Review of Development Cooperation between Sri Lanka Police and Swedish National Police Board

Knud Olander
Camilla Orjuella
Rohan Edrisinha

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List of Abbreviations

APMC	Assistant Project Manager Counterpart
CCD	Colombo Crime Division
CCIU	Central Criminal Intelligence Unit
CID	Criminal Investigative Department
CIU	Crime Intelligence Unit
CMIS	Crime Management Intelligence System
CRD	Criminal Records Division
CRO	Criminal Records Office
GAD	Government Analyst Department
IGP	Inspector General of Police
IIGEP	International Independent Group of Eminent Persons
JMO	Judicial Medical Office
LFA	Logical Framework Approach
LTTE	Liberation Tigers of Tamil Eelam
OIC	Officer in Charge
PM	Project Manager
PMC	Project Manager Couterpart
PMT	Project Management Team
PSC	Police Steering Committee
RT	Review Team
SOCO	Scene of Crime Officers
TMVP	Tamil Makkal Viduthalai Pulikal
ToT	Training of Trainers
VGLCP	Västra Götalands Police County

1   Executive Summary

1.1   Introduction

In January 2001 the Swedish Government received a request from the Government of Sri Lanka (GoSL) for assistance to enhance the Sri Lankan Police Department's capacity in civilian policing. The Ministry of Defence, the Police Department's line ministry, wanted to reform and improve the professionalism of the Sri Lankan Police (SLP). Sida contacted the Swedish National Police Board (SNPB) to assist in assessing the feasibility of the proposed assistance.

The SNPB carried out the assessment later in 2001 and found that although cooperation between the SNPB and SLP was possible, the time was not ripe as the Ministry of Defence's reform initiative was not sufficiently supported by the SLP and more importantly the on-going civil war hampered a modernisation process of SLP.

After the cease-fire agreement between the (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) in 2002, the contacts between the Swedish Embassy in Colombo, the SNPB and the GoSL and SLP were revived. Sida agreed to fund SNPB in facilitating a series of workshops to assist SLP in doing a problem analysis of its organisation. The main outcome of the workshops was the "The Sri Lankan Police Road Map – Enhancing Capacity of Civilian Policing in Sri Lanka", which was adopted by SLP in October 2003. It was hereafter decided that the Road Map should provide the framework for all police reform development effort including the future Sri Lankan-Swedish cooperation. The following four areas were selected for Swedish support:

*   SLP's capacity to plan and structure development;

*   Crime investigation including crime scene investigation;

*   Human rights and;

*   Integration including ethnical and gender balanced police force.

Based on the Road Map SLP assisted by SNPB developed a proposal for Sida funding and in June 2005 an agreement to implement the project "Enhancing the Capacity of Civilian Policing in Sri Lanka" was signed by the Sri Lankan and Swedish Authorities. The project has budget of 30 million SEK for the period June 2005–May 2008 and its specific objectives are to: (i) Improve crime investigations including crime scene examinations; (ii) Strengthen the respect and promotion of ethnic integration and human rights in SLP and; (iii) Increase management capacity of SLP.

The Swedish-Sri Lankan police project is now in its last year of implementation. Since start of project implementation the situation in Sri Lanka has changed considerably with the break down of the cease-fire agreement between the GoSL and LTTE and resumption of the armed conflict. The Swedish Embassy decided on this background to organise a review to analyse the relevance, effectiveness and impact of the project in relation to the changed situation and to get a picture of its achievements so far. The assessment will provide a basis of whether the cooperation should continue and be phased out.

The review was carried out in October 2007 and included desk study of key project documents, interviews with key project staff in Sweden and Sri Lanka, police officers, representatives from other criminal justice sector agencies, civil society organisations and donor representatives in Sri Lanka. Field trips were made to Batticaloa and Anuradhapura.

1.2   Main Conclusion

The RT finds the project highly relevant. This was particularly true when the planning process started, during a time when it was envisioned that the police needed to reform and adjust to a post-war situation. However, even with the changed context the project's focus on crime investigation skills and techniques and human rights, for instance, remain highly relevant. Professionalism of the police in crime investigation and behavioural skills are of utmost importance for maintaining rule of law, and for improving the citizens' confidence in the police. Representatives from other parts of the justice system confirmed that the lack of professionalism on part of the police, and the lack of use of scientific methods, was one of the main bottlenecks in the criminal justice system (others being the lack of professionalism at the Government Analyst Department, and case back-log in the courts).

Although the project has been carried out in a professional manner, and been run by highly competent and well-placed persons from SNPB and SLP, it has clearly been difficult to make change happen within SLP. The interest in fundamentally reforming SLP and shifting the focus from national security to civilian policing dwindled with the onset of the war. The change of government as well as of the higher management of SLP also contributed to a decreased interest in reform. Consequently, the project has been very Sweden-driven, and there are in the current situation serious question marks concerning the ownership felt by SLP for some of the project's components. The activities within Integration and Human Rights components have been very modest. The efforts to establish a gender policy and an integration policy, does not seem to be a priority for SLP and there has been no genuine process for discussing and developing such policies. The support for the radical change that a serious attempt to work with equality issues related to gender and ethnicity within SLP seems to be lacking.

The activities related to criminal investigation, particularly the SOCOs, appear to be the ones where the SLP feels the highest sense of ownership. This is also where the most visible results are to be seen – in the form of the 271 trained SOCOs and the 37 SOCO labs around the country. Nonetheless, even here the RT has doubts about sustainability. While the SLP has committed to supply the SOCOs with necessary equipment, this has so far not happened. Vehicles for SOCOs have also not been a priority. On the ground level, the lack of interest on the part of OICs from local police stations in actually involving and making use of SOCOs, noted in the two districts visited by the RT, is worrying. The PMT has in a rather systematic manner seen to that relevant actors both within and outside SLP are made aware of the work of SOCOs. However, from what the RT can judge, there is still an impending risk that the withdrawal of SNPB from the project may mean that the SOCO activities are not sustained. It is also important that measures are taken to ensure that the behavioural skills training modules that the project has introduced will be incorporated in all police training, particularly given the increased difficulties related to the shortened periods of training due to the war situation.

When it comes to the context of ongoing war and human rights violations, the RT recognises the sensitivity of Swedish support to an institution which is involved on one side in an ongoing war, and which is also accused of serious human rights violations. However, none of the project activities are directly supporting the war efforts or human rights abuses. Enhanced crime investigation quality, behavioural skills training and improved handling of crimes against women and children in themselves do not do any harm. In the long term they have the potential to improve police-civilian relations, rule of law and the trust in the police. The financial support to SLP is also not a significant cause of concern, since the direct resource transfer to SLP is very limited and all procurements have been carried out by SNPB. A bigger concern, however, is the legitimacy that the cooperation grants to the Sri Lankan government's war efforts and lack of concern for human rights. The project takes place in a context where donor countries (among them Sweden) may contribute to prolonging the war and implicitly accept human rights abuses, by their continued cooperation and failure to use aid as a means to put pressure on the Sri Lankan government. While the engagement between SNPB and SLP, including the training

for more professional policing and the person-to-person-contacts at a high level, may hypothetically contribute to increased human rights awareness and changed behaviours of the SLP in a small scale, it is not possible at this stage of project implementation to find any concrete evidence for change brought about by the project with regards to human rights. The all-overshadowing concerns about national security make the chances for such change rather bleak. In light of the massive human rights violations in the country[1], the changes the project could expect to achieve are rather cosmetic, and the project is not addressing in any substantial way discrimination, abductions, extrajudicial killings, etc. The Sweden-SLP contacts have opened up space for positive engagement. However, this space has not been used for systematic human rights advocacy, exchange of information or linking up with peace initiatives, since such efforts have been perceived as outside the scope of the project.

In sum, the chances for seeing any substantial impact on the human rights situation in Sri Lanka cannot be expected given the difficulties to work during the current context, and the short time period of the project. The interventions to improve crime investigation and police behaviour is designed for a normal civilian policing environment and only modest results can therefore be expected in the present conflict situation.

However, what can be hoped for is that the introduction of crime investigation management and establishment of SOCO teams and labs along with criminal investigation management will be sustained by SLP and supported by the other actors in the criminal justice system creating a platform for improvements over the years in access to justice and rule of law for all in Sri Lanka.

1.3   Recommendations

While it seems clear that the initial objectives of the project will not be realized given the circumstances described in the report, RT believes that an out-phasing period until December 2008 may provide a chance for some of the project activities to be stabilized (eg the SOCOS) and for some very modest progress to be made in areas such as human rights, integration and gender sensitization. RT believes that some specific activities be formulated in the areas of human rights, integration and gender sensitization and that a wider group of stakeholders including representatives from academia and civil society be invited to participate in the design and implementation of such activities. If this is not considered feasible then serious consideration should be given to ending the project in May 2008.

1.3.1   Capacity to plan and structure development
Revision of the Road Map: The Road Map was prepared in 2003 and needs to be reviewed in the light of the changed political situation. Achievements and implementation experiences and lesson learnt should be discussed both internal in SLP and with external stakeholders from the government and NGO sector. SNPB could facilitate the process.

Establishment of a Criminal Justice Sector Coordination Committee: As a separate intervention in the Road Map revision process all the criminal justice sector agencies could be brought together to discuss the possibility for setting up a Criminal Justice Sector Coordination Committee. The reference group to the project could provide the platform for such an initiative.

Capacity building of Strategic Planning Unit: SLP's newly established Strategic Planning Unit needs should be staffed with a full time Head of Unit and qualified staff. The Unit should refer to the existing PSC and be the focal point for development and change of SLP in accordance with the objective of the Road Map and the project The SNBP PMT members should work closely with the secretariat and coordinate their activities with the British High Commission and its long term strategic planning advisor to placed in the SLP head quarters.

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[1]   See references in foot note 4, chapter 2.

1.3.2 Crime investigations, including crime scene examinations

Review SOCO officer's condition of employment: Promotion, payment, and transfer schemes of SOCOs will need to be reviewed in order to avoid frustration and de-motivation among staff. This will have to be to done in concordance with NPC. SNPB could provide assistance in the analysis and development of proposals.

Increase awareness on SOCO's work: Awareness and information on SOCO's work to first and foremost the OICs and other SLP officers and then other actors in the criminal justice system. Activities are on-going supported by the project and SLP just need to continue them and integrate them in the regular police training programme.

Establish and capacity build a SOCO monitoring mechanism for quality assurance, procurement and staffing: A SOCO baseline has been established, SOCOs are providing monthly progress reports to the Director of CRD and monitoring visits are carried out by members of the PSC. The system has been established by the project and SNPB has paid monitoring visits and done follow-up training based on their observations. SLP will need to institutionalise the monitoring system in SLP's organisation and develop a plan for its work. SNPB should provide technical assistance.

The cadre of SOCO trainers at the SLP training institutions will need to be maintained and up-dated for instance by working as SOCO's for a period of time. SLP will have to maintain and develop the ToT corps. SNPB should assist SLP in developing a plan for the SOCO training for the time after the project ends.

Release funds for maintenance of SOCO labs: SLP should take immediate action to allocate the promised 50 million rupees appropriation for procurement of equipment and materials for the existing and planned SOCO labs. The release of the money should be seen as litmus test for SLPs commitment to sustain the SOCO organisation.

No Sida funds for computerisation of Criminal Record Division: The RT finds that the same arguments taken by the Swedish Embassy for not supporting creation of a Central Crime Intelligence Unit can be applied for not supporting computerisation of the Criminal Records Division, since guarantees against misuse cannot be issued in the current situation of war.

1.3.3 Human Rights

Integration of behavioural skills training modules into SL's regular training programme: SLP is recommended to continue its work on integration of behavioural skills training module into the regular SLP 's regular training curriculum as proposed by the SNPB external expert and already planned for in December 2007.

Review and discussion of methodologies for human rights education of the Police: SLP should based on its own and international experiences initiate a discussion of the most appropriate human rights education method-ologies and techniques for the Sri Lankan Police. A wider cross section of stakeholders should be invited to participate in what could be a series of meetings organised by SLP.

Seminar on human rights in situations of national emergency, conflict and terrorism: Democratic policing is built upon respect for rule of law and human rights standards and all policing also counter-terrorism policing must work according to these standards. SLP and SNPB should organise a seminar for senior police officer on human rights in situations of national emergency, conflict and terrorism and legal regime governing such difficult situations and invite representatives from national and international human rights organisations.

1.3.4 Integration

Promotion of Tamil language: The current attempts at establishing an integration policy should be abandoned, unless SLP chooses to go on with this process on its own initiative. In the phasing out period instead of focusing on the development of an integration policy, time and resources should be

spent on activities of a more tangible, practical nature: Making Tamil language speaking officers and staff and documentation and facilities accessible to Tamil speaking people in Colombo and possibly also in Batticaloa. Language should be viewed as a human rights issue. Concrete measures should be worked out in cooperation with representatives of the civil society.

1.3.5 Gender

Maintain the work of the Gender Committee: The committee on gender policy should continue its work and PMT should make it a priority to push for the implementation of the issues raised in the policy paper. The work of the committee should be strengthened by outside experts from Sri Lankan civil society, academia and/or relevant state institutions. This work should prioritise gender sensitisation at a management level in SLP, and (with the help of PMC) the pushing for an implementation of the aspects of the gender policy which seem most feasible, e.g. overseeing the procedures for recruitment and promotion.

2 Introduction and Background

In January 2001 the Swedish Government received a request from the Government of Sri Lanka (GoSL) for assistance to enhance the Sri Lankan Police Department's capacity in civilian policing. The Ministry of Defence, the Police Department's line ministry, wanted to reform and improve the professionalism of the Sri Lankan Police (SLP). Sida contacted the Swedish National Police Board (SNPB) to assist in assessing the feasibility of the proposed assistance.

The SNPB carried out the assessment in 2001 and found that although cooperation between the SNPB and SLP was possible, the time was not ripe as the Ministry of Defence's reform initiative was not sufficiently supported by the SLP and more importantly the on-going civil war hampered a modernisation process of SLP.

After the cease-fire agreement between the (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE) in 2002, the contacts between the Swedish Embassy in Colombo, the SNPB and the GoSL and SLP were revived. Sida agreed to fund SNPB in facilitating a series of workshops to assist SLP in doing a problem analysis of its organisation. The main outcome of the workshops was the "The Sri Lankan Police Road Map – Enhancing Capacity of Civilian Policing in Sri Lanka", which was adopted by SLP in October 2003.

It was hereafter decided that the Road Map should guide the future Sri Lankan-Swedish cooperation as well as all other police reform development efforts. Based on the problems identified in the Road Map and in agreement with the Swedish country strategy for Sri Lanka (2003–2007) the following four areas were selected for Swedish support:

- SLP's capacity to plan and structure development;

- Crime investigation including crime scene investigation;

- Human rights and;

- Integration including ethnical and gender balanced police force.

In early 2004 SLP assisted by SNPB developed a proposal for Sida funding and in June 2005 an agreement to implement the project "Enhancing the Capacity of Civilian Policing in Sri Lanka" was signed by the Sri Lankan and Swedish Authorities. The project has budget of 30 million SEK for the period June 2005–May 2008 and its specific objectives are to: (i) Improve crime investigations including crime

scene examinations; (ii) Strengthen the respect and promotion of ethnic integration and human rights in SLP and; (iii) Increase management capacity of SLP.

In accordance with the existing framework contract between Sida and SNPB on implementation of Sida funded police projects in countries receiving Swedish development aid, the SNPB is implementing the project in cooperation with SLP. SNPB has within its own organisation further delegated the responsibility to Västra Götalands County Police (VGLCP).

2.1   The Assignment and Review Team (RT)

The Swedish-Sri Lankan police project is now in its last year of implementation. Since start of project implementation the situation in Sri Lanka has changed considerably with the break down of the cease-fire agreement between the GoSL and LTTE and the resumption of the armed conflict.

The Swedish Embassy decided on this background to organise a review to analyse the relevance, effectiveness and impact of the project in relation to the changed situation and to get a picture of its achievements so far. The assessment will provide a basis of whether the cooperation should continue and be phased out. The Swedish Government, as part of a general re-structuring of Swedish develop-ment assistance, has decided to phase out the development cooperation with Sri Lanka within the coming years.

The review was carried out in October 2007 and included desk study of key project documents, interviews with key project staff in Sweden and Sri Lanka, donor representatives in Sri Lanka, and representatives from Sri Lankan civil society organisations and from other institutions within the criminal justice system. Field trips were made to Batticaloa and Anuradhapura.

Annex 2 provide an overview over persons met, however not all persons the Review Team (RT) met are listed. Because of the security situation not all civil society representatives wanted their names recorded – a request which of course has been respected.

The Review Team consisted of:

• Knud Olander, COWI Denmark-Team leader, Institutional and Development cooperation;

• Camilla Orjuela, Gothenburg University – Sweden, Conflict transformation and Conflict sensitivity and;

• Rohan Edrisinha, Center for Policy Alternatives – Sri Lanka, Governance and Human Rights.

3   The Political Context

The documentation regarding the rationale for the project and its objectives make it very clear that the project was designed in a political context which was very different from the current one. Initial discus-sions on Swedish assistance for enhancing the Sri Lanka Police Department capacity in civilian policing were held in 2001, continued in 2002 and a draft operational framework, The Sri Lanka Police Road Map presented in October 2003.

In 2001 when the initial request for collaboration was made the Government of the day had just completed a comprehensive though unsuccessful attempt at constitutional reform for two main objec-tives – good governance and human rights on the one hand and conflict resolution on the other. The constitutional reform project had generated considerable public discussion on the need to depoliti-

cise key democratic institutions, enhance accountability, strengthen human rights including economic, social and cultural rights, recognise and effectively implement language rights and further consolidate devolution of power to the regions. The new project also envisaged power sharing and the development of a national identity that was inclusive rather than majoritarian.

Another significant development in 2001 was the adoption of the 17th Amendment to the Constitution the primary objective of which was the depoliticisation of key democratic institutions. The 17th Amendment provided, among other things, for a multi-partisan Constitutional Council consisting of the Speaker of Parliament, Prime Minister, Leader of the Opposition and others nominated to represent diverse interests, which would be responsible for nominating people to important institutions such as the judiciary, the Human Rights Commission, National Public Service Commission and the National Police Commission. This amendment to the Constitution was welcomed across the political spectrum and by civil society as it removed the virtually untrammelled power of the powerful Executive President to appoint persons to these institutions with little or no consultation or ratification process. Independent institutions are vital for good governance especially in a small, highly politicised country like Sri Lanka.

In February 2002, the new cohabitation government led by President Kumaratunga of the Peoples Alliance and Prime Minister Ranil Wickremesinghe of the United National Party with the assistance of Norwegian facilitation signed a ceasefire agreement with the Liberation Tigers of Tamil Eelam (the main Tamil separatist group) according to which negotiations were to take place between the Govt and the LTTE to develop a political solution and an attempt made to restore normalcy, promote the reconstruction of the war affected areas, and facilitate interaction between the peoples of the north, east and the rest of the country.

The need for strengthening the capacity of civilian policing was clearly evident given such a political context. Sri Lanka was moving from a situation of war, where the challenge was defined as one of defeating terrorism, where national security was the overriding concern, to a new situation where, on the contrary, the challenge was defined as one of arriving at a reasonable political solution, including constitutional reform, and where integration, human rights, language rights and the restoration of normalcy, people to people contacts and reconstruction and reconciliation were the key features. The operation of draconian legislation such as the Prevention of Terrorism Act, which gave the police extraordinary powers, was suspended, and there was a recognition that the police which had faced a difficult situation during the period of conflict, responding to acts of terrorism by the LTTE, had to embark on an initiative relevant to the new phase of conflict resolution where the police would not only have to return to its more traditional role of civilian policing, but do so in a manner that was sensitive to the challenges of multi-ethnicity, pluralism and respect for diversity.

3.1 The Sri Lanka Police Road Map

One of the key initiatives of the project was the development of the Sri Lankan Police Roadmap to enhance the capacity of civilian policing in Sri Lanka. A workshop was conducted in February 2003 and the deliberations of the workshop constituted the basis of the roadmap document. The participants included representatives from the management level of the Sri Lanka Police, the Attorney General's Department, the Law Commission, the Ministry of Foreign Affairs, and the Swedish National Police Board. The Centre for the Study of Human Rights, University of Colombo was the only institution represented from outside the Sri Lankan state structure and to that extent civil society participation was limited and disappointing.

Notwithstanding this shortcoming, the roadmap itself was a frank, honest and impressive critique of the police. The roadmap document made it clear that the objective of the roadmap process was;

"The reestablishment of a police service in Sri Lanka featured by modern and democratic values and that is accountable to law and that respects and protects human rights, addressing especially law and order and security in society; public confidence in the police by transparency and less crimes".

The roadmap document demonstrates clearly that the leadership in the police has a fairly realistic understanding of the deficiencies in the police; Political interference, a lack of incentives within the system for independence, integrity and professionalism, corruption, and human rights abuses. The roadmap also demonstrates a commitment to reform. It seems clear that those who took the leadership in the process realised the need for reform and also that the prevailing political dispensation provided a framework that could facilitate such reform.

3.2   The Police, the War and Human Rights

One of the main obstacles for normal policing brought up in the Police Road Map was the public's loss of trust in the police. The high crime rate in society, involvement of the police in criminality, human rights abuses by the police, and unequal treatment by the police based on gender, class, caste, political connections and ethnicity, were some of the main reasons of mistrust discussed in the Road Map document.

The lack of trust in the police has historical roots in the colonial origins as an institution through which those in power could control the people. After independence, the police continued to be used for the purpose of the power holders, and continued to be seen as biased. In labour conflicts, the police tended to take the side of the employers, and in the face of increased ethnic tensions in the country, the police became increasingly perceived as siding with the Sinhalese[2]. The armed conflict in Sri Lanka, and the Tamil separatist struggle, has its roots in a post-independence development in which the Sinhalese ethnic majority came to dominate the state. Language policies ("Sinhala Only" in 1956), admission to higher education, access to government employment and the settlement of Sinhalese in traditionally Tamil areas contributed to a marginalisation of the Tamil and Muslim minorities and a feeling among them of being second class citizens. The "Sinhalesation" of the Sri Lankan state also meant a "Sinhalesation" of the police force. The share of Tamils and Muslims in the police force is negligible (possibly about two per cent – compared to 26 per cent in the population as a whole), and police stations even in Tamil-speaking areas function in Sinhala. The role of the police in the armed conflict has further alienated the minorities. The police have repeatedly been passive in the face of ongoing political violence against Tamils. Police officers have in addition to this also actively taken part in anti-Tamil violence, for instance during the burning of the Jaffna library in 1981 and during the fatal anti-Tamil violence in 1983, which marks the beginning of the civil war[3]. During the war, Tamils have increasingly been singled out as suspected "terrorists" purely on the grounds of their ethnic identity. Between January and August 2007, 1,212 persons have been abducted or killed, most of them young, Tamil men[4]. Police passivity in the face of abductions and killings of Tamils both in Colombo and in the North-East further contributes to the feeling among Tamils that the police are more a threat than an institution which is to serve their interests[5]. The police are therefore undoubtedly inextricably linked to the conflict. Structurally, the police fall under the Ministry of Defence. In nightly house-searches and in the

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[2] Fernando Laksiri, *Police-Civil Relations for Good Governance*. Colombo: Social Scientists' Association 2005.

[3] Ibid. p. 33f.

[4] See report by Law and Society Trust, Civil Monitoring Commission and Free Media Movement, www.lawandsocietytrust.org

[5] Human rights violations such as extrajudicial killings, abductions, unlawful detention and torture are well-documented by the UN and respected human rights organisations. See statement of UN High Commissioner for Human Rights, October 2007: www.unhchr.ch/huricane/huricane.nsf/view01/2C07EE5600DE5B19C12573750034C474?opendocument. Amnesty International: http://thereport.amnesty.org/eng/Regions/Asia-Pacific/Sri-Lanka. Human Rights Watch (2007): *Return to War: Human Rights Under Siege:* http://hrw.org/reports/2007/srilanka0807/ and International Crisis Group (2007a): *Sri Lanka's Human Rights Crisis*, Asia Report No. 135. See also reports by University Teachers for Human Rights, www.uthr. org, and Law and Society Trust, www.lawandsocietytrust.org/

numerous check-points the police work closely with the Armed Forces. In the war zone in the North-East, the police is used for military purposes, for instance to guard territory captured by the Armed Forces.

Although the public mistrust in and fear of the police has been amplified due to the war, this is not something which is new. Disappearances, killings and torture by the police were rampant as the police struggled to repress the ultra-violent youth insurrections in the south in 1971 and 1987–90. Even today, cases of torture and misuse of power by the police are well-documented. The Asian Human Rights Commission has been able to document that torture is widely practiced at police stations and during routine criminal investigations throughout Sri Lanka[6]. Torture occurs both in relation to police investigations (to "obtain the truth") and merely as abuse of power. It is also common practice for the police to arrest individuals without sufficient grounds, and to produce substitute suspects for crimes not resolved (in order to appear efficient, and as a way to get financial rewards and promotions)[7].

3.3   The New Political Context; 2006–Present

Presidential elections were held sooner than originally anticipated in November 2005. The new President, Mahinda Rajapakse, was elected in alliance with two small political parties, the Janatha Vimukthi Peramuna (JVP) and the Jathika Hela Urumaya (JHU) on the basis of a manifesto that these parties influenced considerably on the issue of responding to the ethnic conflict. The new government was more hawkish on the issue, was critical of the peace process of 2002–4, including the Norwegian facilitated ceasefire agreement, which was described as appeasement, and affirmed the new government's commitment to preserving the unitary character of the Constitution. The Tamil political leadership has for the past 60 odd years been campaigning for power sharing and a federal type solution to the island's ethnic tensions. Since the early 1990s there emerged a general political consensus that a durable and just solution had to go beyond the confines of a unitary state and provide for secure and effective autonomy in the north and east of the country where the Tamil community has lived for centuries.

The constitutional reform project of President Chandrika Kumaratunga from 1994–2000 was based on this assumption. The significant understanding reached by the negotiations spearheaded by Prime Minister Ranil Wickremasinghe in Oslo in 2002 referred to internal self determination in areas of historic habitation and federalism as a basis for a political solution. The new Rajapakse Government's commitment to maximum devolution of power within a unitary constitution was a step backwards from the developments described above. The new Government also indicated the pursuit of a more confrontational militaristic approach to the LTTE and Tamil nationalism. As military confrontation intensified in 2005 and 2006 it generated an increased focus on national security concerns. Emergency regulations that imposed restrictions on civil liberties including the freedom of expression and movement were introduced, extra-legal killings, abductions and disappearances increased, and in a relatively short period there developed a culture of impunity that caused considerable concern in civil society and the international community.

Largely due to such concern, in November 2006, the President took the unusual step of appointing a special Presidential Commission of Inquiry to examine 17 serious cases of assassinations, abductions and human rights violations, where police investigations had yielded no successful results. In order to deal with the widespread public cynicism about the utility of such an initiative, the Government also decided to appoint an International Independent Group of Eminent Persons (IIGEP) chaired by the former Chief Justice of India, P.N. Bhagwati to observe and advise the process.

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[6] See "An X-ray of the Sri Lankan policing system and the torture of the poor", Fernando & Puvimanasinghe p. 1, Asian Human Rights Commission, Hon Kong. 2005 and the concluding statement of the Special Rapporteur on Torture, Sri Lanka, 29 October 2007
[7] Ibid. p. 6–7.

3.3.1 Developments in the East

Another aspect of the new Government's policy that has had a serious impact on the human rights situation in the country and proved to be an obstacle to peace negotiations in the past one and a half years is the Karuna Factor in the East. The Government sought to exploit the split in the LTTE due to the defection of Karuna a powerful military commander from the east. Initially the strategy was defended as an attempt to weaken the LTTE militarily so as to make them more amenable to a reasonable political solution. Later it was described as an attempt to free the east from the clutches of the LTTE terrorists and more recently as justified as the liberation and reawakening of the east. The strategy entailed collaboration with paramilitary groups including the Karuna forces, a prominent role for the Special Task Forces, and resulted in a situation where the police played an extremely limited role if any and where the people of the east and the Tamil people in particular were caught in-between the LTTE on the one hand and the Karuna forces and the state military on the other. Serious human rights violations including child conscription by both the LTTE and Karuna forces, abductions and killings, intimidation and killing of journalists, academics and civil society leaders took place. The police were unable or unwilling to intervene. Civilian policing ceased to be that relevant in the east. There is today little public confidence in the police in the east as a result of these developments and special circumstances. Organisations such as the University Teachers for Human Rights (Jaffna) which has earned a reputation for accurate and impartial documentation of human rights violations by both state and non-state actors have in recent reports [8] highlighted some of the human rights concerns throughout the country and in particular in the east.

There is also a sharp difference of perception about recent developments in the east. While the Government and some groups point to it facilitating an environment of freedom where normalcy and reconstruction can take place, many local groups have expressed fears that in the name of development, changes in the demographic composition in the east (a sensitive and long standing political issue that is connected to the conflict and a possible solution), an increasing role for the military even with respect to civilian functions and a dispossession of people from their lands due to the creation of high security zones and economic development zones will actually create further tension and division that will in turn make an overall durable political solution even more difficult. Furthermore many of these developments raise serious challenges for human rights and integration.

3.3.2 Increased politicisation of key institutions

These developments have also taken place within the context of the re-politicisation of key institutions as a result of the undermining of constitutional and legal mechanisms to promote good governance, the independence of democratic institutions and the rule of law. When the term of most of the members of the first Constitutional Council established under the 17th Amendment to the constitution came to and end in 2005, a new membership was not appointed and the Council remains un-constituted even to date. A dispute about which parties in Parliament had the right to appoint one member of the 10 member body was the excuse given for the delay in appointment. The dispute could easily have been resolved either by the Speaker of Parliament who, in addition to being the chairperson of Parliament, was also ex-officio chairperson of the Constitutional Council or by a reference by the president to the Supreme Court for an authoritative interpretation of the relevant constitutional provisions. This was not done due to a lack of political will to implement the provisions of the amendment.

This violation of the Constitution by omission was compounded by a second violation of the Constitution by commission when the President subsequently, unilaterally and in violation of both the letter and spirit of the 17th Amendment, appointed persons to most of the independent Commissions recognised by the 17th Amendment as having to be appointed on the recommendation of or with the approval of the Constitutional Council. This has created a crisis of legitimacy and credibility with respect to these

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[8] See UTHR-J 2007

Commissions which include the Judicial Service Commission, National Police Commission, National Public Service Commission and the National Human Rights Commission. The structural or institutional framework to facilitate independence, professionalism and good governance has therefore collapsed in the past two years.

It is noteworthy that all the police personnel interviewed for the review expressed regret that the 17th Amendment was not implemented and accepted that an independent National police Commission was vital for the effective functioning of the police department.

The cumulative effect of these elements of the political context since 2006 has been that there is heightened concern for national security and less concern for human rights, democratic institutions and the restoration of civilian policing. The more aggressive military campaign of the government provoked attempts at retaliation by the LTTE, including assassination attempts on the Defence Secretary and the Commander of the Army in the centre of Colombo and strikes by a fledgling LTTE air force. The heightened concern for security has had implications even in the Western Province and Colombo where a large number of Tamils live. There are more check points, searches of house and property, surveillance and restrictions on movement in the city. Paradoxically therefore there is an even greater need for human rights friendly policing and integration in Colombo. However there is much to be desired even in Colombo, located outside the main conflict areas, where resources are less scarce and where scrutiny and review is much easier. There are serious deficiencies with respect to even the use of the Tamil language in police stations in the Colombo district. In another example the police evicted a large number of Tamil persons living in lodges (boarding houses) in Colombo, arousing censure from civil society groups and even the judiciary. The police was criticised for racism and an appalling lack of commitment to human rights and integration. Several cases are pending before the courts with respect to this controversial initiative by the police.

The cases were filed in response to the eviction of Tamils that took place on the 7th June 2007. As reported in the media, the operation commenced in the early hours of the morning, police and army officers visited various lodges occupied predominantly by Tamils in Colombo and forcibly removing Tamils from these guesthouses. It was reported that people were given less than half an hour to pack all their belongings and board buses. Newspaper reports also raised the issue as to what the police considered as being a valid reason, given that a patient undergoing treatment and a woman who was to be married within a few days in Colombo were among those evicted. This move it was claimed was directly attributed to the statement made by the IGP on the 1st June, claiming that Tamil people cannot remain in Colombo without a valid reason. Subsequent to the interim order, many of the people evicted were brought back by the police to their lodging houses. On 10th June Prime Minister Ratnasiri Wickremanayake expressed regrets to the hundreds of Tamils for their eviction from the city, saying it was a 'big mistake' by the government.

3.4 Conclusion

The political context in which the project was initially discussed, designed and commenced is therefore significantly different to the present context, when a review of the project is taking place. The priorities of the roadmap have been relegated to the background as a result of a change of policy and approach since late 2005. The new approach does not create a conducive environment for the restoration of civilian policing, human rights and integration. It is unlikely that the political context will change in the next year or so. Indeed there is a possibility that the military conflict will increase. National security concerns and measures to address them may therefore undermine initiatives for civilian policing and pose further challenges for human rights, integration and the rule of law.

4   The Project and its Elements

4.1   Preparation: Participation, Inclusiveness and Ownership

The project, which is within the Road Map framework, has had a long preparatory phase. The Road Map was developed on the background of a LFA workshop (February 2003) on capacity building of civilian policing and four subsequent workshops on crime investigation, crime scene investigation, integration, and human rights (June and September 2003), all facilitated by SNPB staff and funded by Sida.

The number of preparatory workshops witness on Sida's and SNPB's emphasis on securing SLP's commitment and ownership to project objectives; A policy, which were highly appreciated by the IGP at that time[9].

The first LFA workshop on "Capacity Building of Civilian Police" included participation of high-ranking SLP staff including the IGP along with a representative from the Ministry of Foreign Affairs, the Attorney General's Office, the Law Commission, the Centre for the Study of Human Rights and the SNPB experts as facilitators. The following four workshops included only participants from SLP and a single representative of the Attorney General's Department.

It was noted by the participations in the first workshop that representatives of the National Police Commission, Ministry of Interior, and civil society organisations should have be included together with serving Tamil police officers. In total for all five workshops few Tamils, one woman (the first workshop) and no Muslims participated.

4.1.1   Conclusion
Considerable efforts have been done from Swedish side to secure SLP's project ownership through funding and SNPB's facilitation of the workshops.

Taking in into consideration that the aim of the workshops were to develop a strategy to re-establish a modern civilian police service based on democratic values and respecting and protecting human rights, the lack of multi-stakeholder dialogue is remarkable. The SNPB and SLP seem to have been too narrowly focusing on securing SLP's ownership at the expense of other stakeholders.

4.2   Project Objectives

Neither the Road Map nor the SNPB/SLP Project Proposal are regarded as fully developed and both are characterised as "work-in-progress documents".

The Road Map does not present an overall coherent strategy for reform of the Sri Lankan police force and a budgeted plan of action on how to reach the overall objective of re-establishment of "… a Police Service in Sri Lanka featured by modern and democratic values…". It establishes an overall objective or a vision and strategic objectives for only five of the ten identified problem areas to be addressed. Four of them have been selected for SLP/SNPB cooperation and only for two of them specific outputs and activities for project year one have been developed and are presented in the Project Proposal..

The overall objective of the Road Map, which is identical to the project's, is: A developed police service in Sri Lanka featured by modern and democratic values that:

•   is accountable to the law;

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[9]   RT interview with former IGP Chandra Fernando

- respects and protects human rights;

- prioritises law and order and security in society and;

- deserves public confidence by transparency in its activities and performance of duties in accordance with the Code of Ethics.

Based on the outcome of the four subsequent workshops the following specific objectives were developed for the project:

- Increase management capacity of SLP;

- Improve crime investigations including crime scene investigations;

- Strengthen the respect and promotion of ethnic integration and human rights in SLP.

The project proposal contains specified outputs and activities for objective 1 and 2 as mentioned earlier.

Two LFA workshops were conducted; one addressing the lack of integration of ethnic minorities and women in the SLP and one addressing SLP's violation of citizen's human rights. Interestingly none of the workshops included participants from outside the police except from the Attorney General's Department as pointed out above. Despite workshop reports that were produced by the SNPB facilitator only very broad objectives with no outputs and activities, were presented in the Project Proposal. Instead it was stated that "Human Rights" and "Integration" were cross-cutting issues that would be mainstreamed whenever applicable in all project activities.

4.2.1 Conclusion

From the outset of the project crime investigation management and in particular crime scene examination has been at the core of the cooperation between SNBP and SLP.

The lack of specific objectives and activities for Integration and Human Rights and the lack of attention to bring in outside stakeholders to discuss those issues, could indicate on the one side that these issues are sensitive and on the other side not so high on SLP's agenda.

4.3 Project Approach

The ceasefire agreement in 2002 had created a window of opportunity for transformation of the Sri Lankan police force from a militarised force into a civilian police service. SLP was then ready to introduce new modern concepts of policing, and was actively seeking assistance to manage the change. Building capacity within SLP was therefore regarded as a key to create ownership and ensure sustainability of project achievements. Hence, a flexible approach was proposed and it was accepted by Sida that the project would be further developed in line with enhancements in SLP's management capacity.

SNPB's initial contacts with SLP in 2003 had revealed that SLP did not possess any capacity for crime investigation management. The SLP top management wanted strongly to establish SOCO teams of two police officers in all 400 police stations of Sri Lanka. This was rejected by SNPB after having assessed SLP's, Government Analyst Department's (GAD) and Judicial Medical Office's (JMO) forensic capacities, which were judged to be very low. The SNPB found that installing SOCOs in all 400 police stations would be to spread project resources too thinly and be too unmanageable. Instead, an agreement was reached to support one SOCO lab manned by minimum five trained police officers in each of Sri Lanka's 37 Divisions and in the CID.

Establishment of the SOCO's was chosen as the project's entry points by both partners. The SLP because the top management wanted to introduce scientific scene of crime examinations as fast as possible and SNPB because it provided SNPB with a technical platform for working with SLP and

insight knowledge on police work in Sri Lanka, which they needed in order to be able to provide effective assistance. It was decided that training in crime investigation management would follow the establishment of the SOCO labs so the concept and importance of forensic investigation of crime scenes could be made tangible for the crime investigation managers[10]. These considerations have, however, not been described neither in the Project Proposal not in the Progress Reports.

The following key issues were seen as essential to achieve sustainable results:

• Support to SLP's capacity to plan and structure development efforts through training of experienced police officers in the LFA methodology and expert advice by the Swedish members of the Project Management Team.

• At the operational level twinning arrangements in form of exchange programmes to let experienced police officers from Sri Lankan and Sweden work side by side in regular operational matters.

• Application of a training of trainers approach by training a core group of SLP trainers to carry out training activities on new modules to be integrated into SLP's regular training programme.

4.3.1 Conclusion
It can be discussed whether the project's strategy on establishing SOCO teams in all 37 divisions of Sri Lanka within the first year is the most sustainable and effective way. Introducing a new concept could have called for a more cautious approach in the form of pilot projects in a fewer number of Divisions to first create an understanding of the use of forensic materials in criminal investigation and the importance of a criminal investigation management system and the need for change in SLP's organisation and procedures to make it work. Many of the problems the SOCO project are facing now are systemic of nature and relating to institutional issues such as; promotion schemes; payment schemes, resource allocation systems, decision-making procedures, division of labour, training system, etc. Whether these problems were foreseen are unclear but the big question now is whether SLP has the capacity to tackle them. In addition given the uncertainties the political situation and the conflict create, a pilot project could maybe have prepared SLP better for the challenges to come and would have been less costly in cases of failure. However, it is still too early to make any firm conclusion on the chosen strategy, and there is still time to face and remedy existing problems.

5 Progress Achieved

Assessing progress according to plans on the different project activities is complicated by lack of a proper monitoring framework for the project, which also hampers progress reporting. Further, during project year one and two new project activities have continuously been developed and launched and as a result the progress reports have been focused more on activities and its direct results than progress on outcomes.

The following assessment is based on the project's progress reports and the RT's observations in the field. As reports on overall progress on implementation of the Road Map have not been presented to the RT, they are not included in the assessment. As a consequence it has not been possible to get an overview of how project activities relate to activities in other focus areas of the Road Map and their possible synergies[11].

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[10] Interview with AMC Yngve Danling

[11] The RT has been informed that SLP with its own resources has introduced emergency call central, where citizen can call police assistance by dialling 119.

5.1 Capacity to Plan and Structure Development

In order to further develop the Road Map and provide SLP with the necessary skills to analyse, plan and structure development a workshop on the LFA methodology was conducted. 12 experienced SLP officers were trained as LFA facilitators (1 week) and later 5 LFA workshops conducted facilitated by them on: Crime Intelligence, Inspection of Police Welfare Division; Inspection of Police Ombudsman Division; Inspection of Police Hospital and; Monaragala Police Division.

As crime investigation is one of the project's focus areas a feasibility study on crime intelligence was later carried out by a SNPB expert and a proposal developed on establishing a Crime Intelligence Unit (CIU) for project funding.

The RT has no knowledge of independent SLP plans for further development of the other four areas covered by the LFA workshops mentioned above. Interviews with both members of the Swedish and Sri Lankan Project Management Team suggests that without support of Swedish experts problem analyses and plans for how to address identified problems is not likely to take place.

5.1.1 Conclusion

Training SLP police officers in LFA techniques provides SLP with a useful planning tool but capacity building should not be limited to that. The project could address capacity development in a more systematic way through improving SLP's ability to; engage with the other stakeholders of the criminal justice system including the public; analyse a situation and create a vision; formulate a policy and strategy; budget, manage and implement and; monitor and evaluate[12]. These functional capacities are to a certain extent addressed in some of the other project activities, but it could have been done in a more coherent and planned way.

In general it is difficult to state anything about improvement in SLP's capacity to analyse, plan and structure development. In the Project Proposal "Road map revised and new problems within identified development areas have been analysed" is stated as an indicator for achievement within this focus area. As no revision of the Road Map has yet taken place there seems to be a need to strengthen the project's focus on improvement of SLP's capacity to plan and structure development.

5.2 Crime Investigations, including Crime Scene Examinations

Introducing scientific scene of crime examinations in the police work have as mentioned earlier been a major activity since inception of the project. The outputs formulated for these activities are:

- At the end of the project, SLP capacity is achieved to conduct effective crime investigations, which provide sufficient basis for successful prosecution.

- At the end of the project, SLP capacity is achieved so all traces from scenes of crime are collected, recorded, preserved, itemised promptly without contamination and handled correctly during the entire process of the criminal justice system in order to provide sufficient basis for conclusions and expert opinion.

The activities under this headline were launched by a seminar on crime investigation bringing all the criminal justice sector actors together in Sri Lanka for the first time. During implementation of the subsequent activities within this focus area, the project has continued to inform and successfully involve the Attorney General's Office, Government Analyst Department, Judicial Medical Office, the Judiciary and the Law Commission.

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[12] Functional capacities that are considered necessary for successful creation and management of policy, legislation and programmes. Refer to "Capacity Assessment Note, UNDP, July 2006.

By May 2007 a core group of 42 SOCO trainers have been educated – 5 of them are now working at the Police Academy in Kalutara and 20 other are working at the police in-service training centres in different police divisions around the country; all together 271 SOCOs have been trained and SOCO labs constructed, staffed and equipped in 37 divisions and in Criminal Investigative Department. SLP has taken over the training developed by the SNPB experts and is continuing the training activities. Further, essential equipment for training and the SOCO labs has been provided by Sida through a procurement process managed by SNPB.

With 37 SOCO labs opened around the island, the crime scene investigation component is the most visible and concrete local level outcome of the project. The statistics over scene of crime visits by SOCOs (2,270 between January and August 2007) indicate that SOCOs are active. However, the problem of SOCOs not being able to work efficiently (which the SLP and SNPB managers are aware of and which is mentioned in the second annual progress report) was confirmed during the RT's visits to Anuradhapura and Batticaloa. In both districts, the SOCOs appeared to be sidelined and not made use of by the OICs at the local police stations. Another problem was related to resources: the lack of chemicals and microscopes, the existence of only one tool box and (in Anuradhapura) the lack of vehicles for transportation to the scene of crime. Further, in Batticaloa, insecurity at crime scenes prevented SOCOs from going out or staying long enough to properly collect evidence, while the impracticality of arresting suspects belonging to the LTTE or the TMVP paramilitaries made their reports of little use. In none of the two places SOCO reports had been used as evidence material in court proceedings. A situation which is not caused by the technical quality of the SOCO reports, but rather that the work of SOCOs still need to be known and recognised by the OICs and the other criminal justice sector actors.

It was clear that the measures taken from the SLP top management to ensure that SOCOs are called to the scene of crime were not sufficient. In Anuradhapura for example the SOCOs were first called to the scene of crime by the OIC after one or two days, thereby hampering evidence collection. This practice indicates that response time should be included in the SOCOs monthly progress reporting to the Criminal Record Division (CRD) to be able to monitor the SOCO's effectiveness.

Availability of vehicles and equipment will be one step to solve the problem of late call, but a change of attitude and incentives for the OICs at local stations to call the SOCOs is likely to be even more important. Although the RT did not have the chance to speak to OICs at local police stations some of our discussions with other stakeholders point to some problems that are likely to be relevant here. First, there may be an element of inferiority complex on the part of local police officers who see competent SOCOs take over their duties. Second, according to the SLP administrative structure, officers at a local police station have a monopoly over law enforcement in the areas which they are in charge of, and often have close links with and "obligations" to influential politicians or other "VIPs" in that area. This makes the police officers reluctant to grant outsiders access to crime scenes. The PMT has started to address some of the problems by launching a number of awareness workshops on SOCO's work targeting in particular the OICs. In addition, Swedish scenes of crime experts have already commenced monitoring missions to all Divisions in order to address the same issue.

The job satisfaction of the SOCOs in Anuradhapura and Batticaloa also seemed low, due to their inability to carry out their duties, and, most importantly, the fact that they as SOCOs are not eligible to receive rewards and points for promotion which are available to police officers performing other duties. The districts the RT visited may be the ones where the SOCO labs face extra difficulties (they have a relatively low share of crime scene visited in a national comparison). Providing incentives for local OICs to make proper use of SOCOs is likely to be vital also in other parts of the country.

At the annual project meeting in May 2006 is was decided to conduct a feasibility study on crime intelligence. The study, which was carried out in October 2006, proposed to; (i) develop a crime intel-

ligence strategy for SLP; (ii) create a Central Crime Intelligence Unit at the Criminal Record Division; (iii) computerise the criminal record database at CRD and; provide basic and advanced training in intelligence work and crime analysis. The study was followed by another feasibility study on computerisation of the criminal records in 2007. However, on the initiative of the Swedish Embassy the establishment of the CCIU was taken out of the project. The decision was caused by the Swedish Embassy's concern over the possibility for misuse of gathered intelligence for other purposes than criminal investigation in particular after the breakdown of the ceasefire between the LTTE and GoSL. The Embassy was not convinced by SNPB's and SLP's assurances that ethnic and religious registration of the suspects would not take place. The SNPB and SLP accepted the decision of abandoning the establishment of a CCIU. Computerisation of the criminal record system was allowed to remain as a project output.

Related to criminal intelligence gathering is computerisation of the criminal records. It is seen as the first step in making the information, which is now manually stored, more accessible. The Australian Police Federal Police has developed a Crime Management Intelligence System (CMIS), which is now used in a number of Asian countries. The Australian High Commission and Australian Federal Police has agreed to provide the CMIS, however the RT was informed by the Australian High Commission that a number of preconditions would have to be fulfilled by SLP before supplying the system. One of them could be the presence of SNPB expert in at least six months after installation to monitor that the system would only be used for civilian police purposes and not to political, ethnical or religious registration. Access to the database confined to special authorised staff of the CRO would be another possible condition. However, a final decision had not yet been reached by the Australian High Commission.

Activities on overall crime investigation management has first started in project year three, which can seem a bit late taking into consideration that SOCO activities started already from the project's inception. The outputs are expected to be: Standard Operation Procedures for crime investigation management developed and implemented and; Development of a training course for crime investigation managers and training of key managers in implementation of the SOP. A ToT approach will be applied so the training can be taken over by the Sri Lankan Police College and the Police In-Service-Training Centres. The ToT started in October 2007 for 50 selected experienced police officers. The development of the SOP and the related training will be a key to secure future sustainability of the SOCO labs.

Magistrate judges interviewed stressed the need for better coordination among criminal justice sector actors. They saw the police as the weakest link and stressed the importance of improving the police's crime investigation management as it would reduce the trial period to the benefit of both the suspects and victims of crime.

Further a special training on investigation of sexual abuse, child abuse and domestic violence was recently conducted for investigators in Annuradhapura Division, where those problems are considered to be high

5.2.1   Conclusion

Making efficient use of SOCOs and integrating them into a criminal investigation management system, which is not yet in place (see below) will be a main challenge from now on and to the project ends. So far SLP has not been able to solve the transportation problem and the maintenance of the SOCO tool kit boxes. Promotion and payment schemes are another major management issue SLP leadership will have to deal with to avoid de-motivation among the SOCO officers. The big concern is that all these issues will not be high on SLP's and the Government's agenda in the current political situation where national security is the Government's main concern and emergency rules govern police work.

The RT supports the concern of the Embassy. In a situation where the police is part of the security system and under the Ministry of Defence, and policing is more directed towards providing support to military security operations than civilian policing, the possibility of using criminal intelligence gathering for other purposes like political registration cannot be excluded.

As computerisation of the criminal records is a part of a strategy for setting up a Central Criminal Intelligence Unit, which has now been abandoned, it is the view of the RT that also this part should be given up.

5.3   Strengthen the Respect and Promotion of Ethnic Integration and Human Rights in SLP

Human rights, gender and ethnic integration are regarded as cross-cutting issues to be in-cooperated in all project activities.

5.3.1   Human rights

The human rights component of the project is weakly developed. While the project claims to have mainstreamed human rights into all project activities, there are question marks as to the effectiveness of this, and of the definition of human rights. The mainstreaming seems to be based on the assumption that if technical and forensic skills are developed, the police will become more efficient with respect to the investigation and detection of crimes. This in turn will serve to undermine the need for some of the abuses identified by the police in the Roadmap and encourage criminals who will realize the enhanced skills of the police to confess to crimes rather than try to escape liability. While there may be some merit in this argument, the RT believes that this is inadequate and more needs to be done.

It seems clear that there are varied views about the most effective way to educate police officers about human rights so that they not only have the requisite knowledge but also internalize such knowledge so that it is applied in practice. One senior officer from the police stated that police officers were aware of the fundamental rights provisions in the Constitution and that more "theoretical education" was unnecessary. One of the Swedish consultants expressed the view that since human rights was a sensitive subject the concept perhaps should be avoided and compared the Sri Lankan situation with countries such as China and Burma. The RT has reservations about both these perspectives. Knowledge of constitutional provisions without basic awareness about the concept of human rights, its rationale, its genesis and its application internationally and locally, is unlikely to inspire and influence. Sri Lanka has never had a problem in its political history with the concept of human rights as perhaps in other Asian countries. The present President of the country is often described as a former human rights activist. He has appointed a Minister of Human Rights. Recently the Leader of the Opposition in a public address criticized those who argue that human rights is a western concept on the basis that Buddhism highlighted individual rights and respect for human dignity as much if not more than western inspired ideologies. Human Rights does not have a negative connotation in Sri Lanka's political discourse and the RT is concerned that not recognizing this itself may be a compromise that is unjustified and dangerous in the present context.

There needs to be greater clarity about the concept of human rights and its linkages with the indigenous cultural and political mores of the country. There also seems to be a great need to highlight the fact that international human rights and humanitarian law does recognize the existence of terrorism and serious threats to national security and that there is a legal regime governing such difficult situations. Often there was a suggestion that human rights amount to a nice aspiration that may be relevant in some utopian period of tranquillity or normalcy. Perhaps the human rights component should have had a focus not only on human rights in general but more specifically human rights and national emergency or in contexts of conflict and terrorism. This will necessarily entail moving beyond a focus only on Sri Lanka's constitutional provisions.

The RT recognizes however that effective human rights training for the police in the present context of military conflict is no easy task. Creative and imaginative methodologies and techniques are necessary. The present strategy of focusing on behavioural skills may help marginally but is unlikely to address the more serious concerns about the absence of a human rights culture within the police force.

The main activity under this component is the behavioural skills training which is aiming at improving the police officers behavioural skills and observance of human rights in their daily police work, the project is introducing new training modules for all police officers. The Project Steering Committee took the decision after seeing a demonstration of the training modules in May 2006. The training focuses on behavioural skills in relation to; communication and interrogation; dealing with victims of crimes (such as domestic violence or sexual abuse);keeping the use of force to an absolute minimum; community policing and; dealing with situations of aggression in the street. The aim is to integrate the different training modules into the various training programmes conducted by the main police training institutions. The training modules – altogether twelve – have originally been developed by the Constitutional and Legal Policy Institute in Budapest for the former socialist countries of Central and Eastern Europe, Central Asia and Mongolia. It is now also being used in Thailand and Cambodia. The training material has been translated into Sinhalese and a Tamil edition is currently under way.

The training of trainers started in July 2007 for 40 trainers and the plan is to train all SLP officers over the next three to four years. The project will assist the SLP in implementation of the new modules and in integrating them in the regular curriculum of the three main SLP training institutions. The training seemed to have been well received by the participants and the trainers have started to conduct training for their colleagues at SLPC and ISTD. The RT got confirmed that work is in progress to integrate the modules in the training curriculum as suggested by the SNPB expert. OIC for Police Higher Training also informed the RT that behavioural skills training would be included in connection with promotion training.

The SNPB advisor, in his thorough feasibility study has suggested a reform of the police training system, in the direction of more modern, professional police training. That would demand an extensive needs assessment and study to support the debate for change and not to mention a high level commitment. The starting point for the reform discussions should be on determining which skills are needed to be a police officer in a democratic society.

However, right now as mentioned above, the political environment are not conducive to such reform initiatives. Because of the on-going security operations training of new recruits has been cut down from 9 months to 10 weeks and higher training courses from 3 to 2 months. This is not likely to change in the near future according to the information the RT has received from SLPC and PHT.

5.3.2 Integration
Integration also does not appear to have been effectively mainstreamed in the project activities. The overall change in the political context has clearly made it difficult for progress to be made with respect to ethnic integration. There is considerable polarization between the police and the public as a result of perceived police inaction with respect to paramilitary groups in the East. The heightened concern for national security, the increase in surveillance and security checks even in the rest of the country do not create an environment conducive for ethnic integration.

However there is a vital aspect of integration which relates to the seeds of the conflict, which has been highlighted for years and which can easily be implemented even in the new more militarized environment (indeed it creates a greater need for it). This relates to language, the language rights of Tamil speaking people recognized by the constitution and the will and commitment to implement such laws and provisions. There is little or no progress made in this area and there is no justifiable excuse for this. Notices in several police stations in the Colombo district where there is a large Tamil speaking population remain only in the Sinhala language. When Kethesh Loganathan the deputy secretary of the Peace Secretariat was assassinated in August 2006 in Dehiwala, a suburb just south of Colombo, also with a very large Tamil population, his grieving Tamil wife was questioned for several hours in the Sinhala Language. In October 2007 when in a controversial case that attracted widespread media attention, a Tamil journalist was detained by the CID for questioning after he published an article alleging that a

Minister's wife had engaged in inappropriate financial transactions, it was revealed that he had to sign statements in Sinhala even though he had asked to do so in the Tamil language. When the RT visited the Batticaloa police station it was reminded by the statistics on one notice board that there were more Burghers in Batticaloa town than there were Sinhalese and that the Tamils were an overwhelming majority. However all the public notices that the RT saw at the entrance to the police station were only in the Sinhala language including one that was addressed only to non-Sinhalese police officers!

The situation within the police department with respect to observance of language rights and the implementation of constitutional and legal provisions dealing with language is extremely poor. There is no culture of bilingualism. This situation seriously undermines the credibility of the police with respect to its commitment to integration.

According to SLP though, it is in the process of improving the situation. More than hundred Tamil youths have in October 2007 been recruited to serve in the so-called newly liberated areas in the East. They have been promised to be placed in police stations in their own areas thereby being outside SLP's normal transfer policy. Also, as a special measure caused by the war affected school system, admission criteria were lowered to get enough recruits. Whether this is one time event caused by the war situation in the East or an expression of general SLP policy which will be implemented island wide remains, however, to be seen[13].

So far SLP has established an Integration Committee consisting of six police officers and a district judge. Two SNPB experts facilitated a week long workshop aiming at drafting an integration policy. The resulting document can be regarded as a very first draft containing a number of intentions which needs a lot of work and discussions before becoming a meaningful policy document. The discussion also needs to be broaden out and include other stakeholders not least the public. The policy is supposed to be finalised before the end of the year. It is the impression of the RT that this activity is very driven by the SNPB and not at the moment high on SLP's agenda.

5.3.3 Gender

"Gender insensitivity of the Police both regarding the relatively low share of women Police officers and the way the Police responds to women victims" was identified as a cause of concern in the Police Road Map. The Project Proposal emphasised the benefits for female crime victims from improved quality of crime investigation. It also stated that the project activities should encourage "a reasonable balance between men and women". If we start with the latter ambition, conscious efforts have been made to include women in project activities – although the limited number of women in the police force totally (9 per cent in 2005), and particularly on higher positions and as trainers, have made it difficult. Out of 271 trained SOCOs, 20 are women (7 per cent). Two out of 40 police officers participating in behavioural skills training for trainers were women.

It is so far difficult to see any direct results for women from improved quality of criminal investigations. Likewise, it is too early to see any court results of the SOCO work, and the many problems that still hamper the SOCO work (discussed elsewhere in the report) make their impact so far rather marginal. Most crime scenes visited by SOCOs concern homicides and house breakings. Only three per cent of the total 2,270 crime scenes visited between January and August 2007 were related to rape/incest. Rape cases and violence against women and girls are rarely reported to the police (the few rape cases that are reported tend to be those resulting in pregnancy). The main problem for women's access to justice is still that they do not go to the police for fear of ill treatment, and that if they report to the police they are not taken seriously. Often the police do not take down complaints on domestic violence (in some cases not even rape). The Women's and Children's Bureau's presence in some police stations

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[13] Further, SLP has recently displayed information, that it is now possible to launch complaints in Tamil language in the North East. Because of time constraints the RT has not been able to verify this newly appeared information.

has been important for women's ability to contact the police. However, the Women and Children's Bureau is severely under prioritised in resources allocations by SLP, and receive most of its resources from NGOs and other donors. The ToT on investigation of sexual abuse, child abuse and domestic violence held for 13 police officers from Anuradhapura Division in October 2007 was an attempt to increase the status of these issues within the SLP and to improve the quality of investigations. The participants said they found the programme (which also included video and computer skills, to use to record statements) very useful. The inclusion of six men out of the thirteen participants was a deliberate attempt to challenge the dominant view that abuse of women and children are "less important" crimes that should be handled by female officers.

The training on behavioural skills described above contains a module in particular for officers working in the Women and Children Bureaus. The module includes the following topics: Child sexual abuse, rape and sexual assault, domestic violence, communication skills, treatment of victims and conflict intervention. A one-week ToT course conducted by SLP trainers is proposed for the officers of the Women's' and Children's Bureau in December2007.

Efforts to formulate a Gender policy for SLP started late in the project. Despite disproportional ethnic and gender representation in SLP was identified as one of the problem area during the preparatory Road Map planning workshop, attempts to formulate a policy on this issue was first taken up in May 2007.

The ownership of the gender policy process appears weak within SLP, as well as in SNPB. The Terms of reference for development of a gender policy for SLP indicates that SNPB took the initiative. A gender committee was hastily appointed by the PSC and included six police officers (3 male and 3 female), the Secretary of he Law Commission and two NGO representatives from Asia Foundation and Women and Media Collective respectively. A Swedish Police Officer was commissioned to facilitate a five day workshop and finalise the report. The workshop was conducted in June 2007, but the purpose was not made clear to the participants and some of the participants thought that they had only been called for a one day meeting.

The workshop report did not live up to the participants' expectations and is now being revised under the leadership of the Law Commission Secretary. The policy will finally have to be approved by the IGP and the National Police Commission.

The RT finds that a genuine attempt to formulate and implement a gender policy would have had to involve a longer process of awareness raising and discussions within SLP, making use of knowledgeable individuals in relevant government institutions such as the Ministry of Women's Affairs, the academia and/or civil society. Such a process would require the involvement of some genuinely committed individuals within SLP, who could gain leverage from the collaboration with Sweden. This seems to be lacking today, and the prospects for the document titled "Gender policy" to actually be implemented seems very bleak. A short visit by a Swedish police officer to "monitor" the implementation is likely to be fruitless.

That the process of formulating a gender policy has been highly problematic does however not mean that such a policy is irrelevant. If the formulations from the draft policy would be adopted, the SLP commits to increase the percentage of women in SLP quite dramatically (to 20 percent in the next five years, and 30 in the next ten), to revise the system for promotion and to treat women in SLP equal with men in terms of duties, wages, uniform and title. This is quite radical, and rather unrealistic. There seems to have been no discussion of how to deal with the fact that the first posting of new SLP recruits or newly promoted police officers is most often in operational areas (i.e. the war zone), and that this discourages women (and most men also) from joining the police. There also seems to be strong opposition in SLP (particularly among men, but also women) against equal duties and titles for men and

women. The differentiation frees women from night shifts and limits women's duties to "female" tasks like taking complaints from women and children, administrative work, and work in check points). Women police officers we spoke to confirmed the urgent need to work for gender equality in the SLP, but were pessimistic about the prospects to change the structures that subordinate women officers. Civil society representatives stressed the importance of recruiting more female police officers, as a measure to increase women's access to the police since women victims are more willing to approach female officers, and are taken more seriously by them.

5.3.4 Conclusions

Promoting integration of ethnic minorities and women in SLP, and increasing the respect for human rights are challenging tasks. SLP is by tradition Sinhalese- and male dominated, and human rights concerns are not at the highest priority for SLP in the context of the current emergency situation in the country. It is therefore in no way surprising that the project has not been able to make a substantial difference in these areas. However, the RT noted a number of shortcomings in the project approach to these issues, which need to be addressed in the out phasing period, as well as in future projects carried out by SNPB and Sida.

While the ambition has been to mainstream human rights and integration in all activities, the sensitivity of these issues makes it very difficult to do so. To say that the issues are mainstreamed instead appears to have been an excuse to not have to deal with them in the beginning of the project.

There is a need for a thorough discussion within and between SLP and SNPB of the definition of human rights and of which human rights the project wants to address. It seems like the project has prioritised a relatively vague human rights definition (the right to be respectfully treated), while avoiding dealing with more difficult but clearly relevant issues such as the right to life and freedom of torture. Respectful treatment may be a useful starting point. However, the avoidance of discussing and finding information about the human rights situation in total, the role of the police in this situation, and the local culture and discourses around human rights gives the impression that human rights are not taken seriously.

In the case of integration and gender, the project has focused on the production of documents, rather than on concrete changes. With the difficulties involved, and the low sense of ownership, it is very unlikely that policy documents will lead to any action. A policy document needs to be the result of a well-founded process of discussion and a genuine commitment. If this is not feasible, the RT suggests that the project should concentrate on awareness raising in the SLP management for the need for such policies while also working on concrete measures on a small-scale, such as language use in police stations, or recruitment and promotion.

6 Peace and Conflict Assessment of the Project

Of all the international development projects that SNPB has carried out (38 up to January 2007), only the one in Sri Lanka has taken place in the midst of ongoing war. All others have dealt with post-war situations. Indeed, as already pointed out, the Sri Lankan project was also envisioned to be done in a post-war setting. However, when the SNPB-SLP project got off the ground in 2005, the peace process was already stalled and violence on the increase and by 2006–2007 Sri Lanka had slid back into war in all but the name. This section looks at how the project has been affected by the escalated conflict in Sri Lanka, but also – maybe more importantly – what negative or positive effects the project may have had on the conflict in Sri Lanka.

6.1   The Impact of the Conflict on the Project

The dramatic change of context did not change the objective of the project. SNPB's aim was still to help "re-establish a Police Service in Sri Lanka featured by modern and democratic values, and that is accountable to the law and that respects and protects Human Rights, addressing especially; law and order and security in society, public confidence in the police by transparency and less crimes."
While this objective was still valid, the situation was clearly less conducive for achieving it. The focus of the Sri Lankan government was no longer on peacemaking and post-war reforms, but on "national security". The Police was brought back under the Ministry of Defence, and had to use an overwhelming share of its personnel and resources in the war zone (in close cooperation with the military) and for VIP protection. To meet the need for personnel, the training was cut down; for new recruits from nine months to ten weeks. Also in-service training and higher training has been curtailed.

Simultaneously, the hopes for protection against excessive political interference dwindled as the National Police Commission was made defunct (see chapter 2 in this report). The change of government and president (in April 2004 and November 2005 respectively) brought in political leaders with less interest in donor-supported modernisation of state institutions and who were critical of a human rights discourse which they saw as "Western interference with Sri Lanka's internal affairs". Emergency regulations were reintroduced, giving SLP and the military excessive powers in the fight against "terrorism" – and against the civilian Tamils who ended up being labelled terrorist suspects. The view that respect for human rights is secondary to the need to protect national security against terrorism came to dominate the discourse of political leaders and SLP representatives on all levels.

In this new context, the aim to enhance SLP's capacity for civilians policing remains relevant. However, what can be done has been severely limited by the all-overshadowing focus on "national security" and a weakened political interest. In spite of this, the SNPB and SLP went ahead with the project as initially planned, and have been able to carry out the project activities without much disruption. One exception is the component on crime intelligence, which was omitted from the project (and which we will discuss below). Moreover, awareness seminars about the Police Road Map and the project could not be conducted in four districts in the war zone. SNPB has made continuous security analyses, concluding that although SLP is a target in the war, SNPB experts are not. The project succeeded in carrying out the training for SOCOs and opening SOCO labs in all parts of the country except Jaffna. The SOCOs in the war area face extra problems related to the lack of priority put on civilian policing, lack of security at the crime scenes and the difficulties to catch perpetrators (which render SOCO investigations less useful in these areas)..

A difficulty for the project has been to get SLP to release the promised resources for SOCO tool-kits and other material, and to solve the transportation problem of SOCOs. The SLP's apparent lack of interest in prioritising resources to the SOCOs may indirectly be a result of the lack of priority for civilian policing in the context of ongoing war. However, that certain key persons, who were driving forces in the project, have left their positions (e.g. the former IGP) is most likely even more crucial.

6.2   Peace and Conflict Assessment of the Project

'Promoting peace and democracy' is one out of two core objectives of Sida's country strategy for development cooperation with Sri Lanka 2003–2007. In the Country Plan for 2007–2009, conflict sensitivity is highlighted as a main priority. These priorities reflect an increased awareness among many donors about possibilities to use development cooperation to promote peace and the risks that development projects may do harm. Development aid can exacerbate conflicts, for instance by indirectly channelling resources to armed actors (governments or rebel groups), legitimising armed actors, or increasing tensions by distributing resources unfairly. However, development projects can be designed and carried out in a way which decreases tensions and opens up possibilities for conflict resolution (see

Annex 1). Hence, a conflict sensitive approach to development assistance hence is much more than a traditional risk analysis. While a risk analysis focuses on how the project and its staff may be at risk in a conflict context, a conflict sensitive approach takes into consideration what negative and positive effects the project – or development aid more generally – may have on the conflict context.

6.2.1   Risk Analysis – But No Conflict Sensitivity

As a response to the deteriorating situation in Sri Lanka, SNPB has carried out continuous risk assessments. These seem appropriate and well-informed, as do the measures taken to cope with risks (restriction of travel to the north-east for Swedish experts, for example). While the potential risks for the project and Swedish police officers have been closely discussed and monitored, there seems to have been no systematic attempts by SNPB (or, not unexpectedly, SLP) to assess and monitor the potential negative and positive effects by the project on the conflict situation in Sri Lanka. In spite of the fact that the peace process was already from the start shaky and a sustainable peace remote, a continued peaceful situation and reform-mindedness of political leaders and SLP was assumed (see for instance the reports from workshops held in 2003). No alternative scenarios were sketched out in the project documents, and no plans were formulated to deal with a situation of peace process collapse and change of government. The SNPB handbook for development cooperation is currently being developed to contain guidance on how to carry out conflict sensitive projects. This will be highly relevant not only for the case of Sri Lanka, but also in all post-war situations. The initiatives taken to discuss conflict sensitivity of the project seem to have come from Sida, and Sida staff has been very actively involved in the project. However, Sida's involvement seems to only to a limited extent have resulted in conflict sensitivity awareness and programming on part of the SNPB and SLP. While the project appears to have had the mechanisms in place for flexible programming, most activities have gone on as usual. The main reason for this is that SNPB and SLP did not see any reason not to continue their activities as planned. Their main focus was on the technical aspects of the cooperation (most importantly the SOCOs) and as long as achievements could be noted on a technical/knowledge transfer level, they saw little reason to take a broader view on peace and conflict consequences, or to question the direction of the project. It is likely that the less conducive context also reinforced this focus on technical (i.e politically less complicated) aspects of the project, while the clearly more sensitive "Human Rights" and "Integration" components were vaguely declared to be "crosscutting issues" in the early project plans, with concrete activities pushed back to the last year.

The RT noted a gap between Sida's interest in supporting a project which will promote democracy and human rights, and the more narrow technical focus of the project management (on both the Sri Lankan and Swedish side). While SLP and SNPB acknowledge the human rights goals of the project, the connection between the different activities and these overall goals have rarely been articulated and analysed in a substantial way. SLP and SNPB discuss human rights mainly in terms of police officers' respectful behaviour and professionalism, while urgent human rights problems such as abductions, killings, detention on dubious grounds, torture, impunity etc. fall outside the scope of the project and remain unaddressed. The behavioural skills training, which is described as the project's main "human rights" activity, focuses on how the police can behave in a way which is respectful and which will increase their effectiveness. While these types of behavioural skills are important, they should not obscure the need for respect for basic human rights such as the right to life.

6.2.2   Possible Negative Effects of the Project

1) Sweden supports one side in an ongoing war

The fact that the Sri Lankan government is involved in offensive warfare means that Sweden is giving development assistance to a belligerent power. With SLP falling under the Ministry of Defence, the frequent use of the Police in the war zone for military tasks, the many accusations of human rights violations by the Police and the perceptions among minority groups that the Police represents and service the interest of the Sinhalese, the Swedish support can be seen as highly problematic.

However, the project does not involve large transfers of resources from Sweden to SLP. SNPB and Sida have kept close control over the expenditures, and all procurements of material have been carried out by SNPB. The lion's share of the project money goes to SNPB for fees and reimbursements for their experts. Out of the 30 million SEK in the budget for the three years, almost 22 million go to the SNPB for these purposes. The risk that Swedish development funds are being directly used for the war efforts is hence close to non-existent. Likewise the fungibility effect (freeing of resources for the war) is relatively minor.

Currently in Sri Lanka there is no clear division between crime intelligence and military intelligence. Neither is there any distinction between crimes committed by the LTTE and ordinary criminals and all investigations are performed by SLP. In the current context, intelligence is used to single out persons (sometimes on extremely dubious grounds) as LTTE-supporters. Such persons have become targets of abductions and killings (many carried out by paramilitary groups with complicity of the government)[14]. In these circumstances, it was a correct decision to call off the crime intelligence component of the project. Since a computerisation of the data at the Criminal Records Division may also be used for political registration, it is advisable that this component of the project is also revoked. Ausaid, which was to provide the software, has also expressed concern for the potential misuse. Any suggested monitoring of the use of the system (such as SNPB monitoring for the first six months) are likely to be inefficient, in addition to being only temporary.

2) Sweden legitimises the government's war agenda

On the 9th of October 2007, a combined ceremony and press conference was held at the Police Head Quarters in Colombo at the occasion of the handing over of technical equipment (computers and projectors) by Sweden to be used by SLP in the multi-media professional police behavioural skills training introduced by SNPB. In one of the speeches an SLP representative said: "The international community has criticised the Sri Lankan Police and Armed Forces for violating human rights. This is not true. We are respecting human rights. We even have a special minister for Human Rights". Forty police trainers had undergone the ToT in behavioural skills which was in the ceremony pictured as an illustration of SLP's great concern and respect for human rights.

While the war in Sri Lanka very visibly is fought on the ground over control of territory and people, it is at the same time fought in an international arena, over legitimacy of the parties involved. Whether the LTTE is regarded as "freedom fighters" or "terrorists", and the Sri Lankan government as a legitimate democratically elected government or as a gross human rights violator, has very concrete consequences. It will influence international support for military and police collaboration against the LTTE, and the prospects for military and economic aid to the government, and also determine what political solution of the conflict would be an internationally accepted outcome. In face of increasing international concerns over the human rights crisis in Sri Lanka, the Sri Lankan government has been persistently arguing (somewhat inconsistently) that (a) the accusations are false, (b) the government is actively working to improve the situation (usually by appointing commissions which end being inefficient), and (c) the situation is improving. In this context, the Swedish Police project fits well with the Sri Lankan government's interest in showing that it does take measures to do something about the human rights situation while not having to actually do anything substantial. Hence, the SNPB-SLP project can be accused of contributing to the Sri Lankan government's efforts to sweep its human rights abuses under the carpet by initiating merely cosmetic changes. As seen during the visit of the UN's High Commissioner for Human Rights (October 2007), the Sri Lankan government has preferred to talk about the need for technical assistance to improve the human rights situation, rather than tough measures against the violations. A similar tendency can be noted in the Swedish project, with a preferred focus on technical equipment and the transfer of technical skills.

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[14] See human rights reports referred to in footnote 4, page 7.

There may also be a risk that the "integration policy" formulated as part of the project may be used to legitimise the government's policy of control in the East. While the recruitment of Tamils to the Police Force in the East is a welcome development (given the fact that SLP consists to about 98 per cent of Sinhalese), the purpose of recruiting Tamils is not clear and can be interpreted as not primarily to provide services to the population but to control the newly "liberated" areas in the East. There are a number of concerns related to the new recruits (the RT was informed that by October 2007, 125 men and 50 women had been recruited in the East). One is that Tamils joining SLP will be seen by the LTTE as "traitors" and be at extra risk. The LTTE's political killings of Tamils that had collaborated with the government during the peace process indicate that the SLP has not been able to provide security to Tamils who have chosen to cooperate with the government. The RT received contradictory information about whether the new recruits would be armed or not. Another worry expressed by some interviewees in the east was that paramilitaries from the TMVP would join the SLP, and that the so-called integration policy would effectively mean that paramilitaries (with a long series of human rights violations on their CVs) become legalised. While the recruitment of Tamil-speakers to the SLP fits well with the government's agenda of "normalising" and controlling the East, no serious attempts have been made to implement the use of Tamil in police stations neither in the North-East nor in formally bi-lingual DS divisions in the rest of the country.

Although the Swedish project is relatively marginal (the reporting in media from the ceremony/press conference referred to above was rather modest), the Swedish support to SLP may be interpreted as a problematic failure of Sweden to take a solid stand against the Sri Lankan government's complicity with gross human rights violations. In a larger perspective, Sweden and Sida, by supporting the Sri Lankan government, may contribute to the implicit acceptance of the government's war efforts and abuses. Development cooperation with the government and SLP can however be justified if active engagement in any meaningful way improves the human rights situation. It can also be seen as acceptable if it is part of a larger portfolio in which Sida supports not only government institutions but also civil society groups that advocate against human rights abuses. This is exactly what Sweden (both through Sida and the EU) does in Sri Lanka. Given that international pressure has some impact on the Sri Lankan govern-ment, Sweden could use the opportunity provided by the withdrawal of aid to Sri Lanka (including the out phasing of the police project) to make a statement against the human rights crisis in the country.

6.2.3   Possible Positive Effects of the Project

1) Professionalised policing

The main way in which the project strives to fulfil its goal to "re-establish a Police Service featured by modern and democratic values", that is "accountable to the law" and "respects and protects Human Rights" is by enhancing the professionalism of the Sri Lankan Police, particularly in the field of crimi-nal investigations, behaviour in contact with civilians, and the handling of crimes against women and children. Such professionalisation could potentially address some of the core conflict issues in Sri Lanka, such as the minorities' lack of trust in the Police (and the Sri Lankan government in general) and their view of the Police as representing a repressive, unjust and corrupt state. While seriously meant efforts to recruit minorities to the Police and implement the use of Tamil language in relevant DS divisions could help countering this mistrust, the integration policy developed in the project is unlikely to have much practical impact.

As discussed earlier in the report, it is too early yet to see much effect of the activities aiming towards more professional policing. The behavioural training has the potential to lead to some improvement in civilian-police relations. It does not address more severe human rights abuses in the country, and there is an impending risk that the behavioural skills will be seen as something relevant for "normal policing" but inapplicable in the operational areas and during war times. Notwithstanding, if the integration of the behavioural training modules in SLP's training is carried out successfully this may result in a welcome professionalisation police behaviour in less sensitive situations, which is clearly also of importance.

The increased skills and use by SOCOs of scientific evidence are envisioned to decrease the need to use violence or threats against suspects during interrogation. It is also hoped that the new scientific methods would strengthen the integrity of police officers in the face of interference from politicians and superiors. While this argument does have some relevance, so far the SOCOs' work is not fully operative. It should also be noted that scientific methods which can be used to prove someone guilty may also be used to convict someone who is not guilty, through the planting of evidence. More professional methods are clearly not enough to solve the problem of political interference, the culture of impunity and corruption. The lack of interest in letting the Police investigate cases of human rights abuses, and the meddling with evidence in cases where it has been collected, is obvious not least in the 16 high-profile cases currently on the table of a (mostly non-functional) Presidential Commission, including the killing of 17 aid workers in 2006, and the killing of the Foreign Minister in 2005. Crime scenes have not been cordoned off, evidence has allegedly been exchanged (a bullet in the 17 aid worker case), and witnesses threatened[15]. We were told that SOCOs had been used in some of the cases. The problem is not a lack of skills and technology to investigate the cases, but a lack of political interest in doing so. In Batticaloa, SOCOs appeared to be made use of more when the LTTE was suspected to be the perpetrator than when TMVP was believed to have committed the crime (8 out of 12 crimes investigated over the last month before we visited were believed to have been committed by the LTTE, the rest by TMVP paramilitaries).

2) Making a difference by engaging

It is clear that the project has opened up channels of communication for SNPB and Sida to key persons within the SLP and the Sri Lankan government. The Swedish experts, and particularly the project manager counterparts (PMCs), have been noticeably appreciated by their Sri Lankan partners. Their high rank, extensive experiences and skills have contributed to build close rapport between the SLP management and SNPB. From a peacemaking and human rights perspective, such unique contacts can be used to lay the ground for peace initiatives. For the success of a peace initiative, a broad involvement of actors, particularly those who may spoil a peace agreement, is of utmost importance. The close SLP-SNPB dialogues could potentially have been made use of to initiate discussions about peacemaking and potential solutions to the conflict. Such contacts in the current context could have been made use of to convey messages (e.g. on human rights) and exchange information (e.g. on human rights cases). While this opportunity of engagement has a peacebuilding potential, this has fallen outside the scope of the project and outside the mandate of the SNPB.

Nevertheless, the close communication between SNPB and SLP has on numerous occasions been used to convey messages on human rights at the project management level. However, no discussion about the conflict and human rights has been taken up on the formal annual and semi-annual meetings between high level representatives of SNPB and SLP. On a single occasion recently SNPB and Sida have had a meeting with the Secretary of Defence, bringing up human rights concerns. The donor meetings around police support have also provided a meeting space between SLP and human rights NGOs.

It is of course difficult to measure the impact of these dialogues and contacts. In the overall context of "war against terrorism" and strong views that human rights are secondary to national security, it is difficult to detect any evident changes in SLP attitudes towards peacemaking and human rights respect. Some of the SNBP-SLP exchanges are likely to have provided food for thought and arguments that may be positively used, while in some cases (such as in the meeting with the Secretary of Defence) the view that Western donors are meddling with Sri Lanka's internal affairs may have been strengthened. However, even the civil society representatives we talked to who were highly critical of the Sri Lankan government's and SLP's human rights record, were of the opinion that a Swedish engagement with the SLP was potentially useful, since any small improvement in SLP behaviour would be valuable.

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[15] See UTHR-J (2007). *A Bullet for a Fig Leaf – Verbal Bludgeoning to Subvert International Monitoring.* Special Report No. 27, September 2007. www.uthr.org/SpecialReports/spreport27.htm

One potential for change is if a development cooperation project support reform-minded individuals. Though it is clear that the Swedish presence can be used to push for instance decisions and resource allocation in SLP (e.g. for the SOCOs), the interest and political space within SLP for any substantial pro-peace and pro-human rights reform in the current war situation is extremely limited. Even those persons described to us as "reform-minded" seemed to have only a very limited interest in substantially engaging with human rights issues or police reform. It appears that even though the engagement with SLP has been understood by Sida and SNPB as important for the promotion of human rights, there has been no strategy on how to engage, why, with whom, and more exactly for what purposes. To properly make use of the engagement opportunities for the promotion of peace and human rights, a more conscious and long-term strategy would have been needed. If links had been made with actors engaged in peacemaking (e.g. the Norwegian facilitators or civil society groups) the dialogue space opened up by the project could have been used to engage SLP in a much needed discussion about peace initiatives and political solutions, which may have a small impact on how they will view peace initiatives in the future. While the stands of the SLP on conflict resolution will in no way be decisive for peacemaking in Sri Lanka, the SLP is one stakeholder out of many who needs to be engaged and feel ownership of potential peaceful solutions. Moreover, the SLP-Sweden contacts could have been used to facilitate interaction between Sri Lankan civil society groups and SLP, which could help civil society seek information on, or put pressure on SLP, regarding specific cases or more generally. Using the engagement with SLP in this way has not been an objective of the project, and there are several difficulties involved related to SNPB's rules and conditions, SLP interest and the need to maintain trust between the two. However, a more strategic use of the space for positive engagement on peace and human rights that police cooperation opens up should be considered by Sida and SNPB in future projects.

6.3   Conclusions

RT recognises the sensitivity of Swedish support to an institution which is involved on one side in an ongoing war, and which is also accused of serious human rights violations. However, none of the project activities are directly supporting the war efforts or human rights abuses. Enhanced crime investigation quality, behavioural skills training and improved handling of crimes against women and children in themselves do not do any harm. In the long term they have the potential to, in a small way, improve police-civilian relations, rule of law and the trust in the police. The financial support to SLP is also not a significant cause of concern, since the direct resource transfer to SLP is very limited and all procurements have been carried out by SNPB. A bigger concern, however, is the legitimacy that the cooperation grants to the Sri Lankan government's war efforts and lack of concern for human rights. The project takes place in a context where donor countries (among them Sweden) may contribute to prolonging the war and implicitly accept human rights abuses, by their continued cooperation and failure to use aid as a means to put pressure on the Sri Lankan government. While the engagement between SNPB and SLP, including the training for more professional policing and the person-to-person-contacts at a high level, may hypothetically contribute to increased human rights awareness and changed behaviours of the SLP in a small scale, it is difficult to find any concrete evidence for change brought about by the project with regards to human rights. The all-overshadowing concerns about national security make the chances for such change rather bleak. In light of the massive human rights violations in the country[16], the changes the project could expect to achieve are rather cosmetic, and the project is not addressing in any substantial way discrimination, abductions, extrajudicial killings, etc. The Sweden-SLP contacts has opened up space for positive engagement. However, this space has not been used for systematic human rights advocacy, exchange of information or linking up with peace initiatives, since such efforts have been perceived as outside the scope of the project.

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[16] See references in foot note 4, chapter 2.

7 Institutional cooperation and project management

7.1 Project Organisation

The Road Map and project proposal provides the framework for project implementation. A Steering Committee was established by the Inspector General of Police (IGP) after the LFA workshops in 2003 to oversee and determine what actions to be taken by SLP to further develop the identified problem areas, and working groups were formed to support the activities. External donors assisting in implementation of the Road Map will get a seat in the SC and the SC is envisaged to coordinate all donor assisted development activities. According to the Road Map the SC is responsible for:

- Progress toward development objectives;

- coordination of development activities within the police force and when applicable within the criminal justice system;

- risk management;

- ensuring proper selection process of SLP participants in activities according to agreed criteria for target groups;

- making resources available to undertake decided activities; and issuing a report, which provide an overview of donor assistance provided and results achieved.

The SC was to meet every six months and progress review against the indicators of achievement defined in the LFA Matrix for the output areas.

Development activities undertaken by SLP on own resources will be managed by a project manager while donor funded activities will be managed by project management team, consisting of a SLP project manager, and a counterpart project manager. The PM is overall responsible for implementation and project progress towards expected results, logistics in Sri Lanka including manning, and reporting to the SC. The PMC is supporting the PM in carrying out his/her tasks, including providing expert advice and coordinating the Swedish technical and financial inputs.[17]

The PMT will produce two types of reports; activity reports and progress reports.

The project management set-up is by and large following the guidelines outlined in the Road Map. Further, a working group comprising of key senior management staff of the police, the Attorney General's Office and Government Analyst Department was established to support the PMT. The Working Group was however later converted into what is called a Police Steering Committee[18] under the chairmanship of the PM and participation of the Swedish PMC. The PSC is referring directly to the IGP. Despite the change of name, the function of the Project Steering Committee is still to support the PMT in project implementation. Overall decisions to guide project implementation are referred to the Half-yearly and Annual Progress Review Meetings.

The Half-Yearly and Annual Progress Review meetings take place under the chairmanship of the IGP and participation of a SNPB management representative, the Swedish Embassy/Sida, and the PSC. Here, progress reports and activity plans and budgets for the coming period are discussed and approved.

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[17] The division of responsibilities is quoted from the Project Proposal. The division of responsibilities listed in the Road Map is quite different. Here the PMC has the implementation and reporting responsibility.

[18] Not to be confused with the previous described Steering Committed, which instead is being renamed Progress Review Committee but having the same responsibilities.

After the project was launched a reference group to the PSC was established in November 2006 to improve cooperation among criminal justice sector agencies. The group has representatives from the Attorney General's Department, the Law Commission, Judiciary, and Judicial Medical Office. A member from an NGO (Transparency International) has been nominated, but has not yet participated in the meetings and participation of the Human Rights Commission has recently been suggested by the Group. The PM acts as the chair person of the group and is responsible for formulating the agenda.

The group has met every second or third month, and has among other issues discussed questions concerning SOCO crime scene investigation, as well as the possibility of using video recorded interrogation of children in courts. A study visit to Sweden for the ten members of the reference group took place in October 2006, as a way to encourage cooperation within the Sri Lankan criminal justice system, while also learning about the Swedish system.

For the first time a forum for discussion among the different criminal justice actors have been established and in particular judicial officers the RT met expressed a need for establishment of a permanent Criminal Justice Coordination Committee.

Though references are often made to the Road Map by the project management the Road Map document does not seem to be a "work-in-progress document" and it can also be questioned on how well-known it is in organisation.

It is the impression of the RT that it is not used by SLP as a strategic document to guide SLP development activities and there are no indication of attempts to further develop it into a strategic development plan with clearly defined strategic outputs, a monitoring system based on easy measurable indicators and a plan of action with an attached budget. Focus is very much on projects and changes in organisational structures and procedures seems to be done in an ad-hoc way. This impression was confirmed during interviews with donors who were asking for a more strategic approach from the SLPs side to donor interventions. The British High Commission informed that the planned British support to reform of the SLP did not refer to the Road Map, as it is not seen as holistic enough and therefore not able to guide a reform process. The BHC has based on an assessment decided to support SLP's strategic planning capacity by deploying a long-term advisor to the SLP and later to assist in developing a strategy for community policing. SLP has established strategic planning unit for that purpose headed by the PM and chairman of the PSC. This initiative could be of great support for sustaining the crime investigation management changes and the integration of the behavioural skills training in the training programme of the police officers.

Lack of planning capacity has also been an issue raised by SNPB – among other things – it has been seen as problematic by the SNPB that SLP has not deployed full time senior police officers to the post as project manager and assistant project manager. Both the present senior officers have other time consuming responsibilities to take care of making project progress to much depend on the initiatives of the Swedish project management team and raise concerns about future sustainability.

7.2 SNPB Project Management

SNPB has been commissioned by Sida to in partnership with SLP implement the project. SNPB's agreement with Sida is governed by the overall framework agreement between Sida and SNPB signed in June 2004 and specific ToR developed by Sida for the SLP-SNPB cooperation. The ToR specifies that SNPB shall:

• Support SLP to manage and coordinate the project;

• provide a project management counterpart and short-term advisors/experts to the project;

- provide knowledge and experience in the respective fields of the project aiming at capacity building of SLP;

- offer strategic advice to SLP within the scope of the project;

- carry out planned procurement within the project, including development of a procurement plan and building procurement capacity in SLP for procurement in accordance with Sida's Procurement Guidelines.

- take responsibility for the financial management and reporting of the project.

The ToR specifies further that SNPB shall manage all Swedish project funds including SLP funds for procurement of equipment.

SNPB has delegated its project management responsibilities to Vastra Götaland's Police County (VGLCP) but is participating in the half yearly and annual progress review meetings together with VGLCP. Further, SNPB's international department is suppose to provide backstopping and quality assurance of project reporting and administration. It is the impression of the RT though that VGLCP by and large is running the project without much communication with SNPB's international department besides in connection with the half yearly and annual progress review meetings.

The project proposal suggests that placement of a long-term Swedish Police Advisor in Colombo should be discussed at a conference at the end of project year one where also activities for project year two and three will be on the agenda.. The VGLCP did not find that option viable. Instead they decided for a set-up with a full time PMC and a part-time (three quarters) assistant PMC based in Gothenburg at VGLCP commuting in shifts every second months to Colombo. The VGLCP Police Commissioner told the RT that the set-up was chosen because it would otherwise have been difficult to find an experienced senior police officer with relevant international experience within VGLCP for the post. Furthermore the Commissioner did not want his best officers to stay abroad for a longer period of time which could make them loose their competencies.

The VGLCP has indeed managed to engage two very experienced senior police officers with international experience to manage the project, but the solution chosen is not very cost effective compared to a placing a long-term advisor in Colombo.

The Swedish PMT members are working closely with their Sri Lankan counterparts and it is the RT's clear understanding that the PMC and APMC have established a very good rapport with SLP's Project Management Team including the PSC. The design of the project was done in close cooperation with SLP and in particular the IGP at that time was heavily involved and engaged in the project formulation. The Swedish PMC and APMC have provided effective assistance to SLP in planning and implementation of agreed project activities, maybe to an extent that things only happened when they are present. The establishment of SOCO teams including construction and equipping of SOCO labs in the 37 Divisions has been done basically within the first year of the project's lifetime; a result which only could have been achieved as a result of good and effective project management and efficient partnership between SLP and SNPB.

However, as mentioned above, it is the RT's impression that the SNPB through the PMC and APMC has been driving the process, while the SLP through the PM and PSC have been responding to the demands from its Swedish counterpart. A major cause for this is the fact that both the PM and PSC members have other major responsibilities within SLP and PSC do not have secretarial support. The IGP has in May decided to transfer SLP's Research and Planning Unit to PSC to strengthen its planning capacity. This is now slowly being implemented and when fully operational can be capacity built by the project.

The main part of the project budget is for fees, travel, daily allowances and accommodation for Swedish consultants and expenditures of the Swedish project management in Stockholm and Gothenburg. Budget for the three project years shows 63%, 78% and 80% respectively for year one, two and three. A major part of those expenses are related to training activities and feasibility studies in Sri Lanka. Twenty Swedish police officers are involved in the implementation including the two project managers as trainers and experts. In addition four police officers from other police forces have been contracted for the behavioural training. The high number of Swedish experts have mainly been used to build up SLP's training capacity on; scene of crime examination, modern policing with society, crime investigation management, and workshops and awareness seminars. In order to understand the Sri Lankan context before launching of any training programme a Swedish trainer visits Sri Lanka to make a feasibility study on the subject of training, and observe police work on the ground. While the RT finds this approach sensible, it also finds the Swedish staffing of certain tasks to be generous.

Capacity building involves transfer of knowledge as an important element, but it involves much more than enhancing the knowledge and skills of individuals. The use of their skills depends crucially on the organisation in which they work and its ability to make use of skilled personnel to good effect through incentives. Governance and incentives are also important elements to be included in capacity building efforts[19]. These elements should be in focus during the phase out period of the project and will need to be addressed by the Project.

7.2.1   Conclusion

The establishment and functioning of the Reference Group with representatives from the different criminal justice agencies, the national Human Rights Commission and Transparency International is commendable. Also representatives of the lawyers should be included. The Project should continue to support this initiative and encourage formation of a Criminal Justice Coordination Committee.

The Road Map needs to be up-dated and the changed situation taken into consideration. The Project could consider supporting a seminar or conference to revive the document and discuss initiatives in relation to the changed context with invited representatives from the criminal justice agencies, civil society organisations representing all walks of the society, the media and donor organisations.

The SLP project management structure lacks capacity and attaching SLP's Research and Planning Unit to strengthen the work of PSC and PMT is recommendable.

The SNPB project management support with the PMC and AMC alternately commuting between Sweden and Sri Lanka is not an optimal solution technically and economically. A resident PMC would have had more time for advisory services, networking with organisations and individuals other than SLP and support and follow more closely implementation of project activities related to the more complicated and sensitive issues of human rights and integration.

Capacity building is more than transfer of knowledge and skills to individuals. Creating an organisational enabling environment for the use of the acquired knowledge and skills is as important. SLP now need to focus on organisational changes to make project results sustainable and avoid isolated project islands.

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[19] Working towards good practice – The challenge of capacity development, OECD 2006

8   Recommendations

Based on the findings and conclusions presented in the previous chapters the below recommendations have been derived for consideration by SLP, SNPB and Sida. The details will have to be discussed and worked out later by the involved actors as the limited time allocated for the review has not allowed the RT to discuss plans and proposals with SLP and SNPB before issuance of the report.

8.1   Recommendations Directly Related to the Project during the Phasing Out Period

While it seems clear that the initial objectives of the project will not be realized given the circumstances described in the report, RT believes that an outphasing period until December 2008 may provide a chance for some of the project activities to be stabilized (eg the SOCOS) and for some very modest progress to be made in areas such as human rights, integration and gender sensitization. RT believes that some specific activities should be formulated in the areas of human rights, integration and gender sensitization and that a wider group of stakeholders including representatives from academia and civil society be invited to participate in the design and implementation of such activities. If this is not considered feasible then serious consideration should be given to ending the project in May 2008.

8.1.1   Capacity to plan and structure development

The Road Map was prepared in 2003 and needs to be reviewed in the light of the changed political situation. Achievements and implementation experiences and lesson learnt should be discussed both internal in SLP and with external stakeholders from the government and civil society sector. This should be done in cooperation with other possible international donors and SNPB could facilitate the process.

As separate intervention in the Road Map revision process all the criminal justice sector agencies could be brought together to discuss the possibility for setting up a Criminal Justice Sector Coordination Committee. The reference group to the project could provide the platform for such an initiative.

SLP's newly established Strategic Development Unit needs should be staffed with a full time Head of Unit and qualified staff. The Unit should refer to the existing PSC and be the focal point for development and change of SLP in accordance with the objective of the Road Map and continuation and integration of the new training modules and crime investigation management system..The SNBP PMT members should work closely with the sectretariat and coordinate their activities with the British High Commission and its long term strategic planning advisor to placed in the SLP head quarters.

8.1.2   Crime investigations, including crime scene examinations

Establishment of a modern crime management and investigation system has been at the core of the SLP/SNPB cooperation. The SOCO lab organisation is now established and has started to work and ensuring its sustainability and effective use in crime investigations is a major challenge for SLP.

Progress reports and this review have revealed that SLP in cooperation will need to take actions on the following issues:

Promotion, payment, and transfer schemes of SOCOs will need to be reviewed in order to avoid frustration and de-motivation among staff. This will have to be to done in concordance with NPC. SNPB could provide assistance in the analysis and development of proposals.

Awareness and information on SOCO's work to first and foremost the OICs of local police stations and other SLP officers and then other actors in the criminal justice system. Activities are on-going supported by the project and SLP just need to continue them and integrate them in the regular police training.

Establish and sustain a SOCO monitoring mechanism for quality assurance, procurement and staffing. A SOCO baseline has been established, SOCOs are providing monthly progress reports to the Director of CRD and monitoring visits are carried out by members of the PSC. The system has been established by the project and SNPB has paid monitoring visits and done follow-up training based on their observations. SLP will need to institutionalise the monitoring system in SLP's organisation and develop a plan for its work. SNPB should provide assistance.

The cadre of SOCO trainers at the SLP training institutions will need to be maintained and up-dated for instance by working as SOCO's for a period of time. SLP will have to maintain and develop the ToT corps. SNPB should assist SLP in developing a plan for the SOCO training for the time after the project ends.

SLP should take immediate action to allocate the promised 50 million rupees appropriation for procurement of equipment and materials for the existing and planned SOCO labs. The release of the money should be seen as litmus test for SLPs commitment to sustain the SOCO organisation. SNPB should also assist SLP in making budget estimations for the coming years for maintenance of the SOCO labs so they can be included in the Governments yearly financial budget appropriations.

The RT finds that same arguments taken by the Swedish Embassy for not supporting creation of a Central Crime Intelligence Unit can be applied for not supporting computerisation of the Criminal Records Division, since this it is difficult to guarantee against misuse during the current situation of war.

8.1.3 Human Rights

SLP should continue its work on integration of behavioural skills training module into the regular SLP's regular training curriculum as proposed by the SNPB external expert and already planned for in December 2007.

Based on those experiences and other human rights training received by police officers, the RT would recommend PMT to initiate a discussion of the most appropriate human rights education methodologies and techniques for the Sri Lankan Police. A wider cross section of stakeholders should be invited to participate in what could be a series of meetings organised by SLP.

The RT also proposes that more focus should be on how to respect and protect human rights in non-normal situations of violent conflict. Democratic policing is built upon respect for rule of law and human rights standards and all policing also counter-terrorism policing must work according to these standards. Hence the RT suggest SLP and SNPB to organise a seminar for senior police officer on human rights in situations of national emergency, conflict and terrorism and legal regime governing such difficult situations.

8.1.4 Integration

The current attempts at establishing an integration policy should be abandoned, unless SLP chooses to go on with this process on its own initiative. In the phasing out period instead of focusing on the development of an integration policy, time and resources should be spent on activities of a more tangible, practical nature: Making Tamil language speaking officers and staff and documentation and facilities accessible to Tamil speaking people in Colombo and possibly also in Batticaloa. Language should be viewed as a human rights issue. SNPB should use its close rapport with SLP management to push for an implementation of such measures. Concrete measures should be worked out in cooperation with representatives of the civil society.

8.1.5 Gender

The committee on gender policy should continue its work and PMT should make it a priority to push for the implementation of the issues raised in the policy paper. The work of the committee should be strengthened by outside experts from Sri Lankan civil society, academia and/or relevant state institu-

tions. Bringing in Swedish experts will be of limited value. This work should prioritise gender sensitisation at a management level in SLP, and (with the help of PMC) the pushing for an implementation of the aspects of the gender policy which seem most feasible, e.g. overseeing the procedures for recruitment and promotion.

8.2 Recommendations of Lessons Learnt for Sida and SNPB when Carrying out Police Support Projects Elsewhere in the Future

- There is a need to raise awareness of peace and conflict impacts of development cooperation (not merely conflict impacts on projects) within SNPB as well as cooperating police institutions. Sida has produced material for this purpose, which could be used (e.g. its Manual for Conflict Analysis). SNPB should continue its work on integrating conflict sensitivity issues into its handbook for development cooperation, and also raise awareness within SNPB about conflict sensitivity in war-affected cooperation countries.

- When planning police support projects in countries which have experienced violent conflicts, peace and conflict impacts should be analysed. Alterative scenarios when it comes to political/conflict development should be sketched out, and alternative plans discussed. Such plans should take into consideration not only the threats against the project and its staff, but also the risks that the project may exacerbate existing conflicts.

- The preparedness for how a project can be sustained across the change of government and police management in the cooperation country need to improve.

- The SNPB when engaging in conflict affected countries, should develop a broader contact with the society where they work. SNPB should make efforts to institutionalise links with actors outside the Police (e.g. local academics, civil society and other government institutions), who can provide useful perspectives on the human rights and conflict situation, and on the sentiments of minorities and other underprivileged groups.

- SNPB should, when engaging in cooperation aiming towards improved respect for human rights, conceptualise more clearly what aspects of human rights are to be addressed and how. Otherwise there is a risk that human rights become merely a buzz word, which may be used to legitimise governments and police forces which wish to appear human rights friendly but lack any real commitment to combating serious human rights violations.

Annex 1 Conflict Sensitivity

How Aid Can do Harm or Good in Conflicts

'Promoting peace and democracy' is one out of two core objectives outlined in Sida's country strategy for development cooperation with Sri Lanka 2003–2007. In the Country Plan for 2007–2009, conflict sensitivity is highlighted as a main priority in all activities carried out by the Embassy. The Swedish focus on conflict sensitivity is part of a strong trend among donor countries to increasingly use development cooperation to promote peace and security. Since the late 1990s, donors have become more systematically aware of the risks that their development assistance may do harm. Examples of how aid can exacerbate conflicts include:

- Donor resources can be used by actors directly involved in warfare. Armed groups can steal resources, or donor funding can free other resources for warfare.

- Unfairly distributed benefits from development cooperation (or benefits seen to be unfairly distributed) can create frustrations and fuel tensions between groups. For instance, aid may increase divides in society if given only to persons from one ethnic group, class or geographical area.

- Development cooperation can legitimise actors that promote war and violate human rights by giving them recognition as development partners.

However, development cooperation can also be used constructively, to decrease the frustrations of marginalised groups, provide arenas for cooperation and conflict resolution between conflicting groups (grassroots or leaders), addressing root causes of conflicts (such as economic inequality, lack of political participation, the breakdown of rule of law), and giving support to groups who challenge war and human rights violations (see Anderson 1999; Sida 2007). The threats of withdrawal of aid, or promises of aid, can provide incentives for governments (and to some extent other actors) involved in war to change their behaviour.

A conflict sensitive approach to development assistance hence is much more than a traditional risk analysis. While a risk analysis focuses on how the project and its staff may be at risk in a conflict context, a conflict sensitive approach takes into consideration what negative and positive effects the project – or development aid more generally – may have on the conflict context.

Sri Lanka's modern history contains numerous examples of how development cooperation has exacerbated conflicts. The uncritical donor support to development efforts (e.g. irrigation projects) that since the 1950s have formed part of successive governments' strategy to resettle Sinhalese families in the traditionally Tamil-dominated East is one case in point. Another example is the massive influx of funds for post-tsunami reconstruction, which reinforced the sense among Tamils (as well as Muslims and many poor Sinhalese!) of being unequally treated because of their ethnic identity, while other groups were (believed to be) privileged. In the current context, there is an impending risk that donor support to the reconstruction of the newly "liberated" East will (apart from legitimising a clear breach of the ceasefire agreement) support a continued ambition by the government to change the ethnic balance in the area (see UTHR-J 2007).

A look at statistics reveals the difficulties in using aid as an incentive to end the war and human rights abuses in Sri Lanka. Foreign development assistance has during recent years made up about six per cent of GDP (a relatively large portion for a middle income country, but insignificant enough for the govern-

ment to neglect donor conditionalities)[20]. Unlike in many countries in Africa, the so-called likeminded donors (Scandinavia, Netherlands, the UK) with ambitions to use aid to promote peace building and human rights, provide only a small portion of the foreign aid received by Sri Lanka (Sweden gives less than one per cent of the foreign aid received by Sri Lanka). Japan, Asian Development Bank (ADB) and the World Bank, which traditionally work with the government and have shown limited interest in conflict sensitive approaches, grant 75–80 per cent of the assistance to Sri Lanka (see Burke & Mulakala 2005). The increased role of China and India as loan-givers and cooperation partners indicates that aid from peace-minded countries like Sweden will be even less significant in the future. However, small donors can play a role stimulating large donors to think in terms of peace and human rights. Sweden has also given vital support to non-governmental organisations working for peace and human rights.

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[20] Interestingly, the defence spending has also in recent years made up about six per cent of Sri Lanka's GDP.

Annex 2 Terms of Reference

Terms of reference for the review of the development cooperation programme between the Sri Lankan Police (SLP) and the Swedish National Police Board (SNPB)

1 Background

In January 2001, the Department of External Resources (ERD) within the Ministry of Finance and Planning, together with the Ministry of Defence, requested Swedish assistance for enhancing the Sri Lanka Police Department's capacity in civilian policing.

The Ministry of Defence[21] wanted to reform and improve the professionalism of the Sri Lanka Police Department. Skills, attitudes and knowledge in areas of crime prevention and control, community policing, law enforcement, protection of human rights, public relations and the co-ordination with other public agencies and the private sector needed to be developed.

At an early stage, Sida contacted the Swedish National Police Board (SNPB) to assist in assessing the feasibility of the proposed assistance. In line with this, Sida made funds available for SNPB to under-take a first fact-finding missions to Sri Lanka and the SLP.

In May 2001, SNPB made the first visit to Sri Lanka. The conclusion from the visit was that the ongoing civil war hampered a modernisation process of the SLP[22]. After the Cease-fire Agreement (CFA) in 2002 between the Government of Sri Lanka (GoSL) and the Liberation Tigers of Tamil Eelam (LTTE), new contacts developed between the Sri Lankan authorities, the Swedish Embassy in Colombo and SNPB. After several meetings a letter of intent regarding the project on "Capacity Building of Civilian Policing in Sri Lanka" was signed and approved by both the SLP and SNPB. In this letter, the objectives of the co-operation between SLP and SNPB were stated.

A draft operational framework for the broader police reform work was presented in October 2003: "Sri Lankan Police Road Map – Enhancing Capacity of Civilian Policing in Sri Lanka". Out of ten identified key problem areas in the Road Map, four areas relevant to the Swedish co-operation were seen as central – Crime Scene Examinations, Crime Investigations, Integration, Human rights.

The Programme "Enhancing the Capacity of Civilian Policing in Sri Lanka started 1st of June 2005 and will continue up to 31 of May 2008" with a total budget of 30 million SEK. The specific objectives of the programme are to:

1. Improve crime investigations including crime scene examinations.

2. Strengthen the respect and promotion of ethnic integration and human rights in SLP.

3. Increase management capacity of SLP.

The SNPB has a framework agreement with Sida and is currently engaged in police cooperation in seven countries with funding by Sida. The work is mainly guided by the Parliamentarian bill: Policy for Global Development, the Sida: Perspectives on Poverty and the SNPB method handbook.

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[21] At the time of the request, the Police Department was under the auspices of the Ministry of Defence, which was later changed to the Ministry of Interior. In the new government, the Police Department is under the auspices of the Ministry of Public Security, Law and Order. After the presidential elections in 2005 the police once again fall within the Ministry of Defence and Public security, Law and Order.

[22] For example, the conflict led to a release of emergency regulations widening the mandate of the Police, which resulted in severe consequences for the respect of human rights. Consequently, the public developed a widespread mistrust in the Police. This is once again the situation in the current context.

The implementation of the different police projects are delegated to different Police districts in Sweden. The implementation of the cooperation with the Sri Lankan Police is delegated to Västra Götalands polisdistrikt.

The Swedish Government has decided to phase out the development cooperation with Sri Lanka. An important part of the review is therefore to identify mechanisms for a phasing out of the police cooperation programme.

2 Purpose and Scope of the Review

The Swedish-Sri Lankan police cooperation is now more than half way into the programme implementation and since the situation in Sri Lanka has changed considerably since the inception of the programme, it is important to analyse the relevance, effectiveness and impact of the programme in relation to the current situation. It has not yet been decided whether a continuation of cooperation should be considered.

Purpose of the review:

- To assess if the underlying conditions of the programme are conducive to achieve the objectives of the programme and assess the impact and relevance of the programme in the current political context of armed conflict.

- To get a clear picture of what has been achieved in the programme up to date, with an emphasis on the institutional cooperation and the objectives of the programme.

- To provide a basis for an assessment of whether the cooperation should continue and in such a case, make recommendations on future areas and methods of cooperation during the time of phasing out.

The review shall produce concrete recommendations based on lessons learnt from the first two years of activities, as well as the recent developments in the security sector and current political trends.

The outcome of the review will be the point of departure for discussions between SLP, SNPB the Embassy/Sida and other stakeholders on how to continue the cooperation of the ongoing programme as well as a possible continuation.

3 The Assignment

3.1 issues to be covered in the review of the sri lanka cooperation

The overall objectives of the assignment are:

A. To assess if the underlying conditions of the programme are conducive to achieve the objectives of the programme

- Analyse how the current conflict situation (emergency regulations, security situation in NE, militarisation, relation between the armed forces and the Sri Lankan police, impunity and breakdown of rule of law) affects the implementation of the overall objectives of the programme;

- Assess to what extend the programme apply a do no-harm approach and to what extend it is conflict sensitive with regards to the current political development in the country?

B. To review the institutional cooperation programme to date with specific, but not exclusive focus pertaining to the following aspects:

- Analyse the progress and results of all the different projects within the programme in relation to plans, with particular emphasis on those projects where Swedish police expertise has been utilized;

– Assess how and to what extent the gender equality objective has been addressed in the cooperation of the programme;

– Assess how and to what extend the conflict- and rights perspective has been addressed in the cooperation of the programme;

– Analyse to what degree the achievements of the projects at national level have been rolled out to different levels in the districts;

– Analyse the organisation and overall management of the programme by the SLP and the SNPB, taking into account ownership, responsibility and sustainability of the programme;

– Assess the nature of the institutional collaboration between the two partners and to what extent they have been able to draw on each others' experiences and competence in the cooperation;

C. To make recommendations for the implementation and a possible continuation of the programme during the phasing out period.

Recommendations should specifically address the following aspects:

– The underlying conditions of the programme

– The possible direction and content of continued cooperation during the phasing out period;

– Areas where the Swedish support can add value and ways in which the institutional collaboration between the two police services can be strengthened;

– Donor coordination

– General organisation and management of the programme;

– The principles and possibilities for a Swedish-Sri Lankan co-financing of the programme;

– Strengths, weaknesses and gaps in the current programme that should be addressed or used as models for an eventual continuation of the programme during the phasing out period.

– Areas to be addressed for a sustainable phasing out of the programme.

– Risks involved in relation to conflict sensitivity and security for personnel.

4   Methodology, Evaluation Team and Time Schedule

An evaluation team of two Swedish and one Sri Lankan independent consultant should carry out the review.

Composition of the consultancy team:

The team leader should be a Swedish expert within institutional cooperation/development cooperation. The other Swedish consultant should an be expert within conflict transformation and conflict sensitivity. The local consultant should be an expert in governance and human rights.

The development of the ToR and the selection of consultants should done in consultations with SNPB and SLP.

In carrying out the assignment the following tasks should be fulfilled:

1. Available documentation regarding the agreement, the programme and the projects should be studied before the field work starts.

2. Interviews should be carried out in Colombo, and Stockholm, Göteborg and other selected locations with:

• SLP management, programme manager, project sponsors and managers within selected projects as well as other staff involved in the various parts of the programme.

• Staff engaged in the programme at Västra Götalands polisdistrikt, SNPB's management and staff engaged in the programme, former long term advisors as well as short term technical expertise in the programme

• Consultants engaged in the programme, other donors, UN agencies and NGOs engaged in police cooperation in Sri Lanka,

• Sida staff at the Embassy of Sweden in Colombo and at Head office (DESO/DESA) in Stockholm,

3. Field visits should be carried out to Batticaloa, and Anuradhapura

4. The assignment shall be carried out between 1 October–26 October 2007

5. The total time for the work should not be more than four weeks per consultant (20 consultancy days in total), including reading the documentation, interviews, field visits and report writing.

5 Reporting

The consultants shall make a brief presentation of the preliminary main findings on the review to the Embassy, SNPB and SLP before the Swedish consultants leave Sri Lanka. The draft report shall be written in English and the format and outline of the report shall follow the guidelines in *Sida Evaluation Report – a Standardized Format.* The draft report shall be submitted to the Embassy in Colombo, Sida/DESA, SNPB/ISAM and SLP electronically no later than 24 October 24.

After receiving Sida's, SNPB/ISAM's and SLP's comments on the draft report (by 7 November), a final version shall be submitted to the Embassy, Sida/DESA, SNPB/ISAM and SLP again electronically and in two hard copies no later than 15 November 2007. The evaluation report must be presented in a way that enables publication without further editing. Subject to decision by Sida, the report will be published in the series *Sida Evaluations.*

The evaluation assignment includes the completion of *Sida Evaluations Data Work Sheet,* including an *Evaluation Abstract* as defined and required by DAC. The completed Data Worksheet shall be submitted to Sida along with the final version of the report.

Annex 3 Persons and Organisations Met during the Review

Sri Lankan Police

Chandra Fernando, Rtd. IGP and Advisor to the President,

B.K GaminiNawaratne, DIG, Project Manager, SLP Police Headquarters

Wanaguru, DIG, Asssitant Project Manager, SLP Police Headquarters,

Thilak Wijegunawardena, Director, CRD,

D.S.I Lugoda, Director, CCD,

Gregory Cooray, SSP, Deputy Director, Kalutara Police Training College,

SSP Herat, Batticoloa,

SOCO Officers, Batticoloa,

OIC Women and Children's Desk, Batticoloa,

Mcarthy Perera, SSP, Anuradhapura,

SOCO Officers, Anuradhapura,

T.B. Kalyanawathi, Sub-Inspector, plus four other police officers, Anuradhapura,

Other Criminal Justice Agencies

Lakshmi Gunasekera, Secretary, Sri Lankan Law Commision,

Mohamed Mackie Ahamed Murusi, District Judge and Ass. Secretary to Judicial Service Commission,

S. Fernando, Attorney General's Department,

E.G Somapala, Government Analyst, Government Analyst Department,

W.D.G.S Gunatilleke, Head of Forensic Science Division, Government Analyst Department,

S. Paramarajah,High Court Judge, Batticoloa,

Lakmal Darmadasa, Legal Dr., JMO, Anuradhapura,

S.M.I. Indu, Dr., JMO, Anuradhapura,

Chaminda Athukorale, State Counsel, Anuradhapura,

K. Ratnavale, Attorney-At-Law,

CSOs/NGOs/INGOs

J.C Weliamuna, Executive Director, Transparency International, Sri Lanka,

Dinesha de Silva, Deputy Country Representative, Asia Foundation,

Ramani Jayasundere, Programme Manager, Asia Foundation,

Anandhi Kanagaratnam, Programme Officer – Access to Justice, Asia Foundation,

Bhavani Fonseka, Senior Researcher, Center for Policy Alternatives,

Sepali Kottegoda, Director of Women and Media Collective,

Mirak Rahim, Senior Researcher, Center for Policy Alternatives,

Representatives of Civil Society Organisations in Batticoloa,

N. Kandasamy, Centre for Human Rights and Development,

IDP Camp representatives, Batticoloa,

Representatives from Sarvodaya, Anuradhapura,

Representatives from Women in Need, Anuradhapura,

Mano Ganesan, Member of Parliament Colombo District, Civil Monitoring Commission,

Donor Organisations

Steve Ainsworth, First Secretary, British High Commission,

Cecilia Brennan, Australian High Commission,

Shermila Antony, UNDP Access to Justice Programme,

SLMM

Jan Gustav Andersen, Monitor, SLMM Batticaloa,

Swedish Police

Lars Berg, Assistant Police Commissioner, Programme Manager Country, VGLCP,

Yngve Danling, Chief Superintendent, Assistant Programme Manager Country, VGLCP,

Anne-Marie Begler, SNPB,

Mats Palmgren, SNPB

Ingemar Johansson, Deputy Police Commissioner, VGLCP,

Johanna Anderson, Inspector, VGLCP,

Elisabeth Ryden, Detective Inspector, VGLCP,

Leif Holst, Superintendent, Chief of Education Unit, VGLCP,

Sida

Urban Sjöström, Second secretary, Sida, Swedish Embassy, Colombo,

Stina Karltun, Coordinator, Human Rights and Rule of Law Division, Sida, Stockholm,

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Department for Africa

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Department for Democracy and Social Development

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Department for Democracy and Social Development

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