facilitate easier and effective access to their services.

OUTCOME 3: Improved efficiency and quality of justice

Output 3.1. Efficient and age-appropriate child justice services available for every child in contact with the law

INDICATIVE ACTIVITIES

Activity 3.1.1. Provide technical support to law reforms, legal drafting and the development of a J4C Manual

Activity 3.1.2. Provide technical and financial support for case management within the penal chain, backlog clearance and Digital Case Management and Tracking

Activity 3.1.3. Provide support to develop and implement a Diversion Framework

Activity 3.1.4. Conduct an analysis of Child Justice related Sector Plans and a Child Justice budget analysis

Activity 3.1.5. Provide support for both the separation of children detained in prisons from adults and children alleged as perpetrators of crimes from children in need of care and protection

Activity 3.1.6. Undertake an analysis of infrastructure needs and then provide support for the construction of Child-Friendly Spaces within the Justice Sector

Activity 3.1.7. Undertake an innovative and case-based capacity building programme to ensure efficient and age appropriate justice for children

Activity 3.1.8. Provide support to the set-up and functioning of a National Steering Committee for J4C / Probation

	<p>Output 3.2. Strengthened policy and legal reforms in line with international standards, norms and best practices</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 3.2.1 Assist the Ministry of Justice (especially the legal and reforms units and the thematic law reform committees), the Law Commission of Sri Lanka and other targeted justice sector institutions to initiate and update policies, legislations, and regulations</p> <p>Output 3.3. Increased management, administrative and technical capacities and improved processes of the justice actors through expansion of digital solutions, skills development and enhancement of infrastructure</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 3.3.1. Strengthen digital transformation within the justice sector (e-justice) through digital court hearings, digital case flow management/tracking, remote legal counseling, court automation, and the promotion of digital tools to improve legal literacy of sector professionals</p> <p>Activity 3.3.2. Roll out capacity building support for justice sector personnel and targeted institutions on selected thematic subjects (in line with international best practices) and on overall administration, transparency and accountability, sensitivity and responsiveness</p> <p>Activity 3.3.3. Set up peer to peer contacts, on a pilot level, with courts and professionals in other jurisdictions to assist Sri Lankan judges and sector professionals in enhancing competency and efficiency across the sector</p> <p>Activity 3.3.4. Provide assistance for the development and delivery of a formal continuous professional development programme targeting judges and lawyers</p> <p>Activity 3.3.5. Review and improve existing work processes within the justice sector through the implementation of the reforms agenda</p> <p>Activity 3.3.6. Support Court Administration as a stand-alone discipline and pilot the introduction of “court administrators” to assist judges in the management of the Courts</p> <p>Activity 3.3.7. Strengthen prison reforms and the existing Community Based Correction mechanism as a viable response to reduce prison overcrowding</p>
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	<p>Activity 3.3.8. Carry out court infrastructure needs assessment and develop infrastructure planning tools with special focus on victim-sensitive infrastructure (including safe rooms for victim/witness statements, court testimony (including remote testimony), victim shelters /safe houses)</p> <p>Output 3.4. Strengthened commercial and alternative dispute resolution mechanisms to provide expeditious remedies and create an investor-friendly environment</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 3.4.1. Review and improve existing commercial laws and work processes pertaining to commercial cases</p> <p>Activity 3.4.2. Strengthen and improve process of the Commercial High Court and District Courts for expeditious justice delivery for commercial matters</p> <p>Activity 3.4.3. Support the establishment of an Investor's Court, Pre-Trial Court and Small Claims/Standard Form Court</p> <p>Activity 3.4.4. Develop the concept of "enforcing of contracts" Committee for the Doing Business Index of the World Bank</p> <p>Activity 3.4.5. Carry out legislative and institutional review/assessment of ADR mechanisms (including commercial mediation and international arbitration mechanism), support the development of specialized ADR mechanisms and processes and, provide capacity and awareness raising support on ADR mechanisms to sector institutions/professionals and the business community</p> <p>Output 3.5. Established mechanisms/platforms for improving cooperation and coordination between justice actors</p> <p>INDICATIVE ACTIVITIES</p> <p>Activity 3.5.1. Review and revise coordination protocols (including between sector secretariats and across sectors – medico/legal)and establish new protocols (where necessary) including IT-based protocols</p> <p>Activity 3.5.2. Support sector coordination on evidence-based assessments such as sector strategy, investment plan strategic budgeting and disbursement and sectoral strategy evaluation, expenditure reviews and other related assessments and sector engagement with the parliamentary committee on Justice</p>
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2. GENERAL INFORMATION

2.1. Country Context

Background

Globally, the concept of access to justice has evolved from a right to take legal action for violation of rights to a term that more broadly encompasses just and equitable remedies. Access to justice is “not only a fundamental right in itself, but an essential prerequisite for the protection and promotion of all other civil, political, economic, social and cultural rights.”¹

In 2012, at the High-Level Meeting of the United Nations General Assembly on the Rule of Law, States reaffirmed their commitment to the rule of law in accordance with the three main pillars of the United Nations: international peace and security, human rights and development. The Declaration adopted by the General Assembly reiterated the inter linkages between the rule of law, democracy, development, fair and stable legal systems, strong independent institutions for just and equitable delivery of public services, including justice delivery and the independence of the judiciary, as mutually reinforcing and as a foundation for a more peaceful, prosperous and just world. The Declaration also highlighted equal access to justice for all, including members of vulnerable groups, and highlighted the importance of ensuring that women enjoy equal benefits of the rule of law. The Declaration also recognized the importance of the rule of law for the protection of children, including legal protection from discrimination, violence, abuse and exploitation.²

Equal access to justice is enshrined in core international human rights instruments such as the Universal Declaration of Human Rights (UDHR), International Covenant on Civil and Political Rights (ICCPR), Convention for the Elimination of all Forms of Discrimination Against Women (CEDAW) and the United Nations Convention on the Rights of the Child (UNCRC). Access to justice is also enshrined in Articles 6 and 13 of the European Convention on Human Rights and in Article 47 of the EU Charter of Fundamental Rights, which guarantee the right to a fair trial and to an effective remedy, as interpreted by the European Court of Human Rights and the Court of Justice of the European Union, respectively. Core elements of these rights include effective access to a dispute resolution body; the right to fair proceedings and the timely resolution of disputes; the right to adequate redress and the general application of the principles of efficiency and effectiveness to the delivery of justice.³

Therefore, effective rule of law frameworks, which encompass access to justice components, are essential to promote good governance, justice and accountability, and more specifically to achieve Sustainable Development Goal (SDG) 16 on Peace, Justice and Strong Institutions. SDG 16 is

¹ UNICEF, *Equitable Access to Justice for Children in CEE/CIS*. 2015.

² Resolution adopted by the General Assembly 67/1. Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels.

³ European Union Agency for Fundamental Rights and Council of Europe, *Handbook on European law relating to access to justice*. 2016.

universally regarded as the enabler for realizing SDGs 1-15, including on alleviating poverty, attaining quality education and health, gender equality, decent work and economic growth, affordable and clean energy, reducing inequality and climate resilience.

Context and Problem Analysis

Over the past decade, the end of the war combined with strong economic growth, positioned Sri Lanka as rapidly moving towards an upper middle-income category country with a per capita GDP of USD 4,066 in 2017⁴.

Sri Lanka ranks well in terms of socio-economic development, with relatively impressive scores against literacy, life expectancy and school enrolment, in comparison to other lower middle-income countries as well as neighbouring countries. Poverty rates have declined from over 15.2% in 2006 to under 4.1% in 2016, and extreme poverty is rare. Sri Lanka met most of its Millennium Development Goal (MDG) targets. It ranked 72 among 188 countries and territories in the 2020 Human Development Index.

At the same time, the complex political environment, the debt burden, inefficient bureaucracy, the continued prevalence of inter-community tensions and conflict drivers, lack of economic diversification, structural inequalities and the risks posed by climate change and natural disasters, threaten to reverse the country's development trajectory and its people's well-being. The long-lasting Covid-19 pandemic is likely to have strong and deep socio-economic adverse impacts on the country, with possible negative spillovers also in terms of social cohesion and stability.

The following table illustrates Sri Lanka's performance in the World Bank "Worldwide Governance Indicators 2020". The ratings underscore the need to further strengthen performance against these different indicators, including on Rule of Law.

⁴ However, Sri Lanka's per capita GDP has dropped to 3,682 US Dollars due to the COVID-19 pandemic - <https://economynext.com/sri-lanka-per-capita-gdp-drops-in-2021-amid-covid-19-monetary-instability-81360/#modal-one>





The Special Rapporteur on Independence of Judges and Lawyers highlighted the shortcomings of the justice sector in 2016, including delays in the administration of justice, and lack of transparency of the justice sector. Similar observations were also made in the Universal Period Review of Sri Lanka in 2017. Sri Lanka's justice system faces myriad challenges with respect to effectiveness and efficiency. These challenges range from systemic delays in the disposal of cases to serious weaknesses in the quality of justice delivered to certain classes of litigants. Delays are also attributed to victims/witnesses' reluctance to testify due to alleged reprisals and intimidation, resulting in the public and media underscoring the importance of victims and witness protection in line with international standards and best practice. These challenges are strongly reflected in some of the global indices relating to access to justice.⁵ Sri Lanka's court system is estimated to take 1,318 days to enforce a contract, which is higher than the South Asian average (ranked 161 of 189). Moreover, the time estimated for trial and judgment is 1,000 days. Meanwhile, Sri Lanka scores only 8.5/18 on the Quality of Judicial Processes Index, scoring particularly poorly in terms of case management (1/6) and court automation (0.5/4). While certain types of civil cases in Sri Lanka, such as land, partition and testamentary cases take (on average) a generation to be settled, the major portion of the current backlog in cases consists of criminal cases. According to a study in 2013, pending criminal cases outnumbered civil cases by about four to one.⁶ The average time taken between reporting a serious crime and the completion of prosecution in the High Court is approximately 10.2 years. Meanwhile, once a case reaches appeal stage, it can often take over seven years in appellate courts to be completed.⁷ The total pending litigations before the judicial system (as at 2019) was estimated at a staggering 766,784, whilst the number of judicial offices per 1million population in Sri Lanka was

⁵ For instance, in terms of enforcing legal contracts, the 2019 World Bank Doing Business Index ranks Sri Lanka 164th out of 190 countries.

⁶ The World Bank, *Sri Lanka - Justice sector review* (2013), at <http://documents.worldbank.org/curated/en/255751468164662812/Sri-Lanka-Justice-sector-review> [last retrieved 22 January 2019].

⁷ Sectoral Oversight committee on Legal Affairs (anti-corruption) & Media, *Recommendations Pertaining to the Expedition and Efficient Administration of Criminal Justice* (2017), at <http://www.parliament.lk/uploads/comreports/1510738363068517.pdf> [last retrieved 22 January 2019].

estimated at a grossly insufficient figure of 15. Thus, the challenges faced by Sri Lanka's justice system are multi-layered.

In general, public sector institutions are inadequately resourced and underprepared to own and steer policies and programmes that require multi-stakeholder engagement. There is increasing inequality, particularly with respect to the excluded and vulnerable accessing quality services in the justice sector. The service provision of civil society and community organizations as well as the private sector are largely excluded from coordination mechanisms, making governance a largely public sector affair. Further, despite progress in social indicators, the general public largely remains ignorant and unaware of its rights and redressal mechanisms available through formal and informal dispute resolution mechanisms. Low legal literacy coupled with poor service delivery, lack of legal aid or limited access to affordable and quality legal aid services as well as lack of transparency and trust in victim and witness protection mechanisms impede access to justice, especially for the most vulnerable segments of the society.

The introduction of the 20th Amendment to the Constitution in 2020 resulted in the consolidation of executive authority. The Constitutional Council, the independent body whose approval and recommendations were mandatorily required for the appointment of officers to the posts of Chief Justice, Supreme Court, President/Court of Appeal, Attorney General, Inspector General of Police and the Commissions such as Human Rights Commission, National Police Commission and the Bribery Commission, was replaced by a Parliamentary Council whose responsibility is limited to offering observations to the executive's nominees.

The agility in public service provision displayed by the Human Rights Commission and the National Police Commission during the Covid-19 lockdown, is indicative however of the critical need to continue supporting these commissions, particularly with regard to how they reach out to those most at risk, as well as to strengthen their institutional independence and resilience to political shifts and shocks. These commissions remained the only recourse to remedy when Court-based remedies were not available.

Over the last decade, key development partners inter alia UNDP, UNICEF, USAID, ADB, UK, the World Bank and The Asia Foundation (TAF) supported justice sector reform initiatives in multiple areas, with overall mixed results. This support has varied across institutional and individual capacity development, legal and policy reform in line with international standards, public awareness on legal literacy, legal aid, and development of alternative dispute resolution mechanisms.

With regards to gender equality, despite high educational attainment levels among women and exceeding that of men, the 2019 Gender Inequality Index places Sri Lanka at 90/162 countries.⁸ The government adopted the Policy Framework and National Plan of Action to address Sexual and Gender-based Violence in Sri Lanka, covering the period 2016-2020. The plan has specific activities designed to address the issues in the justice sector, with involvement of the key ministries and

⁸ UNDP, *Briefing note for countries on the 2020 Statistical Update: Sri Lanka*, 2020. Retrieved from: <http://hdr.undp.org/sites/default/files/Country-Profiles/LKA.pdf> [Accessed on 24.05.2021]

agencies. Sexual and Gender-based Violence (SGBV) has a broad definition in Sri Lanka and includes physical, sexual, mental or economic harm inflicted on a person because of socially ascribed power imbalances between males and females. It includes domestic violence and violence against children. Further, the Government of Sri Lanka joined the Global Partnership to End Violence Against Children as one of 32 Pathfinding Countries to develop and implement effective strategies. The United Nations Joint Global Programme on Essential Services Package (ESP) for women and girls subjected to violence was launched in 2018 in Sri Lanka, which outlines a detailed package of interventions in the police and justice sectors as well as four other sectors.

Despite these achievements, there is little trust in the justice and law enforcement system among the public, with limited reporting (between 4% and 10%) of sexual and other forms of gender-based violence cases to the authorities.⁹ In a multi country study conducted in 2016 among men, 96.5% of the Sri Lankan participants who claimed that they had perpetrated an act of rape on a partner or non-partner said that they suffered no legal consequences, while only 3.3% had been arrested and only 2.2% had been penalized while only 34.2% felt worried or guilty.¹⁰ Police reports from 2015 indicate almost 8,000 minor crimes against women and 2,500 minor crimes against children, which include sexual harassment, beatings and inflicting harm, verbal abuse, threatening, instilling fear, domestic violence and others. These reports also include over 800 grave crimes against women and over 3,500 grave crimes against children, which include murder, intending to commit murder, severe injuries, trafficking, abduction, rape, incest, attempting to commit incest and grave sexual abuse.¹¹ A broader culture of violence, particularly SGBV, continues with little accountability for perpetrators of violence.

The situation is also serious with reference to domestic violence, which is still considered largely a private issue. In spite of the Prevention of Domestic Violence Act (PDVA) of 2005, there remains stigma, shame and fear in reporting domestic violence. Moreover, police are reluctant to file cases under the PDVA unless it is deemed “essential” and marital rape remains legal. Many women survivors are subjected to sexual, physical and emotional violence throughout their lives and are shrouded by a culture of silence.

SGBV trends, including domestic violence and violence against children, have been exacerbated during the multiple lockdowns imposed due to the Covid-19 pandemic. The COVID-19 pandemic has widened inequalities with loss of employment for many, while restricting the movement of all individuals. All public and private workplaces shifted to “work from home” modality, leaving the daily wage earners with a loss of livelihoods. According to a recent assessment undertaken by UNDP Sri Lanka and the State Ministry of Women and Child Development (2021)¹², calls to the main SGBV

⁹ UN Women, 2016

¹⁰ *Ibid.*

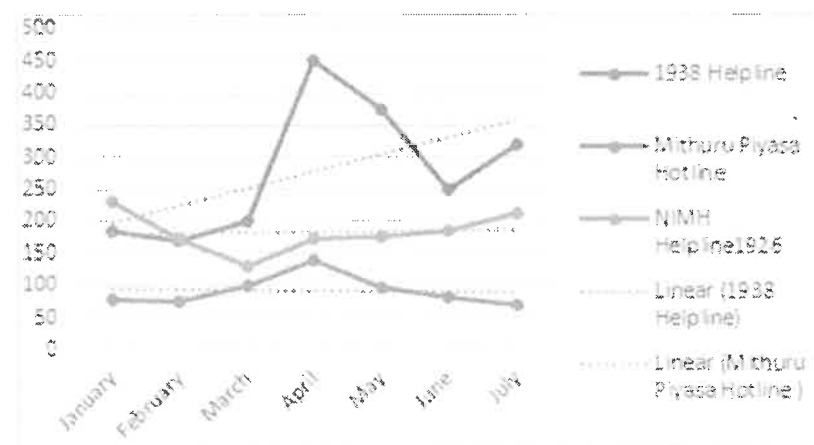
¹¹ Ministry of Women and Child Affairs, *Policy Framework and National Plan of Action to address Sexual and Gender-based Violence in Sri Lanka, 2016-2020*. 2016.

¹² Senanayake, L and Perera, S., 2021. A Rapid Assessment on the impact of Covid-19 Pandemic on the Trends of Gender-based Violence including Domestic Violence in Sri Lanka using data available with the service provider, UNDP and State Ministry of Women and Child Development, Pre-school and Primary Education, School Infrastructure and School Services.

support helplines 1938 (women's helpline), 1929 (child helpline), WIN 24 helpline, Mithuru Piyasa (hospital desks & hotline in Panadura), 1926 (Mental helpline) increased during COVID lockdown period in 2020, and shows a marked difference than calls received in the previous year.¹³

Women and girls already in abusive situations have been further exposed to increased control and restrictions by their abusers, with little or no recourse to seek support. Emotional stress placed on families due to the loss of household income and fear of the uncertainties relating to the COVID 19 context have also contributed to family discord and violence at home. Hence it is essential to continue to circumvent this grave situation, by supporting and strengthening remedial measures such as essential services and emergency food support, psycho-social counselling and legal assistance and to strengthen and expand safe spaces/ shelters for women and children. The empowerment of survivors of SGBV, which rests on strengthening their agency and revitalization of livelihoods, is essential to ensure a life of dignity to the most vulnerable and furthest left behind in Sri Lanka.

Figure 1- Calls to 3 Helplines 1938, 1926 and Mithuru Piyasa – Jan to July 2020



Justice for Children

In Sri Lanka, hundreds of children interact with the justice system each year. They could be victims or witnesses to a crime. They could be alleged, accused or recognized as having broken the law. They could be in need of care or safety, or seeking to protect their rights.

¹³ Accordingly, the 1938 Women's Helpline (operated 24 hours for the first time during COVID 19) by the National Committee on Women received 450 calls in April 2020 - the first month during COVID lock down, which spiked again in September 2020. Most of the calls received were due to domestic violence. During this same period (first month of lock down) the WIN Helpline received 584 calls of which 341 were from victims of domestic violence and 39 as a result of cyber violence. WIN also attended to 615 online interventions on SGBV and other issues.¹³ The Mithuru Piyasa Hospital helpline in Panadura also recorded 150 callers in April 2020 with the 1926 Mental Helpline recording almost 200 callers during the same month where several suicides were prevented.

Long-term underfinancing in the justice and law enforcement sector, which also includes administration of justice for children, has resulted in significantly low capacity to deliver basic justice services, impacting girls and boys who are victims of violence and abuse, but also those who are alleged perpetrators or involved in civil cases. The latest report on access to justice for children ranks Sri Lanka 124 out of 197 countries on meeting international standards in children's access to justice, on par with the Democratic Republic of Congo and Sudan.¹⁴ In addition, the legal and policy framework for child justice is outdated. The Children and Young Persons Ordinance was developed in 1929 and some aspects on the Penal Code remain in force since the 1800s. These outdated laws and institutions require a major overhaul in order for the justice system to be fit for purpose in the 21st Century.

Lack of awareness by policy makers, programmers and practitioners about the link between children's evolving capacities and access to justice: there is a growing body of social science research that demonstrates that children's access to justice depends on special mechanisms and practices that are tailored to children's and adolescents' developmental needs. Experts now agree that children's access to justice requires "accessible, age-appropriate, expeditious (without necessary delay), adapted to and focused on the needs and rights of the child, respecting the rights of the children including the rights to due process, to participation and to understanding the proceedings, to privacy and to integrity and dignity."¹⁵ The concept of age-appropriate justice incorporates the key concepts that the provision of justice for children must be sufficiently flexible to take into account a child's evolving capacity, right of participation and best interest considerations over the course of childhood and adolescence¹⁶. Without these characteristics, children face developmental and attitudinal barriers unknown to adults. For example, if lawyers, judges and law enforcement officials are unable to effectively communicate with children, the quality of criminal investigations, legal representation, advocacy and judicial decisions suffers.

Therefore, ensuring a child-friendly justice system remains one of the key challenges in Sri Lanka. There is no national data on the prevalence of violence against children in Sri Lanka, but official reports show an increase in the number of cases of violence against children being reported, with 2,068 cases reported in 2004 and over 12,000 cases in 2015.¹⁷ The Report of the Leader of the Opposition's Commission on the Prevention of Violence against Women and the Girl Child refers to the finding that out of a total of 2,150 instances of rape or incest that were perpetrated in 2012, 1,808 (89%) violations had been on children below 16 (statutory rape). A 2009 study among 2,389 late

¹⁴ Child Rights International Network. *Rights, Remedies and Representation: Global Report on Access to Justice for Children*. 2016.

¹⁵ Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice.

¹⁶ The terms "age-appropriate" and "developmentally-appropriate" are used interchangeably.

¹⁷ According to a 2008 CDC Study, 54.2 per cent of boys and 41.5 per cent of girls aged 13-15 years were physically attacked in the past year.¹⁷ A UNICEF study among parents in Colombo revealed that 40.7 per cent parents kicked, choked, beat, burned, threatened with a weapon, threw, knocked down, punched or hit their child with an object anywhere other than on their bottom during the previous month.¹⁷ According to an academic study in 2009, 14.4 per cent of late adolescent girls and 13.8 per cent of late adolescent boys reported having been subjected to some form of sexual abuse, while 22.4 per cent of late adolescent males and 15.7 per cent of late adolescent females reported being subjected to physical abuse in the previous three months. Perera, B., & Ostbye, T. Prevalence and correlates of sexual abuse reported by late adolescent school children in Sri Lanka. *International Journal of Adolescent Medicine and Health*, 21(2), 203-11, 2009.

adolescent school children in Sri Lanka, revealed 14% of female students having been subjected to some form of 'child sexual abuse.'¹⁸

Despite the figures highlighted above, the response of the justice services to these child abuse crimes is extremely slow. UNICEF estimates that there are currently about 4,000 criminal cases related to child abuse pending trial in the courts. A significant portion of these cases constitute rape, sexual abuse and harassment against girls, who are adults now, most of them married and have children. However, since the investigations are still ongoing, these women and children experience re-victimization every time there is a court hearing or statement taking. The constraints and challenges faced by the victims can be inferred from the fact that of the total 10,000 complaints to the National Child Protection Authority in 2014, only 2,080 complaints were concluded by the end of the year.¹⁹

According to the most recent data from the government (2019), there are over 10,000 children living in various residential institutions. Many of these children are kept in remand homes, deprived of their liberty due to long-held pre-trial detention, while hundreds of children between the ages of 16-18 who are in conflict with law go through the justice system designed for adults. However, due to lack of data, there is little evidence of the number of children aged 16-18 in detention, in rehabilitation or on bail. The Committee on the Rights of the Child has highlighted significant gaps in the administration of juvenile justice in Sri Lanka in its latest Concluding Observations on Sri Lanka in 2018. This overall lack of quality and disaggregated data creates many challenges in addressing the issues of justice for children and women in Sri Lanka, including addressing rampant abuse, exploitation and violence. The Department of Probation and Child Care Services has an important role in collecting, compiling and analysing data related to children deprived of liberty. The Department will take on a larger role when the government starts implementing the policy refraining children under 18 from entering prisons, which until this year was 16 years. Children aged 16-18 years will thereafter become an additional population that will be taken care of by the Department of Probation and Child Care Services. The Prison Statistics of 2020 reports that in 2019 around 168 children under 16 years and 11,203 young people between the ages 16-22 have been held in prison on pre-trial detention. In addition, 1,933 young people between 16-22 have been directly admitted as convicted prisoners. Approximately 1300 children are also undergoing correctional service through certified schools and detention centres that are under the Probation Department. As such, Probation Officers are a significant stakeholder in justice for children, yet they are the least equipped and empowered to attend to matters of justice for children.

Current Legal Reform Agenda

In 2020, the Ministry of Justice initiated a "*Judicial Reforms Project*" to introduce sweeping reforms identified as being mandatorily required to strengthen efficiency across the justice sector. A total of Rs 20 billion government funds have been allocated towards this end in the 2020 budget and a Special Project Unit has been established at the Ministry to facilitate the implementation of the reforms agenda. Five sub-committees chaired by senior legal practitioners have been appointed tasked with

¹⁸ Perera B, Østbye T., *International Journal of Adolescent Mental Health*. 2009 Apr-Jun;21(2):203-11

¹⁹ *Ibid*.

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the driving the achievement of short, medium and long-term objectives within the thematic areas of a) Criminal Law Reforms b) Civil Law Reforms c) Commercial Law Reforms d) Court Automation & Digitization and e) Infrastructure Development. Technical advisory committees (chaired by Judicial Officers of the Supreme Court and Court of Appeal) have also been appointed to guide the reform of obsolete and dated legislation and the passage of new legislation in line with judicial modernization. Stakeholder consultation has also been built into the committee structure to strengthen inclusivity and expedite implementation of recommendations. Infrastructure reforms are also envisaged in the form of a modern *House of Justice* that will house the Magistrate's Court complex, the High Court and District Court complex, the legal aid commission, the Court Registry, the Ministry of Justice, the Sri Lanka Judges' Institute, the Arbitration Centre and Judicial Offices' Quarters. The Project also envisages the establishment, *inter alia*, of a "Small Claim Court" to minimize laws delays.

The Covid-19 pandemic resulted in compounding the challenges associated with "laws delays" and contributed towards further expanding the backlog of cases before the civil, criminal, and commercial courts. The spate of arrests/detention for curfew violations during the pandemic lockdown placed an additional strain on the already overcrowded prison system, exposed incidents of non-compliance with due process, and resulted in continued violation of the fundamental right to freedom from arbitrary arrest and detention. The high percentage of loss of employment has also opened a flood gate of litigation within the labour tribunals necessitating swift judicial action to award compensation etc. The distancing/health protocols introduced post lockdown were also followed by a general reluctance of litigants to testify in person in judicial hearings, thereby compelling the judicial administration to further postpone the hearing of cases. Responding to the necessity of ensuring business continuity within the sector, the Judicial Service Commission, the Ministry of Justice, the Legal Aid Commission and the Prisons Department (supported by UNDP) pioneered remote court hearings (through digital technology) of bail applications. The subsequent cabinet decision to expand remote court hearings island-wide has heralded a step-change within the judicial sector creating an impetus for other sectors to embrace digital transformation. The expansion of the remote testimony to the Government Analyst's Department, the Attorney General's Department, the Judicial Medical Office and the Police provides an opportunity for sector-wide transformation and judicial innovation. Following the introduction of rules under Article 136 of the Constitution, the Supreme Court commenced digital hearings including the electronic filing of applications, motions, appeals and other documents. The Court of Appeal too commenced the virtual hearing of criminal appeals with the appellant's attendance secured through remote/digital means from Prison. The Covid-19 related challenges created an impetus for digital transformation within the judicial sector and the swift developments made are testament to the sector's commitment to embrace transformation.

2.2. Objectives of the Action

Overall Objective:

The overall objective is to contribute to a more independent judiciary and an improved and responsive justice system in Sri Lanka.

Outcome 1: Improved access to justice for all (in particular women, the poor and persons in vulnerable situations)

Outcome 2: Improved accountability, transparency and credibility of the justice system

Outcome 3: Improved efficiency and quality of justice

The EU Justice Sector Reform project ("the Action") is meant to offer a holistic and flexible package of support to address the gaps and deficiencies within the justice system. It will cater *inter alia* to the specific priority needs requested by the Ministry of Justice on legal and institutional reforms, technical expertise, process and capacity development in line with international standards, norms and best practices.

Cross Cutting Themes

In the implementation of the Action, UNDP and UNICEF will be guided by the following critical cross-cutting themes:

- **Human rights and Human Rights Based Approach:** Under the Action, the Participating UN Organizations will continue to integrate rights-based approaches to programming into all policy and technical support to help realize access to justice in Sri Lanka. This will require emphasis on strengthening the capacities and human rights awareness of both duty bearers to be more responsive and accountable to all citizens as rights-holders, as well as a number of targeted justice-sector and governance interventions aimed at improving how traditionally vulnerable and excluded groups access human rights remedies and redress, along with creating and maintaining a safe and enabling environment for civil society. Due consideration will also be paid to conflict-sensitivity and "do no harm" approaches.
- **Gender equality and women's empowerment (GEWE):** The Action recognizes the disproportionate impacts of under-development, weak governance and conflict on women, as well as the significant number of women and girls who are survivors of SGBV and have been re-victimized due to the culture of impunity and the structural gender-based inequalities within justice sector institutions. Women's role in finding solutions to and addressing the issues of inequality and power structures is a key component in this project,

where solutions are framed from the perspective of women who identify with the exclusions they have faced. The Action will respond notably by aiming at ensuring a balanced representation of women and youth in multi-stakeholder dialogues and capacity-development activities. It will facilitate gender-focused research and data collection to foster gender-responsive decision-making. The Action will also aim at ensuring gender balance in programme staffing including at management levels (more details available in the dedicated project Gender Action Plan – GAP).

- **Public participation:** Putting women and men at the center of development efforts is at the heart of the SDGs, which necessitates action on enhancing public participation in policy and decision-making processes. Empowering rights holders to be informed and have a say in decisions affecting them will not only strengthen policies and programmes, but will also accelerate overall development progress. The Action will support opportunities for such participation and public engagement, whilst addressing legal and institutional barriers and facilitating mechanisms to support public advocacy and the participation of civil society organizations and think tanks. Investments will be made to enhance the participation of children related to decisions that matter to them, as enshrined in the Convention on the Rights of the Child and for women, as embodied in the Convention on the Elimination of all forms of discrimination against Women (CEDAW).
- **Quality data and data management:** Quality decision-making relies on access to reliable information and data, which is critical to achieving development with due accountability. Effective implementation of policies requires the ability to measure progress and to monitor and evaluate performance. Disaggregated data are needed in all sectors to ensure policies and programmes effectively reach the targeted groups, leaving no one behind. The Action will enable the engagement of the Department of Census and Statistics (the pivotal and custodian agency on data) and the National Child Protection Authority, in efforts to improve the quality, availability and management of justice sector data relating to SDG 16.
- **Partnership and innovation:** Innovators are using a combination of tools to change the way development problems are identified and solved. This is in response to an urgent need to achieve transformational (as opposed to incremental) change, which is also required by the 2030 Sustainable Development Agenda. Innovators, both in and out of government, are resorting to a variety of new tools and approaches, sometimes building on past practice, that has been broadly categorized into 4 components:
 - **People-centred:** puts people with needs and capabilities at the centre of programs and policies (human-centred design)
 - **Experimental:** starts small and scouts for local solutions, tests ideas and concepts, shifts to modular contracting, and experiments before national rollouts
 - **Data-enabled:** leverages data (big and small) to assess problems, monitor progress, and evaluate what works
 - **Designed to scale:** assesses and plans for how to expand impact and scale.”²⁰

²⁰ Tara McGuinness and Anne-Marie Slaughter, *The New Practice of Public Problem Solving*, Stanford Social Innovation Review (2019). Available at: https://ssir.org/articles/entry/the_new_practice_of_public_problem_solving# [Accessed on: 04.03.2019]

UNDP globally has initiated work with social/policy innovation/accelerator labs to try out new approaches and tools, including systemic design, to address stubborn development problems. UNDP Sri Lanka will look to the Citra Social Innovation Lab, which is a joint initiative with the Ministry of Science, Technology and Research, to explore new approaches and tools to address multiple systemic justice issues identified in the Action by leveraging its MoU with ICTA (signed 2020) to support digital transformation across the public sector.

More specifically, the proposed Action will support and mainstream digitalisation and IT-based solutions wherever relevant, based on the overall national development policy framework and specific priority needs identified by the Government of Sri Lanka as well as recent initiatives initiated during the Covid-19 pandemic. The purpose will be notably to improve information sharing and coordination among sector institutions, enhance transparency, promote remote-based solutions and reduce the huge backlog of pending cases.

2.3. Implementation Strategy and Main Areas of Work

To reach the project objectives, the Action is designed as an integrated intervention comprising 3 main pillars as focus areas: (i) rights awareness and understanding of rights holders and equal access to legal advice, representation and translation services; (ii) integrity and transparency of the justice sector with independent oversight and performance measurement; (iii) enhanced efficiency, coordination and capacity of justice actors. In each of the focus areas, UNDP and UNICEF will pay attention to the issues listed below, as key to addressing gaps and barriers to realizing legal empowerment, increasing access to justice and protecting rights across all sectors in the society:

- Enhancing the accountability of state actors in implementation;
- Strengthening national capacity to enable greater access to justice, rights protection and better justice services for all;
- Understanding and catering to the specific challenges and needs of women, children and other categories of vulnerable stakeholders when dealing with the justice sector;
- Strengthening sectoral and inter-sectoral coordination mechanisms, platforms and practices for rights protection and administration of justice;
- Improving data systems and evidence-based processes, with a strong focus on integrity, transparency, equality and accessibility;
- Supporting the engagement and participation of civil society to raise awareness on existing rights and remedies, to engage in the legislative process and to monitor law implementation and overall performance of judicial institutions;
- Increasing responsiveness and 'people-centeredness' in the justice sector;
- Exploring the potential of digital/IT-based solutions.

Overall, the Action builds on the strategic partnership between the European Union and the UN in the area of governance, which includes cooperation in justice and the rule of law. The Action will be implemented by **UNDP** and **UNICEF**. Both agencies provide impartiality, neutrality and reliability in implementing the Action.

UNDP will play the lead technical and coordination role. This is on account of the unique, long-standing role UNDP has played in support of the justice sector in Sri Lanka (on both the demand and supply side) since 2004 (with a focus on criminal justice). Also, given the leverage UNDP can provide to achieving the Action's objectives owing to its strong presence, expertise and role in the judicial and legal reform dialogue with the government. UNDP has also demonstrated its ability to develop multilateral partnerships, attracting and coordinating financial resources among multiple development partners for capacity development of the national Parliament. It has also provided policy advisory support to the formulation and implementation of several key national policy initiatives, strategies and programmes. The latter includes the National Legal Aid Policy, the National Action Plan on Sexual & Gender Based Violence, National Human Rights Action Plan (2017-2021); National Policy on Durable Solutions Policy for Conflict-affected Displacement in collaboration with UNHCR; and communications and public outreach strategies and plans as well as implementation support for the Parliament, the Human Rights Commission and the National Police Commission.

Specifically in the justice/rule of law sector, UNDP's previous phase of access to justice programming (2013-2017) resulted in *inter alia* the formulation of the National Policy and Strategic Action Plan on Legal Aid. UNDP's assistance also resulted in the first official consolidation of five core pieces of legislation and their official translations in both national languages - this marked the first occasion in which an official translation was made available in the Tamil language. In addition, the support provided to an institutional assessment on case-flow management within the criminal justice system marked the first time that all stakeholders in the penal chain were engaged to identify actionable recommendations that are currently being considered by the criminal justice reform committee. UNDP also supported a study on Existing Sentencing Trends/Practices which will inform a national sentencing policy to reform archaic sentencing procedures. Legal aid was also provided to prisoners in partnership with the Legal Aid Commission. UNDP's technical support also contributed to the operationalization of the recently passed legislation on victim and witness protection law and the establishment of the National Authority for the Protection of Victims of Crime and Witnesses. A previous phase of programming on addressing SGBV resulted in the formulation and approval by the Cabinet of Ministers of the Policy Framework and National Plan of Action to address SGBV (2016-2020) against which national budget allocations were made in 2017. UNDP also supported the piloting of a SGBV referral system in Anuradhapura, Ratnapura, Batticaloa, Jaffna and Kurunegala districts; provided technical assistance for state party reporting on CEDAW and facilitated support to CSOs to deliver legal aid and counselling services to 21,000 SGBV victims and expanding of women's shelter in Anuradhapura and Ampara. UNDP's support to the Sri Lanka Police and the strengthening of the Women and Child Police Bureau is aimed at eliminating re-victimization when accessing the police as first point of complaint/intervention. These results, and others, will be built on when designing activities to achieve the expected outputs of this Action.

UNICEF's mission to protect the rights of all children is guided by the United Nations Convention on the Rights of the Child. In particular, UNICEF works to ensure children are protected from all forms of neglect, abuse, violence and exploitation. UNICEF's child protection work involves the promotion and provision of care, protection, welfare and justice for children; and thus, improving justice for children, including related laws, policies and procedures is a primary foundation for enhancing the protection of all children in society. In the area of justice for children, UNICEF works together with

UN agencies and other government and civil society partners in ensuring that justice systems provide greater protection to children as victims, witnesses and offenders. This includes strengthening national justice systems and institutions, influencing public attitudes and integrating justice for children's issues within broader initiatives on rule of law and access to justice.

As a UN agency specialized in children's rights, and with over 45 years of experience working in Sri Lanka, UNICEF has a strong familiarity with issues on the ground for Sri Lanka's children and women. UNICEF is the leading UN agency in the area of justice for children and, under its current Child Protection Programme, it has been supporting the Government (MOJ, JSC, JTI, MWCD, AGD, JMS Police, MOH, DPCCS, NCPA, Provincial Governments) to create a more child-friendly justice system that ensures children's access to justice through specialized courts, promotion of child-friendly investigation, prosecution and adjudication procedures, diversion and alternatives to detention, restorative justice approaches, and strengthening the capacity of judicial and law enforcement personnel for better protection of children in contact with the justice system. Whilst much has been achieved in recent years, particularly in the field of legal reforms, these reforms have not yet achieved the level of coherence needed to create a comprehensive child-friendly justice system that ensures children's access to justice in Sri Lanka.

Whilst UNDP and UNICEF will be the primary implementers of the Action, the agencies will also secure the support of other organizations to implement selected components of the Programme. Recognising their long-standing support in the area of Mediation, the support of The Asia Foundation (TAF) will be enlisted by UNDP to implement interventions on Alternative Dispute Resolution (ADR) mechanisms. Where possible, joint intervention strategies will also be identified in collaboration with TAF to implement initiatives on preventing sexual and gender-based violence and enhancing access to justice for survivors of SGBV. Besides, the agencies will explore collaboration and secure the expertise of legal practitioners, legal firms, research institutions and think tanks, academic institutions, professional organizations and selected NGOs in implementing selected components of the Action.

The Action will also complement the EU funded STRIDE, project implemented by UNDP, British Council and the World Bank. The support to establish special commercial mediation boards through this Action will build on the lessons learnt from the community mediation board support extended under the STRIDE programme. The Capacity Development of Local Government (CDLG) programme implemented by UNDP as part of the EU STRIDE project will also be leveraged to impact citizen-centric service delivery on the ground, specifically in establishing linkages between the local government authorities and the Legal Aid Commission and Human Rights Commission offices at field level.

The Action will include a six-month inception phase during which the interventions areas, specific activities will be further refined and finalised in close consultation with the Ministry of Justice, Judiciary, and all sector stakeholders. Whilst the proposed Action has been developed in alignment with the MoJ's broader reforms agenda, the intervention strategy will be further refined during the inception phase through the identification of specific strategic initiatives of the reforms agenda that would be supported through this Action. Several studies will also be undertaken during this period on selected thematic subjects in order to further refine the activities and to establish detailed

baselines and targets allowing to finalize the logical framework. The inception phase will commence with a comprehensive assessment of previous Development Partners support (over the past ten years) to ascertain past successes/failures that will help develop an implementation strategy that is sustainable, non-repetitive, well-coordinated, broad-based and nimble. Finally, a detailed Gender Action Plan will also be elaborated during this inception phase.

2.4. Relevance of the Action

The Action will contribute to Sri Lanka achieving SDG 16 (which is a key enabler for realizing SDGs 1-15) as it aims to 'promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels'. It will also contribute to the achievement of SDG 10 "Reduce inequality within and among countries" and SDG 5 "Achieve gender equality and empower all women and girls".

The development of the Action was geared towards addressing the context and problem analysis detailed above. It aims to provide support for national needs, priorities and strategies relating to the rule of law and access to justice, including in particular those enshrined overall in the President's Manifesto: "Vistas of Prosperity and Splendour" (in particular its chapter 9 on "A Righteous, Disciplined and Law Abiding Society"), in the recently launched Legal Reform Agenda of the Ministry of Justice as well as in more specific existing actions plans and strategies such as the recent National Legal Aid Policy, the National Human Rights Action Plan (2017-2021), the National Plan of Action to address Sexual and Gender-based Violence (SGBV) 2016-2020, the National Child Protection Policy and the Policy Framework and the Strategic Plans of the Human Rights Commission and National Police Commission.

The Action will also support identified key priorities for justice sector reforms emanating from the results of recent studies, assessments and reviews conducted on the justice sector focusing on improvement of mechanisms for rights protection and legal services, including counselling, assistance and representation. Based on the unique role of the UN in promoting and supporting the implementation of international normative standards and agreements, the UN agencies will use a rights-based approach to assist the Government to reduce disparities in access to justice and promote protection of rights specifically for the most vulnerable populations, such as women, children, people in poverty, minorities, PwDs and internal migrants.

2.5 Target Institutions and Final Beneficiaries

Target Institutions:

Ministries

- Ministry of Justice (MoJ)
- Ministry of Rehabilitation and Prison Reforms
- Ministry of Public Security
- State Ministry of Women and Child Development, Pre-Schools and Primary Education, School Infrastructure and Education Services

Commissions and Institutions

- Human Rights Commissions (HRCSL)
- National Police Commission (NPC)
- Legal Aid Commission (LAC)
- National Authority for the Protection of Victims of Crimes and Witnesses (NAPVCW)
- Public Service Commission
- National Law Commission
- Mediation Boards Commission

Judiciary

- The Courts (including the Commercial High Court)
- Chief Justice
- Judicial Service Commission
- Sri Lanka Judges' Institute (Judicial Training Institute (JTI))

Government Bodies

- Attorney General's Department (AGD)
- Legal Draftsman's Department
- Government Analyst Department
- Judicial Medical Officer (JMO)
- Department of community-based corrections
- Prison's Department
- Department of Probation and Child Care Services
- National Child Protection Authority
- Sri Lanka Police

Others

- Council of Legal Education
- Ministerial Consultative Committee on Justice (Parliamentary Committee)
- Debt Conciliation Board

Civil Society Organizations (CSO)

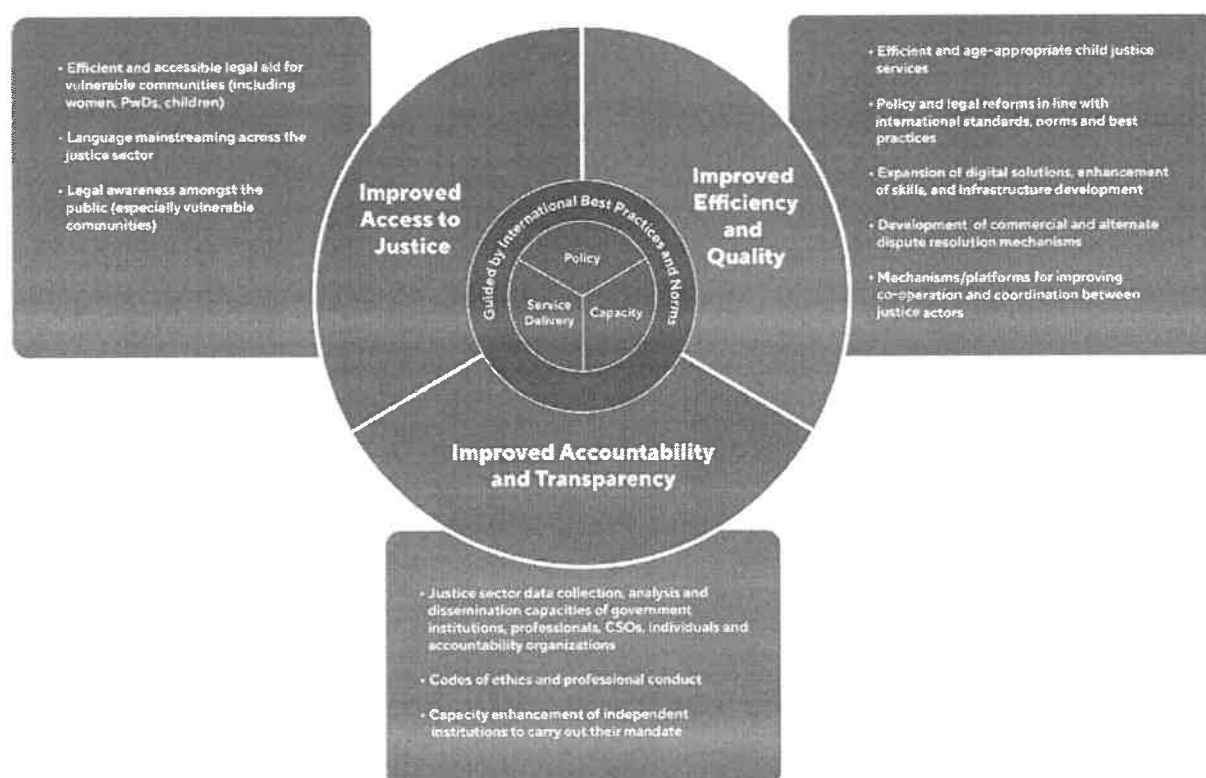
CSOs will be selected in accordance with UNDP's and UNICEF's programme and procurement rules and procedures and will include selected NGOs, academic and research institutions such as Universities and Law Colleges, Bar Association of Sri Lanka and the media.

Beneficiaries

The main beneficiaries of this Action are women, men, boys and girls who come into contact with the justice system in Sri Lanka, for whatever reason. As highlighted above, focus will be on ensuring

access to justice for the most vulnerable, including children, women, internally displaced persons, migrants as well as PwDs and indigent clients relying on legal aid for representation.

3. DETAILS OF THE ACTION



The Action as set out in this section includes outcomes, outputs, indicative activities, indicative sub activities as well as means for collaboration across the two UN agencies for effective implementation.

As mentioned above under 2.3., detailed activities, sub-activities, work plans and implementation strategies/methodologies will be fine-tuned and finalized following in-depth consultations with various targeted institutions, other donors and implementing partners and responsible parties, as well as through mappings, institutional capacity needs assessments and assessments of previous interventions in the sector. These consultations, mapping and various assessments will be carried out during a 6th months inception phase which will start right after the signature of the Contribution Agreement. This inception phase will also allow the finalization of a detailed project logical framework, based on objectives, indicators and targets that are specific, measurable, attainable,

realistic and time-bound . During the inception phase, a Gender Action Plan will also be prepared while options for enhancing sector-wide donor coordination and policy dialogue with the government will be explored.

3.1. Expected Outcomes, Outputs and Main Activities of the Action

The overall objective of the Action is envisaged to be achieved through three outcomes and corresponding outputs, each one of which is to be realized by implementing a set of activities, such as those outlined below.

Outcome 1: Improved access to justice for all, in particular women, the poor and persons in vulnerable situations

This outcome will be realised through strengthening : (1) Efficient and accessible legal aid including legal representation for vulnerable communities (including women, PwDs, children), (2) Equal Access to Justice strengthened through language mainstreaming across the justice sector and by (3) Improved legal awareness amongst the public (especially vulnerable communities).

Output 1.1. Efficient and accessible legal aid including legal representation for vulnerable communities (including women, IDPs, PwDs and children)

Activity 1.1.1. Enhance the capacity and scope of the LAC, BASL and other legal aid service providers to provide efficient and efficacious legal aid services.

This activity will identify all existing and potential actors including the Bar Association of Sri Lanka (BASL) and pro bono lawyers working on legal aid/representation service provision through a stakeholder mapping and capacity needs assessment of legal aid service providers. UNDP will support capacity development of legal aid providers, including developing resource and on-the-job training materials that incorporate the UN Principles and Guidelines on Access to Legal Aid. A comprehensive package of support will be developed and extended to the Legal Aid Commission (building also on the expanded services it provided during the pandemic lockdown) to position it as a strong (independent) institution that provides efficient services to indigent clients and vulnerable groups in Sri Lanka. The support will also include the roll out of a comprehensive strategy on provision of legal aid services to prisoners and pre-trial detainees, building on UNDP's extensive experience working in close cooperation with LAC on the provision of support for bail applications. Legal Aid clinics will be conducted with the support of LAC, the Prisons Department and the Community Corrections Department to provide support for remand prisoners and those serving community-based corrections sentences.

Activity 1.1.2. Operationalize the cabinet approved National Policy and Strategic Action Plan on Legal Aid

A cabinet-approved National Policy & Strategic Action Plan on Legal Aid was developed with the participation of all justice sector stakeholders in 2016 with the technical assistance of UNDP. The objective of the Policy is to streamline legal aid service provision in Sri Lanka under the strategic leadership of the Legal Aid Commission. The Action Plan identified strategic priorities for intervention, coordinated mechanisms to maximise outreach impact and target vulnerable categories. UNDP will support the operationalization of the Policy and Strategic Action Plan in collaboration with the LAC.

Activity 1.1.2 a) Provide technical support to the consultative process among Justice for Children stakeholders to provide inputs to the National Policy and Strategic Action Plan on Legal Aid and the representation of children

UNICEF will provide technical support to the Legal Aid Commission to ensure that all children in contact with the law have access to legal aid. This will take place through a consultative process among Justice for Children stakeholders to provide inputs to a National Policy and Strategic Action Plan on legal aid and representation of children. Children have been identified as one of the most marginalized vulnerable groups that require legal aid in Sri Lanka. UNICEF will make a special emphasis to cater to this gap. The need for enhanced legal aid for child victims of domestic violence, child abuse and child labor has been documented. International instruments, including the 'UN Rules for the Protection of Juveniles Deprived of their Liberty' reiterates the importance of legal aid related to children in conflict with the law. There are provisions in the domestic law as well (ICCPR Act of 2007) that every child shall have legal assistance provided by the state at state expense in criminal proceedings affecting the child, if substantial injustice would otherwise result. UNICEF argues that children have a right to access legal aid whether they are an alleged perpetrator, a victim, a witness or involved in a civil case such as divorce, custody or maintenance.

Activity 1.1.3. Improve and strengthen the "Assigned Counsel system" in High Courts and Magistrate's Courts and improve the knowledge and capacity of lawyers especially those working on pro-bono cases

A consultative assessment of the "assigned counsel system" will be undertaken to identify gaps and recommendations for improvement. Capacity constraints associated with the existing mechanism will be addressed through a tailor-made capacity enhancement programme targeting legal practitioners (junior lawyers traditionally appointed as assigned counsel) and pro bono lawyers representing indigent clients. A Study on the Public Defender Mechanisms in other jurisdictions (particularly UK & EU) will be undertaken and recommendations for reform (establishment of a comprehensive criminal legal aid mechanism) will be presented.

Activity 1.1.3 a) Provide training and support to lawyers to ensure age appropriate representation for children

UNICEF will provide technical support to the LAC, state counsels and other lawyers in partnership with the BASL to enhance its capacity to represent children through the development and implementation of a system-wide training programme. This will cover practical case handling skills under the Children and Young Persons Ordinance (CYPO) and will be provided with a focus on the evolving capacities of the child. Practical exposure to simulated court situations, and visits to remand homes and certified schools will be part of the training. In addition, UNICEF will undertake judicial colloquia to improve the capacity of lawyers working on pro bono cases for vulnerable children.

UNICEF will also conduct a series of capacity building programmes for civil society legal aid providers related to child representation. This will go hand in hand with UNICEF's support to provide legal assistance/counselling services, court representation and shelter, which it plans to deliver through CSOs and Government facilities to child survivors of abuse and programmes to strengthen systems to prevent secondary victimization of children at the local level.

Activity 1.1.4. Enhance sensitivity and responsiveness by training of 'first point of contact' individuals such as JMOs, police officers, other similar professionals especially when assisting girls and women victims of violence.

UNDP will strengthen the capacities of the Sri Lanka Police (including the Women & Child Desks, the Protection Division, Crimes Division) to provide victim-centred, gender sensitive services to victims and/ witnesses. Support will also be provided to implement the key recommendations of the Gender Gap Analysis of the Police Force commissioned by the National Police Commission with UNDP support.

UNDP will also strengthen the capacities of the officers of the Police Protection Division and the legal, protection, and investigation officers of the NVWPA on victim centric service delivery. UNDP, in collaboration with the Ceylon College of Psychiatrist, developed a module on Trauma informed Care for Victims of Crime to be rolled out to all psychiatrists island-wide. Initiatives will be introduced to operationalize the module that provides in-depth insight into the impact of trauma on a victim. UNDP envisages operationalizing the module through the introduction of case-conferencing mechanisms at hospitals in selected districts that report high incidences of crime.

UNDP will also support the roll out of the Paralegal Training Manual at national and sub-national level among Women Development Officers and Counseling Assistants to initiate legal clinics and identify SGBV survivors.

Activity 1.1.5. Develop sustainable mechanisms to provide for legal protection of economic and property rights of vulnerable communities and women including legal protection from predatory lending)

The absence of effective legal safeguards for the protection of economic and property rights of marginalized communities has resulted in exacerbating their vulnerabilities. Reports indicate a correlation between the increased rates of suicide and victimization from predatory lending. This action will initiate a consultative process to develop sustainable mechanisms for the legal protection of economic and property rights of marginalised communities (including women).

Output 1.2. Equal Access to Justice strengthened including through language mainstreaming across the justice sector (through improved translation/interpretation capacities)

Activity 1.2.1. Enhance capacity for legislative drafting, translation & consolidation of laws and set up a sustainable mechanism that facilitates (real time) public access (including online) to laws and subsidiary legislation

Five core pieces of legislation – the Criminal Procedure Code, Penal Code, Evidence Ordinance, Judicature Act and Civil Procedure Code were officially translated and consolidated (in Sinhala, Tamil, English) in 2016 by the Ministry of Justice supported by UNDP. This marked the first occasion in which core legislation was made available in the Tamil language (since their principle enactment) thereby enhancing equal access to laws for minority communities. The intervention also helped conclude an ongoing fundamental rights case in the supreme court challenging the absence of laws in the Tamil language. The intervention also fulfilled obligations contained in the Official Languages Policy in Sri Lanka. UNDP will continue to support the Ministry of Justice & the Legal Draftsman's Dept to translate and consolidate priority legislation. A mechanism will also be created to print a supplement to the Legislative Enactments every five years and update and print Sri Lanka Law Reports. A mechanism to facilitate real-time (including online) public access to laws and regulations will also be developed. While this activity will focus specifically on accessibility through translation of legislation, activity 3.3. will focus on strengthening the capacities of the Legal Draftsman's Department overall.

Activity 1.2.2. Improve interpretation and translation services at all stages of judicial proceedings (including through special translation units in Courts)

UNDP in consultation with the MOJ and other relevant justice sector partners will roll out a strategy and plan of action to improve through targeted interventions translation and interpretation services at multiple stages of the judicial process – including complaint and investigation stages, pre-during and post-trial, incarceration). The action will also extend towards revising recruitment policies of the sector institutions (including the police force) and language skills development (i.e strengthening capacities of court translators). The intervention envisages protecting minorities by minimizing vulnerabilities caused by a lack of meaningful access to law enforcement and justice services in their language.

Support will be extended to the Ministry of Justice and the Judicial Service Commission to revive the Special Translations Unit established in the Court of Appeal during 2014-2016 supported by UNDP, that helped clear the backlog of over 300 cases pending appeal (due to lack of Tamil translation facilities). Building on the buy-in already secured from the Ministry of Justice, the Unit will be revived and expanded to other Courts.

UNDP will continue to support the MoJ and the sector actors to roll out a Language Gap Analysis and develop a language mainstreaming strategy and a translation strategy together with other relevant Departments such as the Official Languages Department and Sinhala Dictionary Office, and the Official Languages Commission.

Activity 1.2.2 a) Improve interpretation and translation services for all children in contact with the law

As an interim measure, UNICEF will provide direct support for interpretation and translation services to ensure that all children in contact with law can receive age-appropriate representation in a timely manner. Then as a longer-term strategy, UNICEF will advocate for urgent capacity enhancements to be undertaken through the recruitment of officers with dual language capacity and the introduction of a sustainable language training mechanism. In addition, UNICEF will work with relevant stakeholders to ensure child friendly documentation systems are developed across the justice system for children. This would include the use of child-specific forms, and the use of language appropriate for children.

Output 1.3. Improved legal awareness amongst the public (especially vulnerable communities)

Activity 1.3.1. Conduct awareness raising on specific rights, entitlements/obligations of the right-holders (with specific focus on vulnerable groups)

Targeted public awareness activities on rights, entitlements/obligations, protection & remedial measures (including on alternative dispute resolution mechanisms) will be conducted to empower the public to avail themselves of the rights (including fundamental rights) afforded to them. Sensitization on emerging trends, legal developments will be conducted to empower the public to hold sector institutions to account and strengthen service delivery. UNDP will work in close collaboration with CSOs, research & academic institutions (such as the Center for Study of Human Rights), Faculties of Law/Universities), Schools, the Legal Aid Commission and other selected sector institutions in conducting targeted awareness programmes, developing handbooks/manuals on selected topics, as well as resource guides on incorporating legal education into the secondary and tertiary curricula (see also below – 1.3.1.a), with a strong focus on civic education and legal literacy. Collaboration will be sought to expand existing legal education programmes using innovative concepts. IT-based solutions will also be explored to increase awareness.

Activity 1.3.1 a) Conduct awareness raising programmes on Justice for Children and the law in relation to young people and ensure its inclusion in curriculum reform

Legal education for children is an emerging field in Sri Lanka. Sometimes, children come into contact with the law as a consequence of not knowing the laws and policies that affect them. UNICEF will develop and implement a state-of-the-art programme to create knowledge and awareness among children and young people about the law, their rights and how to access services. Further, UNICEF will develop, produce and disseminate child friendly versions of laws and policies. This legal education component will use both traditional and IT-based solutions to increase awareness among children and young people. UNICEF has a long experience of working with and through children's clubs across the island, many of these have remained active despite the pandemic. UNICEF also proposes to use a network of young influencers and bloggers to create debate about young people's rights and the law and ensure there is a trusted website where young people can access the information they need. UNICEF will also support legal education on matters related to children to selected CSOs, non-state organisations, think tanks, lawyers, law faculties, colleges and professional research institutions to enable capacity within them to become future child rights watchdogs.

Finally, UNICEF will work with the Ministry of Justice and the Ministry of Education to ensure that law, child rights and humans rights are included as modules or subjects in the ongoing school curriculum reform. The COVID-19 has had major consequences for the education system in Sri Lanka, but has allowed the possibility for classes to go on-line. UNICEF will work with the Ministry of Education to ensure that new modules on law and rights can be rolled out on-line.

Activity 1.3.2. Improve the capacities and level of awareness of CSOs (non-state organizations, think tanks, lawyers, law faculties and colleges and professional research institutions) involved in access to justice, defense of human rights, children and women's rights and support their dialogue with duty-bearers including on environmental justice

Through this Action, the capacities of selected CSOs will be strengthened to enhance their participation in promoting equal access to justice, to strengthen their engagement with sector institutions and influence policy, legal reform and justice sector service delivery. The programme will also target new partners at national and sub-national levels to explore innovative and effective ways to inform people about their rights, in collaboration with key professional and CSOs.

A comprehensive CSO engagement strategy will be developed and rolled out to enhance civic space and their participation in justice sector reform. Social dialogue will also be strengthened by facilitating CSO engagement with the parliamentary committee on Justice and the Caucus of Women Parliamentarians. CSO engagement will also be leveraged to strengthen their role in tracking progress against the SDG16 targets (Peace, Justice and Strong Institutions).

Support will be extended to think tanks, legal practitioners, law faculties/colleges and professional research institutions to develop existing legal education programmes using innovative concepts. UNDP's CSO engagement support will extend towards mobilizing youth groups to engage on

governance, justice and human rights issues that affect all communities, as well as strengthening investigative journalism and ethical reporting by the Media. Media will be engaged to strengthen public oversight and serve as a responsible and transparent avenue for dissemination of information and public advocacy. Building on UNDP's engagement with CSOs working on environmental justice, support will be provided to strengthen CSO capacities to carry out research on environmental justice, undertake environmental justice cases through public interest litigation and advocate on environmental justice issues.

Outcome 2: Improved accountability, transparency and credibility of the justice system

The above outcome will be realized by (1) strengthening data collection, analysis and dissemination capacities of government institutions, professionals, CSOs, individuals and accountability organizations on justice sector performance for the public), (2) increasing capacities of different justice sector actors to develop and implement codes of ethics and professional conduct, and (3) strengthening capacity of independent institutions to carry out their mandate.

Output 2.1. Strengthened data collection, analysis and dissemination capacities of government institutions, sector professionals, CSOs and other accountability organizations on justice sector performance for the public

Activity 2.1.1. Capacity building of justice sector institutions to collect and analyse disaggregated data (including on gender-based violence and environmental justice)

A comprehensive package of support will be extended to key sector institutions (including the MoJ, LAC, JSC/SLJI, AG's Dept, Prisons Dept, Community Corrections Dept, Judicial Medical Service, National Authority for the Protection of Victims of Crime & Witnesses), Department of Census and Statistics and CSOs (including academic institutions, bar association, council of legal education) to conduct strategic research on prioritized topics, to systematically collect and analyse disaggregated data (including on complaints/cases) to mainstream data management across the sector, and incorporate justice sector data into national databases. The data will contribute towards improved case and case-flow management, promote judicial innovation, and target legal service delivery.

UNDP will notably continue to support the Police Department (especially the CRD) to strengthen disaggregated data collation and analysis and establish a coordinated database on crimes. This will also contribute towards enhancing the annual statistical data released through the Grave Crimes Abstract. UNDP will expand its ongoing support to the National Authority for the Protection of Victims of Crime & Witnesses to establish a data tracking mechanism that promotes quantitative and qualitative data on criminal victimization trends and patterns, and monitors the progression of a case (from initial complaint, to trial, to sentencing) and provision of protection services.

Particular attention will be devoted here to ensure systematic collection and analysis of data on all forms of gender-based violence against women, disaggregated by age, ethnic group, religion and relationship between the victim and the perpetrator, as well as on cases and trends related to environmental justice.

Activity 2.1.1 a) Improve the collection, analysis and use of routine data on Justice for Children and undertake research on key J4C issues

The lack of information that is accessible to justice professionals and the public is a major constraint to the management and accountability of the justice for children sector in Sri Lanka. UNICEF will support the Government to design and roll out an annual data and statistics bulletin, capturing key data and statistics related to the justice for children sector. This will cover the 15 Juvenile Justice Indicators, as well as information on: child victims, child witnesses, children in civil proceedings and children receiving legal aid. As much as possible, this data will be disaggregated by gender, age and location.

UNICEF will support a local 'think tank' to institutionalize the holding of an Annual Conference on Justice for Children Partners including Government, Civil Society, Academic and Research institutions to share and publicly disseminate relevant data for decision making related to Justice for Children.

There is a need for regular and updated performance data of government institutions in a well-functioning democracy to enable citizens to hold government accountable. UNICEF will support this process through: the facilitation of periodic media briefings informing the wider community with relevant statistics related to Justice for Children; providing technical support to operationalize an interactive Web Portal informing the wider community with relevant statistics related to Justice for Children; providing technical support to the HRCSL to produce periodic thematic reports (bi-annual) on trends in child rights issues in Sri Lanka, with a specific focus on justice for children; and providing technical support to the NCPA to increase institutional capacity to systematically collect, analyse, review, and disseminate reports on children in the justice system.

UNICEF will provide technical support to strengthen the data management system for children in prisons and other institutions including approved schools, certified schools, remand homes and detention centres through the Department of Probation and Child Care Services and the Department for Prisons.

During the inception phase, UNICEF will also undertake a review of existing studies on Justice for Children and identify gaps. Key areas that have emerged in the past include – a longitudinal study to follow-up children after they leave the probation, care and prison system; the impact on children of having a mother or father in prison; a research/action to model diversion options; and violence against children and young people and the impact of COVID.

Activity 2.1.2. Enhance the criminological knowledgebase of the Sri Lanka Police through targeted research to promote evidence-based policy and reform

Building on two pioneering studies conducted on victimization and crime trends in Sri Lanka by UNDP, this activity will focus on enhancing the criminological database with the primary objective of formulating an evidence-based national crime prevention strategy. UNDP will work in close collaboration with the multiple police divisions (Crimes, CID, CRD, Women & Child Desks, Protection Division) to ascertain trends that will influence the development of the National Sentencing Policy, support the effective identification & targeting of preventive action, enhance community policing and strengthen “Early Warning”.

Data gathered through the preceding interventions (2.1.1 and 2.1.2) will be made available (where possible) to sector stakeholders (including the Judiciary), CSOs (including academic institutions) and other institutions (ex; NPC, HRC, CIABOC), parliamentary committees, sub-national level actors the Dept. of Census and Statistics and the media to promote inclusive access to good quality data to promote informed policy formulation and legal reform, and transparency within the sector. Annual symposiums on selected topics will be conducted with multi-stakeholder participation to promote evidence -driven reform.

Activity 2.1.3 Regular and updated monitoring of the various statistics and performance of the identified institutions to facilitate public access to quality information

The availability and accessibility of updated data (including on performance) on institutions is a central characteristic of a functioning democracy. Transparency and accountability within the sector will be promoted by empowering the general public to understand and assess the performance of the justice institutions through annual statistical symposiums, the development of justice sector information website and bulletins. A mechanism will also be introduced to support the sector and the public to monitor/track progress towards achieving the SDG16 (*peace, justice, strong institutions*) targets. The data will also be made available to CSOs, media and other accountability institutions including the Auditor General’s Department and the Department of Census and Statistics.

Output 2.2. Increased capacities of different justice sector actors to develop and implement codes of ethics and professional conduct

Activity 2.2.1. Support the Judicial Service Commission to better regulate the discharge of judicial function of judges through the introduction and improvement of policies, manuals, procedures and processes

In consultation with the Judicial Service Commission, UNDP will explore the establishment of a Judicial Working Committee to develop policies, manuals and procedures and processes required to strengthen the discharge of judicial functions including the formulation of an Ethical Code for Judges incorporating aspects of judicial diligence and professional judicial management. This will be preceded by a comprehensive mapping of the existing policies, procedures and processes (drawing from the recent ADB assessment) that will help ascertain recommendations for reform in close collaboration with the JSC.

Activity 2.2.2. Assist in developing transparent and non-discriminatory Human Resources policies at all level of the justice system and administration

UNDP will initiate discussions with relevant justice sector actors on gap analysis on human resource policies (including on recruitment and promotion) at multiple levels across the sector. Interventions will be targeted towards minimizing gender discrimination and promoting merit-based mechanism for career development. Schemes of Recruitment (SORs) of selected institutions will be evaluated (in consultation with sector stakeholders) to minimize skills mismatch and equal opportunity. The Disability Inclusion Strategy for the justice sector developed with UNDP support will also be leveraged to strengthen non-discriminatory policies.

Activity 2.2.3. Support the establishment and implementation of a plan of action to improve women's representation especially within higher levels in the justice system

Building on the success of the Gender Gap Analysis of the Police Force conducted by NPC in collaboration with UNDP (the implementation of the recommendation which resulted in the appointment of the first female DIG in Sri Lanka), UNDP will conduct a Gender Gap Analysis of the Justice Sector Institutions. The Assessment will identify strategic action plan to address gaps and promote gender equality across the sector. A targeted capacity enhancement portfolio of support will be extended to strengthen the technical skills of women lawyers on identified topics to help position them within fields that disproportionately reflect a higher percentage of men.

Activity 2.2.4. Develop/revise codes of conduct and procedural manuals for sector professionals

UNDP will initiate the development of Codes of Conduct, Standard Operating Protocols for sector professionals including the Police, BASL, AG's Department, Government Analyst's Dept and the Prisons Dept. Victim-sensitive protocols will also be mainstreamed across the sector institutions such as police, national authority for the protection of victims of crime and witnesses, judicial medical service, Legal Aid Commission and BASL.

Activity 2.2.4 a) Provide support to the professionalization of the justice for children workforce and the development of Codes of Conduct and HR Policies that support child friendly justice

Discriminatory practices can lead to discontent among staff anywhere. To avoid such situations in the Justice for Children Sector, UNICEF will provide technical assistance to develop transparent and non-discriminatory Human Resources policies in the recruitment and promotion procedures, language requirement, etc. for the Department of Probation, NCPA and Children's Courts.

UNICEF will also provide technical support to develop standards in line with International Guidelines for Action on Children in the Criminal Justice System related to the professionals involved in criminal justice processes related to children, including, Judges, Attorneys-at-Law, JMOs, Probation Officers and Police officers.

In addition, UNICEF will provide support to the professionalization of the workforce, particularly making a professional training and qualification for Probation Officers. Currently, the job title and profession of “Social Work” does not exist in Sri Lanka. UNICEF will work with universities to establish a training programme on social work for Sri Lanka.

Output 2.3. Strengthened capacity of independent institutions to carry out their mandate

Following consultations with key implementing partners, under this Output, the project will support Commissions such as: the Human Rights Commission (HRCSL); National Police Commission (NPC); Judicial Service Commission, Public Service Commission and institutions such as: the Victim and Witness Protection Authority. These institutions will be supported to adopt people-centred approaches, systems and processes to uphold the rights of excluded and vulnerable groups.

Activity 2.3.1. Conduct system reviews and individual institutional assessments of each of the targeted independent institutions (to assess capacity constraints and bottlenecks to achieving their mandate)

The HRC is a statutorily established Commission, which has retained much of its original mandate vis-à-vis monitoring and investigation of HR violations, as well as its remedial role in supporting fundamental rights applications. Moreover, the implementation of the recommendations of the pioneering prison study conducted remains a key priority for the commission. UNDP will support the Commission to roll out a strategy to implement these recommendations, and also conduct a comprehensive needs assessment of its centers island-wide. In addition, support will be extended to establish linkages between the HRC and the LAC and to implement a civil society engagement strategy for the HRC.

Support will be provided to develop codes of conduct for the Human Rights Commission, National Police Commission and the National Authority for the Protection of Victims of Crime and Witnesses, in line with international standards and best practices to strengthen the commission’s capacity to carry out its mandate effectively.

Support will be extended to update and operationalize the National Police Commission strategic plan (2020-2023) in line with its revised mandate (post 20th Amendment) focusing primarily on public complaints. Cognizant of the multitude of public complaints channelled to the Commission (including during covid-19 lockdown), the programme will explore avenues for diversifying NPC’s public outreach and service delivery through innovative and inclusive platforms (see also 2.3.5)

Activity 2.3.2. Strengthen the role of targeted independent institutions and of the National Child Protection Authority to independently monitor child rights and provide age-appropriate justice services

UNICEF will increase its support to strengthen national and subnational monitoring of child rights to better inform policies and programmes and identify resources to leverage results for children and adolescents. The strong convening power of UNICEF and its recognised ability to partner with

Government will contribute to fostering this coordination, which will help in addressing the multiple deprivations faced by the most vulnerable children in Sri Lanka.

UNICEF will support a consultative process for the identification of priorities related to children to operationalize key recommendations of the Training Needs Assessment conducted by UNDP. Currently, the HRCSL considers the NCPA as the National authority tasked with independent monitoring of Children's Rights. UNICEF believes that independent child rights monitoring should be the responsibility of an independent institution such as the HRCSL and will provide technical support to the HRCSL to strengthen its capacity related to independent monitoring of child rights. UNICEF also intends to support the National Monitoring Committee to formalize its structure/regular meetings and create reporting lines between sub-national level monitoring committees. In addition, UNICEF will work with the GoSL to explore the possibility of setting up a Children's Ombudsperson to independently monitor child rights.

Activity 2.3.3. Review the procedures and procedural norms of targeted independent institutions with a view to streamline business practices to achieve their mandate

UNDP will support the Human Rights Commission to effectively monitor places of detention as per its statutory mandate in compliance with Sri Lanka's international obligations (Optional Protocol to Convention Against Torture). A key recommendation of the "Prison Study" conducted with UNDP assistance in 2020, is the introduction of spot-check monitoring mechanisms at both prisons and police stations. UNDP will continue to support HRC to implement the recommendations through a multi-stakeholder approach.

Support will also be provided to the National Police Commission to implement the recommendations of the Gender Gap Analysis of the Police Force conducted by UNDP in collaboration with NPC in 2019. Business practices will be reviewed to ensure compliance with the recommendations of the Gap Analysis.

Activity 2.3.4. Support the targeted independent institutions to establish and/strengthen grievance handling mechanisms and complaint-flow management

UNDP will develop a strategy to build and strengthen grievance-handling capacity of the commissions (HRC & NPC) and other independent institutions, including on investigations and inquiries. The activity will also help ascertain comparative strengths and synergies across the justice sector mechanisms and processes.

In response to a request by HRC, UNDP will support the development of a mechanism to clear the backlog of cases (including inquiries) created since 2015. Support will also be extended to classify the cases/complaints and fast-track their completion within the HRC. HRC's mandate vis-à-vis fundamental rights applications became all the more relevant during covid-19 lockdown where its complaints mechanism became the only recourse to remedy for prospective applicants of fundamental rights cases (to circumvent the 30-day prescriptive period) when the formal court

system ceased to function. UNDP envisages supporting the HRC to introduce a robust (user-friendly) FR electronic complaints mechanism that offers the public greater access to justice.

Support will also be extended to establish linkages between and among the commissions, other independent institutions and the formal justice sector to explore alternative remedial action that can withstand shocks to business continuity (i.e against a pandemic backdrop).

Activity 2.3.5. Developing means, mechanisms and methods for engaging and educating the public (including CSOs) on the role of independent institutions and to facilitate easier and effective access to their services

Support will be extended to implement the key recommendations of the communication strategy developed for the National Police Commission and the Human Rights Commission to enhance outreach and visibility. Similar strategies will be developed for the National Authority for the Protection of Victims of Crime & Witnesses. Continued support will also be provided by UNDP to roll out HRC's civil society engagement strategy that will mobilize grass roots organizations to reach those furthest behind.

Outcome 3: Improved efficiency and quality of justice

The above outcome will be realized through the following outputs: (1) Efficient and age-appropriate child justice services available for every child in contact with the law; (2) Strengthened policy and legal reforms in line with international standards, norms and best practices; (3) Increased management, administrative and technical capacities and improved processes of the justice actors, in particular through; (3a) increasing and expanding digital solutions across the justice sector to ensure expeditious delivery of justice; (3b) enhancing capacities/skills of justice sector actors (institutional and individual) to provide efficient and quality services to the public; (3c) improving infrastructure within the justice sector institutions to provide efficient and victim sensitive services; (4) Strengthened commercial and alternative dispute resolution mechanisms to provide expeditious remedies and create an investor-friendly environment; (5) Established mechanisms/platforms for improving cooperation and coordination between justice actors.

Output 3.1. Efficient and age-appropriate child justice services available for every child in contact with the law

Activity 3.1.1. Provide technical support to law reform, legal drafting and the development of a J4C Manual

UNICEF will conduct a desk review of existing literature that highlight important laws, regulations, etc. that constitute a substantial impediment to access to justice for children that require immediate attention and revision. This exercise will be aimed at identifying existing gaps and propose amendments, in keeping with international best practices. Further, UNICEF will provide technical support for the revision of laws related to children which are considered archaic, such as the Children and Young Persons Ordinance and the Adoption Ordinance.

UNICEF will support the Ministry of Justice to develop and implement sentencing guidelines related to children, after perusing practices in comparable jurisdictions to Sri Lanka and a study of International Best Practices. UNICEF will also support the production of a case book and a manual for the judiciary to provide guidance on the interpretation and use of these guidelines. The process will include the establishment of a committee of experts that will look into the needs based on recent developments, a literature review and the subcontracting of an academic institution to develop and rollout the material.

Activity 3.1.2. Provide technical and financial support for case management within the penal chain, backlog clearance and Digital Case Management and Tracking

UNICEF has a broad understanding of the processes related to the case management and work flow at the Attorney General's Department, as well as within the Department for Probation and Childcare and the National Child Protection Authority. A thorough review of procedures will be conducted by a consultant to ascertain the steps that need to be taken to streamline business practices, including location of barriers contributing to the backlog of cases related to children. UNICEF will advocate with relevant government partners including the treasury, the MoJ and the MoWCD to address the gaps that will be identified.

Activity 3.1.3. Provide support to develop and implement a Diversion Framework

UNICEF will support law reform for the operation of Juvenile Courts that will operate in a more child friendly manner focusing on restorative justice rather than retributive justice. UNICEF will also provide support to the MOJ and the MoWCD to institutionalize a diversion system where child offenders and children who are "badly behaved" will be directed to community based correctional services rather than custodial institutions and prisons. Every effort will be taken to keep children away from the regular criminal justice pathway established for adults in accordance with applicable UN standard minimum standards and guidelines. Given the fact that there are existing diversion programmes in place within the system, including provisions under the Children and Young Persons Ordinance for Supervisory Orders and Mediation options, expansion of diversion programs will take place through the strengthening of the existing system and not through the creation of any new systems or structures. UNICEF will work in collaboration with the Ministry of Justice to develop a restorative justice framework that includes Diversion in the Juvenile Justice System. The framework will include a needs analysis that takes into consideration the number of juvenile justice cases that

are annually reported to the police, come up in courts and the numbers of children being admitted to juvenile justice institutions. Action needed to institutionalize a restorative justice system, which may include amendments to certain laws, issue of administrative circulars, training, making administrative linkages between laws such as CYPO, Community Based Corrections Law, Mediation boards Act etc and make recommendations for structural changes if needed including required financial resources will also be considered in the framework.

Activity 3.1.4. Conduct an analysis of Child Justice related Sector Plans and a Child Justice budget analysis

As part of an overall focus on strengthening Public Financial Management for Children, UNICEF will conduct an analysis of child justice related sector plans and an analysis of the budget available for their implementation. This will serve as the basis for advocacy on shifting or allocating new resources to ensure a more child-friendly justice system in Sri Lanka.

Activity 3.1.5. Provide support for both the separation of children detained in prisons from adults and children alleged as perpetrators of crimes from children in need of care and protection

In the current set-up in Sri Lanka, children aged 16-18 are judged and treated as adults within the justice system. As amendments to the CYPO come into effect, UNICEF will support the process of separating children from adults in the justice and prison system, advocating for early release and diversion to non-custodial sentences and services wherever possible.

In addition, the current Department of Probation and Child Care Services often house children in need of care and protection and alleged/child perpetrators in the same residential facilities. UNICEF will support the separation of victims and perpetrators wherever possible and ensure that victims are not re-victimized within the Probation and Care System. The Cabinet approved Alternative Care Policy has a focus on de-institutionalization of children and a move towards family-based care and foster care. Therefore, UNICEF does not plan to support the construction of new residential facilities, but the re-purposing of current centres to provide shorter-term rehabilitation & reintegration options for victims and perpetrators in separate facilities, before a return to more family-based care.

Activity 3.1.6. Undertake an analysis of infrastructure needs and then provide support for the construction of Child-Friendly Spaces within the Justice Sector

Certain Courts in Sri Lanka have already been provided with Child-Friendly Facilities – places for children to remain safely before a court hearing, or spaces for mothers to breastfeed. During the inception phase of the project, UNICEF will undertake an analysis of existing infrastructure and propose detailed plans of where new construction or rehabilitation could be supported by the project. UNICEF will then provide support for construction in areas prioritized by the Action.

In addition, UNICEF will establish safe and confidential environments (testifying rooms) in Women and Children's Desks that do not have such rooms for statements made by Children and Youth in the North, East and Plantation Sectors. The number will be decided in the inception phase of the project.

Activity 3.1.7. Undertake an innovative and case-based capacity building programme to ensure efficient and age-appropriate justice for children

UNICEF will conduct a review of previous training programmes and a needs-based capacity building assessment for all key personnel that play a role in the justice for children sector.

Following this review, UNICEF will then facilitate the development of a system wide capacity building programme to increase the sensitivity, timeliness and responsiveness of key justice sector professionals including: judicial medical officers, police, probation officers and child rights workers to deliver child-friendly and age-appropriate services for all girls and boys in contact with the law. There will be a focus on learning from case studies from the field, looking at when decisions made have gone right and when they have gone wrong and the key competencies required to make decisions in child protection, based not only on intuition, but also with a more analytic social work framework. There is a real need to change decision-making processes, to make sure that the best interests of the child are at the fore and that there is accountability for when things go wrong. . The programme will provide particular support to Judicial Medical Services of the Ministry of Health to improve their contribution to the protection of the best interests of child victims and witnesses of crimes.

Activity 3.1.8. Provide support to the set-up and functioning of a National Steering Committee for J4C / Probation

UNICEF will facilitate the establishment of a National Steering Committee on Justice for Children, dedicated to considering and taking action related to Justice for Children as deliberation of issues related to children have not been a key priority and it requires a distinct committee.

Output 3.2. Strengthened policy and legal reforms in line with international standards, norms and best practices

Activity 3.2.1 Assist the Ministry of Justice (especially the legal and reforms units and the thematic law reform committees), the Law Commission of Sri Lanka and other targeted justice sector institutions to initiate and update policies, legislations and regulations

UNDP will continue to support MOJ and other relevant institutions including the five thematic Sub-Committees appointed by the Ministry of Justice (civil law, criminal law, commercial law, digitalization and court automation, infrastructure) to reform relevant laws, policies protocols and guidelines. This includes in particular the sentencing policy, enabling guidelines for the operationalization of the victim and witness protection law, guidelines on the operationalization of

remote testimony, prison regulations, whistleblower protection, privacy etc. Further support will be extended to implement the provisions introduced through the afore-mentioned policy/law reform initiatives.

UNDP will extend targeted support to the Ministry of Justice Reforms initiative to conduct a mapping and then revision of laws and regulations that constitute a substantial impediment to access justice. A comprehensive review of existing Judicial, Police and Prison circulars will also be conducted to identify gaps, recommend and initiate reforms in line with international best practices.

A comprehensive Disability Inclusion Strategy for the justice sector will be developed building on UNDP's ongoing support to the Ministry of Justice on mainstreaming disability inclusion in legal reform processes.

UNDP will build on the findings of the Pioneering Study on the existing Sentencing Trends in Sri Lanka (2017) conducted in collaboration with the Judicial Service Commission and the Ministry of Justice in supporting the formulation and implementation of the **National Sentencing Policy/Guidelines**. UNDP will work with the Chief Justice and a Judicial Advisory Committee and a Ministerial Sub Committee on Sentencing in developing the Guidelines. International Standards and Best Practices on sentencing will be brought to bear throughout the process. Bench Books will also be developed on selected priority areas with the Judicial Service Commission, Sri Lanka Judges' Institute and the Ministry of Justice. Additional support will be provided to develop Case Books/Manuals on latest legal developments in other jurisdictions (UK, EU, US, Canada) including on Judicial Activism and the Democratic Rule of Law.

Output 3.3. Increased management, administrative and technical capacities and improved processes of the justice actors, through expansion of digital solutions, skills development and enhancement of infrastructure

The primary focus of the output will be to: a) expand digital transformation within the justice sector; b) strengthen skills and capacities of the justice sector actors and institutions, and; c) improve infrastructure to facilitate efficient service delivery.

- ***Digital transformation***

Activity 3.3.1. Strengthen digital transformation within the justice sector (e-justice) through digital court hearing, digital case flow management/tracking, remote legal counselling, court automation, and the promotion of digital tools to improve legal literacy of sector professionals

Responding to the necessity of ensuring business continuity within the sector, the Judicial Service Commission, the Ministry of Justice, the Legal Aid Commission and the Prisons Department (supported by UNDP) pioneered remote court hearings (through digital technology) of bail applications. The successful pilot programme resulted in Cabinet approval being granted to expand the model island-wide. UNDP's ongoing initiatives to expand the remote testimony facility to the

Government Analyst's Department, the Attorney General's Department, the Judicial Medical Office and the Police facilitates sector-wide transformation and judicial innovation.

The necessity to facilitate uninterrupted access to justice through digital means was amplified during the successive Covid-19 lockdowns. The successful remote court hearings/remote legal counseling piloted in 23 Courts, 10 Prisons and LAC, resulted in cabinet approval being granted to expand remote court hearings island-wide.

UNDP's support to digitize the Supreme Court, Court of Appeal, High Courts and Magistrates Courts helped ensure business continuity within the sector and minimize further buildup of the case backlog. UNDP will continue to improve the digital capacities of the justice sector institutions including Court automation, video conferencing systems between the multiple tiers of courts and the prisons, AGD, GAD, LAC, Police and the BASL, the development and roll-out of the concept of SMART courts, the digitization of courts records process steps as well as the operationalization of remote testimony legal provisions. Technical support will also be provided to revamp the MoJ website and LAWNET website in order to facilitate real-time and user-friendly public access to relevant justice sector information, including laws and cases.

UNDP will capacitate the participating criminal justice sector institutions including the MoJ, AGD, judiciary, GAD and police by strengthening their knowledge base through IT based resources and training, systems and process enhancement. Support will be provided to establish Research Units with IT based resources and platforms at key sector institutions such as the MoJ, AGD, GAD and the Judiciary (Supreme Court) to promote and coordinate research. The support will help real time coordination and follow up on treaty reporting obligations of the MoJ, facilitate access to international/domestic development on law, legal documentation (including Bills) for AGD, and access to legal journals and case law in other jurisdictions for the Judiciary.

Through this Action, UNDP will notably support the establishment and operationalization of an electronic case management system at the National Authority for the Protection of Victims of crime and Witnesses and the Police Victims of Crime and Witnesses Assistance and Protection Division. The Police Protection Division receives a large volume of cases through multiple sources and performs a multitude of services including investigation into the alleged offence, filing of charges against the offender, protection of the victim/witnesses and leading of evidence in Court. It is imperative that a comprehensive case management mechanism is introduced to track the progression of each case. UNDP envisages supporting the Division to develop and maintain a digitized database which could be linked to the Database of the National VWP Authority for effective management of complaints and requests for protection by victims and witnesses. The National VWPA will also be supported to develop and expand its electronic case management mechanism/database to track case progression and establish linkages with the Police Protection Division and identified police stations/divisions across the island.

In collaboration with the JSC, Court Registry and the Judicial Medical Service, UNDP will also support the establishment and operationalization of a database to expedite the completion and submission

of Medical Legal Reports to Court. The Judicial Medical Service will also be supported to introduce innovative, automated platforms to retrieve MLRs lost during transfer of doctors from one duty station to another.

Support will also be provided to the AGD to revive its IT based Case Tracking System. Steps will be taken to modernize the IT infrastructure of the AGD and provide necessary training for AGD staff to be able to effectively use the software and hardware provided for the case management system.

The Ministry of Justice through its thematic reforms Committee on Court Automation & Digitization is currently formulating a Digital Transformation Strategy for the Justice Sector. UNDP will work in close cooperation with this Committee to align its support to the requirements identified in the strategy.

- ***Skills development and capacity building***

Activity 3.3.2. Roll-out capacity building support for justice sector personnel and targeted institutions on selected thematic subjects (in line with international best practices) and on overall administration, transparency and accountability, sensitivity and responsiveness

UNDP will notably support the **AGD** to address barriers in institutional business processes to improve administrative and management processes and case management processes. Building on UNDP's previous support to the AGD on addressing case flow management bottlenecks and clearing case backlogs in the Narcotics Divisions (CR3 Unit), Children's Unit (CH Unit) and Public Complaints Division (MP Unit), support will be extended to implement the recommendations contained in the Case Flow Management – Institutional Needs Assessment Report (UNDP 2016) as they relate to the AGD. Further support would be extended to strengthen the public complaints mechanism of the AGD to improve coordination among justice sector partners and civil society.

Building on its previous support, UNDP will also strengthen the investigation and technological capacities of the **police officers** in criminal investigations divisions including the SIU, SOCO, CRD, CID, OCD, police protection division, narcotics division and Crimes. Capacity building may include supporting the expansion of the finger printing database in identified police divisions, establishment of a sex offender registry, establishing a knowledge hub to conduct research and analysis on crime trends, etc. and assistance in investigation tactics and crime prevention.

In order to strengthen the capacities of criminal justice sector officials, UNDP will also support the development of a university course/diploma on Criminology and Criminal Justice at a National University. The programme will also aim to develop the criminological knowledgebase in Sri Lanka and promote evidence-based learning and skills development. University courses/diplomas will also be developed on other selected subject areas in consultation with sector stakeholders (including the BASL) and academic institutions.

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UNDP will conduct system reviews and individual institutional needs assessments for the **Legal Draftsman's Department** to identify institutional, managerial, structural, procedural and technical gaps and recommend necessary reforms. The capacity constraints at the LDD have contributed to delays in amending archaic legislation. It has also delayed the conversion of Sri Lanka's international obligations into domestic law. The absence of skilled Tamil and Sinhala translators has contributed to the delay in consolidating/codification of laws and the drafting of new legislation (linkages with Activity 1.2.1). UNDP will support enhancement of legislative drafting skills of the LDD officers including on drafting legislation in keeping with the spirit of the law. Exposure to international drafting expertise (through a certification course) will be provided.

The law grants wide powers to the **National Authority for the Protection of Victims of Crime and Witnesses** which would have a direct bearing on efficient case-flow management within both the criminal and civil justice sectors. Since the law relates to all witnesses (civil and criminal), the National Authority is the only justice sector institution legally mandated to investigate allegations of threat, intimidation and reprisal against witnesses, conduct threat assessments, and provide necessary protection to ensure testimony crucial to the prosecution/defence can be secured and case concluded with minimal delay. Increasingly, Courts, Commissions etc. order that protection be provided to vulnerable witnesses through the National Authority. It is also the only justice sector institution legally mandated to operate the Protection Fund and thus vested with the power to develop a comprehensive compensation scheme.

UNDP will continue to support the NAPVCW to implement its mandate contained in the Assistance to and Protection of Victims of Crime and Witnesses Act No. 4 of 2015, in line with international standards. Exposure to best practices from other common law jurisdictions (including UK, South Africa, Australia, Scotland, etc.) will be facilitated. Support will include strengthening the NAPVCW's knowledgebase (national and international) on the subject and development of high-level coordination platforms between the NAPVCW and the Courts, Police, Prosecution, GAD, JMO and the Prisons Dept and CSOs. UNDP will also assist the Authority to develop a capacity building strategy for the justice sector on the implementation of the victim/witness protection law. Further support will be provided to conduct public awareness on the rights and entitlements of victims and witnesses.

At last, UNDP also will support the Authority to develop a comprehensive Compensation Scheme, provide services through the Protection Fund, operationalise the victim/witness protection Hotline, strengthen the NVWPA Research Unit and Victim/Witness Unit in Court, manage its complaints database, and strengthen case management. Further support will be provided to strengthen coordination between the NVWPA and the Police, JMS, GAD, AGD, BASL and CSOs.

Activity 3.3.3. Set up peer to peer contacts, on a pilot level, with courts and professionals in other jurisdictions to assist Sri Lankan judges and sector professionals in enhancing competency and efficiency across the sector

In close collaboration with the JSC and the Sri Lanka Judges' Institute, UNDP will establish peer-to-peer contacts with judges, courts in other jurisdictions including EU countries and common law

countries to assist judges in strengthening efficiency in Courts. A Judicial Needs Assessment will also be undertaken following which study tours will be facilitated for judicial officers on identified areas of specialisation. The knowledge gained through this initiative will be adapted to strengthen the Sri Lanka Judge Institute and its service delivery. Similar exchanges will be facilitated between BASL and Bar associations in other jurisdictions to promote mutual learning.

Activity 3.3.4. Provide assistance for the development and delivery of a formal continuous professional development programme targeting judges and lawyers

UNDP will develop a comprehensive professional development programme for the Judiciary in consultation with the JSC and Sri Lanka Judges Institute. This will include compulsory local/international training programmes with international standards for different skill levels and areas of law for Judicial Officers depending on their assignment of duties. UNDP will also introduce a programme whereby judicial officers will be provided an opportunity to engage with UN experts (including special rapporteurs), and international judicial experts on continual basis. The learning platform will adopt a hybrid approach (remote online exchange & exchange during domestic missions) especially on areas such as research and judgment writing and afford judicial officers an opportunity to be informed of the latest developments in multiple subjects. Given the Sri Lanka Judges' Institute is the apex training institute for judicial officials in Sri Lanka, all initiatives to be implemented under the project will help this Institute to develop as an efficient and sustainable institution that is involved in the continuous education of judges. A similar platform will also be introduced for legal practitioners in collaboration with the BASL.

UNDP will also engage with law schools/faculties, Council of Legal Education, BASL and professional research institutions to work on possible legal education reforms and develop legal education programmes to improve quality in line with international best practices.

Activity 3.3.5. Review and improve existing work processes within the criminal justice sector through the implementation of the reforms agenda

UNDP will work in close collaboration with the Ministerial Thematic Law Reform Committees in prioritizing the improvements to work processes within the sector. Multiple delays in case processing threaten to weaken effective case-flow throughout the penal chain. These delays prevent criminal justice responses from optimizing the fairness and promptness inherent in justice delivery.

UNDP will notably support the implementation of key recommendations identified in the pioneering assessment on bottlenecks to CFM within the Criminal Justice Sector that was conducted by UNDP (2016) with the participation of all key justice sector institutions. These include:

	Introduce an E-Platform for tracking and case file classification, to serve as a platform to link criminal justice institutions along the penal chain to reduce costs associated with case processing and increase visibility and responsiveness to case file backlog and enhance monitoring and evaluation capacity of justice sector.
	Introduce Skype-in Expert Testimonies to transmit expert opinions (GAD, JMO) to reduce administrative delays
	Introduce a system of transcription of court proceedings to ensure integrity, verifiability and effective knowledge transfer within the court room or alternatively by automation through installation of voice recognition and recording software in the courtroom
	Introduce a standardized check list to mitigate delays caused by missing documentation
	Support the judiciary to recruit and allocate management clerkships to build a cadre of trained court personnel to manage and process case files in a timely manner and to mitigate and flag case processing delays
	Introduce a pre-trial admission for efficient use of court time
	Establish an expert division within the law enforcement structure (police) to develop capacity to conduct evidence-based investigations and building partnerships with international investigative bodies.
	Support legal and policy reform particularly governing case dispensation with a view to enhancing their ability to reduce lag times in processing cases: (1) By issuing a circular (police) mandating police officers to notify the examining JMO of the case classification number that has been allotted to the victim's case once the B report has been filed to reduce delays due to time taken to locate the Form that corresponds with the victim's case (2) by complying with the release of remand prisoners Act No. 8 of 1991 to avoid production of remand prisoners that has been remand for over one month in court By issuing a circular by the Department of Prisons to mandate the operation of a database indicating the date of remand prisoners maintained every month and Superintendent informed (3) by issuing a circular setting out the mechanism for the better utilization of section 420 of the CPC (4) by amendment to the CPC to permit the use of skype technology by the JMO and GA (5) by amendment to section 5C of the Judicature Act and (6) by issuing a circular to permit video recording of confessions

UNDP will capacitate the Government Analysts' Department (GAD) to establish systems for the preservation of evidence, storage and transportation in accordance with international best practices to reduce delays. The GAD's wide mandate and geographical scope has resulted in significant capacity constraints. Delays in the submission of reports by the GAD has contributed to the inordinate delays in concluding investigations and court cases. The centralization of its facilities and storage and transportation challenges increase the risk of evidence contamination. UNDP will support the GAD to identify and operationalize sustainable solutions for these challenges. Dialogue will also be initiated on the decentralization of GAD services with all stakeholders. A strong coordination mechanism between the GAD, AGD, Police and Courts will also be introduced. A comprehensive capacity enhancement programme will be rolled out for the officers on international best practices on sample collection, testing, storage, and reporting. Further support will be provided to upgrade the laboratories, safety and security equipment and information sharing systems.

Activity 3.3.6. Support Court Administration as a stand-alone discipline and pilot the introduction of "court administrators" to assist judges in the management of the Courts

As part of the wider efforts of judicial reform, UNDP will initiate a discussion with the judiciary through the Judicial Working Group on the appointment of court administrators. To mitigate the administrative burden placed on judicial officials, UNDP will provide specific expertise and assistance for the introduction of a robust administrative mechanism for the courts system to promote efficient

justice delivery in Sri Lanka. In close collaboration with the JSC, UNDP will support a feasibility assessment on the introduction of a robust court administrative mechanism under a Court Manager/Administrator. Support will also be extended to develop a strategy for: a) the operationalization of the existing legal provisions, b) enactment of new law reform to ensure smooth integration of the proposed administrative mechanism (mentioned above.) into the existing framework.

Activity 3.3.7 Strengthen prison reform and the existing Community Based Correction mechanism as a viable response to reduce prison overcrowding

A strong community-based corrections mechanism is critical in reducing recidivism, prison overcrowding and reintegrating offenders into society. The MoJ, the State Ministry of Prison Reform and the Parliamentary Ministerial Consultative Committee on Justice recognize the need to strengthen the existing community-based corrections mechanism through a legal/procedural reforms initiative.

UNDP also recognizes community-based corrections as a feasible alternative to incarceration against the backdrop of Covid-19. UNDP will support the Community Based Corrections Department to further develop its programme in line with international standards and best practices. Support will include consultative expertise, advice, training and resources to implement an efficient community-based corrections system within the criminal justice system. The initiative will also be tied to UNDP's support to develop a National Sentencing Policy (see activity 3.2.1), which will explore alternatives to imprisonment.

- **Infrastructure**

Activity 3.3.8 Carry out court infrastructure needs assessment and develop infrastructure planning tools with special focus on victim-sensitive infrastructure (including safe rooms for victim/witness statements, court testimony (including remote testimony), victim shelters/safe houses)

An infrastructure needs assessment will be carried out in selected Courts to develop a strategy for improvement. UNDP will support victim-sensitive infrastructure that assists victims and witnesses (including vulnerable categories of victims and witnesses) to participate in the judicial process in keeping with their rights and entitlements as contained in the Assistance to and Protection of Victims of Crime and Witnesses Act. Support will extend to establishing centers that facilitate remote location testimony across the island.

Support will also be extended to establish shelters/safe houses for victims of crime (including SGBV victims) and introduce safe transportation facilities to and from Court. A needs assessment of existing shelters will be conducted, and relevant support provided. The project will prioritize strengthening existing shelters and expanding new shelters for women through CSOs linking with the State (targeting one shelter per district) to ensure zero re-victimization of SGBV victims. Support will also include the development of Shelter Guidelines and Operational Protocols.

This activity is linked to activity 3.1.6 in so far as it relates to children.

Output 3.4. Strengthened commercial and alternative dispute resolution mechanisms to provide expeditious remedies and create an investor-friendly environment

Activity 3.4.1. Review and improve existing commercial laws and work processes pertaining to commercial cases

Through this Action, a comprehensive study of the legal and operational bottlenecks within the commercial law sector will be undertaken for the first time in Sri Lanka. The identification of the bottlenecks will help generate recommendations for reform on policy, law, and procedure. UNDP proposes this study to be based on the commercial court processes in other jurisdictions (E.g Singapore) with a view to ascertain best practices that could be replicated or adapted in Sri Lanka. Specific attention will be paid to methods that minimize the delays associated with such court processes, as well as to the modernized approaches and digitization.

UNDP will conduct discussions with relevant partners in the justice sector including the Ministry of Justice and BASL to identify legislative gaps and initiate law reform to expedite the commercial dispute resolution process.

In response to challenges in accessing multiple laws and amendments, UNDP envisages supporting the Ministry of Justice & the Legal Draftsman's Department to translate and consolidate laws applicable to the commercial law sector. The official translation of the laws into the Sinhala and Tamil languages will also facilitate access to justice and expedite court processes by minimizing the delays associated with locating/reviewing amended laws.

UNDP also aims to develop a compendium of all laws, regulations, and gazettes relevant to the commercial law sector to enable easy access to the legal fraternity as well as the business community. A key challenge in the promotion of foreign direct investment is that associated procedures are scattered across multiple laws and regulations, which aren't readily available for an investor. A compendium of such procedures and the dissemination of the same (potentially through supporting the publication through the MoJ, Ministry of Investment Promotion etc.) will contribute towards generating an investor-friendly climate in Sri Lanka.

Activity 3.4.2. Strengthen and improve process of the Commercial High Court and District Courts for expeditious justice delivery for commercial matters

In order to expedite cases in the Commercial High Court, UNDP will hold discussions with the JSC and relevant judicial bodies to introduce a strategy and sustainability plan for identifying judges to sit in the Commercial High Court. The rationale being that the limited number of Judges currently assigned to the Commercial High Court would not be able to respond to the large volume of pending cases. Moreover, it would be imperative that the Judges assigned to such courts be capacitated on emerging trends in commercial law with specific exposure to other common law jurisdictions.

Support will also be provided for systems enhancement to the Registry of the Commercial High Court and District Courts to facilitate the efficient and expeditious resolution of commercial disputes. Currently the performance level of the Registries of the Commercial High Court and District Courts is low due to the large volume of pending cases, lack of capacity, training and lack of adequate resources. UNDP intends to hold discussions with relevant partners to identify needs and capacitate the Registry to function efficiently for expeditious resolution of commercial cases. Towards this end, UNDP will work in close collaboration with the Judicial Service Commission and the Ministry of Justice in order to identify sustainable solutions.

Strengthening the capacity on transcribing services, particularly the English stenographers serving in the Commercial High Court and District Courts will be a priority under this activity. The lack of trained stenographers results in inordinate delays within the commercial high court system. A significant amount of court time is invested in correcting errors in recording. UNDP will strengthen the capacities of commercial high court staff and conduct an assessment of commercial court processes and systems in other jurisdictions to identify a feasible solution for the Sri Lankan context.

Activity 3.4.3. Support the establishment of an Investor's Court, Pre-Trial Court and Small Claims/Standard Form Court

In close consultation with the JSC and the Ministry of Justice, support will also be provided for the establishment of an Investor's Court, Pre-Trial Court and Small Claims/Standard Form Court. This activity will help establish a new mechanism within the justice system to provide efficient hearing of specific types of cases. This mechanism will also ensure smooth case flow management thereby providing efficient judicial remedies to the public.

Activity 3.4.4. Develop the concept of "enforcing of contracts" Committee for the Doing Business Index of the World Bank

UNDP will provide technical expertise and work in close collaboration with the MoJ to develop the concept of an "enforcing of contracts" Committee for the Doing Business Index of the World Bank. Sri Lanka is ranked 99th in the World Bank Report on Doing Business Index 2020. The introduction of innovative structural mechanisms is critical to improving Sri Lanka's rankings in the Index (a globally recognized source by investors). An efficient civil justice system that facilitates the expeditious hearing of cases is an attractive characteristic for foreign direct investors. UNDP will provide the requisite technical expertise to support the justice sector to establish a mechanism to promote the concept of "enforcing of contracts" to minimize delays within the sector that serve as a disincentive to investors.

Activity 3.4.5. Carry out legislative and institutional review/assessment of ADR mechanisms (including commercial mediation and international arbitration mechanism), support the development of specialized ADR mechanisms and processes and provide capacity and awareness raising support on ADR mechanisms to sector institutions/professionals and the business community

A Needs Assessment on commercial mediation including a legislative and institutional review will be conducted (in partnership with The Asia Foundation - TAF) to develop a consolidated national policy and Strategic Action Plan on Mediation (including commercial mediation).

UNDP in partnership with TAF will support the establishment of a commercial mediation system under the Ceylon Chamber of Commerce for mid-level commercial disputes with the possibility of expanding it to macro level disputes. This activity will also explore and take necessary measures to encourage private mediation services provisions and court-based mandatory mediation.

UNDP (in partnership with TAF) will engage with the Faculty of Law/University of Colombo, and Law Departments of other Universities in Sri Lanka, law colleges and institutions to discuss curriculum reforms to include mediation including commercial mediation in law education.

This activity would entail public education and informative sessions in collaboration with relevant business organizations to promote ADR mechanisms for business dispute settlements. UNDP will also initiate discussions with relevant government and business partners to conduct a study on comparative jurisdictions with regard to the feasibility of introducing a business ombudsman in Sri Lanka.

UNDP will support the MoJ to conduct a needs assessment to support the operationalization of the International Arbitration Centre in Sri Lanka. Although the Sri Lanka International Arbitration Centre was officially established in 2015, the centre is yet to be functional. UNDP intends to conduct discussions with the MOJ to assess the viability of operationalizing the International Arbitration Centre and provide support accordingly. UNDP proposes conducting a preliminary needs assessment to identify the challenges associated with operationalizing the centre and supporting the Ministry of Justice to develop sustainable solutions to address the same. The assessment will also draw from best practices adopted by other countries especially including the Singaporean international arbitration mechanism to support the introduction of effective processes in Sri Lanka.

Output 3.5. Established mechanisms/platforms for improving cooperation and coordination between justice actors

Activity 3.5.1. Review and revise coordination protocols (including between sector secretariats and across sectors – medico/legal) and establish new protocols where necessary, including IT based protocols

UNDP will, in consultation with the MoJ, establish a National Steering Committee on Justice akin to the National Case-Flow Management Committee supported by UNDP from 2014-2017 and enhance the coordination capacity of the MoJ, to identify swift solutions to sector challenges and strengthen coordination between justice sector institutions. Support will also be extended to revive the district case flow management committees piloted during 2014-2016 (supported by UNDP) that helped resolve multiple bottlenecks to case flow management within the criminal justice sector.

UNDP will enhance south-south cooperation amongst victim and witness protection authorities in the region to facilitate Mutual Legal Assistance in Criminal Matters. Exchange of best practices across witness protection bodies in the region will be facilitated to strengthen the mechanism in Sri Lanka. The National Authority for the Protection of Victims of Crime & Witnesses will be supported to establish coordination protocols with Sri Lankan Diplomatic Missions abroad to operationalise the remote location testimony provision in the law. Technical assistance will be provided for the development of enabling guidelines and operational protocols.

The regular transfer of JMOs across multiple provinces/districts causes inordinate delays in processing cases. The primary reason being the Court's inability to trace the location of the JMO when a case is finally fixed for hearing (long after it was filed). The inability to secure expert evidence from the JMO results in cases being postponed further contributing to the backlogs within the system. UNDP will initiate discussions with the MoJ and the Ministry of Health to develop a coordination mechanism between the two institutions and the Courts to facilitate uninterrupted case flow management within the criminal justice sector.

UNDP will also support the implementation of the Justice Sector Plan aligned to the National Plan of Action to address SGBV. Efforts will focus on strengthening coordination on key priorities such as clearing the backlog of SGBV cases at the AGs Department, provision of legal assistance through CSOs and the maintenance of a SGBV gender-disaggregated data management system where possible etc.. UNDP will also continue its ongoing support to strengthen the district and divisional SGBV referral system by engaging with key state/non-state stakeholders to strengthen services for survivors of SGBV and minimize re-victimization. A national assessment of functional district/divisional referral mechanisms will be undertaken to streamline service provision and promote coordination with community vigilance groups.

Finally, UNDP will support the Ministry of Justice to establish and manage a Government-led donor coordination platform that promotes policy dialogue with the donor community and facilitates effective resource allocation towards the justice sector.

Activity 3.5.2. Support sector coordination on evidence-based assessments such as sector strategy, investment plan strategic budgeting and disbursement and sectoral strategy evaluation, expenditure reviews and other related assessments and sector engagement with the parliamentary committee on Justice

UNDP will support the Ministry of Justice to establish a sectoral mechanism to coordinate sector strategies, investment plans, strategic budgeting and disbursement with relevant sector stakeholders. In consultation with the Department of National Budget, support will also be provided to the relevant partners on strategic budgetary planning based on financial performance and projection. This will also include capacity building of accountants of infrastructure planning, medium term and strategic budgeting. UNDP will also leverage its technical lead role on parliamentary development support to facilitate coordination with the relevant parliamentary committee on justice.

3.3. Multi-Year Indicative Work Plan for the Action

OUTPUTS	Year 1	Year 2	Year 3	Year 4	Year 5	Responsible Agency	Partners
Output 1.1. Efficient and accessible legal aid including legal representation for vulnerable communities (including women, IDPs, PwDs, children)						UNDP, UNICEF	MOJ, LAC, BASL, Department of Prisons, Department of Community Based Corrections, CSOs and relevant state & non-state legal sector partners
Output 1.2. Equal Access to Justice strengthened including through language mainstreaming across the justice sector (through improved translation/interpretation capacities)						UNDP, UNICEF	MOJ, LDD, JSC, Police, and other relevant justice sector institutions
Output 1.3. Improved legal awareness amongst the public (especially vulnerable communities)						UNDP, UNICEF	CSOs, think tanks, legal practitioners, law faculties/colleges and professional research institutions
Output 2.1. Strengthened data collection, analysis and dissemination capacities of government institutions, sector professionals, CSOs, and other accountability organizations on justice sector performance for the public)						UNDP, UNICEF	MoJ, LAC, JSC/SLJI, AG's Dept, Prisons Dept, Community Corrections Dept, Judicial Medical Service, NVWPA and CSOs (including academic institutions, BASL council of legal education), HRCSL, NCPA

OUTPUTS	Year 1	Year 2	Year 3	Year 4	Year 5	Responsible Agency	Partners
Output 2.2. Increased capacities of different justice sector actors to develop and implement codes of ethics and professional conduct						UNDP, UNICEF	Judiciary, JSC, MOJ, BASL, JMOs, HRCSL, AGD, GAD, NCPA, Department of Probations and other relevant partners
Output 2.3. Strengthened capacity of independent institutions to carry out their mandate						UNDP, UNICEF	HRCSL, NPC, JSC, NVWPA and other relevant partners
Output 3.1. Efficient and age-appropriate child justice services available for every child in contact with the law						UNICEF	Judiciary, Police, Department of Probations, MOJ, AGD, BASL, NCPA, MWCA, and other relevant partners
Output 3.2. Strengthened policy and legal reforms in line with international standards, norms and best practices						UNDP	JSC, MOJ, and other relevant partners
Output 3.3. Increased management, administrative and technical capacities and improved processes of the justice actors through expansion of digital solutions, skills developments and enhancement of infrastructure						UNDP	MOJ, JSC, GAD, AGD, Judicial Medical Service, LAD, NVWPA, MWCA, Department of Prisons, Department of Community Based Corrections and other relevant partners
Output 3.4. Strengthened commercial and alternative dispute resolution mechanisms to provide expeditious remedies and create an investor-friendly environment						UNDP	MOJ, JSC, Commercial Courts, and other relevant partners

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OUTPUTS			Year 1	Year 2	Year 3	Year 4	Year 5	Responsible Agency	Partners
Output	3.5.	Established mechanisms/platforms for improving cooperation and coordination between justice actors						UNDP	MOJ, MOH, MWCA and other relevant partners

3.4 Risks and Mitigation Measures

A preliminary assessment shows that the Action should be considered with a reasonably high feasibility, because:

- The Action responds to the strategic priorities and programmatic requests of the Government and non-governmental partners and beneficiaries;
- The MOJ, its agencies, Probation Departments and Judicial Service Commission as the primary partners in implementation of the Action, have extensive and successful experience in coordinating and managing justice sector supported projects and activities;
- The other implementing partners are highly motivated, and have experience working effectively with UNDP and UNICEF;
- UNDP and UNICEF have an extensive history of working on rule of law and access to justice issues in Sri Lanka, as detailed above.

The Action will deploy an active risk management and contingency planning strategy to ensure sound management and quality delivery of activities. Regular assumption and risk reviews will be undertaken and reported in progress reviews.

RISKS AND MITIGATIONS MEASURES

Description	Level of Risk (1=Very Low, 2=Low, 3=Medium, 4=High, 5=Very High)	Mitigation Measures
<p>1. Potential reshuffling of ministerial portfolios may result in a change in the Justice Ministry leadership/administration. A significant shift from the current (ministerial) Judicial Reforms Agenda can interrupt implementation of this project which modelled on this broad reforms agenda.</p>	2	<p>Political and institutional changes in the sector will be closely monitored. UNDP and UNICEF will also strive to build a strong relationship based on trust as well as develop formalized work plans with the key sector institutions (JSC, AGD, LAC, GAD etc.) to ensure ownership for ongoing activities regardless of any changes in leadership. Acknowledging the Judicial Service Commission's central role in justice sector reform, UNDP and UNICEF will work in close and regular collaboration/consultation with the Chief Justice and the JSC in rolling out the broader judicial reforms agenda. The engagement with statutorily established institutions (such as the Legal Aid Commission, National Authority for the Protection of Victims of Crime & Witnesses, National Child Protection Authority etc.) will also help assure the sustainability of interventions.</p> <p>The flexibility/adaptive nature of the project will cater to future sector developments and evolving priority needs</p>
<p>2. Sustainability of technological interventions will be contingent upon the approval by the Ministry of Public Administration for recruitment of new cadre as well as for the continuation of trained officers within the justice sector in the same sphere of work</p>	2	<p>From the inception of the project, UNDP will engage with the National Planning Department of the Ministry of National Policies and Economic Affairs, the Ministry of Public Administration and the IT arm of the government Information and Communication Technology Agency (ICTA) as well as with the Ministerial thematic "digital and court automation committee".</p> <p>UNDP will leverage the traction gained (through cabinet approval) in rolling out the digital transformation strategy within the justice sector and build on the successes of the remote court hearings piloted during covid-19 lockdown and expanded thereafter. UNDP and UNICEF will capitalize on the vision of the current Minister of Justice to introduce a sustainable mechanism (including structural, procedural, policy and administrative) of digital transformation within the entire justice sector.</p> <p>UNDP will also leverage its MoU with ICTA on the broader (public sector) digital transformation agenda of the government.</p>
<p>3. COVID -19 has had a major impact on the country as a whole as well as on the functioning of Government and Justice services.</p>	4	<p>As vaccine roll-out continues in 2021 and the virus comes under control, life is now returning to a new normal, particularly outside the Western province. UNDP and UNICEF (who were at the forefront of the response and now vaccines roll-out) will continue to monitor the situation closely and will ensure that project start-up and implementation is managed whilst respecting health protocols.</p>
<p>4. The existing reluctance of justice sector actors to work in close collaboration with CSOs may pose</p>	4	<p>UNDP will leverage the demonstrated successes of CSO engagement with the HRC, NPC, Parliament and SGBV related interventions to advocate for inclusive and productive approaches to CSO engagement that would (inter alia) help improve / shape public perception of the justice sector response.</p>

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challenges in rolling out the implementation strategy and thereby limiting the public's ability to reap the full dividends of the programme. .		Strong emphasis will be put on the C&V strategic plan on giving visibility to positive narratives and stories as well as successful examples of collaboration.
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3.5. Past Development Partners' support to the Justice Sector, complementarities and coordination

The project builds on lessons learnt from past and ongoing support extended by development partners to the justice sector. The main Development Partners that have supported justice sector reforms over the past decade include UNDP, UNICEF, USAID, ADB, UK, the World Bank and The Asia Foundation (TAF).

Building on UNDP's long-standing relationship with the justice sector, (particularly the penal chain institutions), the key strategic initiatives supported includes technical assistance for a) policy and law reforms, b) strengthening sectoral knowledgebase c) facilitating improved victim centric justice services especially including legal aid for women and vulnerable communities. Targeted technical assistance provided to incorporate international best practices, standards and norms across these interventions influenced legal, structural and procedural changes within the justice system underscoring the importance of continuing to mainstream international standards and best practice across the sector. National ownership and buy-in secured to continue successful (past) interventions such as the Special Translations Unit at the Court of Appeal (2014-2017), implementation of the recommendations of the pioneering Study on Bottlenecks to Case Flow Management within the Criminal Justice Sector(2016), development of the National Sentencing Policy (2016), implementation of the Victim and Witness Protection Law, Translation & Consolidation of Core Legislation, enhancing English language drafting skills of the Legal Draftsman's Dept, and the expansion of remote court hearings will be leveraged when implementing the Project. UNICEF will also build on lessons learnt through past interventions in implementing the Action. The Juvenile Justice Sector Assessment conducted in 2017 will inform interventions on Justice for Children implemented through this Action.

The project will also build on the achievements/lessons learnt and seek synergies with the IcSP project, implemented by UNDP, UNICEF and UN HABITAT i.e. 'Catalytic support to peacebuilding in Sri Lanka' (completed) and the ongoing AAP 2018 'STRIDE' project funded by the EU. STRIDE primarily focuses on improving justice delivery at the grassroot level through community mediation boards. As the general mediation boards also undertake commercial mediation thus causing bottlenecks due to lack of training/knowledge/workload, this project, through the learnings of STRIDE, shall aim to support specialised commercial mediation boards, which will impact both the general mediation boards and the Commercial high courts positively. The Asia Foundation played a critical role in improving community mediation in Sri Lanka, especially the special mediation boards administered by the Ministry of Justice in the Northern Province post war. The project aims to engage TAF as a key implementing partner on strengthening mediation (including commercial mediation) as an alternative form of dispute resolution. TAF has also actively engaged in prevention of SGBV against women and girls by facilitating access to just, fair and sensitive judicial processes. UNDP's institutional expertise in this area coupled with findings

of TAF's recent publication on the subject would further shape the projects initiatives on SGBV response.

USAID's past and ongoing assistance to the justice sector include strengthening Case Management Information Systems for the justice sector institutions, especially the Attorney General's Department, improving skills and capacities of the state prosecutors through the establishment of a training and development centre, and capacity development assistance for other justice sector actors. Given the justice reform agenda of the Ministry of Justice focuses on reengineering work processes of the justice sector institutions (especially through digital solutions), implementation strategies used by USAID will provide a useful foundation for the project. Coordination will be ensured between USAID's activities and this project, to maximize synergies and avoid duplications.

Support from the UK has been primarily in the field of human rights, support to the Legal Draftsman's Department and capacity building of the judiciary. Lessons learned from these initiatives will provide guidance when designing tailor-made capacity development strategies for LDD and judiciary. Additionally, ADB's support to develop a comprehensive Strategic Action Plan for the civil and commercial law sectors will inform the broader reforms initiatives undertaken by this project.

As already mentioned above, a detailed assessment of successes and failures and lessons to be learnt from previous and ongoing interventions in the sector will be carried out during the 6 months inception phase, and this will feed the finalization of the planned activities and implementation strategy.

3.6. Sustainability

Sustainability of the Action's results will be sought through interaction with partners at all levels, engaging all stakeholders as rights holders and duty bearers in the implementation of the Action, and elevating the Action's experimental initiatives and successful approaches to a nation-wide scope and at the policy level, based on reforms and priority needs pushed by the government.

Capacity development of state institutions for the strengthening of judicial integrity will contribute to the longer-term sustainability of efficient, effective, citizen-centred and responsive justice system. Encouraging innovative generation of independent information for implementation and monitoring performance of judicial institutions will enhance their integrity and accountability.

In general, the Action is expected to have longer-term development effect, triggered by demand-driven legal empowerment and rights protection, more trusted and responsive justice sector, and more informed and evidence-based judicial policy and decision making, which jointly form an entry point for sustaining peace, justice and strong justice institutions beyond the Action life-span.

The sustainability of the digital solutions developed will be ensured through a two-pronged approach. Firstly, through engaging the relevant implementing partners in co-designing the digital solution in prototyping and testing phases of the solution development process to promote national ownership of the intervention. Secondly, through building the required capacity and digital skills of officials responsible for implementing the solution, thereby ensuring continued use of the digital solutions. The project will also advocate for the appointment of dedicated staff to facilitate uninterrupted operation of solutions. A Memorandum of Understanding was signed

in February 2021 between the Ministry of Justice and the Information and Communication Technology Agency (ICTA) (*the Government agency mandated to spearhead digital transformation in Sri Lanka*) to digitalise the justice sector. At the request of the Government, UNDP entered into a formal agreement with ICTA to support the development and implementation of a comprehensive and inclusive National Digital Strategy in Sri Lanka. UNDP is currently supporting the Government to conduct a digital maturity assessment of its public sector. Support extended to facilitate sustainable digital transformation within the public sector will be leveraged to ensure sustainable digital solutions within the justice sector.

The Project will design a detailed Exit Strategy during the final year of implementation in close collaboration with the sector stakeholders.

4. Management Arrangements

The project will be directly implemented (DIM) by UNDP and UNICEF, in close consultation and partnership with the Ministry of Justice (as the Implementing Partner) and relevant line ministries as well as other national and sub-national government institutions as detailed above in accordance with all relevant UNDP and UNICEF Rules and Regulations. UNDP and UNICEF will be responsible and accountable for achieving Action results and completing all activities finalized during the inception phase of the project. UNDP and UNICEF may enter into agreements with other entities in the capacity of Responsible Parties (RPs), both government and non-government.

The Multi Partner Trust Fund Office (MPTFO) will perform the role of 'Administrative Agent' (AA). The MPTF Office will assist in establishing and administering a pooled financing mechanism for this joint programmes. The AA will be accountable for effective and impartial fiduciary management and financial reporting to the EU. The AA will perform financial and administrative management functions, including the receipt of donor contributions, the disbursement of funds to Participating UN Organizations (i.e. UNDP and UNICEF) as per their agreed annual budgets and Steering Committee decision. The AA is also responsible for the consolidation of periodic financial reports and the final financial report.

Each Participating UN Organization shall assume full programmatic and financial accountability for the funds disbursed to it by the Administrative Agent. Such funds will be administered by each UN Agency, Fund and Programme in accordance with its own regulations, rules, directives and procedures. Each Participating Organization shall establish a separate ledger account for the receipt and administration of the funds disbursed to it by the Administrative Agent.

The fund management arrangements for this joint programme (which will be set up as a pass-through mechanism) are formalized through the signing of the standard Memorandum of Understanding (MoU) between the MPTF Office and UNDP and UNICEF. An additional MoU Addendum will also be signed to ensure that certain EU-specific requirements, especially in relation to financial management of the EU contribution to UN joint programming and pass-through arrangements, are strictly adhered to. Finally, the EU Contribution Agreement will be signed by the EU and the MPTF Office, with the MPTF Office representing UNDP and UNICEF, as implementing agencies.

A High-Level **Advisory Committee** (AC) will be established to provide strategic policy guidance to the Project Steering Committee. The composition of the AC includes the Minister of Justice, the EU Ambassador, senior representatives from UNDP and UNICEF, Heads of the key justice sector institutions and representative from the private sector and civil society. The AC will meet annually to assess and discuss broad strategic and policy issues relating to justice sector reforms. The AC may also offer some policy direction to the Project Steering Committee in terms of prioritizing policy actions during a given year.

A **Project Steering Committee** (SC) will be established. The SC will be co-chaired by the Secretary to the Ministry of Justice, the EU, UNDP and UNICEF. The SC will meet indicatively every six months to approve annual reports, fund transfers, work plans and budget and oversee overall implementation progress. The SC will also serve as a coordination mechanism to ensure that project activities are harmonized and to achieve synergies across the project outputs. It will include representatives of the key national and sub-national institutions, representatives of the UNDP and UNICEF Country Offices, Senior Technical Advisors and Project Managers. The SC will have the option to meet on an additional ad-hoc basis should the need arise. The MoJ and UNDP as the Executive of the project will provide annual updates of the project's progress to the UNDP SDG 16 Portfolio Board Meeting.

Regular technical review meetings will be held (minimum every two months) to monitor concrete implementation of the project, discuss specific challenges/constraints and next steps. This will be attended by UNDP and UNICEF representatives, the EU Delegation as well as the project focal point from the MoJ.

The Project **assurance role** will support the Steering Committee, by carrying out objective and independent project oversight and monitoring functions, with a view to ensuring appropriate project management targets are achieved. This role ensures high standards of technical expertise and ensures that Project milestones are managed and completed. The Deputy Resident Representative (DRR) who heads UNDP's Programme Teams will lead UNDP's Project Assurance while the UNICEF's Deputy Representative will lead the Project Assurance for the Justice for Children component. The overall technical and substantive oversight/assurance role will be performed by UNDP's Policy Specialist/Team Leader – Governance and UNICEF's Chief of Child Protection. The Inclusive Governance Team and Results and Resources Management Teams of UNDP and the Child Protection and PME teams of UNICEF will carry out the Action Assurance role on behalf of the SC for day-to-day operational purposes. The quality of the Action will be assessed (at least once annually) against UNDP's and UNICEF's quality standards to identify project strengths and weaknesses and to inform management decision making to improve the project.

Before UNDP and UNICEF entrust project funds to third parties to carry out the implementation of certain components of the project, both agencies will assess the partner's capacity to manage grant funding. This will be explored through micro assessments, which will specifically focus on the partner's project management, financial and operational management capacities. The micro assessment will yield a risk rating for the partner, which will help in determining the most appropriate assurance and risk management measures. Assurance activities, such as financial spot checks and audits, will be conducted as needed.

Project Office costs

As the implementation of the Action requires setting up or the use of project office(s) and equipment, the capitalized and operating costs of the structure will accordingly be supported directly by the project. There are several categories of costs that are envisaged for the functioning of the Project Office, including:

Staff and other personnel costs:

Includes all staff that are carrying out tasks that are directly attributable to the implementation of the Action. The costs will include base salary, post adjustment and all staff entitlements.

Management, technical advisory, coordination, planning, M&E, communications and operational functions will be performed by staff for the effective implementation of this project and will be charged to the action.

The Joint Project Coordinator, the UNDP Project Manager and the UNICEF Child Protection Specialist will be responsible for managing day-to-day operations of the project, including field implementation, financial management, monitoring, reporting and decision-making related to the project, as per the decisions of the Project Steering Committee. The UNDP Policy Specialist/ Team Leader – Governance and the UNICEF Chief of Child Protection will provide the overall strategic and technical direction for the project.

The Chief Technical Advisor and technical staff are responsible for related technical implementation and coordination, including in various geographic locations. The Monitoring & Evaluation personnel will be responsible for regularly monitoring progress of implementation of the project. The project will also require reporting and communications functions, including for the implementation of the Communication and Visibility plan. Operations staff will ensure effective administration of the project.

UNDP and UNICEF staff who will be engaged in providing support services to the project, including in the areas of finance, procurement, human resources, travel and logistics, results management, advocacy and other related support, will be charged for their time directly attributable to the implementation of the Action, and supported with relevant documentation.

The Project will deploy national and/or international expertise in various fields as the need arises. External goods and service providers will be engaged, following a competitive process, to deliver technical assistance, training, and other relevant goods and services.

General Operating and Other Direct Costs:

All general operating costs for running a project office, including for example IT & telecommunication, office equipment, maintenance and supplies, rent, hiring of vehicles, vehicle maintenance and fuel costs, finance charges and other costs (which cannot be mapped to other expense categories), will be charged to the project.

Travel and Subsistence:

Includes all travel that is directly attributable to the project. This covers transportation costs for project personnel when traveling for workshops, stakeholder consultations and other activities for the project.

5. Indicative Logical Framework

	Results chain:	Indicators ²¹	Sources of data
	Main expected results		
Impact (Overall Objective)	To contribute to a more independent judiciary and an improved and responsive justice system in Sri Lanka	% of actors within the justice and accountability sector that have a positive perception of its efficiency, transparency, performance and independence* (disaggregated by sex, age and disability/social group, and type of case: criminal, civil or administrative)	Perception Survey
		Rule of Law score (as measured by the World Bank Worldwide Governance indicators) **	World Bank Governance Reports
		Country score in the World justice project Rule of law index**	<u>The World Justice Project</u>
		Country score in the Access to Justice for Children Global Ranking (Baseline is 123 out of 197 countries (2016))	https://archive.crin.org/en/access-justice-children-global-ranking.html
Outcome(s) (Specific Objective 1)	SO1: Improved access to justice for all, in particular women, the poor and persons in vulnerable situations	Number of persons receiving legal assistance in SL (disaggregated by sex, age, type of request and type of service/mechanism solicited) by the end of year 2	Baseline, end-line surveys
		Availability of data on girls and boys that are in contact with justice and administrative bodies	Survey results at institution level and Project annual reports J4C Routine Data System
Outcome(s) (Specific Objective 2)	SO2: Improved accountability, transparency and credibility of the justice system	Number of Justice sector related RTI requests responded to	Baseline and midterm/end-line surveys
		Number of requests and complaints made to the Human Rights Commission and the National Police Commission responded to in a timely manner (disaggregated by type of case)	Survey results at institution level, if needed sample based Project annual reports
		% of women representation within the justice system (disaggregated by types of position)	Independent institutions data/statistics/reports M&E progress reports
Outcome(s) (Specific Objective 3)	SO 3: Improved efficiency and quality of justice	Number of pending cases in the Sri Lankan Judicial system (baseline 2021: 762,452 cases) (disaggregated by type of case: civil, criminal, commercial, administrative etc.)	Continuous monitoring of shortcomings and annual review of the policies /plans of improvements pursued
		Number of cases resolved in the various justice institutions (disaggregated by different type of cases, e.g. administrative, commercial, civil, criminal (including domestic violence) etc.)	Ministry of Justice reports and M&E

²¹ Where not mentioned, all indicators will be disaggregated by sex, age and disability/social group, and type of case: criminal, civil or administrative

Results chain:		Indicators ²¹	Sources of data
Main expected results			
		Number of (commercial) cases referred to Alternative Dispute Resolution Mechanisms (arbitration, mediation) out of the total cases	Reports of the Ministerial (Parliamentary) Consultative Committee on Justice
		Country ranking on “enforcement of contracts” in the WB doing business index	WB Ease of Doing Business index
Outputs	1.1. Efficient and accessible legal aid including legal representation for vulnerable communities (including women, PwDs, children)	% increase in number of cases registered with free legal aid centres, disaggregated by age and sex	Survey on the awareness among the public
		% increase in number of free legal aid centres active in the country	Review reports from the free legal aid centres
	1.2. Equal Access to Justice strengthened including through language mainstreaming across the justice sector	Percentage of justice sector actors/institutions that mainstreamed the national language policy of Sri Lanka	UNDP and justice sector reports
		Number of laws translated into Sinhala, Tamil, and English	Institutional survey of justice sector
		Number of justice actors that received language training (disaggregated by actors/institutions)	
	1.3. Improved legal awareness amongst the public (especially vulnerable communities)	Level of public awareness of the legal system rights and entitlements	Survey on public awareness
		Number and types of awareness creation initiatives conducted by non-state actors with the support from the project	Institutional reports
	2.1. Strengthened data collection, analysis and dissemination capacities of government institutions, sector professionals, CSOs and other accountability organizations on justice sector performance	Number of reports/studies, research/surveys, data sets, press releases and other information material produced, published and disseminated by the justice sector institutions and other relevant actors with support from the project (disaggregated by type of information/research product)	Survey reports and institutional reports
		Number of professionals, CSOs, individuals and accountability organisations that are satisfied with their access to required legal information, including on the performance of the justice sector (qualitative)	Juvenile Justice Indicator reporting for Sri Lanka
		System set up to measure at least 5 out of the 15 juvenile justice indicators on an annual basis (NB – system to be set up in the first year of the project, with baselines set for key indicators in Year 2)	Research studies

Results chain:		Indicators ²¹	Sources of data
Main expected results			
		Number and types of studies undertaken on justice for children issues with support from the project	
2.2. Increased capacities of different justice sector actors to develop and implement codes of ethics and professional conduct		Number of justice sector actors/institutions that have revised/developed, adopted and implement internal procedures, including codes of ethics and professional conduct	M&E, Institutional reports
		% of trained professionals from the targeted justice sector (judges, prosecutors, lawyers etc.) institutions who demonstrate increased knowledge in the codes of ethics/professional conduct (disaggregated by type and sex of official, specific training)	
		Number of justice sector actors/institutions that have developed internal procedures including code of ethics and professional conduct that support child-friendly justice	
2.3. Strengthened capacity of independent institutions to carry out their mandate		Extent to which the targeted independent institutions demonstrate strengthened capacity in discharging their mandate (qualitative)	Institutional survey
		Number of requests/complaints made to the targeted institutions (disaggregated by institution and type of request/complaint)	Public perception survey
		Number and types of public outreach initiatives conducted by the targeted independent institutions (disaggregated by institutions)	Commissions reports
3.1. Efficient and age-appropriate child justice services available for every child in contact with the law		Number of cabinet policy decisions to amend laws related to children in line with international standards on child friendly justice	Communications from the Ministry of Justice
		Framework for diversion developed and approved by cabinet	Diversion Framework
		Number of child-friendly spaces rehabilitated or constructed	Project M&E System and reports
		% of justice professionals that have been trained to work with a) child offenders and b) child victims	
		National Steering Committee for J4C/Probation set-up and functional	Committee Reports
3.2. Strengthened policy and legal reforms in line with international standards, norms and best practices		Number of justice sector institutions that have adopted/translated international principles, standards, norms and best practices into policies, guidelines, internal operating procedures with the support from the project	Institutional reports and M&E Draft legislation/Policies/Circulars /SOPs

Results chain:		Indicators ²¹	Sources of data
Main expected results			
		Number of policies, laws and regulations updated/developed with support from the project	Institutional reports
	3.3. Increased management, administrative and technical capacities and improved processes of the justice actors through expansion of digital solutions, skills developments and enhancement of infrastructure	Number of justice sector institutions that introduced/expanded e-justice services	Institutional and perception survey
		Number of trained justice sector officials/professionals (including lawyers, judges as well as prosecution and investigation services) who demonstrate increased knowledge in the relevant areas (disaggregated by gender and type of actor	
		Number of guidelines, and regulations for improved court administration and case flow management developed / implemented with support of the project.	
		Number of institutions from the justice sector supported with victim centric infrastructure	
	3.4. Strengthened commercial and alternate dispute resolution mechanisms to provide expeditious remedies and create an investor-friendly environment	Number of commercial laws, policies, regulations and procedures introduced/reviewed with support from the project	Institutional survey Institutional reports M&E reports
		Number of new courts and processes related to commercial matters introduced with support from the project.	
	3.5. Established mechanisms/platforms for improving cooperation and coordination between justice actors	Number of mechanisms (e.g. Memorandum of Understanding, periodical coordination meetings, new policies/regulations on specialized courts) in place and implemented to improve cooperation/coordination/efficiency in the justice sector	Institutional survey Institutional reports M&E reports

6. Monitoring and Evaluation

In accordance with UNDP and UNICEF programming policies and procedures, the project will be monitored through the following monitoring and evaluation plans, in close consultation and collaboration with the EU Delegation *[Note: monitoring and evaluation plans should be adapted to project context, as needed]*.

Monitoring Plan

Monitoring Activity	Purpose	Frequency	Expected Action	Partners (if joint)	Cost (if any)
Track results progress	Progress data will be collected and analysed to assess the progress of the project in achieving the agreed outputs.	Quarterly, or in the frequency required for each indicator.	Slower than expected progress will be addressed by project management.		
Monitor and Manage Risk	Identify specific risks that may threaten achievement of intended results. Identify and monitor risk management actions using a risk log. This includes monitoring measures and plans that may have been required as per UNDP's Social and Environmental Standards. Audits will be conducted in accordance with UNDP's audit policy to manage financial risk.	Quarterly	Risks are identified by project management and actions are taken to manage risk. The risk log is actively maintained to keep track of identified risks and actions taken.		
Learn	Knowledge, good practices and lessons will be captured regularly, as well as actively sourced from other projects and partners and integrated back into the project.	At least annually	Relevant lessons are captured by the project team and used to inform management decisions.		
Annual Project Quality Assurance	The quality of the project will be assessed against UNDP's Quality Standards to identify project strengths and weaknesses and to inform management decision-making to improve the project.	Annually	Areas of strengths and weaknesses will be reviewed by project management and used to inform decisions to improve project performance.		
Review and Make Course Corrections	Internal review of data is conducted, and evidence is gathered from all monitoring actions to inform decision making.	At least annually	Performance data, risks, lessons and quality will be discussed by the project board and used		

			to make course corrections.		
Project Report	Annual progress reports will be prepared and presented to the Project Board/Steering Committee and key stakeholders, consisting of progress data showing the results achieved against pre-defined annual targets at the output level, the annual project quality rating summary, an updated risk long with mitigation measures, and any evaluation or review reports prepared over the period.	Annually, and at the end of the project (final report)			
Project Review Board/Steering Committee (PSC)	The project's governance mechanism (i.e., Project Board/Steering Committee - PSC) will hold regular project reviews (minimum once a year) to assess the performance of the project and review the Multi-Year Work Plan to ensure realistic budgeting over the lifespan of the project. In the project's final year, the PSC shall hold an end-of-project review to capture lessons learned and discuss opportunities for scaling up and to share project results and lessons learned with relevant audiences.	At least Annually (as agreed by the PSC)	Any quality concerns or slower than expected progress should be discussed by the project board and management actions agreed to address the issues identified.		
Bi-monthly Technical Review Meetings	The review meetings are meant to monitor concrete implementation of the project, discuss specific challenges/constraints and next steps. This will be attended by UNDP and UNICEF representatives, the EU Delegation as well as the project focal point from the MoJ.	Bi-monthly (every two months)			

The EU may undertake additional project monitoring visits both through its own staff and through independent consultants recruited directly by the EU for independent monitoring reviews.

Evaluation Plan²²

Evaluation Title	Partners (if joint)	Related Strategic Plan Output	UNDAF/CPD Outcome	Planned Completion Date	Key Evaluation Stakeholders	Cost and Source of Funding
Inception Phase Review	Ministry of Justice and relevant justice sector institutions, Ministry of Law & Order, Independent commissions (HRCSL, NPC), Law Enforcement etc.	Not applicable	Not relevant	July 2022	Ministry of Justice, Judicial Service Commission, Legal Aid Commission, Attorney General's Department, Sri Lanka Police, Government Analyst's Department, Legal Draftsman's Department, Judicial Medical Service, National Police Commission, Human Rights Commission, National Victim & Witness Protection Authority and implementing partners, Bar Association Sri Lanka	Project funds
Mid-Term Evaluation	Ministry of Justice and relevant justice sector institutions, Ministry of Law & Order, Independent commissions (HRCSL, NPC), Law Enforcement etc.	Not applicable	UNDAF outcome 2: By 2022, people in Sri Lanka, especially the marginalized and vulnerable, benefit from more rights-based, accountable, inclusive and	March 2024	Ministry of Justice, Judicial Service Commission, Legal Aid Commission, Attorney General's Department, Sri Lanka Police, Government Analyst's Department, Legal Draftsman's	Project funds

²² Optional, if needed

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			effective public institutions, to enhance trust among communities and towards the State.		Department, Judicial Medical Service, National Police Commission, Human Rights Commission, National Victim & Witness Protection Authority, Bar Association and implementing partners	
Final Evaluation	Ministry of Justice and relevant justice sector institutions, Ministry of Law & Order, Independent commissions (HRCSL, NPC), Law Enforcement etc.	Laws, capacities, functions and financing of the rule of law and national independent institutions and systems strengthened to enhance access to justice and combat discrimination, with a focus on women and other marginalized groups	By 2025, people of Sri Lanka, especially marginalized and vulnerable groups, will benefit from more rights-based, accountable, inclusive and effective public institutions, to enhance trust amongst communities and towards the State.	End 2025/mid-2026	Ministry of Justice, Judicial Service Commission, Legal Aid Commission, Attorney General's Department, Sri Lanka Police, Government Analyst's Department, Legal Draftsman's Department, Judicial Medical Service, National Police Commission, Human Rights Commission, National Victim & Witness Protection Authority, Bar Association Sri Lanka and implementing partners	Project funds

7. VISIBILITY

The Action will ensure visibility according to the Joint Visibility Guidelines for the EU – United Nations Actions in the Field. Details of the C&V activities and related outputs are outlined in the Communication and Visibility Plan annexed to this Contribution Agreement (see Annex VI).

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