

## INCREASING PROTECTION FOR VICTIMS AND WHISTLEBLOWERS IN SRI LANKA



### SRI LANKA AND THE LONDON SUMMIT COMMITMENTS

The Government of Sri Lanka made five pledges to combat corruption at the 2016 London Anti-Corruption Summit. In order to monitor and create awareness of the three most concrete pledges, Transparency International Sri Lanka (TI Sri Lanka) developed an online tracker. The Chapter has also conducted advocacy on implementation of the commitments.

One of the commitments made by the Sri Lanka Government was 'on ending impunity'. TI Sri Lanka operationalised this commitment by prompting for an active victim and witness protection program.

### VICTIM AND WITNESS PROTECTION IN SRI LANKA

TI Sri Lanka had identified victim and witness protection as a key area for reform. A victims of crime and witnesses protection Act<sup>1</sup> was already in place in Sri Lanka (from here on referred to as 'the Act'). This Act promises a structured mechanism for the protection of victims and witnesses and has the potential to provide protection for the victims of a corruption so that they can come forward safely. However, there was still work to be done and some aspects of the law needed to be amended. TI Sri Lanka viewed their commitment tracking work as an opportunity to keep up the pressure for the government to strengthen the implementation of the act.

TI Sri Lanka defined the government actions that would represent the fulfilment of the government's commitments and created indicators to measure progress. For the government goal of instigating effective witness and victim protection, TI Sri Lanka formulated four indicators<sup>2</sup> and then gauged progress against them. TI Sri Lanka's work has made a substantial contribution to ensuring the government enacts its commitments. The work is slow, incremental and requires considerable commitment and advocacy investment.

### TI Sri Lanka's STRATEGY

The goal of the work is to ensure that legislation is in place to protect victims and witnesses of corruption by the end of 2020. In the short term this meant ensuring that the Victims and Witnesses Authority, the body carrying out the Act, was adequately funded through the national budget and that the service provided to the public was of a high standard. A key part of the strategy therefore involved direct engagement and collaboration with the Authority to implement the Act effectively, whilst advocating for increased budget allocations. TI Sri Lanka also sought to raise awareness of corruption as an issue in victims and witnesses' protection and sought to create public awareness.

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<sup>1</sup> Assistance to and Protection of Victims of Crime and Witnesses Act 2015, Sri Lanka.

<sup>2</sup> <http://www.tracker.tisrilanka.org/about/> These included measuring whether Parliament was providing adequate budget to the Victims and Witnesses Authority responsible (NAPVCW), whether the Victims and Witnesses Authority and the Police were enabled to do their duties and exercise powers under the Act; whether temporary shelters had been established; and whether the special fund for witnesses and whistle-blowers was being adequately financed.

## BREAKTHROUGHS

As advocates, TI Sri Lanka were experienced in making the language of commitments and anti-corruption measures accessible, in order to bridge the “gap between public interest and the technical side of anti-corruption”<sup>3</sup>. TI Sri Lanka also conducted extensive work to analyse and understand the Act and were thus in a position to simplify the content of the Act to a wider audience. This led to the development of a trilingual pamphlet which simplified the Victims and Witnesses Act and made it

## LESSONS LEARNED

- Advocates may need to consider building their credibility and relationships with key stakeholders before seeking to suggest reforms to legislation. Collaboration on making existing systems and legislation work can form the basis for more informed and credible amendments to legislation.
- Identifying and addressing capacity gaps in the implementation of commitments is a key opportunity for local actors to ensure fulfilment of commitments.
- Civil society organisations have a challenge providing technical support to government agencies whilst also creating political momentum to achieve the ultimate goal of getting commitments turned into meaningful action.
- Technical language and jargon surrounding anti-corruption reform usually alienates stakeholders and the general public. Civil society can bridge this divide by simplifying language and generating creative approaches.
- Progress in advocacy on commitment implementation can be slow and requires considerable resource and commitment.
- The work necessitates having highly skilled advocates with a *combination* of legal, analytical, political, and communication skills.

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<sup>3</sup> Transparency International Sri Lanka (2017), Annual Report.