



Evaluation of Outcome 5

“Greater and More Diverse Access to Justice Redress Mechanisms (A2J)”

Under the UNDP Sri Lanka CPAP
2008-2012

Final Report

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May 2012

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Abbreviations

A2J	-	Access to Justice Project
ADB	-	Asian Development Bank
ADR	-	Alternative Dispute Resolution
ADRI	-	Alternative Dispute Resolution Institute
AG	-	Attorney General
AGD	-	Attorney General's Department
BASL	-	Bar Association of Sri Lanka
CBOs	-	Community Based Organizations
CEDAW	-	Convention on Elimination of all forms of Discrimination Against Women
CGP	-	Commissioner General of Prisons
CLEW	-	Community Legal Empowerment for Women
CPAP	-	Country Programme Action Plan
CPD	-	Country Programme Document
CR	-	Child Rights
CSHR	-	Center for Study of Human Rights
DDPOs	-	Deputy District Project Officers
DPOs	-	District Project Offices
DS	-	Divisional Secretary
DSDs	-	Divisional Secretary Divisions
DV	-	Domestic Violence
EPF / ETF	-	Employee's Provident Fund / Employee's Trust Fund
FGDs	-	Focus Group Discussions
FR	-	Fundamental Rights
GBV	-	Gender Based Violence
GN	-	Grama Niladhari
HC	-	High Court
HR	-	Human Rights
HRBA	-	Human Rights Based Approach
HRCSL	-	Human Rights Commission of Sri Lanka
HSTF	-	Human Security Task Force
ICCPR	-	International Convention on Civil and Political Rights
ICTA	-	Information and Communication Technology Agency
IDPs	-	Internally Displaced Persons
IHR	-	Institute of Human Rights

IOM	-	International Organization for Migration
IT	-	Information Technology
KIIs	-	Key Informant Interviews
LAC	-	Legal Aid Commission
LHRD	-	Lawyers for Human Rights and Development
M&E	-	Monitoring and Evaluation
MoCA	-	Ministry of Constitutional Affairs
MoJ	-	Ministry of Justice
MoPA	-	Ministry of Public Administration
MoU	-	Memorandum of Understanding
MWRAF	-	Muslim Women Research & Action Forum
NGOs	-	Non Government Organization
NIC	-	National Identity Card
NIM	-	National Implementation Modality
NPC	-	National Police Commission
OECD – DAC	-	Organization for Economic Co-operation and Development – Development Assistance Committee
PWG	-	Prison Working Group
QPR	-	Quarterly Progress Report
RG	-	Registrar General
RGD	-	Registrar General’s Department
SGBV	-	Sexual and Gender Based Violence
SLFI	-	Sri Lanka Foundation Institute
TOR	-	Terms of Reference
TOT	-	Training of Trainers
TSYO	-	Training School for Youthful Offenders
UNDAF	-	United Nations Development Assistance Framework
UNDP	-	United Nation Development Programme
UNHCR	-	United Nations High Commissioner for Refugees
UNICEF	-	United Nations Children’s Fund
UNIDO	-	United Nations Industrial Development Organization
WIN	-	Women in Need
WR	-	Women Rights

Executive Summary

Introduction

The Equal Access to Justice Project (A2J) was launched in August 2004 with the objective of increasing the number and diversity of persons receiving effective legal services; information on their rights, and community level Alternative Dispute Resolution (ADR) services; decreasing barriers to accessing the legal system and to better promote and effectively protect human rights.

However, since the launch of the Project, the ground situation changed rapidly with the tsunami of December 2004 and the resumption of hostilities between the government and the rebels resulting in large scale destabilization of life in the North and the East. The changing situation led to a reformulation of the Project in 2007-2008 focusing on and addressing the most pressing justice and human rights issues faced by the more disadvantaged and vulnerable groups in the country.

The Project therefore revised its objectives as to : (i) Focus its interventions on disadvantaged groups – conflict-affected groups, IDPs, estate sector workers, pre-trial detainees, female-headed households and victims of gender based violence; (ii) Promote human rights based approaches through/within the project; (iii) Ensure the effectiveness of the legal aid services provided; (iv) Conduct mobile legal and documentation clinics in conflict affected areas and in the estate sector; and (v) Develop capacities of community-based duty-bearers.

Parallel to this the United Nations in Sri Lanka was in the process of developing its United Nations Development Assistance Framework (UNDAF) for the period of 2008-2012, of which *“effective and efficient structures and mechanisms in place and operational to provide access to justice and redress mechanisms”* was one of the outputs. UNDP therefore re-committed itself to working on access to justice in its Country Programme Document (CPD) where it sought to strengthen the capacity of duty-bearers and claim holders to ensure better access to justice.

The achievement of Outcome 5 is expected from Output Pillars 13 and 14 respectively in the CPAP Results and Resources Framework, namely, *(i) Duty bearers better able to deal with grievances experienced by disadvantaged groups, and ii) Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services.* The project commenced in March 2009 and is scheduled to be completed in December 2012.

Scope and Objectives of the Evaluation

The evaluation was expected to be conducted as an Outcome evaluation covering the North, East and Uva Provinces and some national level areas, taking into account the impact of the existing political and socio-economic context upon the programmes and the implementation modality. The geographical coverage of the evaluation included the Districts of Jaffna and Vavunia in the North, Batticaloa in the East and Badulla in the Uva Province.

The overall objective of the evaluation was to assess the results, achievements and constraints of Outcome 5 in relation to the UNDP contribution to the outcome, up to and including the year 2011. The evaluation was to be undertaken through (i) Outcome Analysis, (ii) Output Analysis and (iii) Output-Outcome link. While taking stock of the past, the evaluation was required to conduct a forward-looking analysis. In the evaluation the following Cross Cutting Issues were given consideration: (i) Gender, (ii) A rights-based approach to programming, (iii) Sensitivity to conflict and fragility and (iv) Accountability, monitoring, evaluation and learning.

Evaluation Methods

The evaluation utilized the following methods / tools: (i) Document Review– achievement of outputs / outcome, (ii) Semi Structured Interviews (KIs) with Key Stakeholders (Government Officers, UNDP staff, Donors, Partner Organizations and beneficiaries) , (iii) Self-evaluations with UNDP Staff based on OECD-DAC Criteria, (vi) Focused Group Discussions (FGDs) based on OECD-DAC Criteria with different stakeholder groups such as Beneficiaries (Legal aid services, documentation mobile clinics, community awareness and gender based violence), Partner Organizations (NGOs) and Local Level Government Officers.

Key findings

Output Pillar 13: *“Duty bearers better able to deal with grievances experienced by disadvantaged groups”* is supported by 9 key activity results and 48 indicative activities and Output Pillar 14: *“Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services”* has 8 key activity results and 52 indicative activities. One of the notable shortcomings was that Baseline data was unavailable due to the abandonment of the Access to Justice National Survey due to the prevailing ground situation. The output achievements under the related activities are discussed in detail in Chapter 3.0

Achievements - Output Pillar 13

Prison sector interventions: The project has implemented, to an acceptable degree of success, several interventions targeted at improving the conditions within the prison sector. Several vocational training programmes (benefiting 476 inmates) have been conducted (by Partner Organizations of the project) in areas that would develop skills in prison inmates to be able to rejoin society in gainful vocations. Awareness programmes conducted in prisons have benefited 11,025 inmates and 72 Legal Aid Clinics have been conducted benefiting 14,388 inmates. Alternative Sentencing is being effectively promoted. A total of 2,378 prison officers have been trained on a variety of areas. 1,379 inmates have been provided in-house counselling. A pilot project to establish a database in the Welikada Prison and Child friendly Female Ward were successfully completed.

Capacity building of Justice Sector Actors (including Quazi Judges): The project conducted several training programmes for Justice sector actors such as Judges, Lawyers Police Officers, Medical Officers, on Criminal Procedure, Bail Procedure, Civil Law Child Rights and Professional Ethics and a total of 4,723 justice sector service providers benefited from trainings. These interventions have enhanced / refreshed their knowledge on the law and

its application on issues related to prioritized groups. Training programmes were also conducted for non-staff grade court staff which was highly appreciated as a first ever intervention.

Improvement of justice sector establishments: Two initiatives were carried out to improve and upgrade the functioning of the administrative branches of courts to be able to serve litigants expeditiously; training and physical improvement. *The project succeeded in bringing together Judges, Lawyers and court staff in to a single platform to discuss common issues and formulate a Way Forward.* Three court houses (Child Friendly court house Batticoola and Jaffna and court house in Kalavanchikuddy division in Batticoola) refurbished with the support of the project and 36 court houses and 6 Quazi courts in the Northern and Eastern Provinces were supplied with equipment.

Achievements - Output Pillar 14

Civic documentation: Under this component, a total of 112,033 disadvantaged persons from the conflict affected North and East and the estate sector were able to obtain vital civic documents (birth certificates, marriage certificates, death certificates, National Identity Cards) through mobile clinics enabling them to access services, open bank accounts, prove ownership to land or rights to inheritance etc. For the returnees from India and being under 21 years of age, the acquisition of citizenship has endowed them with the same rights to which other Sri Lankan citizens are entitled to. More than 100 mobile clinics have been conducted.

Community legal awareness: Legal awareness raising and building capacity and confidence of rights holders towards justice and security providers have taken the centre place under this component. Most communities have benefited from learning about their rights and the available legal remedies regarding multiple issues. The Community Legal Empowerment for Women (CLEW) programme has led to an increase in the number of SGBV cases, child abuse, child labor and civic documentation cases been reported and referred to redress mechanisms. The project has steered its interventions towards community justice redress mechanisms as well. The mediation processes at the community level have been strengthened in addition to raising the legal literacy of Mediators, and women have been made aware of community level mediation processes. A manual for para legal training had been prepared and Training of Trainers (TOT) conducted for a pool of 35 public officials and 1,650 Grama Niladharies (GNs). It is apparent that, the project support has not only covered a vital need but also created the basic framework which is required for exercise of rights by the targeted communities, even though the project could not fully utilize the provision made for Human Rights Based Approach (HRBA) training.

Legal Aid: The interventions have focused on enhancing the service delivery of legal aid to disadvantaged persons, and putting in place sustainable mechanisms for continuous legal aid services. The legal representation provided have greatly assisted the suspects arrested for bailable offenses who have languished in jail for a considerable period without access to legal services. According to the QPR, due to project interventions, the suspects arrested for bailable offenses spend less time in remand prisons. Data from 2009 indicates that a

total of 1,315 persons spent over 2 years in remand awaiting trial, but by 2011 the waiting time had been reduced to 10-12 weeks. Women were the largest beneficiaries of the legal aid services provided by the project. In many cases, the legal aid services have contributed to the well being of the victim as well as their children through family reunification and establishment of paternity etc. Nevertheless, the high costs associated with DNA testing did have an impact on the overall effectiveness of the project activities. These interventions have greatly benefited the communities by increasing their access to legal services and legal aid has been provided to more than 14,569 persons and 14,388 prison inmates (suspects).

It is observed that the above interventions under pillars 13 and 14 are credibly linked to the realization of Outcomes 5 ***“Greater and more diverse access to justice redress mechanisms”***.

Assessment of the Outcomes according to DAC Criteria

The outcomes of the programmes conducted under the key components of prison sector improvements, capacity building of justice sector actors, institutional strengthening, documentation, community legal awareness and legal aid were measured applying OECD-DAC Criteria. The detailed analysis appears in Chapter 4.0

With regard to ***relevance*** of the activities, it was found that all interventions were considered highly relevant by a majority of stakeholder-participants. With regard to capacity building, FDG Participants (Lawyers / Court Staff/ GNs and Prison Officials) are of the view that the contents of training programmes are relevant and appropriate. In few instances, however concerns were raised regarding the inappropriateness of resource persons and the insufficiency of the subject matters covered. The establishment of the Prison Database was considered relevant, particularly in view of the large number of prisoners in detention in a multiplicity of locations whose information had to be processed manually, which was a time consuming process. Digitization was assessed as highly relevant as it is very much needed for expediting issuance of documents particularly to a large number of conflict-affected and disadvantaged communities whose needs could not have been expeditiously met otherwise. The documentation support and community awareness programmes were considered highly relevant in view of the large number of persons without any form of formal civic documents and community’s lack of knowledge on prevalent social problems such as child marriages, child labour, sexual and gender based violence and alcoholism and the available redress mechanisms. However, in some cases, the subject matters covered through the awareness programmes were considered inadequate. Similarly, the legal aid services provided were considered highly relevant by the recipients, particularly women claiming maintenance / divorce, SGBV victims (domestic violence and other forms of violence) and the pre-trial detainees, since they did not have sufficient knowledge and financial strength to obtain legal advice and representation.

With regard to ***effectiveness*** of interventions, the assistance has been effective to different categories of beneficiaries in multiple ways. For the duty bearers, the capacity-building interventions have been effective in helping them in performing their duties more efficiently through increasing their knowledge and self-confidence, enhancing their

leadership qualities and changing their attitudes. A few concerns were however raised regarding the training methodology and the inadequacy of the subject matters covered. Digitization was assessed as highly effective as it is very much needed for expediting issuance of documents. It must be noted that over 3,011,257 entries has so far been digitized, speeding the issue of vital documents considerably. Even with partial completion, stakeholders at every level perceived that the digitalization of documents as helpful. Likewise, the prison database facilitated storage and processing of information, tracking of inmates and consequently improvements in welfare facilities linked to better management overall. The documentation support has helped the beneficiaries in multiple ways. Obtaining civic documentation has improved the people's self-esteem, their sense of belonging particularly in the case of refugee returnees, their mobility by ensuring their freedom of movement and enabled them to access many services from the government and the private sector. On a negative note, however, it was observed that the issuance of documents was limited to those that possessed the required supporting documentation, which excluded many others who could not provide them. The community awareness programmes too have been effective in building awareness on legal rights as well as reducing fear among the people in accessing formal legal institutions. These programmes have particularly benefited women who felt more empowered. Despite these positive outcomes, some beneficiaries expressed concern that although the awareness programmes raised awareness on legal rights, external factors beyond project's control had an impact on the overall effectiveness of the interventions. The legal aid services provided have sensitized the recipients regarding legal provisions as well as the available legal remedies. The legal representations provided have immensely benefited the recipients, particularly women claiming maintenance / divorce, SGBV victims (domestic violence and other forms of violence) and the pre-trial detainees in assisting them through the legal process and bringing about positive outcomes in their cases. In addition legal and psychosocial counselling has been provided.

As regards the **Efficiency** of project interventions, almost all stakeholders appreciated the efficient and well coordinated manner in which activities were implemented avoiding duplication. As such, the benefits accrued were considered more valuable than the resources spent. Few concerns were however raised with regard to the training content and methodologies, resource persons and the short duration of training programmes by some FGD participants, the limited presence of land officers at mobile clinics and scheduling of awareness programmes on weekdays. With regard to the Prison database, the pilot project at Welikada Prison was completed with the establishment of the database and training of staff. However, concerns were expressed at the FGDs and the KIIs with Prison officials, on the effective operation of the database as some of the trained staff had been transferred during the period under evaluation and the non existence of an IT Unit, which was beyond the project. However, it is observed that the Project goal of setting up a database at Welikada Prison was completed and the ownership is with the Department of Prisons for the operation and maintenance. With regard to the expansion of Welikada database into other prisons with enhanced features than the existing database, as requested by the Prison Authority is under consideration. The process of designing the new database is in progress and spearheaded by the Ministry of Prisons.

The legal aid recipients, from impoverished backgrounds, noted the high bail costs (Rs. 25,000/=) and the costs of DNA testing (Rs. 12,500/=) with grave concern.

The interventions have established varying degrees of **Connectedness/ Linkages**. With regard to capacity building programmes, it was noted that training and awareness made a positive impact on capacitating the duty bearers to refer injustices perpetrated to the concerned authorities. Some stakeholders were of the view that interventions did not have an impact on improving connectedness among the various Government stakeholders, for instance the Police. It was also noted that the prison database needs to be linked with other prisons and that system should lead to networking. Digitization has helped to link with relevant departments horizontally and also vertically to Registrar General's Department and has effectively established the connectedness with a series of other areas of service delivery. At the community level, a knowledge base has been built to support the new applicants for documents through information sharing and a few community based mechanisms such as women's organizations that have been established to continue awareness raising. However, these mechanisms are not always well functioning and in the absence of strong linkages built between the rights holders and service providers, more external support was requested to strengthen these organizations and for awareness raising and legal aid.

As regards **Coverage**, modest rating was given by the stakeholders. Although, all the interventions under different components covered vital needs, gaps still exist in many respects. It was acknowledged that important items were included in the training content of training programmes such as Human Rights and that they covered at least 30%¹ of the training needs in the justice sector. However, some stakeholders perceived that with regard to scope and subjects, some sectors were not adequately covered, translation requirements were not always taken into consideration, the coverage of judges and police officer training was inadequate and that the Government Analyst Department was excluded from focus of the project. Since the Prison database expansion as requested by the Prison Authorities is yet in the process of completion with support from the Project under phase 2, its coverage is limited to Welikada Prison pilot Project.

To realize the full benefits of digitization it is necessary to extend the system to other Divisions as well. At the community level in the focus areas, still about 20-50% of people are in need of basic documents and more awareness is needed on Human Rights issues and GBV. There is also a need for wider outreach to communities in remote locations in the case of awareness raising and legal aid services.

There are some concerns about **sustainability** of the interventions when project phases out. With regard to capacity building, while the assistance has built up capacities to some extent to undertake training in the future, through establishing and strengthening training centers (Judges Training Institute, Prison Research Unit) and development of manuals (Quazis and GN Manual), without specific budgetary allocations by the government to train staff, it will be difficult to sustain the gains achieved through the project, and replicate training programmes for the benefit of future intakes. With regard to Prison database,

¹ FGD with Legal Officers

even in partial operation since September 2011 due to transfer of trained staff, the database has made an impact on the capacity of the prisons department to maintain and process data more efficiently, however subject to availability of trained staff. Although, due to the impact gained from digitization, a commitment was built to sustain the system, the system need to be extended to other districts for the full benefits to be optimized. At the community level, village specific circumstances have determined the sustainability of activities. With regard to documentation and legal awareness, it appears that in certain villages, a community level knowledge base, an increased level of empowerment and community based mechanisms such as women's forums and village forums have been established and capacitated to assist others. Nevertheless, in other villages, the community lacked knowledge and financial strength to sustain these activities. Therefore, continued assistance is required for consolidating the efforts. Sustainability of legal aid activities was assured to some extent through expansion of criminal legal aid to all the 64 legal aid centres and with the increase in Government funding for legal awareness and legal representation. However, in view of the shortage of personnel in LAC, assistance for continuing legal aid services was emphasized by all stakeholders.

Key Recommendations:

Capacity Building: with regard to capacity building of duty bearers, there is a need to further improve the capacity of the police for improved service delivery and to include Govt. Analyst Dept in capacity building programmes in view of their importance in the administration of the justice system. Furthermore, regular updating of knowledge and skills of all actors addressed by the project is also required to ensure that training does not remain a 'one-off' activity. Furthermore, the content of training programmes should be expanded to include Alternative Sentencing Mechanisms for Judges, Lawyers and the Community Based Correction Officers and HRBA training for all actors. Before the project phases out, it is prudent to undertake a study on the adequacy and effectiveness of the training imparted to improve the quality of future efforts.

Support to Prisons and Prison's Database: In view of the fact that National Action Plan for the Protection and Promotion of Human Rights (2011-2016) has recognized the need to upgrade prison facilities, the need to further support the prisons database is vital. It is therefore, prudent to revisit the expansion of the database system with special features as identified by the Prison Department. so that it could be well established and extended as an all island networking facility. The Prisons Department must be enabled to build on the experience gained by the project intervention and solicit additional support from other funding sources as well. Further, vocational training programmes for prisons should be planned in association with government vocational training institutes for improving follow up on results of training. Prison sub committees should be strengthened with the capacity to monitor project activities on a long term basis. The collaboration between the Prison Authorities and Legal Aid Commission should be promoted to explore sustainable mechanisms for continuous legal counseling, filing of bail applications and representation in courts before phasing out of the Project.

Digitization: Since digitization has addressed long felt needs of disadvantaged communities and generated very positive outcomes, it should be introduced in other

remote and less accessible areas as well. To ensure the sustainability of these efforts, adequate resource availability must be ensured to maintain the system through the government budget.

Documentation/Community Awareness: In view of the multiple benefits derived by disadvantaged communities, particularly, in conflict affected areas and the estates and the huge gaps that still exist, it is prudent to continue documentation support and awareness raising at least until the needs are covered. The mobile clinics should be organized to ensure wider outreach to communities in remote geographical locations.

Legal Aid: Legal aid support has greatly assisted the vulnerable and disadvantaged communities, particularly women. However, several needs requiring urgent support were highlighted by the stakeholders in this sector. As such, enhancement of legal aid support through improvement of legal aid services by LAC, wider and continuous engagement of other organizations providing legal aid services and the implementation of the Legal Aid Strategy is vital to ensure continuous benefits of the project interventions and make access to justice a reality for disadvantaged communities. Furthermore, the rising numbers of SGBV cases were brought to the attention of the evaluation team and hence, it is recommended that the UNDP addresses SGBV issues as a priority area of support in the next project cycle.

Policy level Support: Policy level interventions were not a priority focus of the project during the current phase. However, all stakeholders acknowledged the importance of policy level engagement in the next phase due to existing deficiencies in the policy and legal framework pertaining to the justice sector. In this regard, the language policy, alternative sentencing policy and victim and witness protection law requires strong advocacy and support of the UNDP for effective implementation. In view of the shortcomings in the present Bail Act, it is necessary to consider reforms to the Bail Act to ensure a more enabling environment for granting bail to persons accused of bailable offences. The current land issues, particularly in the North and East, are threatening the fragile peace established between communities after the war. Henceforth, land issues must be dealt with as a priority concern by the UNDP. In this regard, support is required for land related legal issues through assistance to land surveys, amendments to outdated land ordinance and translation of land manuals.

Monitoring and Evaluation: The monitoring, evaluation and reporting of Project interventions are currently focused on progress of activities and output level information and not on outcome and impact level qualitative information. The failure to continue with the Baseline Survey supported by the Project has further affected M& E framework. Therefore, it is found necessary to follow up on monitoring for outcome and impact based on key indicators. Conducting a Baseline Survey at this juncture, or under the initiation of a new project would be very beneficial to longer term targeting and monitoring. Furthermore, due to the capacity gap of project partners, capacity building of project partners is required with regard to monitoring for outcomes.

Design Improvement/ Strategy Development/ Coordination: Access to Justice requires the vital collaboration of several stakeholders. Furthermore, the justice sector has

attracted the attention of increased donors in the recent times. Thus, for improved coordination, the usefulness of a properly grounded National A2J Action Plan cannot be over emphasized. This must be further complemented by extending support to the high level steering committee identified in the Mapping of Legal Aid Services in Sri Lanka, for policy level decision making and sustainability. Furthermore, in its future programming in this sector, the UNDP needs to identify its comparative advantage in view of the new players entering the sector. There is also a need to revisit the partnership strategy adopted by the Project and ***consider a relocation of the project*** given its evolving focus.

Partnership strategy

National Implementation Modality (NIM): The project is implemented under National Implementation Modality (NIM) through the Ministry of National Languages and Social Integration (MNLSI). The overall vision of the project was grounded on the government priorities and needs identification process, and implementation of activities was done keeping the government fully in the lead. Thus we can conclude that the full ownership of the project lies with the government.

Financial disbursement followed the government procedures which ensured greater transparency and accountability with regard to disbursement of project funds. The only concerns raised were with regard to delays in the clarification of government circulars and the challenges sometime associated with obtaining advances first from UNDP and then through the Treasury system .

The NIM modality also induced collaboration between a wide array of government ministries towards a particular goal. It was pointed out that, although the NIM modality had its advantages there were challenges in terms of responsiveness at field level. The centralized decision making and time taken to process the advance system can at times be time consuming resulting in delays in project activities at the ground level.

Coordination with Non-Governmental Partners: The project worked in partnership with the Legal Aid Commission and non-governmental partners. The coordination between the partners took place at the field level in the implementation of activities, such as legal aid services and at the national level through regular dialogue and partnership meetings held at regular intervals.

The project is a good example of bringing forth diverse actors, both governmental and non-governmental, towards the attainment of a common goal. The only concern raised was that due to the high number of partners involved, there was sometimes incomplete information sharing at the field level and field to centre, impacting on monitoring of project activities.

Linkages and Synergies with other UNDP Clusters and UN Projects: The project is situated within the UNDP Governance Cluster and has only limited experience working with other clusters. The collaboration between the A2J (Governance) and TRP (Peace and Recovery) for example, has taken place at the field level, where it so happened, but not in a planned coordinated manner. Additionally, A2J was a partner of the UN Interagency Project on

Gender which helped bring coherence between UNDP's work on GBV and that of other agencies.

In conclusion it is observed that A2J has been a major breakthrough in the justice sector in working towards achieving the goal of "***Greater and more diverse access to justice redress mechanisms***". However, given the large volume of activities implemented by the project dispersed across several geographical locations, it may be useful to ***develop an area based strategy for a holistic implementation*** of the various A2J related interventions in the future. This could be a pilot project which could serve as a model for replication and would ensure more effective outcome and impact level monitoring. A shortcoming in the project as identified by all stakeholders is the lack of an exit strategy of the project. As such, there is a need to elaborate a clear project ***exit strategy*** which should be made aware to all project partners. This would undoubtedly ensure greater continuity and sustainability of project interventions and enhanced ownership. Finally, it is advisable to consider funding a ***consolidation phase*** of the project to enable institutionalizing of A2J interventions and initiatives, which have been highly appreciated by all stakeholders as felt needs of the justice system and redress mechanisms.

1.0 Introduction

1.1 Country Context

Sri Lanka was embroiled in a long and protracted civil war which had devastating impacts on the socio-economic fabric of the country as well as on its democratic processes. Despite these obstacles, the country has also made significant achievements particularly in its socio-economic indicators. Sri Lanka has recently emerged as a middle-income country and managed a resilient economy with a growth rate between 5-7 % during the war years² and around 7-8% in post war years. Its economic progress is also paralleled by remarkable progress in the level of human development. Sri Lanka was recently classified as a country with a medium human development status, and has made impressive achievements towards meeting many of the Millennium Development Goals outcomes before 2015³. This success however should not be allowed to mask the wide regional disparities in the educational and health standards as well as the high level of income poverty that is still prevalent in the island.

Sri Lanka has also maintained an active democratic tradition over the years. The Constitution of Sri Lanka includes a strong focus on fundamental rights as well as important legal principles such as non-discrimination and equality before the law. In addition, Sri Lanka is also a signatory to all seven major international human rights treaties as well as many of the core labour conventions. Whilst the Supreme Court of Sri Lanka and other courts have a long tradition of human rights jurisprudence and of administration of justice, significant challenges nevertheless remain with regard to enforcement of legal rights. The institutional mechanisms in the protection of such rights are still needing full autonomy and independence, institutional strengthening and capacity building. Due to these and the centralization of the higher levels of the system and poor outreach in the impoverished and conflict affected regions, the poor and disadvantaged communities face significant barriers in accessing formal justice systems. The problem is aggravated by inadequacy of available legal aid services, lack of alternative dispute resolution mechanisms and other channels for redress⁴.

Supply side deficiencies are paralleled by several gaps in the demand side for justice redress mechanisms. There is a general lack of awareness on legal rights, the available remedial options and how to access redress mechanisms, particularly among disadvantaged communities. In addition, their relatively low socio-economic status further heightens their inability to approach and benefit from justice redress mechanisms.

The December 2004 tsunami and three decades of civil war in the country, which caused massive destruction of life and property, multiple displacements of populations, particularly in the Northern and Eastern parts of the country and a volatile security situation had a heavy toll on the general environment surrounding rights enforcement. The already marginalized communities experienced further multiple deprivations,

² CPAP Page 4

³ UNDAF Page 1

⁴ CPAP Page 7

particularly women and children, who, in these situations, can be at risk of increasing levels of exploitation, violence and abuse. Whilst the end of the war has brought about a positive environment, challenges still remain with regard to creating a conducive environment for the enforcement of rights and access to justice, due to persisting gaps in the legal and institutional framework as outlined above and due to the lingering impacts of war among communities.

1.2 Project Context

The Equal Access to Justice Project of UNDP Sri Lanka was formulated on the understanding that access to justice means *'empowering the poor and disadvantaged to seek remedies for injustice, strengthening linkages between formal and informal structures, and countering biases inherent in both systems, to provide access to justice for those who would otherwise be excluded'*.⁵ As such, the initial project that was conceived in 2004 clearly focused on the poor and the disadvantaged living in remote geographical areas in the country. The project was however conceived when a cease-fire agreement was in place in 2004 with the assumption that the country was moving towards peace. With the tsunami of December 2004 and the escalation of conflict in the North and the East of the country in 2006, the operational environment of the project underwent drastic changes. The volatile situation contributed to numerous grievances faced by the people far exceeding those experienced when the operating context was characterized by relative peace and stability.

The changing context led to a reformulation of the project in 2007-2008, building on its first phase, but expanding its focus to address the most pressing justice and human rights issues facing the more disadvantaged groups in the country. The objectives of the Project were thus re-defined to⁶:

- (1) Focus its interventions on disadvantaged groups – conflict-affected groups, IDPs, estate sector workers, pre-trial detainees, female-headed households and victims of gender based violence;
- (2) Promote human rights based approaches through/within the project;
- (3) Ensure the effectiveness of the legal aid services provided;
- (4) Conduct mobile legal and documentation clinics in conflict affected areas and in the estate sector; and
- (5) Develop capacities of community-based duty-bearers.

Additionally, the United Nations Development Assistance Framework (UNDAF) for the period 2008-2012 identified as one of its key outputs *'effective and efficient structures and mechanisms in place and operational to provide access to justice and redress mechanisms'*. Accordingly, the UNDP recommitted itself to working on access to justice issues and incorporated Outcome 5 in the Sri Lanka Country Programme Action Plan (CPAP) – 2008 to 2012 which is committed to achieving *'Greater and more diverse access to justice redress*

⁵ UNDP definition of Access to Justice, PD Page 3

⁶ TOR of Outcome 5 Midterm Evaluation

mechanisms'. This outcome is intended to be achieved through the Equal Access to Justice Project-Phase II, which has two pillars of outputs namely:

1) **Duty bearers better able to deal with grievances experienced by disadvantaged groups** (CPAP output Pillar 13) the Output has 9 key activity results and 48 indicative activities. Very briefly, it encompasses the following Results;

- **Key Result 1:** *Progress in achieving access to justice for all, particularly priority rights holders, is measured and monitored.*

This output is tied to the completion of the A2J Baseline Survey and its subsequent integration into the project's RBM system. The main targets include the establishment of set baselines which were to be used as key tools in the implementation of project activities. The survey was expected to be used as a starting point for participatory consultations and discussions with partners culminating in the adoption of the National Action Plan for Equal Access to Justice.

- **Key Results 2-5:** *Detainees, particularly pre-trial detainees are informed of their legal rights, are better able to access legal aid services, and benefit from improved prison standards and conditions.*

To address the issues of prison overcrowding, long detention without formal charges, paucity of counselling opportunities and medical facilities, limited vocational rehabilitation programmes etc., the Project sought to support legal aid services and for the detainees and inmates to be made aware of their legal rights. The project also anticipated to expand its support to the Prisons Working Group. In order to address the problem of pregnant inmates and/or those who have young children and to protect the rights of children of female inmates, the project intended to support the refurbishment of the Kalutara Prison for women and children in an attempt to provide a hospitable environment.

- **Key Results 6-9:** *Duty bearers within formal and quasi-formal justice institutions are better able to deal with grievances, specifically with regard to IDPs, estate workers and other priority rights holders.*

To address the issues of prison overcrowding, long detention without formal charges, paucity of counselling opportunities and medical facilities, limited vocational rehabilitation programmes etc., the Project sought to support legal aid services and for the detainees and inmates to be made aware of their legal rights. The project also anticipated to expand its support to the Prisons Working Group. In order to address the problem of pregnant inmates and/or those who have young children and to protect the rights of children of female inmates, the project intended to support the refurbishment of the Kalutara Prison for women and children in an attempt to provide a hospitable environment.

2) **Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services** (CPAP output pillar 14) – the Output has 8 key activity results and 52 indicative activities. The results to be achieved are;

- **Key Results 10-16:** *IDPs, estate workers, and other right-holders more aware of their rights and have increased access to legal services;*

The activities aim to deal with the issue of lack of legal awareness and access to legal services among communities which has disproportionately affected the different categories of disadvantaged people, namely the IDPs, estate workers, and other populations in conflict areas⁷. As such, activities were intended to focus on the development of an overall strategy for the provision of legal services and legal aid, based on the findings and conclusions of the legal aid mapping conducted by Phase I of the project, with an eye towards enhancing the service delivery of legal aid to disadvantaged groups, supporting development of a mentality of pro bono lawyering while concurrently building the capacity and confidence of rights holders towards justice and security providers. Activities were designed to focus on the provision of legal services and legal aid while at the same time building the capacity and confidence of rights holders towards justice and security providers. The project also sought to expand legal aid to cover criminal cases, and support the implementation of the Victims and Witness Protection Bill, and enhance legal representation in the North, the East and the estate sector.

- **Key Results 16-17:** *IDPs, estate workers, and other priority right-holders are better able to obtain civic documentation (birth certificates, identity cards, citizenship certificates, etc.) and access legal services.*

Phase I of the Equal Access to Justice Project supported mobile documentation clinics in priority areas that provided documentation services to large segments of the population. Phase II was designed to continue support to these clinics, whilst supporting their long term sustainability. Further the Project sought to build legal awareness on basic civil and human rights, as well as on the importance of civic documentation.

In addition, the project has 02 management related results which are;

Project Management - Key Results 18-19: *Project staff, partners and the public benefit from effective project administration, documentation and monitoring;*

The project seeks to continue the support extended in Phase I and also to provide opportunities to project staff to be exposed to the issues facing priority communities whilst supporting training for all staff.

The 2 pillars of outputs above are complemented by cross cutting issues of gender, a rights based approach to programming, sensitivity to conflict and fragility and accountability, monitoring, evaluation and learning. The main geographical coverage of the project was the North and East of the country, as well as the estate sector areas. But, significantly, the project also maintained a degree of flexibility to address priority needs of the marginalized populations in other geographical areas as well.

⁷A2J Pro Doc page 6

2.0 Description of the Evaluation Methodology

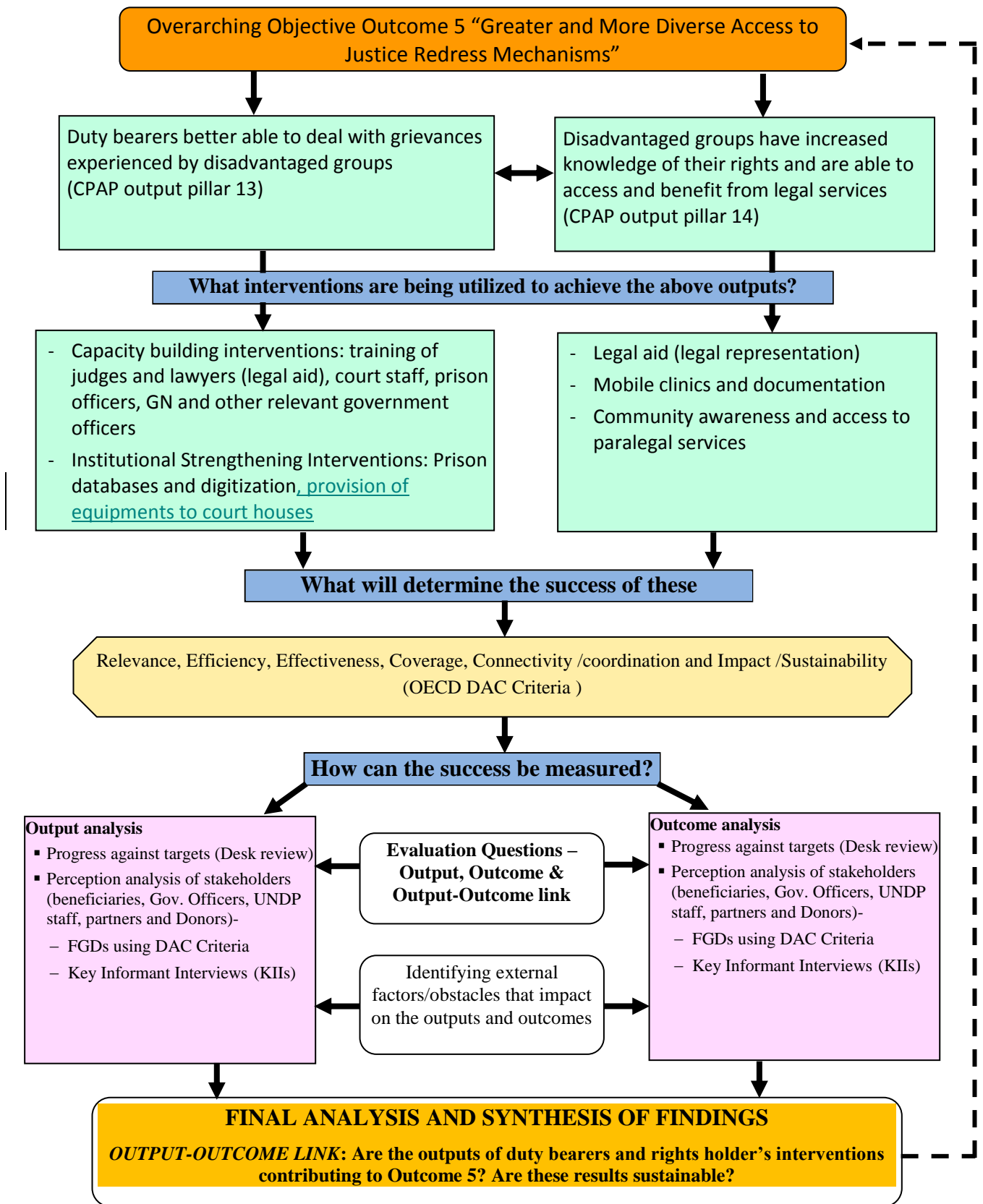
2.1 Evaluation Analysis Framework

The *Evaluation Analysis Framework* was developed with the outcome to be evaluated, “Outcome 5 of CPAP”, being “**Greater and More Diverse Access to Justice Redress Mechanisms**”, and the two expected outputs are **output Pillar 13** - *Duty bearers better able to deal with grievances experienced by disadvantaged groups* and **output Pillar 14** - *Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services*. Basically, the evaluation analysis framework looked at “the interventions being utilized to achieve above outputs”. The framework thereafter considered the question “what will determine the success of these interventions?” With the application of OECD - DAC Criteria (relevance, efficiency, effectiveness, coverage, connectivity / coordination and impact / sustainability) the success of the interventions were assessed with emphasis on analysis of outputs, outcomes & output-outcome link.

The *Mid Term Evaluation of Outcome 5* used progress evaluation and process mapping tools to gather data on duty bearers and rights holders in planning and implementation processes and future directions. The evaluation team relied strongly on these tools and methodology to ensure valid findings, which have been used not only to evaluate overall progress toward the outcome, but also enable district level comparisons.

The evaluation team used mixed methodologies (secondary and primary information based) in order to assess the **level of appropriateness (relevance), efficiency, effectiveness, connectedness and impact / sustainability (OECD-DAC Criteria)** of each of the output pillars of both (i). Duty bearers better able to deal with grievances experienced by disadvantaged groups (CPAP output pillar 13) and (ii). Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services (CPAP output pillar 14). Findings in turn were mapped against the outcome indicators in the Evaluation Analysis Framework in order to answer the specific evaluation questions. In addition, the evaluation process sought to understand any unintended impacts (both positive and negative) of specific project interventions. The Evaluation Analysis Framework followed in this evaluation is diagrammatically shown in the following page (Diagram 1).

Diagram 1 - Evaluation Analysis Framework



2.2 Evaluation Methodology

2.2.1 Indicators used

Programme outcome and output indicators have been outlined in the TOR (**Annex 1**) and other project documents. Progress mapped against these indicators assist the evaluation process in determining the level of progress towards the final outcome and overall success. The analysis based on output, outcome and output-outcome link will reflect the progress towards expected achievements and outcomes (Chapter 4.0).

2.2.2 Data collection tools

The evaluation used secondary information from desk review and qualitative data collection methods to assess the level of progress made in terms of reaching the objectives laid out in Outcome 5 as follows.

(i) Focused Group Discussions

FGDs were used as a participatory assessment tool to obtain the perceptions of the various stakeholder groups in order to inform the qualitative analysis. FGDs followed the OECD Development Assistance Committee (DAC) criteria namely, *Relevance / Appropriateness, Effectiveness, Efficiency, Connectedness, Coverage and Impact & Sustainability* and evaluated each of the project components relevant to a particular geographic location and participant group. Pre-prepared formats were used to facilitate the discussion. The assessment was based on a 5 point score ranging from 1 to 5 reflecting the progress from lowest to the highest. The scoring had to be supported by reasoning / justification (positive as well as negative). In the event of low scoring, suggestions for improvement was also elicited from the participant's point of view, discussed as a group and agreed upon.

FGD formats have been elaborated to accommodate the overall assessment of both components, as well as, derived from this generic format FGD exercises for the different stakeholder groups were customized as and when necessary (**Annex 2 & 3**). A total of 20 Focused Group Discussions (FGDs) were held with A2J stakeholders (Service Providers 09 FGDs and Beneficiaries 11 FGDs) in the four Districts visited and at National Level.

(ii) Key Informant Interviews (KIIs)

Key informants selected from each stakeholder category, including UNDP, the Government & Partners and donors were conducted in Colombo and the Districts. These interviews utilised open ended questions to answer specific evaluation questions from each stakeholder's point of view. These interviews were expected to provide vital information on the context and background of findings gathered from the field, and also on external factors that influence the implementation of the programme. A semi-structured interview format has been elaborated as appearing in **Annex 4** with separate sections for UNDP programme staff, Government and Partners and Donors. Please note that these individuals have been selected from a pool of representatives provided by UNDP (List of KIIs appear in **Annex 10**).

2.3 Sampling Framework for Field Visits

To attain the most robust dataset possible, given the limited time frame, a purposive stratified sample design was utilised. Its aim was to, where feasible, balance UNDP programmatic presence, with wider sociological (ethnicity & geographical) contexts and important logistical constraints.

As such the sampling frame comprises four Districts across the North, East and Uva Provinces of the country i.e. Jaffna, Vavuniya, Badulla and Batticaloa, identified with the concurrence of UNDP taking into consideration the incidence of implementation of programmes and the stages at which the implementation processes currently exist. Further, the selected Districts adequately represent the various components that represent the programmes, related to duty bearers and rights/claim holders.

Table 1: Summary of total number of KIIs and FGDs by National and District Levels

District	KII		FGDs	
	National Level	District Level	Service Providers	Beneficiaries
Colombo	16	-	4	-
Vavuniya	-	5	1	3
Jaffna	-	10	1	3
Badulla	-	10	-	2
Batticaloa	-	5	3	3
Kalutara		3		
	16	33	9	11
TOTAL		49		20

2.4 The Field Work Plan

Based on the above sampling, the final field work plan (**Annex 5**) was prepared and implemented accordingly with support from the National and Field staff of the Project.

2.5 Programmatic Assumptions validated in the context of the overall A2J Project

- Government policy and the political will prevailing positively to enable programme interventions
- Programme flexibility required to adapt to changing contexts
- Adequacy of human, financial and other material resources
- Willingness to participate in collaborative efforts by the different stakeholders
- Willingness of beneficiaries to participate proactively in the process of equal access to justice and improvement of their lives

These assumptions were validated in the analysis of findings and also in the country and project context.

2.6 Limitations

The implementation of the evaluation process was to some extent limited by the following factors.

- Lack of clear baseline data on outcome indicators had an impact to some extent in measuring the achievement of Outcome 5.
- Limited time availability for primary research with stakeholders is another limitation, as information gaps had to be filled - as far as feasible - through secondary document review.

3.0 Analysis of Findings with regard to Major Outputs achieved under CPAP Outcome 5

In this Chapter, an assessment is being made on the progress of implementation of the planned outputs, factors that affect the accomplishment of the outputs, the extent to which UNDP has instituted systems and procedures to provide coordinated support in terms of delivering timely, appropriate and cost effective inputs vis-a-vis results gained, obstacles to effective implementation of activities, and the extent to which gender has been addressed.

The Equal Access to Justice Project (Phase II) (A2J II) was developed to extend and reposition the activities of Phase I of the A2J Project within a conflict prevention framework, continuing the shift of the primary focus to the North and East and to the Estate Sector. The project builds on Phase I of A2J Project which ended in 2008, its lessons learnt and partnerships. Outputs and activities of A2J II are intended to build trust and faith in the justice system and to support confidence-building through the rule of law and access to justice.

A2J II was developed drawing from the definition of the UNDP that access to justice is “empowerment of the poor and the disadvantaged to seek remedies for justice, strengthening linkages between formal and informal structures, and countering biases inherent in both systems, to provide access to justice for those who would otherwise be excluded”. While the project explicitly adopts a human rights approach to justice, the primary focus is on the poor and disadvantaged living in remote areas of the country⁸.

According to the Project Document a total of 19 Key Activity Results were identified in keeping with the *Intended Outcome* stated in the CPAP, with 9 *Key Activity Results* and 48 *Indicative Activities* under Output pillar 13 (*Duty bearers better able to deal with grievances experienced by disadvantaged groups*) and 10 *Key Activity Results* and 52 *Indicative Activities* under Output pillar 14 (*Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services*).

⁸Equal Access to Justice – Phase 2 – Brief Introduction and Situation Analysis

The outputs achieved in the different components is stated on the basis of information gathered from (i) Quarterly Progress Reports (QPR) prepared by the UNDP Country Office in respect of the period 2009-2011, (ii) Germany Progress Reports as at 30th June 2011, (iii) Germany Progress Report in respect of the 4th Quarter of 2011 updated up to 23rd January 2012, (iv) Human Security Task Force (HSTF) Progress Report (01 October 2010 – 30 September 2011) (v) Monthly Report of UNHCR dated 10th October 2011, (vi) Quarterly Report of UNHCR (01 October 2011 to 31 December 2011) and (vii) UNDP Country Office M&E Worksheet. Information provided by stakeholders at Focused Group Discussions and Key Informant Interviews were also helpful in understanding the extent to which the project was able to implement the targeted activities.

3.1 Output Achievements – Output Pillar 13: Duty bearers better able to deal with grievances experienced by disadvantaged groups.

Key Activity Result 1: *Progress in achieving access to justice for all, particularly priority rights holders is measured and monitored:*

In terms of the original project design, it was anticipated that with the completion of a nationwide assessment on Access to Justice, completed with wide participation of both claim holders and duty bearers, it would be possible to measure and monitor the progress in achieving access to justice for all, particularly priority rights holders. It was also anticipated to establish a Working Group comprising of government actors, development partners and NGOs as well as regional and national forums to provide input to a National Action Plan on Access to Justice and thereafter to follow-up on the relevance and impact of the National Action Plan. However, at the point of implementation, the Ministry of Defence advised the project not to move with the baseline assessment due to security concerns and consequently the national access to justice survey, perception survey and small group interviews were reported as “off-track”⁹. Evidence is not available whether any progress has been made in this activity. It appears that all major activities under this key activity result are at a standstill awaiting the Baseline Survey. As a result, setting of targets for each of the results that were to be established based on the results from the National Access to Justice Survey has also not been achieved.

Key Activity Result 2: *Prison subcommittee members provide regular and coordinated legal aid and vocational training services to inmates:*

The two main outputs planned under this key activity result were (i) Conduct workshops for inmates on their rights within the judicial process, rehabilitation options etc., and provide legal aid services to pre-trial detainees and inmates, and (ii) Conduct vocational training programmes in at least 3 prisons with a focus on rehabilitation and reintegration, and develop multi-sectoral programmes for all inmates, which target economic and social needs, with a specific focus on women inmates. In the case of Juvenile detention centres, the implementation plan also required establishment of collaboration with UNICEF.

⁹Quarterly Progress Report- Oct 2009 (Q4) UNDP Sri Lanka

A large number of activities in line with the Indicative Activities stated in the A2J Project document have been implemented by partner organizations and the volumes suggest that a substantial amount of work has been accomplished. Commencing from 2009, partners conducted legal awareness programmes in prisons in Colombo, Kandy, Pallekele, Kalutara, Wariyapola, Batticaloa, Galle, Matara and Tangalle. The activity continued in 2010 as well. A total of 11,025 prison inmates benefited through these awareness programmes.

Also under this key result activity, Legal Aid programmes were conducted in prisons located at Colombo, Kalutara, Wariyapola, Kandy, Matara, Jaffna, Galle, Angoda and Tangalle. The Legal Aid Scheme is being operated through partners such as LAC, LHRD, IHR and WIN. A total of 72 Legal Aid Clinics were conducted so far since 2009 benefiting a total of 14,388 inmates. The largest number of clinics held in a single quarter was in the third quarter (Q3) of 2010 during which, partners conducted clinics in 17 prisons with a total participation of 2,373 inmates. Legal advice has been provided to 3,804 inmates, Bail Applications filed on behalf of 465 inmates and a total of 1,180 inmates provided with legal representation. According to progress reports, at least 51 cases were referred so far to the Attorney General's Department to expedite filing of indictment in courts.

The other important output is the provision of vocational training support to inmates of prisons. Since 2009 a total of 476 inmates, including women and young offenders benefitted from a variety of vocational training programmes designed to respond to current market demand. Programmes have been conducted in prisons located in Pallansena, Kalutara, Ambepussa, Thaldena, and Welikada. Programmes included repairing electronic equipment, operation of Juki sewing machines, sewing and manufacture of handbags, purses, cards etc. 2 batches of inmates at the Thaldena Correctional Center were given vocational training in vehicle maintenance. The project provided 4 computers to the Ambepussa TSYO for the purpose of setting up a Computer Training Center for juvenile offenders.

The indicative target established with regard to provision of legal awareness/ legal aid to prison inmates is " 20% of the total number of prison remandees in 5 targeted [prisons (Welikada and 2 Regional prisons) in 2009, progressively increasing to 50% in 2010, 60% in 2011 and 75% in 2012 totalling to 8,000 (M&E Framework). During 2009, 26% of the total number of remandees in the 10 prisons participated in legal awareness programmes, the number increasing to 52% in 2010. The progress in 2011 is 2,723 remandees which suggest a lower percentage (the total number of remandees in 2011 is not available). The target established in regard to vocational training is 3 programmes per year. As regards vocational training, reports indicate that a total of 9 programmes were conducted from 2009 to 2011 and therefore the target set in the plan has been achieved.

Key Activity Result 3: *Alternative sentencing mechanisms promoted with the judiciary:*

Three outputs were indicated in the Resources and Results Framework and Annual Work Plan of the Project document under this key activity result, namely, (i) Conduct workshops and discussion forums involving stakeholders on bail alternatives and on alternative sentencing, (ii) Organize discussion forums with the judiciary and relevant stakeholders on improving accountability mechanisms with regard to the condition of remand prisoners,

and (iii) Support government programmes and initiatives on alternative sentencing mechanisms.

The principal outputs achieved were that the project was able to hold 2 Regional Discussions, a Discussion Forum and a 2-day training programme for High Court Judges since 2009. The project also conducted a training programme for officers of the AGs Department on Sentencing Policy and Alternative Sentencing Mechanisms. 140 officers attached to the Community Based Correction Department (plus another batch of 80 officers) and 56 Work Supervisors were trained to enhance their skills, especially on the preparation of comprehensive pre-trial reports and on practical application of Alternative Sentencing Mechanisms. In addition, 36 Judges (Magistrates and Acting District Judges) who have jurisdiction over plantation areas were trained on *“Correction, Rehabilitation and Social Integration of offenders through Alternative Sentencing”*. The recommendations made by stakeholders at regional discussions were presented at the Judges training forums and discussed in detail. The recommendations made by the Judges were thereafter presented to the Committee on Prisons convened by the Ministry of Justice for further action¹⁰. The Annual Judges Conference of 2009 in which 200 Judges participated, was hosted by the project. The conference was appropriately themed *“Sentencing vs. Alternative Sentencing – Bless the Victim”*. It was reported that during 2009 there were a total of 100,095 entries in to prisons, out of which 26,124 were convicts. The Community Based Correction Department committed 19,200 of those who were convicted to community based sentencing¹¹.

The target established in the M&E Framework of the Project Document is “20% increase over the previous year serving as the current year reporting”. The progress achieved during 2009 was 42% (convicts committed to community-based sentencing). Details with regard to the subsequent years are not available.

Key Activity Result 4: Prison Databases installed in high priority prisons:

In terms of the Resources and Results Framework and Annual Work Plan of the Project document, two activities should have been accomplished during the project period, viz. (i) Evaluate the operation of the database at Welikada prison, and (ii) Expand computerized tracking system database to other locations.

A database was established in the Welikada prison in 2008 and subject to satisfactory usage of the pilot system in Welikada during 2009, it was anticipated that databases will be established in 2 additional prisons each year¹². The initial review conducted by an expert in 2009 revealed that the database has not been fully adopted within the Welikada prison. Among the challenges faced was the fact that there was a high turnover of staff among those who were initially trained to upload and monitor the data. In addition there has been a general apathy towards moving from paper to electronic data management¹³. Consequent to a follow-up discussion with the Secretary MoCA and the MoJ, Commissioner General of Prisons (CGP) committed himself to extend his best efforts to

¹⁰Quarterly Progress Report- Oct 2009 - UNDP Sri Lanka

¹¹Country Office M&E Worksheet UNDP

¹²Monitoring and Evaluation Framework – Equal Access to Justice Project Document

¹³Quarterly Progress Report- Oct 2009 - UNDP Sri Lanka

bring the system back on track and consequently, 8 permanent officers were allocated to operate the database.

By 2009 December, 5,000 case records of prisoners had been entered into the database, and the project was working towards expanding the database to the Colombo Remand Prison, Female Ward and the Magazine Prison, effectively covering 49% of the total prison population. In 2010 an effort was made to introduce the system to 5 more prisons in Colombo and to modify the system to be able to capture a variety of specific data. At the request of the Department of Prisons, the project agreed to support the training and capacity building of 40 officers who would operate the unit. In Q3 of 2011 it was reported that the Information and Communication Technology Agency (ICTA), whose involvement was sought to bring the system back on track, undertook a lengthy review of the project and has provided substantial input to strengthen the system, which however has resulted in further delays¹⁴. As late as the Q4 2011 it was found that there was hardly any progress in the expansion of the prison database. The project having considered the issues decided not to support the activity with project funds, and was waiting for more details to determine whether the expansion conceived by the Ministry of Prisons can still be supported¹⁵. However, it is observed that focus of Phase II is more on further development of the database expansion requested by the Ministry of Prisons and is in progress according to the PMU.

Positive feedback had been received that the database has facilitated improvement of the management and tracking of prisoner information and has improved prisoner welfare and oversight of detention. The progress in this activity is that although concerted efforts have been put in at several levels, a conclusive result has not yet been achieved.

Key Activity Result 5: *Conditions in prioritized prisons are in line with International Standards:*

Under this key activity result the main outputs anticipated by the project are (i) Train prison officers on prison management best practices, including protection from torture and women's rights, (ii) Establish in-house counselling services for all inmates and prison officers, (iii) Organize a discussion forum on the institutionalization of the PWG, (vi) Establish a coordination mechanism to oversee and provide quality assurance for all services provided to inmates and their families and to provide strategic advice and coordination to the relevant line Ministries on issues related to prisons, (v) Establish Prisons Working Group sub-committees at the district/divisional level, prioritized according to project focus areas and prison location, to coordinate the various services being provided to inmates and to provide immediate service delivery through a system of referrals, (vi) Refurbish Kalutara prison for women and children, (vii), Conduct training for women on child rights, basic hygiene, child development etc., and (ix) Conduct vocational training programmes for women especially targeted towards rehabilitation and reintegration after release to decrease the number of repeat offenders.

¹⁴Quarterly Progress Report Apr-June 2011 - UNDP

¹⁵Quarterly Progress Report Oct – Dec 2011 - UNDP

So far during the project, a total of 2,378 prison officers (including 7 newly recruited Assistant Superintendents of Prisons and 59 newly recruited Jailors) have been trained in areas such as Human Rights and their historical evolution, Fundamental Rights, the Geneva Declaration on 1989 Child Rights Convention and its principles, Women's Rights and CEDAW, Children and Young Persons' Ordinance, Penal Code, Domestic Violence Act, Prisoner Rights - 1989 Child Rights Convention and its principles, Prison Regulations and Administration, Stress Management, Positive Thinking, Basic Counselling etc. The project conducted 2 Para Legal Training Programmes for prison officers in Jaffna and Batticaloa. SLFI conducted several tailor-made training programmes for prisons officers and inmates in the Juvenile Justice sector. During Q1 of 2010, the project trained 70 Welfare Officers of the Prisons Department from all over the country, at a 2-day residential training programme. The objective of this programme was to catalyse a sustainable after-care programme for prisoners with a strict focus on reducing repeat offenders. During the Q3 of 2011, the project conducted 4 seminars for Jailors on Rights of Prisoners with the objective of acquainting them with international standards and laws. In addition SLFI conducted a programme on counselling for prisoners and international standards of prisoner treatment.

An In-house Counselling Service has been established and is operational through partner organizations, notably Sarvodaya. A total of 1,376 prisoners have benefited from in-house counselling services. Also individualized expert counselling sessions were carried out in the Colombo, Anuradhapura, Badulla, Kalutara, Matara and Jaffna prisons, which included topics related to Human Rights.

The first Prison Sub Committee was established in 2009 in the Welikada Prison which was followed by the first Regional Prison Sub Committee which was established in the estate sector at Badulla. The third sub-committee was set up in Trincomalee in 2010. The sub-committees have had regular meetings.

The project also provided awareness on Human Rights to a total of 400 female inmates. Work on the Kalutara Prison refurbishment to convert it to a women/child friendly prison has been completed. Details of vocational training provided to female inmates have been commented on under key activity result 2. Progress Reports however do not indicate progress on institutionalization of PWG through organizing discussion forums, which is an activity listed under the key activity result, nor of the establishment of a coordination mechanism to oversee and provide quality assurance for all services provided to inmates and their families and to provide strategic advice and coordination to the relevant line Ministries on issues related to prisons.

The M&E Framework of the project indicated that 30% of the prison management and staff would have received training in international best practices in prison management in 2009, 50% in 2010 and 75% in 2011. The achievement however cannot be compared with the total number of prison officers attached to the prisons since figures are not available. However the progress of events that were undertaken from 2009 to 2011 suggest that the activity has been approached in a systematic and organized manner. The outcome however has to be measured through a survey on attitudinal and behavioural change that the interventions produced.

Key Activity Result 6: *Judges and Lawyers better able to deal with grievances, specifically with regard to IDPs, estate workers and other priority rights holders:*

Three main activities were listed in the Activity Schedule of the project under this Key Activity Result, namely: (i) Develop curriculum and conduct training programmes for judges and lawyers on interpretation of laws, handling domestic violence, child protection and GBV cases, (ii) Conduct public forums with the communities on fundamental rights and access to justice, and hold information sessions, with the government officials, police and security forces at the district/divisional level on fundamental rights, accountability and impunity and access to justice for priority communities, (iii) Develop a network among members of the judiciary, and others that can provide support and protection, and establish network and referral systems among NGOs and Legal Aid Lawyers. All these activities were to be implemented with special focus on priority areas.

Discussions were initiated quite early during the project period with MoJ, BASL and the Judiciary and it was agreed to focus on training and capacity building of judges and lawyers on issues related to Gender based Violence (GBV) and IDP priorities, with special reference to land issues in the first place. Although there is no evidence on the development of a structured curriculum to conduct training programmes for Judges and Lawyers, several programmes were in fact conducted to increase the awareness of the two groups. Jointly with LAC, the project trained 35 High Court Judges on the ICCPR Act with the objective of encouraging judges to take up grave human rights violations in their respective High Court zones providing an opportunity to the public to vindicate their human rights at their regional courts as an alternative to filing FR actions in the Supreme Court.¹⁶ In 2011 December project has conducted a training for High Court Judges in collaboration with High Court Judges Association on Child friendly court proceedings.

Informal discussion sessions were held with the participation of LAC Coordinators, which produced recommendations to deal with gaps in laws relating to sexual exploitation, awareness on domestic violence, sensitizing judges on GBV issues, capacity of judges to entertain complaints on GBV, laws relating to abortion and illegal abortion centres, etc. An assessment to identify the needs in justice sector in Jaffna was carried out by the project and based on the assessment the Judges Training Institute, organized training programmes for Judges, particularly the newly appointed judges in the cleared areas. During the year 2011, a total of 40 judges were trained on access to justice issues¹⁷.

The project conducted a residential seminar for Presidents of Labour Tribunals, with a special focus on vulnerable groups and issues in the estate sector. The project also conducted 2 informative sessions covering the Northern Province and the Eastern Province and jointly with WIN, the project conducted an extensive GBV residential training programme for Judges (28), Police Officers (50), Judicial Medical Officers (12), and Scene of Crime Investigating Officers (7). The project supported the BASL to organize a knowledge sharing forum for Judges and Lawyers in the Northern Province. A total of 60 judges and lawyers participated in the two-day training event. During Q2 of 2010, the project conducted a programme on advanced training on labour rights in the estate sector for Presidents of Labour Tribunals.

¹⁶Progress Reports 2009

¹⁷Progress Reports 2010& 2011

Supporting another dissemination strategy, the project provided funds for the printing and distribution of Quarterly News Letters of the Judicial Services Association, a knowledge disseminating tool among the members of the justice system. The project also supported the conduct of 6 Bench and Bar programmes (Kandy, Colombo and Galle) which brought together Judges and lawyers of selected regional Bars to address issues pertaining to justice delays, promotion of the “pro-bono” culture among members of the Bar, Criminal Procedure and laws relating bail, Civil Law, Criminal Law, child rights and professional ethics. The e-law CD providing easy access to latest Law Reports, case law and legislations, was launched (December 2010) and 250 CDs were distributed among judges spread out across the country. With the launch of the e-law CD, it is expected that delivery of justice will be expedited and that the judges are aware of the latest developments in the areas of justice. The Annual Judges Conference themed “Judicial Ethics and the Pivotal Role of the Judge”, was supported by the project, at which 206 judges participated.

The activities contemplated in the indicative activities under the Key Activity Result have been undertaken in different ways, discussion, consultation, training, review and dissemination of knowledge. The targets set in the M&E Framework is “at least 3 programmes and a Network to be in place within 5 jurisdictional areas”. At least 4 discussion sessions and 8 training programmes have been conducted under this activity in addition to 6 Bench and Bar programmes and providing support to knowledge dissemination exercises. According to the M&E Worksheet 415 members of the judiciary and 40 judges received training during 2010 and 2011. According to the progress report of the German project a total of 4,268 Justice Service Providers, including judges, court staff, police officers, quazis and administrative officers have been trained by the project. The quantitative progress in outputs therefore is quite substantial, although evidence of a network among members of the judiciary, and others that can provide support and protection, and establish network and referral systems among NGOs and Legal Aid Lawyers are however not explicitly seen.

Key Activity Result 7: *Key Stakeholders have a better understanding of HRBA principles:*

The following activities were to be achieved under this key activity result (i) Review training provided in 2008-2009, (ii) Refine the training programmes within national institutions (iii,) Develop a strategy to mainstream tailored modules for training within relevant national institutions and partners (iv) Develop distance training modules to expand coverage and sustainability of regular training, and (v) Conduct training on human rights, HRBA, domestic violence, GBV, child protection, conflict sensitivity, gender sensitivity to be conducted by the relevant institutions as part of their regular training.

Since the project did not have standalone programmes on HRBA in 2009, it included a session HRBA in all training programmes conducted by the project and by its partners, and the same situation continued throughout the years 2010 and 2011¹⁸. The project was unable to identify a suitably qualified local Consultant to develop a HRBA Training Manual.

¹⁸Progress Reports 2010& 2011

It does not seem that any of the indicative activities were achieved so far. There is no evidence of whether the training provided in 2008 – 2009 (even in its restricted form) has been reviewed or whether training programmes within national institutions were refined. In the absence of a structured HRBA training programme the question whether a strategy to mainstream tailored modules within national institutions and partners was developed, or whether distance training modules to expand coverage and sustainability of regular training were formulated, does not arise.

The indicative target given in the M&E Framework is 4 programmes per year. It was also stated that the 2008 baseline is established at a higher level due to heavy focus on training of duty bearers in the North and East, Grama Niladharis and all project partners in Colombo. The progress however has been very low, and it is difficult to understand the reasons, given the high importance of HRBA particularly in the context of the post conflict situation in the North and East. The content of partner programmes on HRBA which they were requested to conduct as a part of their programmes is not available for review. Therefore, it has to be concluded that the progress in this activity is low.

Key Activity Result 8: *The administrative branch of selected courts function more efficiently and effectively (Courts administration):*

Two activities were identified under this Result, namely, (i) Conduct training for court staff on best practices and management skill, and (ii) Provision of basic equipment to support efficient systems.

Early during the implementation period, the project participated at policy level in designing a Human Resource Development Plan for the justice sector with particular emphasis on court staff. One of the landmark events of the project was the first Consultative / Training session held in August 2009 for court staff with the objective of identifying methods to minimize procedural delays that lead to judgments being delayed, which provided the first-ever opportunity for 225 judges, lawyers and court staff to come together to discuss the challenges and way-forward. As a consequence of this consultative/training session, the Judicial Service Commission and the MoJ agreed to immediately remedy certain procedural gaps which were leading to bottlenecks.

In the area of court staff training, the project conducted a training workshop on disposal of property in Magistrates Courts for all island Court Staff, a training programme for non-staff grade court staff (150), 3 Stenographer training programmes (98), 3 training programmes for Interpreters (89), and 2 programmes for other court staff (353).

With regard to provision of basic equipment to support efficient systems to courts, the project supplied equipment to 36 courts and 6 quazi courts (\$ 80,000). During the year 2011 with the support of Germany, the project has provided LKR 34,994,132.56 worth equipments to 26 court houses in the North and East. The project also supported the establishment of a circuit court house in the island of Delft, which has returned to normalcy after the end of hostilities. Refurbishment of child friendly court house in Batii and court house in Kalavanchikudy is in progress, before 2011 ten (10) court houses were supported with equipment.

The two activities that were indicated under this Key Activity Result are (i) training of court staff and (ii) equipping court houses. The indicative targets contained in the M&E Framework are 30% (2010), 50% (2011) and 70% (2012), presumably referring to the number of court staff to be trained and a target of 600 translators/interpreters in the North and East. The M&E Worksheet indicates that 225 members of court staff were trained in 2009, 348 in 2010 and 1,006 in 2011. The progress as a percentage of the target of 600 translators/interpreters is 39%. According to the Germany Progress Report equipment such as photocopying machines, computers, printers and furniture worth Rs. 35 million were provided to 36 court houses up to January 2012. There has thus been a substantial progress in both sub-activities under this result.

Key Activity Result 9: *Quazi courts are more accessible and are better able to deal with grievances of women and other priority groups:*

Following are the activities the project contemplated under key activity result 9: (i) Awareness raising of the rights of population vis-à-vis the Quazi courts, conduct training for Quazi's on human rights with special emphasis on women's rights, organize discussions, and conduct workshops on conflict resolution and with focus on Quazi's role in dispute resolution (ii) Establish CBO based women's collectives , and conduct training programmes on their rights and dispute resolution mechanisms coupled with vocational training programmes , organize discussion forums with quazis and women collectives ,organize group discussions to review existing laws relating to appointments, and selection criteria to quazi courts, (iii) Support construction of special court houses, and support the development of a structured administrative mechanism for the Quazi system.

Influenced and supported by the project, the Minister of Justice convened a Cabinet Committee to examine reforms that are required to the existing laws applicable to Muslims. As recommended by the committee the project supported the Ministry of Justice to call for expressions of interest from the public with regard to law reforms. The Committee consulted All Ceylon Jamaithul Ulama Fatwa Board to ensure that the amendments suggested were within the principles of Sharia law. A sub-committee finalized recommendations on the age of marriage, women Quazi Judges, and polygamy. The Ministerial Committee however has (Q4-2010) failed to finalize the recommendations.

With support from the project, all Quazi Judges (63) in the country were trained on WR, CR, HR and Comparative Muslim Law. Parallel to the training of Quazi judges, the project also conducted awareness programmes, targeting Women's Collectives in the Eastern Province. The project also supported MWRAF to compile a Guide Book for Quazi Judges. Additionally, a desk Review titled "A Review of the Quazi Court System in Sri Lanka" prepared by an expert on Muslim Family Law jointly with CSHR was launched. The Project provided furniture and equipment to 6 Quazi Courts worth \$ 750,000.

Other than a figure of 600 Quazi judges and women to be trained in access to justice (M&E Framework), indicative targets were not established in respect of this Key Activity Result and were to be set up in consultation with MoJ. Progress has however been made in training Quazi Judges, and this combined with the progress made under Key Activity Result 14, means the target of 600 has well been achieved. Progress has also been made in the

area of reviewing Muslim Laws, awareness creation of Women's Collectives and in improvement of 6 Quazi Courts in the Eastern Province. However, much remains to be accomplished in Muslim Law Reforms in the context of human rights, women's rights etc., the sensitivity of which is understandable. Also the construction of new buildings to house Quazi courts and the establishment of a structured system of administration for Quazi courts yet remain to be accomplished.

3.2 Output Achievements –Output Pillar 14: Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services.

Key Activity Result 10: *Legal Aid Strategy prepared and presented to GoSL for approval:*

The activities contemplated under this result are as follows: (i) Organize consultative discussions on the development of a strategic vision of legal aid delivery in Sri Lanka targeting priority rights holders, (ii) Support development and implementation of a national policy on legal aid, (iii) Transitional strategy developed for sustainable LAF financing), (iv) Conduct a Capacity assessment of the LAC, (v) Establish linkages with international/regional legal aid champions to share lessons learned and best practices and (vi) Establish linkages with private sector actors to expand financial and other support for the provision of legal aid services for priority.

During the second quarter of 2009, the MoJ identified strengthening of legal aid as a priority and established a high level steering committee to develop a policy and an action plan to reform the sector. The project supported a consultative process for the development of a strategic vision of legal aid delivery. After several consultations, the Legal Aid Strategy was finalized in 2010 and discussions were held with the Secretary MoJ with the objective of presenting the strategy to the Minister. However a cabinet change late in 2010, delayed action. The matter remains at that stage at present¹⁹.

The project facilitated discussions between the BASL and LAC with regard to finding a more sustainable funding solution for the LAC offices. The A2J project staff conducted an assessment of the BASL Legal Aid Offices, and also mapped their locations against the LAC network – the results of both were fed into the transition plan. Although it is not clear whether a structured capacity assessment of the LAC was conducted, progress reports mention that the project facilitated discussion between BASL and LAC as a result of which 9 offices were handed over to LAC. There is however no evidence of whether the project established linkages with international/national legal aid champions or whether linkages were established with the private sector to expand financial and other support for the provision of legal aid services.

The outcome of the study *“The Legal Aid Sector in Sri Lanka: Searching for Sustainable Solutions”* conducted by the Asia Foundation, UNDP, UNHCR, MoJ and MoCA is an important achievement under the project.

¹⁹Country Office M&E Worksheet

Key Activity Result 11: *Legal Aid services provided to priority groups covering civil and criminal cases:*

The activities schedule indicates 11 activities that the project needs to pursue towards achievement of this result. The principal activities are: (i) Provide resource materials to National Bar and district Bar Associations, (ii) Organize discussions between BASL and district bars to establish and strengthen networks including ensuring regular visits from the BASL to its district offices to provide periodical updates on legal developments, support and protection, (iii) Develop an internship/apprenticeship scheme for law students (iv) Organize consultations with relevant stakeholders to review VOICE lessons learned and determine way forward, (v) Establish MoUs between Law teaching institutions and Legal Aid Providers to promote volunteer legal aid interns. To support the implementation of the ICCPR Act (vi) Develop professional training modules on criminal defense, conduct a 3 month training course on criminal defense for specialized lawyers, establish a mentoring programme and identify opportunities for practical hands-on experience on criminal defense for lawyers and organize discussions with the three law teaching institutions to revise curricular to include clinical legal education, (vii) Provide technical and logistical support for legal aid institutions focusing on criminal cases, and provide training on criminal legal defense to cadre of LAC criminal lawyers.

During the second quarter of 2009, the project, in association with LAC, identified 5 sites to provide legal aid to suspects of criminal cases, representing the conflict-affected areas and the plantation sector namely Jaffna, Vavuniya, Trincomalee, Batticaloa and NuwaraEliya. During fourth quarter of 2009, Anuradhapura and Hambantota were added to the list of sites due to the need and demand for services. *(It was noted that Legal Aid services to priority groups covering civil and criminal cases will run parallel to the legal aid clinics/programmes conducted in prisons and that the two are expected to mutually complement / supplement each other).* The project made significant achievement in that more than 7,556 persons in priority areas benefited from legal consultations, retention of lawyers, court appearances, visits to police stations etc. However, exact figures are not available from LAC, the principal partner in providing legal services.

As a result of interventions focusing on lawyers, approximately 2,249 lawyers directly benefited through training, apprentice training, legal conferences etc. supported by the project. During second quarter of 2009, BASL successfully conducted a 3-month training course on criminal defense for legal aid counsels, panel lawyers of LAC and lawyers of project partner organizations from which 80 lawyers received training. The project also supported the holding of the Junior Bar conference on “*Nation building during the post conflict era*” in November 2009. During first quarter of 2010 the project hosted 20 law students from Jaffna as interns with leading Law Firms in Colombo, and also supported the launch of the “*Junior Lawyer*” magazine. With support from the project, LAC conducted a 6-month long LAC Apprentice Training programme for 350 apprentices, which consisted sessions on legal aid, pro-bono concept and on human rights. Further, the BASL released e News Letters, circulated among 9,000 members of the Bar which served as a knowledge-sharing tool. In addition, 5 Regional programmes were held in Kalutara, Avissawella, Bandarawela, Kegalle and Kuliyaipitiya with a total participation of 150 lawyers and judicial officers. The project supported the holding of the National Law Conference at which 300

lawyers from all parts of the country participated. The principal outcome of the conference was the preparation of a 5-year Road Map, which entails the development of a strong “pro-bono” culture within the legal community of Sri Lanka.

The project also provided library books to 10 regional bars identified by the BASL (located in the districts of Jaffna, Vavuniya, Batticaloa, Nuwara Eliya, Anuradhapura, Ampare, Kandy and Galle, Hatton and Avissawella). Through the BASL the project supplied furniture and equipment to Jaffna, Vavuniya, Batticaloa, NuwaraEliya and Hatton regional bars.

Progress made under this Key Activity Result is mainly in the identification of priority geographical areas for legal aid interventions, identification of resource materials that are needed to enhance the capacity of lawyers, training of lawyers in criminal defence, implementation of a Law Apprentice Scheme, support to knowledge dissemination and provision of legal aid to the priority groups. In this context most of the activities contemplated in the indicative activities of the project have been accomplished. The main output under this Key Activity Result however was that more than 7,556 persons in priority areas benefited from legal consultations, representation by lawyers, court appearances, visits to police stations etc. Exact figures are not available from LAC, the principal partner in providing legal services. Under this activity more than 1,080 lawyers benefited through training, apprentice training, legal conferences etc. supported by the project.

Progress is however not evident in organizing discussions between BASL and district bars to establish and strengthen networks, organization of consultations with relevant stakeholders to review VOICE lessons learned and determine way forward and in the establishment of MoUs between Law teaching institutions and Legal Aid Providers to promote volunteer legal aid interns.

Key Activity Result 12: *Rights holders in remote areas are sensitized on legal issues and have access to paralegal services:*

The main activities the project contemplated under this result were to: (i) Train at least 15 paralegal and women's groups in HRBA, human rights and legal awareness, standard operating procedures and protocols for referral systems, domestic violence, GBV, child protection etc., (ii) Establish standard operating procedures for referrals to legal aid providers and formal justice system at division/district level to address cases that require a remedy by the formal justice system (iii) Conduct training for GNs, village heads, and other local level duty bearers in identified priority areas on HRBA and conflict resolution mechanisms and roles and responsibilities, protocols and standard operating procedures for referrals to other justice providers to enhance their relationships vis-à-vis their communities, (vi) Produce and disseminate awareness material and, conduct awareness programmes.

Responding to the indicated activity “establishment of standard operating procedures for referrals to legal aid providers and formal justice system at division/district level to address cases that require a remedy by the formal justice system (i.e. criminal cases, domestic violence”, the main output achieved under this Key Activity Result was the preparation of a “Manual for Para-Legal Training”, primarily targeting Grama Niladharis. The project, jointly

with the Alternative Dispute Resolution Institute (ADRI) and the Ministry of Public Administration (MPA), prepared the manual for Para-Legal Training". It was anticipated that during the lifetime of the project, the manual will be circulated among more than 3,000 Grama Niladhari (GN) Divisions in the country, with a focus on the conflict-affected areas.

With regard to training of GNs, during the third quarter of 2009, ADRI and MPA conducted a Training of Trainers (TOT) programme for a pool of 35 consisting of senior MPA officials, experts in Public Administration and lawyers. Following the TOT, 1,650 GNs were trained across the island, the objective being that the GNs in turn will pass the knowledge to the village level interest groups. Therefore, although the activities implemented did not specifically follow those that were indicated, the objective of the Key Activity Result was approached through other means.

Key Activity Result 13: *Legal Aid services are provided in a coordinated, efficient and effective way:*

Only 1 activity, namely "Partners given hands on technical guidance and support to implement new activities through project" was anticipated under this result. While during 2009 national staff required for the project were recruited and basic transport provided, during 2010 the District Project Officers based in North, East and in the Plantation areas finalized the regional work plans based on the quality assessments carried on the legal and documentation needs of the people and dates for mobile camps etc. were established. It is reported that during 2010 DPOs provided necessary support to partners and often offered their services as resource persons at training events. Same was true during 2010. Although subsequent progress reports fail to specifically state the progress of the activity, it is presumed that DPOs continued to coordinate the work of partners in their respective areas and provided other services and support necessary.

Key Activity Result 14: *Communities are able to more effectively communicate needs to justice service providers:*

A number of activities are contemplated under this result. 4 activities are related to the Victims and Witness Protection Bill, including training,(including training for legal aid providers and police on the Bill and its implications for their day-to-day work) organizing community forums and provision of equipment and furniture for victim and witness protection units. The other main activities relate to training of police, Unit Heads and camp managers in IDP camps on mediation, HRBA, conflict sensitivity, attitudinal change, positive thinking, leadership and gender sensitivity, and holding of community forums at the district/division level to sensitize the police, security forces and home guards

Although the primary focus was expected on awareness creation, training and empowering communities on the Witness Protection Bill, in the absence of progress on the proposed bill, the project carried out community awareness on Gender Issues, FR, DV, Legal Aid, access to legal documents, Maintenance Act, etc. More than 26, 713 persons in North & East and Estate areas benefited through these programmes. Interactive Forum Theater on GBV in 10 of the most vulnerable areas and school programmes were

important outputs. Activities implemented had a particular focus of women and children in the conflict affected areas as well as estate areas (targeting Creche attendants and Health Officers).

Key Activity Result 15: *Increased representation of disadvantaged groups in community based justice redress mechanisms (ADRs) Increased representation of disadvantaged groups in community based justice redress mechanisms (ADRs):*

The activity schedule indicates the following activities to be accomplished in respect of this result: (i) Develop initiatives to promote the representation of women in community based justice redress mechanisms, (ii) Develop initiatives through local government offices and CBOs to encourage women's participation in community based justice forums, and (iii) Conduct discussions with relevant stakeholders to include and promote active participation of members of IDP camps in existing dialogue mechanisms.

The main focus of activities implemented was in the area of increasing female participation in community level mediation processes and gender related issues. What is remarkable is the wide geographical distribution of locations where activities were implemented and the range and volume of outreach.

The project conducted 03 legal literacy programmes for Mediators in Jaffna during 2009, covering domestic violence, mediation tools and HRBA, which benefited a total of 212 mediators. During the first quarter of 2010, the project conducted an introductory workshop on Peer Mediation in 5 DS Divisions in the Hambantota district for 81 participants. The project also conducted peer mediation programmes in 15 schools in the Hambantota district. One teacher from each of the schools was selected for a TOT Programme on peer mediation and they were trained in April 2010.

Following several discussions, the project decided to invest its resources to strengthen the policy and implementation levels to enhance female participation in the mediation process. As such, the project hosted a discussion with the Additional District Secretary and 13 Divisional Secretaries in the Badulla District with regard enhancing the female participation in Mediation Boards and in the ADR process. The project continued its dialogue with TAF and District Secretaries in the project's focus areas and Chairmen of Mediation Boards with a view to looking at possible interventions to enhance women's participation in ADR mechanisms.. The project also hosted a discussion with Additional District Secretaries and 13 Divisional Secretaries on enhancing female participation in Mediation Boards and in the ADR process.

A total of 14,283 community level beneficiaries participated in training and awareness programmes. In addition, 2,686 Police Officers were trained on Victim Assistance. Due to the challenges involving land and property issues in post-conflict recovery, 65 Colonization Officers and Field Officers (54 male and 11 female) received high level 3-day training from the Land Ministry on key land issues that are of urgent relevance to disadvantaged groups. Among the other programmes conducted were training programmes for women CBOs, school programmes in Hambantota, programmes to strengthen the policy and implementation levels to enhance female participation in the mediation process. The MoJ

commenced work on developing a Child-friendly Court in Batticaloa. Measures were also taken and funding provided to provide Jaffna, Batticaloa and Kilinochchi courts with witness protection facilities.

No targets were established for this Key Activity Result in the M&E Monitoring Framework.

Key Activity Result 16: *Mobile clinics provide civic documentation and legal services to IDPs, estate workers, and other priority right-holders (i.e., birth certificates, national identity cards, citizenship certificates etc.)*

Two main activities together with three sub-activities were indicated under this result. They are, (I a) Continue support to the mobile documentation clinics in the North, the East, the estate sector, and other priority areas (I b) Train staff on HRBA, conflict and gender sensitivity, (Ic) Establish a grievances/ complaints mechanism at the mobile documentation clinics for users, (2a) Enter into MOUs with relevant partners to expand the services provided at the mobile documentation clinics to include legal aid services for both civil and criminal cases, psycho-social support, and activities on legal issues, i.e. domestic violence, GBV, child protection, through performances, music, etc., (2 b) Enter into a MoU between UNDP and UNHCR to coordinate support for mobile documentation clinics in priority areas.

A very large number of activities have been performed under this Key Activity Result yielding immediate and tangible benefits. It would be correct to state that if not for project interventions, a need fundamental to the existence of men and women, particularly in the conflict affected areas, as citizens of the country eligible to rights that other SL citizens enjoy would not have been a reality. The target indicated was 16 mobile clinics per year reaching out to 10,000 beneficiaries. At the end of 2011, according to figures available, more than 100 mobile clinics were conducted benefiting 112,033 persons, both in the North and East and in the estate areas. Each Documentation Clinic involved the following specific activities: (i) Preliminary needs assessment; (ii) Pre-mobiles to raise awareness of upcoming documentation service and address birth certification needs; and, (iii) Mobiles to provide birth certificates, marriage certificates and death certificates and assist beneficiaries to apply for ID cards through their Divisional Secretary. The mobile documentation clinics were conducted in conjunction with Registrar General's Department. Target DS Divisions were selected in conjunction with the relevant GA and were based on identified documentation needs.

Of significance, in two remote estates, the project organized door-to-door documentation work during the first quarter of 2011, in which 297 applications for birth, marriage and death certificates were received. During the second quarter of 2011 documentation work in conflict affected areas increased significantly with 4,812 beneficiaries participating in documentation clinics in 8 locations in the North. There was a sharp increase in the number of persons who sought assistance at documentation clinics held in conflict-affected areas in the North and East during third quarter of 2011. At 14 locations, a total of 8,722 persons benefitted from the clinics. The highest ever number of persons accessing services of documentation clinics was seen during the last quarter of 2011. A total of 13,738 applications were received at clinics conducted in 6 locations in the North. During the fourth quarter a citizenship programme was held in Vavuniya for 100 Indian-born Sri

Lankan children. The project trained 160 Grama Niladharis and CBOs on the process involved in granting citizenship-status at 2 programmes conducted in Jaffna and Point Pedro programmes.

Key Activity Result 17: *Sustainable national mechanism in place for provision of legal documents (Sustainable documentation)*

The Project Document indicated 2 activities to be accomplished under this result, namely: (i) Conduct a capacity assessment of the national institutions with regard to the provision of documentation services, and (ii) Based on the results of the assessment, provide resources to RPD and RG staff and other relevant departments for the development of a nationwide sustainable mechanism for civic documentation.

The project's involvement in this activity has been in 3 areas, (i) Supporting the Registration of Persons Department to expedite the issuance of requests for identification documents through the recruitment of a "surge team" of Tamil speaking officers, (ii) supporting the Registrar General's Department to digitize selected District Registries, and (iii) coordinating with IOM and ADB with regard to digitization exercise (IOM and ADB are providing documentation support and possess expertise in digitization).

During Q1 of 2009, the project commenced work in supporting the Registrar General's Department to digitize the District Registries in Mulativu, Kilinochchi, Mannar and Vavuniya. A total of 3,011,257 entries have so far been digitized, speeding the issue of vital documents considerably. Support was also extended to RG's Department to set up an In-house Computer Training Center. The project in addition, supported capacity building of officers of RG Department both locally and internationally. The project supported a 4-member team of the Registrar General's Department to participate in the "Conference on E services in Civil Registration" held in Berlin, Germany, in May 2010.

The project also provided support to the "Surge/Reinforcement Team" provided by the Registrar of Persons to process Tamil language applications for National Identity Cards.

In addition, the project also conducted 2 training programmes for the staff of the Registrar General's Department in Trincomalee District which benefited approximately 100 officers from the RGs Department. This is a result which brought immediate gains to a large number of people in conflict affected areas as well as in estate areas.

During the fourth quarter of 2010, 4 capacity-building training programmes were conducted for local Registrar and staff of the District Registries, in Badulla (2 programmes), Batticaloa and Ampara, and another similar programme for 27 Additional District Registrars and Registry clerks in the Badulla District. In the Eastern province, a total of 110 local Registrars were trained and updated on the laws and procedures pertaining to legal documents.

Key Activity Result 18: *Project staff, partners and the public benefit from the effective administration, documentation and monitoring of the project (Project training and outreach):*

The Project Document envisaged the implementation of 5 activities and 1 sub-activity in order to achieve the objective contemplated in result 18, namely, (i) HRBA induction for new staff, ToTs for all staff on HRBA national as well as regional workshops, (2) Global and regional seminars and trainings relevant to Access to Justice work, (3) Publish a newsletter every two months for donors highlighting project achievements and human touch stories, (4) Establish complaints mechanism to address local grievances regarding project implementation , i.e. hotline, and (5) Conduct internal evaluation of project 2009-2018, including review of key results and operational effectiveness of project structures.

The first News Letter of the project was launched in the first week of November 2009. The Senior Project Officer participated in a workshop organized by the UNIDO Training Center on “Human Rights, HIV and Justice Sector Responses”. During the first quarter of 2010 the second News Letter of the project was also completed. The project conducted a Performance Review and Spot Checks on 9 LAC Centers supported by the project. The project also conducted a qualitative survey within the justice sector in Jaffna in order to identify the existing needs. During the third quarter of 2010, all officers including 2 DDPOs from Jaffna and Trincomalee participated in a training programme on HRBA.

3.3 Factors that affect the accomplishment of the outputs:

One of the factors that contributed to the accomplishment of the outputs was that except in a few isolated instances, the commitment of the stakeholders remained high during the implementation of the activities. The novelty of the interventions also contributed to the high degree of success in the accomplishment of outputs. Some interventions were “first time experiences” to the beneficiaries, e.g. training of court staff. The project brought together justice sector actors across the hierarchy to a single platform to discuss issues and to identify solutions for way forward, which was novel to the highly compartmentalized justice sector.

An important factor that has contributed to the success of achievement of outputs was that the needs and priorities, and thereby the activities were identified by the stakeholders themselves through a process of consultation. None of the activities seem to have been imposed on the stakeholders. Therefore, there has been a high level of ownership to the tasks. The visibility of the outcomes of activities also has influenced the accomplishment of outputs. For instance training of court staff and exposure to improved office procedures have brought a substantial extent of change in the attitudes of the staff as well as eased their performance of routine tasks. The provision of office equipment and other facilities has also motivated the court staff to cooperate in the implementation of other related activities. Another example is the results achieved through the mobile service to issue vital documents. The concept of mobile clinics itself and the flexibility of the officials who participated in the mobile clinics, together with their commitment to achieve the objective tremendously facilitated the accomplishment of the outputs. A third example is that with

awareness and training of beneficiaries on their rights, particularly relating to human rights and domestic violence, the number of cases referred by the affected persons has increased. The results which were visible have motivated others also to participate in awareness programmes and training sessions.

The field level implementation modality of the project was determined with strong liaison with the District Secretaries and other associated departments, and the existing machinery of the public service, personnel and resources as well as the procedures were followed in the implementation of vital activities. Flow of funds from the project to the recipient level through the government machinery, following government procedures was beneficial, transparent and effective. This has made it possible to implement the designed activities with less complexity and greater ease. Stakeholders stated that the District Secretary played a pivotal role in the implementation of some of the activities. Further the allocation of target areas was carried out in a consultative manner avoiding duplication and conflicts.

The system that is in place for coordination at the project level as well as at the field level has also contributed to the accomplishment of the outputs. Stakeholders stated that coordination was smooth and that there were “no hiccups”. The process enabled building up of partnerships, which contributed to speeding up of implementation. The extent to which responsibilities were shared among the implementing partners (MoJ, MoPA, BASL, Prisons Department, Etc.) was a contributory factor.

3.4 Extent to which UNDP has instituted systems and procedures to provide coordinated support in terms of delivering timely, appropriate and cost effective inputs vis-a-vis results gained

According to some of the stakeholders, the implementation modality of UNDP which is strongly linked to the national system contributed to the delivery of resources in a timely and appropriate manner. The system and procedure instituted by UNDP ensured that all project funds were provided through the government channels which were effective, both in terms of transparency and procedural convenience. In the purchase of equipment and furniture, UNDP required the owner of the project (MoNLSI) to follow either the UN or Government tender procedures, through which systems it was possible to procure items in a cost-effective manner. Although the project is collaboration between MoNLSI and UNDP, the system instituted by the UNDP allowed a great deal of flexibility to the Ministry to operate the project activities through partner organizations. This positively contributed to undertaking of tasks in an appropriate, timely and cost effective way.

3.5 Obstacles to effective implementation of activities

One of the obstacles to the effective implementation of activities was the inability of the project to undertake the baseline survey at the commencement of the project. As a result, it was not possible to fully take stock of the landscape at the end of Phase I of A2J and adjust, if needed, the priorities of the Key Activity Results imbedded in the project. It was also not possible to establish a set of baselines to be used as key tools in the targeting and monitoring of project activities. Further the project activities were constrained due to the inability to establish realistic targets related to quantifiable results, which also impacted on setting indicators and measuring outcomes.

Stakeholder discussions with priority rights holders were planned at the national and district level to disseminate and validate findings from the baseline assessment. Likewise it was intended, to publish and disseminate the final results. However, without the assessment, neither of these could take place.

An additional obstacle was encountered in the full operationalisation of the prison's database. While the Database was intended to be an effective system to track prisoners, there were implementation challenges linked to the apathy towards moving from paper to electronic data management among Prison Department staff as well as the high turnover of staff assigned to the IT section.

Obstacles were also experienced in regard to the moving-forward of Muslim Law Reforms and the National Legal Aid Strategy. In the case of the former, the decision-making process slowed down the progress of reforms and in the case of the latter, a cabinet change late in 2010, delayed action. The matter remains at that stage at present²⁰. Due to stalling of the Witness Protection Bill the project could not pursue action on several important activities designed under the project (Key Activity Result 14).

3.6 Extent to which gender has been addressed

Throughout the project, gender has been addressed substantially. There has not been a gender-bias with regard to access of resources and opportunities for training etc. In regard to provision of vocational training, programmes that particularly benefit women were implemented (operation of Juki machines, handicrafts etc.) and legal services, legal aid, in-house counseling etc. were accessible by women without any discrimination. With regard to legal aid and documentation, the mobile clinics that brought the services to the village level particularly facilitated access by women who for a number of reasons often find it more difficult to travel to District Capitals. The refurbishment of the Kalutara Prison as a specially modified female prison is an important manifestation of the gender policy of the project. The failure to identify a qualified HRBA Consultant was a serious obstacle for the implementation of most HRBA related activities. Further, implementation of the HRBA related activities may have provided an opportunity for the project to further analyse particular constraints faced by vulnerable groups, including women, and thus further strengthen the way in which interventions specifically address the often special and different needs of women'

Through several interventions women were made aware of important legal enactments and international conventions which have a bearing of their rights. The project provided facilities to women to bring up cases of GBV, DV etc. which otherwise would have gone unnoticed and provided opportunities to seek legal guidance with cases linked to divorce and maintenance. In this regard, the Community Legal Empowerment for Women (CLEW) programmes has been effective in empowering women. Further, the project implemented several measures to make Quazi courts more accessible to women and to enhance the access of women to the Mediation process.

²⁰Country Office M&E Worksheet

4.0 Analysis of Findings with regard to Outcomes

In this Chapter, analysis is made with regard to the the extent to which UNDP assistance has impacted on increasing access to justice particularly those affected by the conflict, main factors that affect the achievement of the outcome, stakeholder perceptions with regard to the effectiveness of UNDP assistance, adequacy of the outcome indicators to measure the outcomes, the project partnership strategy and its impact on the progress made towards the outcome, and the extent to which the project addressed cross cutting issues which added value to national development strategies.

Out of the 7 outcomes incorporated in the UNDP Country Programme Action Plan (CPAP) 2008-2012, Outcome 5, ***“greater and more diverse access to justice redress mechanisms”*** is a component identified under the National priority or goal ***“Long-term effects on identifiable population groups resulting from programme outcomes that reflect a measurable change in people’s well-being”*** and under UNDAF Priority No. 2 ***“Governance mechanisms and practices enable the realization of the principles of the Millennium Declaration and promote and protect human rights of all persons”***. The UNDP Programme Component which steers the outputs under the result is ***“Democratic Governance- Fostering Democratic Governance”***. The related UNCT Outcome is ***“Improved performance of regional and local level structures in fulfilling their role as duty bearers in delivering services in a transparent and accountable manner”***.

The project thus addresses a National Priority, within the framework of the UN’s development assistance to Sri Lanka. The project as a whole is appropriate and relevant to National Goals and the UNDP approach. Having been implemented for four years at the time of evaluation, there is significant data from which to draw conclusions concerning the impact of effectiveness of the project.

Assessed much deeper, the needs, activities and priorities of the project were identified by national partners within the overall framework of the project and the National Goals and the project on the whole addresses some felt needs within the justice sector in the context of the most disadvantaged communities and groups. Most participants of Focus Group Discussions (FGDs) observed that the project on the whole responds to felt needs in the Justice Sector, and therefore is relevant to existing ground situations.

4.1 Assessment of the Outcome according to DAC Criteria - Output Pillar 13

The synthesis of the results of Focus Group Discussions (FGDs) conducted with different stakeholder groups related to output pillar 13 focusing on *Duty bearers better able to deal with grievances experienced by disadvantaged groups*, appear in **Annex 6**. The following analysis is based on the stakeholder perceptions generated through the FGDs using DAC evaluation criteria.

(i) Relevance and appropriateness:

Capacity building: With regard to capacity building, FDG Participants (Lawyers / Court Staff) are of the view that the contents of training programmes were relevant and

appropriate. Their view was that programme design was based on needs identified by MoJ in consultation with stakeholders & therefore the programme content is relevant and appropriate. Participants were given the option of selecting topics which are relevant for their work. Hence the content of the training programmes inevitably were relevant. Training programmes provided opportunities of training to a cross section of actors and beneficiaries in the justice sector in a wide variety of subject areas, which were not available to them earlier. The relevancy and appropriateness was acknowledged with a high degree of appreciation. In some instances, however there were questions raised about the appropriateness of Resource Persons. For example, in the case of court interpreters in Jaffna, Senior Court Interpreters (who possessed practical experience in the court system) were preferred as resource persons over University Professors.

Some FGD participants also commented that some subjects should have been dealt with more in depth and that the content of some training programmes did not respond to their needs. This type of observations however has to be expected in situations where a large number of individual beneficiaries are involved.

Prison Database: The establishment of the Prison Database was considered relevant as processing had to be done manually which was a time consuming process. Prison Officials were of the view that the database would facilitate the improvement of prisoner welfare and oversight as well as to track prisoner detention. Given the large numbers of prisoners in detention in a multiplicity of locations, constant movement of remand prisoners for trial etc., complex categorization of prisoners and the inadequacy of the archaic registry process, the establishment of an integrated database is, both relevant and appropriate

Digitization: Digitization was assessed as highly relevant as it is very much needed for expediting issuance of documents. Given the situation, need and the urgency, the priority needs of a large number of conflict-affected and disadvantaged communities could not have been met in a short time, if not for the fact that modern technology was utilized.

(ii) Effectiveness:

One of the areas that the Mid-term Evaluation was required to look at is whether UNDP assistance is effective in achieving the outcome in the eyes of the different stakeholders. This question was posed to all KIIs and FGDs and the views expressed are given below under a few categories:

Capacity building: Most FGD participants claim that the interventions supported by the project were effective. On the positive side, the different stakeholders are of the view that training on Child Rights and on the Mediation process was very useful and effective in regard to performance of their duties to the rights holders more efficiently. Project interventions have resulted in increasing the self-confidence of participants, improvement of public relations ability and enhancement of leadership qualities, which together has had a positive impact on performance. Through training received, which was timely, their attitudes have changed. For Court staff the content of training was effective in that they were able to strengthen office management systems (filing of documents, call-up diary procedure, 5S system). For Lawyers, the effectiveness of the project content is seen by their increased commitment to serve the disadvantaged people. Judges and Lawyers have

become more sensitive to issues related to disadvantaged communities. An important outcome of project interventions is that young Lawyers are now prepared to appear for criminal defense free of charge as indicated during FGDs with Lawyers. Though quantitative information is not available, it is a fact which has high qualitative significance by way of attitudinal changes²¹. Additionally, through the implementation of joint activities and the prison working groups for all prison stakeholders, the attitude of Prison Officials towards NGOs has changed positively.

On the negative side, some participants at FGDs were of the view that they should have been trained in legal subjects which are relevant to the services they deliver, knowledge on legal terminology was not adequately covered. Concerns were also expressed with regard to the training methodology, which could have been more effective with the use of modern technology.

Digitization: Digitization was assessed as highly effective as it is very much needed for expediting issuance of documents. The progress of digitization was substantial with over 3,011,257 entries having so far been digitized in the Districts of Vavuniya, Mannar, Mullaitivu, Kilinochchi, Badulla, Trincomalee, Ampara and Batticaloa, leading to increased speed in the issuance of vital documents.

Prison Database: Even with its limited success, stakeholders at policy, management and operative levels perceived that the database has helped in storage and processing of information, tracking inmates and in providing welfare facilities.

(iii) Efficiency

Capacity Building: FGD Participants have positively acknowledged the efficient manner in which, project components were implemented. Conducting training in the Tamil Language for Tamil speaking duty bearers is considered very useful. The methodology adopted in training was efficient with regard to certain components of the content (eg. visualized video on attitudinal changes). The training programmes were structured efficiently and there was no duplication in coverage. Stakeholders stated that in their opinion the benefits accrued to the participants are more valuable compared to the money spent on training.

Of concern, some participants feel that modern training methodologies were not used and that the duration of training was too short given the fact that there was a lot to absorb in one day. Some stakeholders are of the view that too large a crowd in training sessions limited the efficiency of the programme and that more resource persons from the Legal system possessing career experience, would have increased learning opportunities. In some cases training was limited to theory and people felt that practical sessions should have been included in order to enhance the efficiency of the programmes.

Prison database: The Prison Database is not yet functioning as expected. Stakeholders were of the view that in order to increase the efficiency of the prisons service, the database should be completed 100%. One of the issues which hindered the completion of the installation and operation of the computerized system was due to the fact that

²¹ FGD with Lawyers in Batticaloa. No quantitative data is available, but qualitatively it is significant

specially allocated staff was not available to manage the database. Even though the development of the database was throughout a consultative process, there has also been several changes at the decision making level during the implementation period as a result of which the identification of requirements also kept changing, which retarded the effective implementation. Further more FGD participants were also of the view that database developers were not sensitive to the specific requirements of the prison information system²².

Digitization: There was overwhelming acknowledgement that digitization has helped efficient delivery of documentation services wherever the system has been established. Digitization in the District Registries of Mannar, Trincomalee, Vavuniya, Killinochchi, Badulla and Kandy has assisted speedy service delivery and that in the interests of efficiency digitization should be extended to other District Registries as well²³.

(iv) Connectedness/ Linkages:

Capacity Building: The training content provided space for participants to gain knowledge on many issues, capacitating them to be better equipped to serve the people. Knowledge gained will be very useful in providing services to the target communities. In the area of Criminal Defence in High Courts, in view of the capacity building in junior Lawyers, HC Judges can assign a junior Lawyer as Defence counsel, evidencing the connectedness of project interventions with real life judicial situations. Stakeholders were clear in that Project interventions resulted in a change of attitudes among Prison officers and now they are prepared to connect with Legal Service Providers. One of the important outcomes of the project and its contribution to connectedness is that the training and awareness content made a positive impact on communities by capacitating them to refer injustices perpetrated on them to the concerned authorities.

Some stakeholders were of the view that interventions could not have an impact on improving connectedness among all the various Government stakeholders, for instance the Police. Some were also of the view that the project interventions succeeded in improving connectedness at the ground level, but not at the higher levels.

Prison Database: Stakeholders stated during KIIs and FGDs that the database needs to be linked with other prisons and that the system should lead to networking. However, since the establishment of the system remains incomplete the expected benefit has not yet fully reached the end user²⁴. At the same time, it is noted that the mandate of the project was to introduce the database systems only in the selected prisons as a model to be replicated by the government.

Digitization: Stakeholders were of the view that digitization has helped to link with relevant departments horizontally and also vertically to Registrar General's Department. It has effectively established the connectedness with a series of other areas of service delivery, ranging from expediting the issuance of NICs, Birth Certificates and citizenship certificates, to increasing the ability to claim an individual's rights from the justice system.

²²FGD with Prison Officials

²³ Desk Review

²⁴KII with Commissioner General of Prisons

(v) Coverage

Capacity Building: Stakeholders stated that there was good coverage of some training needs and that almost all important items were included in the training content. Particularly the important area of Human Rights was adequately covered in training. Some were of the view that the project covered at least 30%²⁵ of the training needs in the justice sector. One of the most notable achievements was that almost all GNs and all Quazi Judges in the country were covered in the training exercise. It is also noted that the hand book for GNs on legal and administrative procedures was published and circulated among all GNs. With regard to training of land and colonization officers 204 were covered under the training programmes.

On the negative side, some stakeholders perceive that with regard to scope and subjects, some sectors were not adequately covered and that training programmes did not take care of translation requirements adequately. Judges Training and Police Officer Training could have been more intensive. In the justice sector 455 Judges and labour tribunal presidents and 40 quazis were trained. Training needs in this sector still remains to be covered particularly in the North and East. One of the most important stakeholders in the justice sector, the Government Analyst Department has been over looked in the coverage of the project. Some participants at FGDs observed that higher officials of the RG's Department should also have been included in training programmes.

Although Land Officers were provided some training, the coverage on Land issues was insufficient. Circular on land management and mediation as a tool for settling land disputes has resulted in clearing a backlog of 6,000 files as a target with in 2 years. However, regulating activities regarding land management still remains an issue particularly in the North & East Provinces. The gaps in the land development ordinance have an impact in the mediation process according to views expressed during KIIs. Project support in these areas may be considered in future planning (Phase III).

Prison Database: With regard to establishment of the Prison database, the setting up of the database at Welikada was completed. However, the expansion to other Prisons with enhanced features as requested by the Prison Authorities is under consideration under Phase II of the project and is in progress with the Prison authorities spear heading the process.

Digitization: Wherever established (all DS Divisions in the Districts of Vavuniya, Mannar, Mullaitivu, Kilinochchi, Badulla, Trincomalee, Ampara and Batticaloa), digitization is functioning well to cover different types of documentation needs. However in order to realize the full benefits of digitization it will be necessary for Government to extend the system to other Divisions as well.

(vi) Impact /Sustainability

Capacity Building: Participants of FGDs state that the Manuals developed for Quazis and Grama Niladharis will have long term benefits towards providing a better and more expanded service to the target groups. Support extended to establish Training Centers and

²⁵ FGD with Lawyers at Batticaloa

the Judges Training Institute will have long term effects on sustainability of the quality of services as well as the project interventions. It was also stated that those who followed the training programmes have developed capacity to be able to provide the anticipated service more efficiently. Through project interventions, the Research Unit of the Prisons Department has been strengthened which will have an impact on sustainability. Sensitivity developed by those who attended the training programmes can be used as a catalytic force to sustain the outcomes.

However, without specific budgetary allocation by the government to train Court Staff, it will not be possible to sustain the gains achieved through the project, nor to replicate training programmes for the benefit of future intakes. Capacity building is a felt need, but it was said that the government budget has been reduced.

Prison Database: Even in partial operation the database has made an impact on the capacity of the prisons department to maintain and process data better and more efficiently. Full scale implementation will depend on the commitment of the prisons management and the ability of the technologists to identify a way to make the system fully operational. It was stated by stakeholders that the data storage facility helps institutional memory.

Digitization: The government (RGD) has realized the impact that digitization has made to maintenance of vital records of the citizens and therefore committed to sustain the system. However in order for the full benefits of digitization to be optimized, it needs to be extended to other Districts as well

4.2 Assessment of the Outcome according to DAC Criteria - Output Pillar 14

The synthesis of the results of Focus Group Discussions (FGDs) conducted with different stakeholder groups related to output pillar 14 focusing on *“Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services”*, appear in **Annex 7**. The following analysis is based on the stakeholder perceptions generated through the FGDs using DAC evaluation criteria

(i) Relevance/ Appropriateness

Documentation: The documentation support provided by the project was considered highly relevant in view of the large number of persons without any form of formal civic documents, particularly in the estate sector and the North. The problem was acute in the case of displaced people as well as refugee returnees who had either not obtained the relevant documents or had lost their civic documents. The possession of civic documents such as citizenship papers for returnees, certificates and National Identity Cards (NICs) for all is essential to obtain the basic services from the government or the private sector. The lack of awareness of the types of documents required by law as well as their inability to obtain them on their own made external assistance vital. Furthermore, the relevant authorities too found it increasingly difficult to reach out to the people in need of civic documents in view of their large number and their geographical dispersion. The initiative supported by the project to implement a “crash program” to issue documents is therefore very relevant and appropriate to the situation. Nonetheless, it was highlighted that some

documentation needs of the communities, particularly relating to land ownership, were not adequately addressed by the project interventions.

Community Awareness: Similarly, community awareness programmes were also considered highly relevant as communities lacked knowledge on problems that they usually encounter such as child marriages, child labour, sexual and gender based violence and alcoholism and the available redress mechanisms. Particularly in Jaffna, a rise in the number of SGBV cases (teenage pregnancies, cases of rape and incest), have been reported²⁶. However, it was reported that the subject matters covered through the awareness programmes were inadequate. More awareness was needed on the legal provisions relating to obtaining of documents (the right to obtain such documents) and land ownership rights. There is also the need for psycho-legal and psychosocial counselling in conflict affected areas and prisons²⁷.

Legal Aid: The legal aid services provided were considered highly relevant by the recipients, particularly women who have sought redress in maintenance, divorce and some SGBV cases and the pre-trial detainees as well as their families since many of the victims did not have sufficient knowledge of their legal rights, the types of remedies available and how to obtain legal representation. As such, languishing in jail without any sort of legal representation had become a common phenomenon among a number of detainees. In addition to the absence of alternative institutions that could be of assistance, the beneficiaries also lacked the financial strength to obtain legal representation being from the lower income strata of society with an average monthly income ranging between Rs. 2,500/= to Rs. 10,000 /= (maximum) that is mostly earned from irregular labour work.

(ii) Effectiveness:

Documentation: Project assistance has helped the beneficiaries in multiple ways. Obtaining civic documentation has improved people's self-esteem and sense of belonging particularly in the case of refugee returnees. Obtaining Sri Lankan citizenship, endowed them with all the legal rights exercisable by any Sri Lankan citizen. Equally, obtaining the National Identity Cards ensured people's mobility by ensuring their freedom of movement, in areas where the possession of identification documents was mandatory for movement within the country. It has also enabled the beneficiaries to access government services, particularly in the health and educational sectors as well as to obtain certain services from the private sector entities such as banking and commercial establishments and even to participate in sporting events. The obtaining of birth certificates had become extremely useful in obtaining school admissions for children. On a negative note, however, it was observed that the issuance of documents was limited to those that possessed the required supporting documentation, which excluded many others who could not provide them.

Community Awareness: The community awareness programmes have been effective in building awareness on legal rights as well as reducing fear among the people in accessing formal legal institutions such as courts and law enforcement agencies such as police. The awareness programmes have also sensitized people regarding their family responsibilities

²⁶KII with Jaffna GA

²⁷FGD with Project Partners

which have been effective to a great extent in reducing the number of family disputes. Women particularly felt empowered on learning that they possess equal rights with men. Hence, the interventions have helped them to reduce their dependency on men to a certain extent. Despite these positive outcomes, some beneficiaries expressed concern that although the awareness programmes raised awareness on legal rights, external factors beyond the project scope, linked to the capacity and commitment of the justice sector institutions to respond had an impact on the overall effectiveness of the interventions. Language barriers between the duty bearers and claim holders were sometimes cited as a key factor. Some female beneficiaries lamented that the absence of women's desks and female police officers prevented many SGBV victims from seeking redress from the police for their grievances. In all, the beneficiaries noted that a more enabling environment is required for them to realize the full benefits of the awareness created in them. The project partners also noted that there is insufficient coordination between the key government institutions involved in the criminal justice system such as the Government Analyst Department and the Police Department²⁸.

Legal Aid: The legal aid programmes have effectively enhanced knowledge among the recipients about the applicable legal provisions as well as the available legal remedies. The legal representations provided have brought about many positive outcomes in the lives of the beneficiaries. For example, a statement made by one beneficiary in Jaffna succinctly captures these benefits. One of the beneficiaries from Jaffna stated that, *'I started a new life, after the case, for the first time since I was married'*. She was able to reunite with her husband after years of separation due to the counselling and legal aid services provided by WIN (Women In Need). In the case of SGBV victims interviewed, the legal aid services inculcated a sense of hope for the future, being hopeful of a positive outcome in their respective cases filed in courts. Many pre-trial detainees also expressed hope as the legal aid provided has assisted them to obtain bail after languishing in jail for many years for petty offenses. As revealed by one of the key informants²⁹, enlargement on bail due to legal assistance provided has supported him to commence a decent livelihood activity, indicating strong support for the project interventions in rehabilitation and reintegration of the legal aid recipients within their communities. However, the beneficiaries from Batticaloa, the majority of whom were maintenance applicants, expressed displeasure that the cases were not properly sorted out. Even with regard to the cases that have been completed, they received only Rs. 2,500/= as maintenance and as such, claimed that their lives have not significantly changed. They suggested that the maintenance amount need to be increased³⁰.

(iii) Efficiency:

Documentation: The beneficiaries as well as project partners appreciated the well coordinated and timely manner in which the mobile clinics and awareness programmes were conducted. The programmes were organized in a manner that avoided duplication. In this regard, the role played by the UNDP officials was highly appreciated. Nonetheless, efficiency could have been increased if Government Officers from all relevant departments

²⁸FGD with Project Partners

²⁹ KII at Kalutara

³⁰ FGD with Legal Aid Beneficiaries, Batticaloa

were able to take place for the full duration of the clinics – i.e. at times, the Land Officers could not join, which meant some people were unable to address their documentation needs.

Community Awareness: In community awareness programmes, the street drama method was appreciated for having been able to convey very clear messages. Holding of programmes on Sundays enabled everyone, including school children, to attend and benefit from such programmes. However, the programmes held during the week deprived many people from attending them.

Legal Aid: The recipients of legal aid services received the relevant information and advice in a timely and effective manner at no cost. They appreciated the kind and caring mannerism of the service providers as well as the ease with which they could coordinate with the relevant organizations through correspondence. The project records a total 470 successful bail applications. Nevertheless, high bail costs (Rs. 25,000/=) and the costs of DNA testing (Rs. 12,500/=) continue to be a grave concern as expressed at the FGDs. Since most, if not all, beneficiaries were from lower income strata, they found it extremely hard to meet these high costs³¹. Furthermore, it was noted that lack of awareness among public officers regarding the laws and inefficiency of responses at times also had an adverse impact on the process. In one case, a beneficiary reported that the police did not accept complaints up to nine attempts until she benefited from legal services³².

(iv) Connectedness/ Linkages

Documentation: Stakeholders observed that beneficiaries who accessed the services and secured their documents can assist others through advice and guidance, but to make the scheme a success and to ensure that all the needs are addressed, more external support is needed.

Community awareness: In certain villages, community based organizations such as women's organizations, mediation boards and Sarvodaya (local NGO) have been capacitated to continue awareness raising activities. There was also a knowledge base built within the communities for sharing of information and linking them with the relevant authorities. However, the strength of these linkages depended on village specific circumstances. In some villages, the existing community-based mechanisms pertaining to the justice sector are not fully functional. It was also noted that trust-building is a slow process and cooperation and support from government officials are very much needed for village committees to function effectively. In those villages with relative socio-economic empowerment, the linkages established seem greater than the less economically empowered ones.

Legal Aid: The LAC noted that linkages have been built between the LAC and the people who do not have access to such services at the village level. However, the need for more awareness and external support was repeatedly emphasized by all stakeholders.

³¹ Statistical information is not available

³² FGD in Wellawaya, Badulla

(v) Coverage:

Documentation: The project was able to address the documentation requirements of around 40-70% of the people by responding to the needs of all those who participated in the mobile clinics. However, it was noted that the service could not reach out to those who could not participate in the mobile clinics, and that there still remains large gaps/ needs that require attention. It was noted that disabled people could not benefit from mobile clinics as there was no facility to enable them to participate at the mobile clinics. In many villages, still, about 20-50%³³ of people lack basic documents.

Community Awareness: The awareness programmes were claimed to have addressed most of the requirements of the communities. But concerns were raised with regard to the insufficiency of the subject matters covered and the inadequate reach to the communities. Gaps with regard to awareness on Human Rights issues, GBV and disappearances exist³⁴ and there was no access to IDPs in certain areas³⁵. In terms of the outreach, it was noted that while pre-mobiles were conducted in many areas, some communities felt that inadequate notice was given about the awareness programmes and mobile clinics and this prevented many people from participating and benefiting from them.

Legal Aid: With regard to legal aid, whilst certain beneficiaries tremendously benefited from the legal aid services and legal representation, concerns were raised regarding the need to create further awareness, the need to reach out to more people and especially those who face difficulties travelling to District court houses³⁶. The UNDP Governance Cluster noted that only 02 legal aid clinics were held in Vavuniya and Batticaloa.

(vi) Impact / Sustainability :

Documentation: The impact/ sustainability of the project activities seem to depend on village specific circumstances. With regard to documentation, it appears that in certain villages, a community level knowledge base was built since those who received the documents can assist others with information. Furthermore, an increased level of empowerment was noted upon acquiring Sri Lankan citizenship (acquisition of citizenship is limited to children born outside Sri Lanka (in India) and returning to SL after the conflict) and the other legal documentation. Most beneficiaries claimed that, they can now enforce rights through law enforcement mechanisms and courts.

While the documentation clinics were designed as an emergency measure to address the extra-ordinarily high demand in certain areas, in the longer term, provision of documents will need to revert to the regular delivery channels. In that regard, the project has assisted to move to this more sustainable system by digitalizing the registries, thus enabling them to handle a higher caseload each day.

³³ Approximate estimate by FGDs participants in Vavuniya and Jaffna

³⁴ FGD Maravakulam, Vavuniya

³⁵ FGD with Project Partners. No specific reference was made with regard to geographical locations

³⁶ FGD Batticaloa

Community Awareness: In certain villages, women’s forums and small village forums / groups have been established that can assist in settling problems faced by widowed or deserted women and other disputes. In some cases, it was claimed that members of those groups have been trained as well. The Project partners noted that there is an improvement in reporting cases and that people seem to be approaching more service providers. Nevertheless, in other villages, for example in Batticaloa, it was noted that the community was not strong enough or lacked knowledge and financial strength to take follow up action.³⁷ Additionally, cultural barriers also seem to obstruct them from asserting their rights. The project partners therefore, emphasized that continued assistance is required for consolidating the efforts.

Legal Aid: With regard to legal aid, the larger impact on society has been a gradual reduction of fear in approaching courts and discussing matters relating to legal disputes in open. The sustainability of legal aid services have been ensured to a certain extent with criminal legal aid expanded to all the 64 legal aid centres and with the increase in Government funding for legal awareness and legal representation. Nevertheless, concerns were raised with regard to the shortage of personnel in the legal aid dept to respond to increasing demand for legal aid. Thus, the need to have more legal aid officials and continuing legal aid services was emphasized.

Perhaps the most significant intervention of the project in this area was to support the Legal Aid Commission to take over the management of the BASL’s Legal Aid Foundation Desks (LAF). The LAF desks were 100% project funded (donor dependent) and thus not sustainable in the long run. UNDP therefore supported the LAC and BASL to assess their performance and map their locations, and the desks that were performing well in areas not already serviced by LAC, were absorbed into the management structure of the LAC. While UNDP supported their operational costs for a couple of years, an increase in the Government budget contribution to LAC enabled them to take over full ownership from 2011.

4.3 Adequacy of Outcome Indicators to measure the outcome

Indicators for the measurement of the Outcome are stated in the M&E Framework contained in pages 28 – 35 of the A2J Phase 2 Project Document. The Framework itself has been qualified as “Draft – To be finalized through Stakeholder Workshops”. Therefore, the Indicators, Baseline, Targets and Means / Sources of Verification are not complete. For purposes of monitoring the progress of implementation, the German Project has a set of Objectively Verifiable Indicators against which the progress has been monitored. The Country Office M&E Worksheet (Sri Lanka: Access to Justice) has put down Project Impact Indicators, Project Outcome/Output/Targets and Progress against milestones. The HSTF Project has also established Objectively Verifiable Indicators against a set of specific objectives in accordance with the activities undertaken. The common aspect of the Indicators established in all three project documents and the Country Office M&E Worksheet is that they are based on numbers, and percentages, and physical presence of certain outputs³⁸.

³⁷FGD, Batticaloa

³⁸ Desk Review

The most important factor affecting the adequacy of outcome indicators is the absence of baseline data. It is stated that baselines in respect of several Key Outputs are to be established through the National Access to Justice baseline survey which did not take place as discussed above. Since the baseline survey was not pursued, a number of activities were implemented without baseline data. The National Access to Justice Baseline Survey would have provided the opportunity to assess the outcome of A2J Phase I and to establish targets based on the baseline commencing from where Phase I ended. For instance, the percentage of citizens who know about their rights to assistance and how to access institutions that can solve their disputes (disaggregated by sex, ethnicity, age and district), percentage of accused persons in their cases legally represented at one or more court appearances, percentage of persons who say that the Police will respond to them to solve their grievances, the number of complaints against justice sector institutions (including security services) received by HRCSL and NPC, and the number of Quazi Courts functioning in conflict affected districts (disaggregated by District) etc. which are indicated to measure the overall outcome of CPAP Outcome 5 are all without a baseline. **Therefore, the outcome can be measured only in terms of the physical outputs (quantitative) achieved during the current project phase (desk review), but difficult to measure the changes over time (outcome indicators) against the pre-existing situation. However, methodological tools such as FGDs and KIIs were utilized during the evaluation for obtaining perceptions of stakeholders with regard to qualitative aspects which reflect behavioral and attitudinal changes as a result of Project interventions during the period evaluated.**

In a few other outputs too the activities have commenced without baseline data or without indicative targets. For instance, with regard to the output relating to training of court staff, the indicator has been described as “percentage of court staff trained in best practices and management skills in priority areas” without an indication of the number of staff members available or without an assessment of their training needs. The targets for implementation of training programmes therefore have been set as 30%, 50% and 70% during the 3 years. Similarly, with regard to output pillar 14 (Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services) the baseline of the number of people lacking legal documents (ID Cards, birth, marriage and death certificates) (disaggregated by sex, ethnicity and district) has not been established before undertaking a massive exercise of issuance of vital civic documents at mobile clinics.

Despite these shortcomings however, there are many indicators which are adequate for the measurement of physical outputs (e.g. number of prison vocational training programmes established and / or expanded, number of prisons with operational counseling units, number of prison sub-committees in place in target prisons, number of forums established to provide opportunities for judges to share experiences and provide mutual support and protection, number of cases brought before Quazi Courts by women). In these cases as well, the outcome cannot however be measured using the established indicator. Therefore the adequacy of the outcome indicators chosen to measure the outcome in qualitative terms is in question, both in an overall sense related to Outcome 5 as well as CPAP Outputs 13 and 14. However, **most of the indicators established to measure the outcome are useful to measure the achievement of output objectives in quantitative terms.**

4.4 Degree to which UNDP assistance has made impact on increasing access to justice, particularly of conflict-affected people in the North and East of Sri Lanka and people in the Estate Sector:

Looking at the many activities implemented under the project, the outputs achieved, and the few outcomes visible, it is possible to observe in an overall sense that UNDP assistance has made some impact on increasing access to justice, particularly of conflict-affected people in the North and East of Sri Lanka and people in the Uva Province. However, it is difficult to quantify the degree to which UNDP has made an impact or to state that the impact is visible in equal extent in the North and East and in the other target areas. Out of 18 key activity results, at least 10 results contain activities that directly and indirectly benefited in increasing access of the disadvantaged communities and through all these 10 results, outputs have been achieved to a substantial extent.

Judging from the views expressed at FGDs (Annex 6 & 7) and KIIs (Annex 8 & 9) and from some information available in progress reports, it is possible to conclude that UNDP assistance has made some impact on increasing access to justice to communities in the North, East and Estate Sector.

A detailed analysis appears in Chapters 3.0 and 4.0 under output and outcome analysis respectively, which indicates the extent to which service provision has been enhanced through capacity building, as well as strategies adopted in reaching the disadvantaged communities / beneficiaries by promoting access to documentation and legal services (Eg: through mobile clinics). Activity results such as 6, 8, 9, 11, 12, 14, 15 and 16 related to training and capacity building of Judges, Lawyers and court staff, reformation of Muslim Laws, mobile clinics, legal aid provision, civic documentation etc, bear evidence to this fact.

The combined effect of the above interventions without doubt have substantially increased the access of conflict-affected people in the North and East as well as estate communities in up country regions, to justice and other grievance redress mechanisms .

4.5 Main factors that affect the achievement of the outcome:

The ***design of the project*** itself is one of the main contributory factors influencing the achievement of the outcome. Although complex in composition, the project design was structured to address multifarious issues that affect the rights of conflict-affected and other disadvantaged groups. Within the overall project framework, the project design allowed flexibility to the project administrators to identify and prioritize activities that would contribute to the achievement of the overall objective. The ***consultative process*** adopted to involve the participation of stakeholders in the design, implementation and monitoring, contributed largely to the development of ownership for the outcome.

Innovativeness was another factor that contributed to the achievement of the outcome. To cite a few examples, the project succeeded in bringing together the “ivory towers of the justice system and its stables” to discuss common issues and to design a way forward, a fete never before attempted in the justice sector. The innovativeness expanded to the realization that increasing access to justice should not be restricted to structural changes

(as in the case of many reforms in the justice sector in the past) but to **address practical issues** that pervade through the entire spectrum. Therefore, the project made inroads to **enhance the capacity of the people** to understand their rights to justice and to access redress mechanisms at one end of the spectrum, while increasing the knowledge, awareness, appreciation and attitudes of the duty bearers at the other. In the middle, the project capacitated the **para-legal mechanisms** empowering them to deal with injustices through legally correct grass roots level mechanisms.

The synergies that the project promoted contributed well to the achievement of the outcome. For instance, the **collaboration** with the District Secretaries, Commissioner for the Registration of Persons, Registrar of Lands and other government officials made it possible for the project to reach out to the affected communities and deliver a vast amount of services. Digitization of documents was made possible through these synergies.

Commitment displayed by the stakeholders contributed well towards the achievement of the outcome. Commitment was visible at all levels in the implementation process. For instance, the issuance of a large number of certificates in a significant number of remote locations was achieved to a large extent due to the commitment of the officers.

The **track record of the partners** selected to deliver some of the important outputs undoubtedly contributed towards the achievement of the outcome. They were technically equipped to deal with subjects of a complex nature. They were also able to work freely with prisoners and their care takers in an environment of cordiality, helping to build communication and understanding between the two. The partners were able to integrate with the different levels of the justice sector for the delivery of the services.

On the downside, the project has not yet been able to achieve some outcomes due to **constraints beyond the control of the project**. The all-important Prison Database is yet to be fully institutionalised, due to a combination of technical and managerial reasons. In an age in which complex operations are conveniently transferred to electronic management, it is difficult to understand why it has not been possible for less complex operations like maintaining a prison database to be operationalized. Apathy and conventional deficiencies prevalent in the current administrative structure has also contributed to this situation.

Complexity in decision making at higher levels of the system has contributed to delays in achieving some important results. Cases in point are the delay in the approval and operationalization of the Legal Aid Strategy and the Muslim Law Reforms. Several FGDs suggested that more efforts could be taken to engage the police and other important stakeholders from the beginning, thus promoting greater cooperation and joint ownership for reforms.

5.0 Analysis of Findings with regard to Output-Outcome Link

In this Chapter, an attempt is being made to examine (i) whether A2J project's outputs or other interventions can be credibly linked to the achievement of Outcome 5, (ii) the key contributions that UNDP under A2J has made and is making to the Outcome, (iii) whether the current planned interventions enable UNDP to achieve the Outcome within the set time frame and with available resources, and whether there has been an effective use of resources mobilized in building up to the overall results, (iv) whether UNDP has the ability to develop local capacity in a sustainable manner, responding to changing circumstances and requirements in capacity development, (v) the prospect of sustainability of UNDP interventions in relation to the outcome and whether it can be ensured that the Outcome will be reached and maintained after the completion of UNDP interventions and, (vi) whether project outputs led to unintended outcomes.

5.1 Output Pillar 13: *“Duty bearers better able to deal with grievances experienced by disadvantaged groups”*

Output Pillar 13 encompassed 9 Key Activity Results as analyzed in Chapter 3.1. The outputs achieved under each of the above results are also described in detail in Chapter 3.1 -Output Achievements. For the purposes of the current assessment, the outputs achieved under Pillar 13 are grouped in to 3 categories as (i) Prison sector interventions, (ii) Capacity building of Justice sector actors (including Quazi Judges) and (iii) Improvement of justice sector establishments.

5.1.1 *Whether outputs achieved under Output Pillar 13 can be credibly linked to the achievement of outcome 5*

- **Prison sector interventions:** The project has implemented, to an acceptable degree of success, several interventions targeted at improving the conditions within the prison sector. Sub-committees have been established in 3 selected prisons and are meeting at regular intervals to discuss issues and to bring about better coordination. Several vocational training programmes (benefiting 476 inmates) have been conducted (by Partner Organizations of the project) in areas that would develop skills in prison inmates to be able to rejoin society with valuable skills. Awareness programmes conducted in prisons have benefited 11,025 inmates and 72 Legal Aid Clinics have been conducted benefitting 14,388 inmates. 2 Regional Discussions, a Regional forum and 3 training programme have been conducted on Alternative Sentencing. A total of 2,378 prison officers have been trained on a variety of areas to improve their technical knowledge as well as to bring about attitudinal change. 1,379 inmates have been provided in-house counselling. Taking into consideration the sum total of these interventions, it can be concluded as having a significant contribution towards the realization of Outcome 5 “Greater and more diverse access to justice redress mechanisms”.

- **Capacitating Justice Sector Actors (including Quazi Judges):** The main focus of the project during its early stage was training and capacity-building of Judges and Lawyers on GBV and IDP priorities. The project conducted several training programmes for Judges, Non Judicial Officers (court staff, GNs, ADRs, land and colonization officers etc.), Prison Officials, Community Based Correction Officers, Mediators, Police Officers, (Judicial) Medical Officers and Scene of the Crime Investigating Officers. Training programmes were conducted on Criminal Procedure, Bail Procedure, Civil Law Child Rights and Professional Ethics and a total of 4,723 justice sector service providers benefited from training. These interventions have enhanced / refreshed their knowledge on the law and its application on issues related to prioritized groups. Therefore, the outputs achieved under this group of activities can be linked to the achievement of Outcome 5.
- **Improvement of justice sector establishments:** Two initiatives were carried out to improve and upgrade the functioning of the administrative branches of courts to be able to serve litigants expeditiously; training and physical improvement. Through an extensive training initiative more than 690 members of court staff were trained in office systems and procedures. The project succeeded in bringing together Judges, Lawyers and court staff in to a single platform to discuss common issues (more specifically on justice sector delays) and formulate a Way Forward. Support was provided for the establishment of 3 Court houses in the Northern Province and 11 courts and 6 Quazi courts were supplied with equipment. In addition the project supported the establishment of 2 well equipped training institutes in Colombo namely the Judges Training Institute (JTI) and training institute for Non-Judicial officers. These measures are geared to making the functioning of courts more efficient and thus can be linked to the achievement of Outcome 5.

5.1.2 The key contributions that UNDP under A2J has made and is making to the Outcome:

- **Prison sector interventions:** The most important contribution that the UNDP made to the achievement of the outcome is the preparation of groundwork for a systematic improvement of the prison sector. Although still constrained with adoption issues, the proposed prison database will revolutionize the prison registry and tracking system, the potential of which is seamless. Training of prison officials and counselling of both inmates as well as officials imbedded to the project design will change the way officials think of the prisoners. Promoting Alternative Sentencing through bringing about an attitudinal change in Judges and training Work Supervisors who monitor the progress of convicts serving community-based sentencing are components that the A2J project accommodated in the design. These are expected to yield long-term benefits to the prison sector.
- **Capacity building of justice sector actors (including Quazi Judges):** the A2J project allowed sufficient space and resources to improve the human resource capacity within the justice sector, with a focus on disadvantaged groups. This strategy filled a gap that existed in the justice sector which hitherto was more concerned about structural changes. Human Resource improvement within the justice sector was an “eye opener”

for the administrators who positively responded by institutionalizing training and improving the facilities in the Judges Training Institute etc. The project also strengthened Regional Bars. In this regard, the human resource development approach was a significant contribution made by the A2J.

- **Improvement of justice sector establishments:** A2J incorporated two areas for improvements within justice sector establishments; (i) human resource upgrading of court staff, and (ii) equipping courts. In many cases, for the first time the court staff were provided the opportunity to undergo training, the outcomes of which have been highly acclaimed by the beneficiaries. This strategy was a departure from the routine management of courts and was an important contribution by the UNDP.

5.2 Output Pillar 14: - “Disadvantaged groups have increased knowledge of their rights and are able to access and benefit from legal services”

Output pillar 14 embraces the achievement of 8 Key Activity Results which have been elaborated in Chapter 3.2. The outputs achieved under each of the above results are also described in detail in section 3.2-Output Achievements. For purposes of the current assessment the outputs achieved under Pillar 14 are grouped in to 3 categories as (i) Civic Documentation (ii) Community legal awareness, and (iii) Legal aid.

5.2.1 Whether outputs achieved under Output Pillar 14 can be credibly linked to the achievement of outcome 5

- **Civic documentation:** Under this component, a total of 112,033³⁹ disadvantaged persons from the conflict affected the North and East and the estate sector were able to obtain vital civic documents through mobile clinics. Observations made by participants at the field level FGDs clearly point to the fact that the receipt of civic documentation has endowed them with a wide range of benefits that they had been unable to enjoy before. For example, it was noted that receiving documentation, such as NICs, has improved people’s self-worth and inculcated a sense of empowerment in them, while at the same time, guaranteeing their freedom of movement and enabling access many services which they previously didn’t enjoy, such as securing school admissions, obtaining bank loans and securing employment. This has built some connectivity between the communities and the service providers. For the returnees, the acquisition of citizenship has endowed them with the same rights to which other Sri Lankan citizens are entitled to.
- The attainment of the broad outcome 5 is underpinned on the realization of many factors, which are beyond the scope of the project. Therefore, an automatic assumption of a linear relationship between receiving civic documents with access to justice for beneficiaries is unrealistic and overly ambitious. However, in view of the fact that possession of civic documentation, particularly Sri Lankan citizenship is a pre-condition for exercising any right or accessing any service in the Sri Lankan context, it can be stated that the project did lay the foundation for many disadvantaged people to exercise their rights and made a discernible contribution to the attainment of outcome 5.

³⁹ Quarterly Progress Reports - UNDP

- **Community legal awareness:** Legal awareness raising and building capacity and confidence of rights holders towards justice and security providers have taken centre stage under this component. The QPRs and FGDs provide support to the fact that as a result of the extensive legal awareness programmes conducted by the project in the North and East and the estate sector, approximately 26,713 beneficiaries were reached by the project. It was evident that most communities have immensely benefited from learning about their rights and the available legal remedies regarding multiple issues that they are confronted with in their daily lives such as child abuse, domestic violence, alcoholism etc.

The Community Legal Empowerment for Women (CLEW) programme has led to an increase in the number of SGBV, maintenance, child abuse, child labour and civic documentation cases been reported and referred to redress mechanisms. In the absence of project interventions, it can be correctly assumed that these issues would have remained unaddressed. The programmes have been immensely beneficial in the post war stabilization efforts of the communities.

The realization that access to justice requires more than recourse to formal dispute resolution mechanisms has led to the project to orient some of its support towards community based redress mechanisms. A key focus in this area has been to promote the representation of women in the mediation boards and also to increase the use of these mechanisms by vulnerable groups. Due to project interventions, it was observed that mediation processes at the community level have been strengthened and the legal literacy of mediators increased. Additionally, women have been made aware of community level mediation processes.

It is apparent that, the project support has not only covered a vital need but also created the basic framework which is required for exercise of rights by the targeted communities. As such, whilst acknowledging that much more efforts from diverse stakeholders are needed to ensure access to justice, it can be concluded that the outputs achieved by the project to some degree has contributed to the realization of Outcome 5.

- **Legal Aid:** The objective under this component is to address the persistent gaps in access to legal services by disadvantaged persons. The interventions have focused on enhancing the service delivery of legal aid to disadvantaged persons, and putting in place sustainable mechanisms for continuous legal aid services. The QPRs of the project as well as FGDs and KIIs indicate that the legal aid services provided have enabled the disadvantaged communities including IDPs, prisoners and estate workers to receive increased awareness of their rights and to access and benefit from legal services. These persons were previously unable to access legal aid services on their own due to financial and other constraints. The interventions have been in the form of providing them with crucial assistance, legal advice and representation.

The legal representation provided has greatly assisted the suspects arrested for bailable offenses who have languished in jail for a considerable period without access to legal services. KIIs with pre-trial detainees in Kalutara confirmed this view as many of the respondents interviewed stated that they spent over 2 years in remand due to

lack of access to legal services. The project interventions have enabled approximately 470 such persons⁴⁰ to receive bail. As most of these detainees are also breadwinners of their families, enlargement on bail has provided an opportunity to engage in decent livelihood activities and support their families. However, it should be noted at this point that the high bail costs did have an adverse effect on the overall impact of the project. According to QPR, due to project interventions, the suspects arrested for bailable offenses spend less time in remand prisons. For example, in 2009, a total of 1,315 persons spent over 2 years in remand awaiting trial and by 2011, the waiting time have been reduced to 10-12 weeks. However, it is noted that 50% of all prisoners are on remand according to recent data.

Women were the largest beneficiaries of the legal aid services provided by the project. The FGDs in Badulla and Batticaloa revealed that the legal aid support had a tremendous impact on women belonging to vulnerable categories as most of the cases were related to divorce and maintenance. The KIIs with SGBV victims in Jaffna district also highlighted the many benefits the victim women from extremely impoverished backgrounds acquired from the project. In many cases, the legal aid services have contributed to the well being of the victim as well as their children through family reunification and establishment of paternity etc. Nevertheless, the high costs associated with DNA testing did have an impact on the overall effectiveness of the project activities.

Project activities focusing on sustainable mechanisms for legal aid services such as the formulation of a legal aid strategy and support to para- legal services have partially contributed to the realization of the intended outcome. The legal aid strategy was developed but is awaiting formal presentation to the Minister and as such, this activity is incomplete. Coinciding with the project's support to the legal aid, the LAC was also able to secure a higher Government contribution from the national budget. This was a key recommendation included in the Forward Looking Assessment of the Legal Aid Sector conducted in 2009, and is a positive signal for long term sustainability of legal aid, creating new and increased opportunities for legal services in the coming years. According to QPR supported by FGDs and KIIs, the project activities have contributed to better provision of para-legal training by service providers such as GNs, land officers and police officers through building their capacities and attitudinal change. Furthermore, the sustainability of these interventions has been promoted through the Para-legal Manual that was produced with the support of the project. These interventions have greatly benefited the communities by increasing their access to legal services.

5.2.2 The key contributions that UNDP under A2J has made and is making to the Outcome:

- ***Civic documentation:*** The most significant contribution UNDP made and is making towards the achievement of the objective is laying the foundation for conflict affected communities, IDPs and returnees in their stabilization and recovery efforts during the post war years. UNDP's assistance for documentation facilitated IDPs and returnees to

⁴⁰ Project document records – March 2011

more quickly get their lives back on track, for example helping them to enrol their children in schools, prove access to land and inheritance, and open bank accounts etc. **The UNDP's contribution** for ensuring that sustainable and efficient mechanisms are in place for the relevant authorities to continue with the issuance of documents through digitization and capacity building of RG Department staff is also a significant contribution. Due to project interventions, selected district Registrar's capacity has been enhanced which has substantially expedited the perusal of applications and issuance of documents. This has saved beneficiaries time and effort in obtaining documents. For example, before the project interventions, only 25-50 applications per day could be processed which has now increased to 800-1000 applications per day, which is an indication of a wider community reaching access to justice.

- **Community Awareness:** UNDPs contribution to the realization of outcome 5 in relation to community awareness on legal rights and remedies is the space the project created for a massive awareness building initiative spread out far and wide in the country, especially in conflict-affected areas. The synergy UNDP could bring forth by co-opting the services of other actors was particularly beneficial to the achievement of the objective.
- **Legal Aid:** Lack of recourse to effective legal services can be considered as one of the greatest barriers confronting disadvantaged communities in accessing justice redress mechanisms. In view of the high legal costs associated with obtaining legal representation, most disadvantaged persons from the low income strata are faced with myriad obstacles in life which in turn affect their families and consequently the society which they inhabit. As such, legal aid support is an absolute necessity in the case of disadvantaged communities particularly the conflict affected communities, IDPs and estate sectors workers. The design of the A2J project's legal aid support that targets this section of the society is therefore an important contribution to the achievement of outcome 5. Furthermore, the project interventions have specifically focused on assisting vulnerable women focusing on women's rights issues linked to divorce / maintenance and few SGBV cases. This is a vital area of support in view of the prevalence of maintenance / divorce cases and sexual and gender based violence in conflict affected regions and in the estate sector. The A2J project support has therefore contributed to the well being of women, who face multiple and complex vulnerabilities, particularly within a post-war context, to a great extent.

5.3 Can the current planned interventions enable UNDP to achieve the Outcome within the set time frame and with the available resources, and whether there has been an effective use of resources mobilized in building up to the overall results:

It is not possible to provide a short answer to this question because of the absence of a proper baseline and targets based on the baseline. The only indicative parameters are the provision made in the budget lines and activity plans based on the budget lines. Within the available resources, the activities planned could be implemented. As far as resource utilization is concerned, since a detailed financial analysis was not made and a "value for money" assessment not carried out, this evaluation has to base its judgment on

information gathered through KIIs and FGDs. FGD participants stated that the benefits yielded from training programmes were much more than the amount spent, which is an indication of the manner in which resources were utilized. Further, almost all activities seem to have been planned with sufficient ground work carried out before. Therefore there has been very little need to repeat or to cater to “no-show” situations. It is also seen that the benefits of the interventions cannot be quantified on a short-term basis, because investments, particularly on human resource development yield results in the long run.

5.4 Has UNDP the ability to develop local capacity in a sustainable manner, responding to changing circumstances and requirements in capacity development:

The project on the whole is a capacity-building exercise, and it is evident from the views expressed at KIIs and FGDs that the project has in fact built local capacity. The only area where there has been a gap is in HRBA training in which there was inadequate national expertise to develop a HRBA training module. Therefore, however important HRBA is in the present context, the project has not been able to address this aspect adequately. Sustainability of the capacity built is altogether another issue. When the project phases out, it will leave behind individuals who were trained and whose attitudes have changed, infrastructure built and upgraded and institutions established or strengthened. However, unless a proper follow-up system is put in place with attendant annual funding, it will be difficult to sustain the capacity. Future training and human resources development schemes should integrate best practices identified during the course of the project. More importantly, the state policy must be responsive to the needs of the justice sector. UNDP has the ability and technical capacity to support the Government and national partners to develop local capacities, but the state has the overall responsibility to carry them forward.

5.5 The prospect of sustainability of UNDP interventions in relation to the outcome and whether it can be ensured that the Outcome will be reached and maintained after the completion of UNDP interventions

Improvement of access to justice is a long-term process, which requires the commitment and collaboration of the different stakeholders and the necessary policy framework. The A2J project contributed to the improvement of the existing situation to some degree. However, the question of sustainability arises with regard to many of the interventions once the project phases out. The adequacy of state policy, the commitment of the institutions and stakeholders who are engaged in the process and the resources that could be mobilized will determine whether the interventions can be sustained.

5.6 Partnership Strategy Analysis

5.6.1 National Implementation Modality (NIM)

The project is implemented under National Implementation Modality (NIM) through the Ministry of National Languages and Social Integration (MoNLSI). Accordingly, from the inception, the government took the lead at every stage of design and implementation of the project. The overall vision of the project was grounded on the government priorities

and the needs identification process. Implementation of activities was done keeping the government in the lead. As such, this modality ensured, above all, the full ownership of the project with the government.

Financial disbursement followed the government procedures which ensured transparency and accountability with regard to disbursement of project funds. As such, almost all stakeholders appreciated this modality. However, challenges were sometimes encountered with regard to delays in the clarification of government circulars, the obtaining of advances from UNDP and disbursement of funds from the Treasury.

The NIM modality also induced collaboration between a wide array of government ministries towards a particular goal. The project established a remarkable collaboration between the MoNLSI, the MoJ, Ministry of Lands, the RG's Department, the Registration of Person's Department, the Prisons Department, the Judicial Services Commission, the Ministry of Public Administration, the Police Department and the relevant local government officials such as the GAs, DSs and the GNs. The chosen modality also ensured trust-building between UNDP and the government of Sri Lanka, which was vital for any interventions in the rule of law and justice sector. As a result, the project acquired the leverage to deal with sensitive issues and found the space to work at ground level. As a nationally implemented project, interventions in the North were implemented under the umbrella of the respective line Ministry plans, and were not required to pass separately through the sometimes lengthy clearance process of the Presidential Task Force (PTF) for the North. In addition, entry points have been created for UNDP to engage with the government at a policy level in the future.

The government officials and other stakeholders commended the implementation modality. No significant criticisms were expressed regarding the chosen modality except a few concerns raised particularly at the field level. Here it was noted that the centralised project management process, which requires activity approvals and funds to flow through the Ministry Project Management Unit, irrespective of size, was time consuming and impacted the responsiveness of the project at field level.

5.6.2 Coordination with Non-Governmental Partners

The project also worked in partnership with the Legal Aid Commission, which is a semi government agency and non-governmental partners such as the Sarvodaya, Institute of Human Rights (IHR), the Women In Need (WIN), Center for Study of Human Rights (CSHR), Lawyers for Human Rights and Development (LHRD) etc. The coordination between the partners took place at the field level in the implementation of activities, such as legal aid services and at the national level through regular dialogue and partnership meetings held at regular intervals.

The project can be classified as a good example of bringing forth diverse actors, both governmental and non-governmental, towards the attainment of a common goal. As such, the project's partnership strategy was greatly appreciated by all stakeholders and no significant criticisms were expressed. The only concern raised was that due to the high number of partners involved, sometimes, there was poor information sharing and

coordination between the field offices and partners, which made monitoring of project activities challenging at the field level.

5.6.3 Linkages and Synergies with other UNDP Clusters and UN Projects

At the country office level, coordination between the A2J which is part of the UNDP Governance Cluster and TRP, part of Peace and Recovery, has not taken place systematically as envisaged at the outset in the project document. This has been mainly due to the different delivery mechanisms and the different sequencing of the two projects. However, collaboration between A2J and TRP has taken place at the field level, where it so happened, but not in a planned coordinated manner. Where both project offices have been located in the same place, for example, in Jaffna, there has been relatively high level of collaboration and coordination between the two projects. In this case, the identification of locations and beneficiaries for project interventions has been collaboratively done which made the UNDP project interventions more holistic and effective. The evidence of this could be observed at the village level in Jaffna, where concurrent socio-economic empowerment and rights awareness has generated a higher impact.

Since A2J, through UNDP was included in the UN Interagency Project on Gender, there has been rather strong collaboration between UNDP's GBV interventions and those of other UN agencies. Agencies working on GBV issues have been able to work together in order to avoid duplication of work. Each agency has made efforts to work on different areas and different category of beneficiaries. For example, UNICEF's focus has been solely on police protection while the UNDP has focused on achieving Output 3 which is training of para-legal officers, community women and judges on Prevention of Domestic Violence Act and gender based violence. Regular information sharing between UNDP and the Interagency Project, greatly contributed towards avoiding duplication of work⁴¹.

6.0 Analysis of salient opportunities to provide guidance for future programming in relation to the outcome

- A2J Phase 2 is a follow-up of the Equal Access to Justice Project Phase I and was developed to “deepen and orient the activities of Phase I of the Project, within a conflict prevention framework, while also continuing the shift of the primary focus to the East and the North as well as to the estate sector”. An important first step under Phase II, was the planned National Access to Justice Baseline Survey that was expected to provide vital information in order to programme activities and establish targets. For reasons beyond the control of the project, the baseline survey could not complete and therefore the project had to implement the activities visualized in the project document by relying on stakeholder consultations and other available data rather than relying on a holistic snapshot of the context. In future programming it would be helpful to have a structured baseline survey to guide planning and targeting of field activities.

⁴¹ KII with Coordinator of UN Interagency Project on Gender

- A2J Phase II commenced without a properly executed end of project Impact Assessment of activities implemented under Phase I of the project. As a result activity planning could not zero in to address shortcomings of the previous project, to further consolidate the outcomes achieved or to look at new strategies to achieve the expected outcomes. However it is observed that the A2J Phase I Evaluation conducted end 2006 provided many recommendations for the way forward, most of which were taken up by phase II. E.g. not to spread too thin, but to focus on certain priority areas. It is a fact that most project implementers are more used to project management at output level and are not focused on outcomes and impacts. Hence in future programming an Outcome and Impact Assessment of previous interventions (at least on a random sample) should be made mandatory prior to activity planning and targeting.
- A substantial number of activities and interventions undertaken under the project were of a “one-off” nature with little prospect of replication. While this can be more relevant in the case of structural changes, law reforms and infrastructure upgrading, enhancement of the human resource capacity needs continuity and replication. In future programming it is prudent to have a long term vision and attempt to build-in a medium-term road map to ensure that the owner of the project will share the vision and commit to allocate resources to continue and replicate the best practices achieved under the project.
- Many of the prison sector interventions undertaken under the project relate to activities that would be required continuously. When reformed convicts leave, new convicts will be incarcerated within the prison walls. They will need legal aid, counselling, vocational training and welfare facilities, most of which will require allocation of government resources in continuity.

A few attempts have been made to improve the conditions of prisons to make them more women-friendly and child-friendly. During the course of implementing the project, it was revealed that lack of space in certain prisons restricts the conduct of counselling services and vocational training⁴². “Prisoners also are human beings” has been accepted by the Prison’s Ministry as a Vision. It appreciates that investments in prisoner reformation (through counselling) and vocational training (empowering prisoners to rejoin society as useful citizens) is more beneficial and in future programming the government needs to provide funds for continuity of such activities when the project phases out.

- Some of the important outcomes of the project’s contributions in prison sector improvements are expected from the changes anticipated in the attitudes of prison officials. During the implementation of the project, it was revealed that the “negative attitude of prison officials towards counselling services made available to officers” and “unwillingness of some prison officials to be proactive”⁴³ challenged implementation of planned activities. In future programming therefore it would serve well if the prison authorities are encouraged to introduce a “Staff Assessment Procedure” on the

⁴² Country Office M&E Worksheet

⁴³ Country Office M&E Worksheet

attitudinal change of officers and their capacity to up-take modern prison management procedures.

- Improving the knowledge, awareness and attitudes of actors in the justice sector, or the physical improvements to the courts system will not inspire affected people to venture out to seek justice unless they are safeguarded from reprisals. It was stated that “Fear of consequences prevents rights holders to claim their rights through the formal justice system”⁴⁴. This has resulted in the number willing to come forward to claim their legal rights being low, despite the fact that there may be a large number of people who are affected. Activities contemplated under the proposed Witness Protection Bill could not be implemented since it has not passed through the legislative process. Therefore in future programming, concurrently with improving judicial services, steps should be taken to guarantee safety from reprisals for rights holders, at least through support for strengthening existing law enforcement mechanisms. The UNDP could play a significant advocacy and capacity building role in this regard.

Access to justice redress mechanisms will be rendered meaningless if such victims cannot be encouraged to seek redress and if evidence of key witnesses cannot be obtained. As such, in order to realize the intended outcome of the project, safeguards have to be built for the protection of victims and witnesses of criminal cases. In this regard, the project must find pathways to move forward and implement the draft witness protection bill that is pending approval by Parliament.

- Although there is a general consensus that issuance of documentation is not the typical focus in a rule of law project, in view of the large needs that exist with regard to documentation (about 50% uncovered needs), particularly in relation to refugee returnees from India and in the conflict affected areas, it is suggested that project should continue mobile clinics for documentation and awareness raising, at least until the level of demand is reduced to a level that can be services through the regular Government delivery channels. To ensure a wider outreach of project interventions to disadvantaged groups, from remote geographical locations and facing multiple vulnerabilities, the mobile clinics should be conducted in remote locations and scheduled taking into consideration the convenience and availability of beneficiaries. In this respect, it is advisable to set the date for mobile clinics in consultation with the community.
- In view of the rising number of SGBV cases, particularly in the North, as a consequence of war and associated disintegration of social systems, it is recommended that SGBV issues be taken as a priority area of intervention in the next project cycle. Whilst the rehabilitation of the SGBV victims is an urgent need that requires attention, it must be emphasized that interventions must also focus on prevention of such crimes in the future.
- In view of the very effective work done by the LAC, particularly in remote districts, with minimum staff, it is recommended that the assistance to LAC be extended through

⁴⁴ QPR –Apr- Jun 2011 UNDP

introduction of capacity strengthening for more responsive monitoring systems. The quality of legal aid services should be improved using the mechanism of criminal defense desks that has already been established. It is also advisable to expand the psycho-legal counselling in the North in view of the lingering impacts of the war. In addition to LAC, the project should also consider a wider engagement of civil society actors engaged in legal aid work to ensure a wider outreach of activities in the next phase. ***It is worthy of mention here that the project partnering with many such agencies in the first phase was a complete success.***

- Obtaining bail for persons accused of bailable offences has become difficult in view of the provisions of the current Bail Act which are oriented towards refusing bail. Such provisions create barriers to ensure effective access to justice redress mechanisms. The Bail Act should be amended to make refusal of bail the exception rather than the rule.
- One of the greatest obstacles to accessing justice service providers and law enforcement agencies is created due to language barriers between the claim holders and the service providers. The problem is acute in the Tamil speaking areas where public servant's lack of knowledge of the Tamil language has widened the distance between the people and the state authorities. This is particularly the case with regard to police officers, who are an essential component in administration of justice. Their inability to understand Tamil has resulted in dilution of vital evidence in criminal cases leading to acquittals. The project's objective of building the confidence of rights holders towards justice and security providers would be better achieved if these deficiencies were addressed. As such, the project must support the implementation of the language policy which should be complemented by recruitment of Tamil police officers.
- The justice sector has received the attention of many donors in the recent times. It is speculated and anticipated that there will be new donors entering the sector such as the World Bank and the USAID in the near future. In view of the above and given the limited resources, it is advisable that the UNDP clearly identifies where it has a comparative advantage as well as which activities need support in order to avoid duplication of interventions.
- The impact from the outputs of A2J Phase II will be maximised if the results can be consolidated towards reaching the overall expected outcome. The project has undertaken a large number of activities covering a variety of fields. The outcomes of this dissipate if action is not initiated to integrate them under the overall objective. At the conclusion of the project it will be prudent to build-in a short (may be of 2 year duration) consolidation initiative during which the MoNLSI should take stock of the achievements made and formulate strategies to consolidate them, particularly targeting the overall objective of the project.
- The appreciation of the commitment of the Project Director and the staff by the various stakeholders participating in the FGDs and KIIs is worthy of note.

7.0 Conclusions

7.1 Specific Recommendations

Capacity Building

- Regular updating of knowledge and skills of all actors addressed by the project needs to be followed up.
- For improving access to justice, it is necessary to focus on service delivery of Police Department, (even though capacity building programmes have covered a limited number). Government Analyst Department and Attorney General’s Department are also key actors in the context of access to justice. But, officers in these Departments had very limited opportunity to participate in the capacity building programmes conducted under the project. However, before engaging in such activities in future planning it is prudent for UNDP to look at what other partners are supporting or working in similar areas, so that future assistance could be planned strategically. The UNDP with its comparative advantages in working with the state sector could perform the role of a catalyst in planning such support activities.
- Follow up on Community Based Correction/ Sentencing should go beyond “keeping a tab on the offenders”. A study should be undertaken on the effectiveness of this approach and establish collaboration with CBOs, religious bodies and village elders in the implementation process. Focus should be on activities beneficial to the community so that their involvement will be more meaningful and respected by others.
- Include Alternative Sentencing Mechanisms in the training content of Judges, Lawyers and the Community Based Correction Officers.
- Before the project phases out, it is prudent to undertake a study on the adequacy and effectiveness of the training imparted so that future efforts could be improved qualitatively.
- The content of the HRBA training has been adequately conceptualized. However, the formulation of a training manual has lagged behind due to the non-availability of a qualified consultant. This needs to be followed up for sustaining the capacity building efforts. Another alternative could be to look at how HRBA can be integrated into all training initiatives – rather than seeing it as a standalone.
- Provide guidance and resources to GNs to conduct local level awareness on para- legal services to the affected communities when the project phases out.
- With regard to capacity building of actors related to the justice sector, it would be useful to do a comprehensive need analysis of the sector actors and prepare **a long term capacity building strategy** with “equal access to justice” as the overall objective to be achieved. The lapses highlighted and discussed in the report with regard to training programmes as perceived by the FGD participants and key informants can be consolidated under such an overall comprehensive strategy including the different subject areas such as women’s rights, GBV, Alternative Sentencing, Bail, Land, Witness Protection etc. It will also contribute towards **collaborative efforts with the relevant**

partners to devise a long term training plan with all inclusive curriculum development for the purpose. Shortcomings in training delivery highlighted during FGDs with different stakeholders such as training duration and methodology could also be addressed in a long term training strategy.

Support to Prisons and Prison's Database

- Sri Lanka National Action Plan for the Protection and Promotion of Human Rights (2011-2016) has recognized the need for amending prison's regulations and need to upgrade prison facilities. In this context the need for establishing a prisons database as a key tool for **facilitating efficient prison management**, is undisputed and requires continued attention.
- Even though the Prison database at Welikada has been established and completed under the project, lapses in effective operationalization (at the time of the evaluation), is partly attributed to the transitional activities which faced challenges of staff turnover and issues with the database developers. This situation requires attention by the responsible authorities, given the fact that positive responses were received from stakeholders within the prison system with regard to the usefulness of such a database in managing information which was virtually limited to manual handling earlier.
- It is prudent to revisit the incomplete prisons database system with the Prison's Dept. and ICTA so that it could be well established as a fully workable solution. Only once it has been proved effective should a national roll-out strategy be contemplated. There is policy acceptance and therefore it is deemed necessary for the Department **to build on the experience gained by the project interventions** and solicit additional support from other funding sources as well for the anticipated networking process with other Prisons.
- Vocational training should be planned out in association with government vocational training institutes so that linkages could be built for placement of trainees on successful completion of training or support packages provided for self employment on completion of prison sentence.
- Prison Authorities, Legal Aid Commission and other providers of Legal Aid (i.e. NGOs) should work in close collaboration to decide on a **sustainable mechanism to continue provision of legal counseling, filing of bail applications and representation in courts before phasing out of the Project.**
- Support needed to extending Drug Treatment Centres under Ministry of Rehabilitation and Prisons with qualified Counselors. Although, this aspect does not come within the purview of the current project, this request was made by the stakeholders. Since, this subject is not within the UNDP's mandate, it is suggested that UNDP refer the request to the appropriate UN agency (for example UNODC).
- Promote active involvement of **prison sub-committees** with the capacity to monitor project activities on a long term basis.

Digitization

- Digitization should be introduced in other remote and less accessible areas as a priority concern as it serves a long felt need of disadvantaged and vulnerable communities further developing on the Project experience which has been very positive.
- The impact of digitization has been felt effectively in locations where it has been introduced by the project as described in this report. However, it is noted that adequate resource availability should be ensured for maintenance and sustainability of the system. This means increased budget allocations for the purpose, by the Government.

Documentation/ Community Awareness

- Continue mobile clinics for community awareness and documentation as it has been very effective in reaching the most vulnerable communities, particularly, in conflict affected areas and estates.
- It was observed that the date and timing of mobile clinics should take into consideration the availability and convenience of beneficiaries. In some cases adequate prior information for collecting supporting documents was a concern.
- Mobile clinics, as far as possible, should be conducted in remote locations for a wider outreach due to transport difficulties faced by the beneficiaries. In some cases the location of the mobile clinic was so far away that the beneficiaries had to travel long distances with no transport facilities (Eg: Batticaloa).

Legal Aid

- Consider addressing SGBV issues as a priority area in the next phase, both prevention and response as it was highlighted during the FGDs and KIIs.
- Advocate for implementation of legal aid strategy as much of the ground work has been completed through for example criminal defence training, apprentice training, equipping regional bars etc
- Revisit the recommendations of the Forward Looking Legal Aid Review, especially in terms of strengthening the reach and service delivery of the LAC. Ensure support for awareness and increased service provision (i.e. criminal desks, mobiles etc) is matched with support for improved operations in terms of information flows from the field to the centre, and improved monitoring systems.
- LAC centres situated within court premises are not easily reachable by the general public. A communication and referral mechanism could be developed through the National Languages and Social Integration Coordinators who are presently assigned to DS Divisions who have already followed para-legal aid training conducted by the Legal Aid Commission.
- Strengthen coordination in the legal aid sector amongst the Bar, LAC and NGO providers and continue to promote pro-bono services

Policy level Support

- Implementation of the Legal Aid Strategy requires further policy inputs for effective operationalization and coordination.
- With regard to the Alternative Sentencing Policy and Language Policy, the legal requirements are in place, but require focus on implementation and monitoring with consistent follow up.
- Victim Protection Law and recruitment of Tamil Police officers are crucial elements in the implementation strategies for achieving equal access to justice policy and it is necessary to support the consolidation process in the implementation of such strategies. This aspect is recognized in the Sri Lanka National Action Plan for the Protection and Promotion of Human Rights (2011-2016).
- Consider reforms to Bail Act – the present Bail Act oriented towards “not giving bail”, but this should be the exception to the rule and reforms in this light are needed.
- Promote collaboration with local Government bodies and local administration in the pursuit of creating an enabling environment for equal access to justice for all.
- Follow up on support to LHRD is very much needed – some provision for amending the “***Government Land Manual***” issued in 1985 needs to be updated and the preparation of Tamil and English versions are crucial in the implementation process. Currently only the Sinhala version exists. It is a useful public document for Divisional Secretaries and Colonization officers in discharging their functions in relation to land matters.
- ***Land issues*** – support to land related legal issues, land surveys and amendments to outdated land development ordinance and land manual are considered significant in the pursuit of equal access to justice which needs to be followed up. The land manual issued in 1985 still exists only in Sinhala language and requires Tamil and English translations which have been pending for a long time. ***These issues are considered as priorities for future planning.***

7.2 General Recommendations

Monitoring and Evaluation

- Failure to continue with the Baseline Survey supported by the Project has affected the identification of gaps in the justice system, particularly in the N & E and it has an inevitable impact on the Monitoring and Evaluation system.
- Currently monitoring, evaluation and reporting of Project interventions is focused on progress of activities and output level information as reflected in the quarterly progress reports. Therefore, it is found necessary to follow up on monitoring for outcome and impact based on key indicators.
- It was observed that Project Partners require capacity building with regard to monitoring for outcome and impact given the complexity of measuring the objective of achieving equal access to justice.

Design Improvement/ Strategy Development/ Coordination

- A properly ***grounded National A2J Action Plan*** is required for improved coordination and sustainability within the policy framework set out in the Sri Lanka National Action Plan for the Protection and Promotion of Human Rights (2011-2016) and the Mapping of Legal Aid Services in Sri Lanka supported by the Project in collaboration with other related agencies.
- UNDP needs to ***identify its niche in view of new players*** entering the judicial sector with financial and technical support. Some stakeholders held the view that UNDP's comparative advantage in coordination among UN Agencies for policy influence and support can be further strengthened particularly for this sector.
- There is a ***need to revisit the partnership strategy*** adopted by the Project and review relocation of the project given its evolving focus.
- Consider developing ***an area based strategy*** for a holistic implementation of the various A2J related interventions. This could be a pilot to be planned for the future, so that equal access to justice could be measured and serve as a model for replication.
- Explore prospects for ***better coordination*** between A2J and other UNDP projects at the operational level. It could be extended to other agencies working in the sector for improving impact and avoiding duplication.
- Follow up on the operation of the ***high level steering committee*** identified in the Mapping of Legal Aid Services in Sri Lanka, for policy level decision making due to the large number of agencies involved. It can contribute considerably to the sustainability of Project interventions initiated. The concept paper already developed is considered a step in the right direction and it is desirable that the project further supports the institutionalization of this mechanism.
- A clear ***project exit strategy*** remains to be elaborated and understood by all partners concerned in preparation for phasing out and in the context of continuity and sustainability of initiatives introduced for achieving equal access to justice.
- Consider funding a ***consolidation phase*** to enable institutionalizing A2J interventions and initiatives which are considered very relevant and appropriate in the context of the sector as expressed by all stakeholders during Focus Group Discussions and Key Informant Interviews. The Project interventions are considered as a major break through in the judicial sector.

8.0 Key Recommendations

8.1 Specific Recommendations by Components

Capacity building:

- UNDP can play a catalytic role using its comparative advantages in working with the State Sector, in enhancement and updating of knowledge and skills of all actors addressed by the project, including those in the Police Department, Attorney General's Department and the Government Analyst's Department.
- A study should be undertaken to assess the effectiveness of Community Based Correction Approach / Alternative Sentencing mechanisms, with a focus on establishing collaboration with grass roots actors in the implementation process as well as on its benefits to the community, with a view to including the concept in the training content of Justice Sector officials, (Eg: Judges, Lawyers and community based correction officers).
- Before the project phases out, a study should be undertaken which should include a needs analysis for developing a long-term capacity building strategy including a quality assessment on the adequacy and effectiveness of the training imparted, integration of HRBA training and options for collaboration with relevant partners.

Support to Prisons and Prison's Database:

- Further improvement of the Prison's Database requires continued attention building on the experience gained by the project interventions and solicit additional support from other funding sources as well for the anticipated networking process with other Prisons.
- Vocational training should be planned out in association with government vocational training institutes in order to streamline curricula, establish linkages for placement of trainees for further training and/or to provide support packages for self-employment on completion of prison sentence.
- Prison Authorities, in close collaboration with the Legal Aid Commission and other providers of Legal Aid (i.e. NGOs), should design a sustainable mechanism to continue provision of all facets of legal aid before the Project phases out.

Digitization:

- Digitization should be introduced in other remote and less accessible areas as a priority concern as it serves a long felt need of disadvantaged and vulnerable communities further developing on the Project experience which has been very positive.

Documentation/ Community Awareness:

- The relationships established and experience gained in the exercise to increase access to vital legal documents to the most vulnerable communities, particularly, in conflict affected areas and estates should be used to further expand the service to areas

remain un-served, by continuing the community awareness programs as well as the conduct of mobile clinics.

Legal Aid

- Consider addressing SGBV issues as a priority area in the next phase, both prevention and response as it was highlighted during the FGDs and KILs.
- Since much of the groundwork has been completed the advocacy necessary for the implementation of the Legal Aid Strategy, including criminal defence training, apprentice training, equipping Regional Bars and coordination in the legal aid sector etc., should be carried forward. Together with this the recommendations of the Forward Looking Legal Aid Review, especially in terms of strengthening the outreach and service delivery of the LAC needs to be revisited.

Policy level Support:

- Policy level interventions in the following areas are strongly recommended to further strengthen the legal, structural and institutional framework necessary to increase access to justice for disadvantaged communities: review of the Legal Aid Strategy in place for further policy inputs for effective operationalization and coordination, support for implementation and monitoring of Alternative Sentencing Policy, the Language Policy, Victim Protection Law and the policy on recruitment of Tamil Police officers and reforms to the present Bail Act to make granting bail the rule rather than the exception.
- Promote collaboration with local Government bodies and local administration in the pursuit of creating an enabling environment for equal access to justice for all.

Land issues

- Some provisions in the Land Development Ordinance and the “Government Land Manual” issued in 1985 needs amendment and updating and the preparation of Tamil and English versions are crucial in the implementation process. Support is also required in regard to resolution of land issues, and implementation of land surveys,

8.2 General Recommendations:

Monitoring and Evaluation:

- Currently monitoring, evaluation and reporting of Project interventions is focused on progress of activities and output level information. It is vital to follow up on monitoring for outcome and impact based on key indicators. At the same time project Partners require capacity building with regard to monitoring for outcome and impact given the complexity of measuring the objective of achieving equal access to justice.

Design Improvement/ Strategy Development/ Coordination

- A properly *grounded National A2J Action Plan* is required for improved coordination and sustainability of activities in the justice sector within the policy framework set out in the Sri Lanka National Action Plan for the Protection and Promotion of Human Rights

(2011-2016) and the Mapping of Legal Aid Services in Sri Lanka. Further, there is a necessity to follow up on the operation of the **high level steering committee** identified in the Mapping of Legal Aid Services in Sri Lanka, for policy level decision making due to the large number of agencies and actors involved.

- In the next project cycle, the UNDP needs to **identify its niche and which activities it must support in view of new players** entering the judicial sector with financial and technical support. There is also a **need to revisit the partnership strategy** adopted by the Project and **review relocation of the project** given its evolving focus.
- Consider developing **an area based strategy** for a holistic implementation of the various A2J related interventions and explore prospects for **better coordination** between A2J and other UNDP projects as well as other agencies working in the sector for improving impact and avoiding duplication.
- There is a need to elaborate a clear **project exit strategy** which should be understood by all partners concerned and funding a **consolidation phase** to enable institutionalizing A2J interventions and initiatives and to ensure continuity and sustainability of initiatives introduced for achieving equal access to justice.

8.0 Acknowledgements

Admirable cooperation and support received from the following in many ways is greatly appreciated and acknowledged by the Evaluation Team in accomplishing the assignment.

- UNDP staff from the country office and project staff at national and field offices in the Districts of Vavuniya, Jaffna, Batticaloa and Badulla.
- The District Secretaries / Government Agents of Vavuniya, Jaffna, Batticaloa and Badulla Districts, Divisional Secretaries and officers attached to their offices, Officers of the Registrar General Department and District Departments.
- National level and District level judges, lawyers, court staff and members of the Bar Associations and Legal Aid Commission officers.
- Office bearers / representatives of Partner Organizations at National level and Community Based Organizations in the Districts of Vavuniya, Jaffna, Batticaloa and Badulla.
- Participants of Focus Group Discussions at the National level and from the Vavuniya, Jaffna, Batticaloa and Badulla Districts.
- Participants of one-on-one interviews / Key Informant Interviews, including Government Officials, Donors, Partners and UNDP National and Field Staff.
- The Project Team who assisted in organizing field work and logistics.

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