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Prevention of Police Torture in Sri Lanka



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Prevention of Police Torture in Sri Lanka

Final Project Evaluation

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Report



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Acronyms, abbreviations and local terms

AG	Attorney General
AHRC	Asian Human Rights Commission
ALNAP	Active Learning Network: Accountability and Performance in Humanitarian Action
ALRC	Asian Legal Resource Centre
CAT	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CAT Act	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment Act, No 22 of 1994, Sri Lanka
CC	Citizens' Committee
CCPR	Committee on Civil and Political Rights (under the ICCPR)
CID	Criminal Investigation Division
CHRD	Centre for Human Rights and Development
CIDTP	Cruel, Inhuman or Degrading Treatment or Punishment
CJ	Chief Justice
EU	European Union
FR	Fundamental Rights
GBV	Gender Based Violence
GoSL	Government of Sri Lanka
GSP+	Special Incentive Arrangement for Sustainable Development and Good Governance (EC)
HR	Human Rights
HRC / HRCSL	Human Rights Commission Sri Lanka
HVT	Home for the Victims of Torture
ICC	International Criminal Court
ICCPR	International Covenant on Civil and Political Rights
ICJ	International Court of Justice
IGP	Inspector General of Police
JMO	Judicial Medical Officer
Logframe	Logical Framework
LTTE	Liberation Tigers of Tamil Eelam
NPC	National Police Commission
OECD	Organisation for Economic Co-operation and Development
OHCHR	Office of the High Commissioner for Human Rights
OPCAT	Optional Protocol to CAT

PAT	People against Torture
PTA	Prevention of Terrorism Act
R2L	Right to Life
RCT	Rehabilitation and Research Centre for Torture Victims
SETIK	the Development and Social Justice Agency of the Catholic Diocese of Kandy
SC	Supreme Court
SIU	Special Investigation Unit
UA	Urgent Appeal
UNCAT	UN Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
UNEG	United Nations Evaluation Group
UNHRC	United Nations Human Rights Council
SMART	Specific, Measurable, Attainable, Relevant, Timebound
SPICED	Subjective, Participatory, Interpreted, Cross-checked and Compared, Empowering, Disaggregated
ToR	Terms of Reference

1. Executive Summary

This report contains the findings of the Final Evaluation of the ‘Prevention of Police Torture Project’ in Sri Lanka.

The overall goal of the project ‘Prevention of Police Torture in Sri Lanka’ was to achieve breakthroughs in terms of attitude, policy, legislative changes and changes in the institutional practices of relevant government agencies in Sri Lanka.

Key Findings of the Evaluation (I):

The project is relevant, effective, and there are reasons to believe that it has sustainable impact.

The AHRC model is unique in several ways:

1. as an integrated approach to torture combining service delivery and advocacy at grassroots level with high profile advocacy at regional and international levels;
2. the AHRC model combines four interrelated areas: advocacy, legal redress, rehabilitation and protection;
3. the project uses a human rights based approach;
4. it addresses torture as a poverty issue.

Key Findings (II): Achievements vis-à-vis intended results

The results of the ‘Prevention of Police Torture Project’ are impressive. It is fair to say that few organisations would, with limited means, reach a similar level of effectiveness.

Key Findings (III): Assessment of Outcome

The evaluation identified several outcomes that can be attributed to the project.

A major outcome is that “Torture is increasingly widely and publicly acknowledged in Sri Lanka”.

The evaluation conducted a detailed assessment of this outcome to create credible linkages between the outcome and the project interventions while accounting for other contextual factors. The evaluation concluded that this outcome can indeed be significantly attributed to the efforts of the AHRC and its partners.

Key Findings (IV): Outcome attributed to the project

The evaluation identified twenty-five (25) different outcomes that can be attributed to the project. The main outcomes are:

1. The success of five court cases establishes the usefulness of the CAT Act as a tool to highlight the practice of police torture.
2. A Rapid Response Mechanism is in place.
3. Six UN Rapporteurs recognise torture as an endemic rule of law problem.
4. New pathways in the UN Human Rights Committee.
5. Increased EU pressure to the GoSL regarding Human Rights Violations.
6. Grassroots participation for knowledge generation, legal redress, pressure to GoSL, victim's protection and empowerment.
7. Tools for an integrated approach to torture, including electronic media.
8. Strengthening of the debate on root causes of torture; poverty being a root cause.
9. A pool of knowledgeable and skilled staff within the partner organisations.
10. At individual level: Awareness, Care, Healing, Justice and Empowerment.

These outcomes can be significantly attributed to the work of the AHRC and its partners within the RCT supported project on 'Prevention of Police Torture in Sri Lanka'.

Key Findings (V): Conclusions on the outcome of the project

The overall expected outcome of "a systemic breakthrough" on torture prevention has only been achieved to a certain extent. This can not be exclusively attributed to the project, as a closer analysis of the context in which the project operated shows that the project faced a huge number of 'hindering factors'.

However a great number of significant positive outcomes were definitely realised and these can be directly, or to a considerable extent, attributed to the work of the AHRC.

These outcomes cannot be underestimated. They may well be significant pillars for human rights advocacy in the post-conflict era.

Key Findings (VI): Assessment of preventive strategies

1. The relevance of the project is beyond doubt.
2. The project is **effective and efficient** as it made maximum use of the advantages of new technologies. The combination of the 4 AHRC models constitutes **keys to effectiveness and efficiency**.
3. The AHRC's overall **contextual analysis** is adequate. Publications substantiating the contextual analysis are relevant, accurate and well documented. Information is validated and verified. The contextual analysis is consistent over time while reflecting contextual changes in the course of the project. There may be a need for an adjustment of the contextual analysis of civil society and a change in the partnership approach.
4. There may be a need for specific strategies in view of the special needs of particular **vulnerable groups**.

5. The **partners** all work with enormous dedication, passion and a boundless sense of responsibility. All have become experts in the field of torture prevention and rehabilitation. All have established victims' networks and some have created victims' support groups. All are working under extremely hostile circumstances. The partners all maintain high standards of performance. They all need and deserve support.
 6. One of the immediate project objectives was "to strengthen the **partner** network". The AHRC expected that "a mass-based campaign against torture is now possible". The "model network of Human Rights activists – People against Torture (PAT)" had formally ceased to exist at the time of the evaluation. The AHRC has been over-optimistic in claiming that it has "successfully created a model network of HR activist organisations" and may perhaps have underestimated the obstacles to reach a common ground between the network partners. The partner network building has been a painful process for partners. There are profound identity issues within the partner network and between the partners and the AHRC. The differences pertain to strategic issues as well as personal/ego-issues. On the other hand, all partners expressed that they are prepared to help revive the partner network.
 7. The expected "**mass-based campaign against torture**" has not been realized. This may be partly attributed to the increasingly hostile context in which the project operated. The AHRC and the partners may not have put sufficient effort into bringing about a more inclusive partnership strategy. For an effective revival of the partner network there is a need for a change in the approach to partnership building, and a change in the way the partner network on torture prevention conceives itself within the Sri Lankan human rights movement and civil society at large. This is also a prerequisite for maximizing impact for the project itself.
 8. The three-tier model has been an **appropriate and effective** model for the Prevention of Police Torture project. There will have to remain a sound balance between planning and flexibility. Also, the diversity among the partner organisations will have to be respected, as diversity is one of the strengths of the network.
 9. The project would benefit from **integrating a gender perspective** at project cycle level and at the organisational level.
 10. There is no doubt that the **victims** have a high opinion of the Prevention of Police Torture project. In their perception the AHRC, the partners and RCT have contributed greatly to their **empowerment**.
 11. In every project cycle the project has been able to assess **lessons learned** and incorporate these in the follow up project.
 12. The project model could be **replicated** for other organisations working on torture in countries with a similar context.
 13. The range, intensity, consistency, amount and quality of the technical and financial contributions provided by **RCT** are remarkable and commendable.
- The project has provided new insights in effective approaches to the prevention of torture and rehabilitation of torture victims, in particular in an increasingly hostile context. In

that sense the project has contributed to the achievement of RCT's policy targets for 2015.

10 Key Recommendations

The main recommendations of the evaluation are:

1. **Healing and therapeutic support** need greater attention, programmatic response and further capacity building.
2. With the new political situation since May 2009, explore possibilities for covering police torture in the **North**.
3. Integrate a **gender perspective** at organisational level and at activity level.
4. **Identify vulnerable groups** and special needs,
5. The Torture Prevention project would benefit from a clear positioning within the human rights movement in Sri Lanka and civil society at large and a pro-active and inclusive strategy on partnership and alliance building. Including a perspective on the **broadest possible civil society platform** on torture prevention and human rights and a unified agenda. It would also benefit from the creation of alliances with other organizations with mandates on torture and HR including women's organizations. This is a requirement for the project to gain maximum impact.
6. **Strategic Planning:** Organise a joint strategic planning, resulting in a common plan. This should include an analysis of civil society and partnership. There should be a redefinition of the strategic partnership.
7. **Results Based Management:** in the future project develop a logframe, undertake monitoring of results vis-à-vis expected results in a systematic way. Capacity Building on results based management for the AHRC and partners.
8. Develop and institutionalise a notion of "**Caring in the organisation**". Identify needs among management, staff, caretakers and victims.
9. **Tools for advocacy and campaigning:** Diversify ways to get the message across: involve arts, drama, including visual arts as means of communication; expand partnerships with likeminded organisations in the area of culture.
10. Write a manual or booklet for organisations working on torture prevention **elsewhere in the world, sharing** the unique and highly relevant experience from the AHRC and partners. What to do, how to do it. This should including case studies and best practices.

2. Introduction

This report contains the findings of the Final Evaluation of the 'Prevention of Police Torture Project' in Sri Lanka.

Background of the project

The Rehabilitation and Research Centre for Torture Victims (RCT) entered into an agreement with the Asian Human Rights Commission in 2004 and the two organisations have worked with local Sri Lankan human rights organisations ever since in the struggle against torture in Sri Lanka.

The overall goal of the project 'Prevention of Police Torture in Sri Lanka' was to achieve breakthroughs in terms of attitude, policy, and legislative changes and changes in the institutional practices of relevant government agencies in Sri Lanka. The victims of police torture in Sri Lanka were of primary concern. Project benefits were expected to accrue to the local network of civil organisations, to the general public and to Sri Lankan society at large. The total financial support to the AHRC and the local partners in Sri Lanka since 2004 amounted to DKK 7.363,000 (989.243 Euro).

The project model was based on a contextual analysis acknowledging that the local risk level is so high that effective advocacy on torture prevention cannot be undertaken solely from Sri Lanka. In other words: "What can be done when nothing can be done?"

From this perspective a three-tier action model was chosen with an outside support role for the AHRC to partners within Sri Lanka and where strategies at international, national and local level coalesce.

This evaluation

The final project evaluation covered the entire project period, 2004-2009.

The overall objective of the evaluation was to assess the model, the approach and the performance of the AHRC and the local organisations in relation to torture prevention in Sri Lanka. It was about relevance, effectiveness, efficiency and sustainability. In other words: "*Are we doing the right things, are we doing things right?*"

The evaluation mission was carried out by a team of two external evaluators.

The evaluation process involved participation of RCT and AHRC staff.

The context of this evaluation mission

The evaluation mission took place in a time of heightened tension due to the recent issue of the EC GSP+ report. The GSP report investigates whether Sri Lanka is living up to the commitments it made to respect international human rights standards when it became a beneficiary of the EU GSP+ trade incentive scheme. The report comes to the conclusion that Sri Lanka is in breach of its GSP+ commitments and that there are significant shortcomings in respect of three UN human rights conventions including the Convention against Torture (CAT). The report and the concomitant tension in international relations highlighted Sri Lanka's poor standard on Human Rights including torture. This issue was very much in the background of the evaluation mission.

Another public issue that coincided with the evaluation mission was the incident where the Sri Lanka Police Constables beat a mentally ill Tamil boy and forced the boy to drown in the sea near Bambalapitya, Colombo, on 2nd November. The boy was beaten with wooden poles while pleading for mercy. It was the first time that an incident of torture was documented at length by video and telecast on news bulletins. The incident gave rise to an outcry of anger and reflects the unabated relevance of the police torture prevention project in Sri Lanka.

Acknowledgements

It is rare to undertake an evaluation where a partner is so well prepared in presenting its work to the evaluators. The evaluators attended excellent presentations at the AHRC offices in Hong Kong and with all partner organisations. Every request for additional documents was responded to immediately, and suggestions for more detailed or disaggregated data were expeditiously followed up. The participation in the partner workshop in Colombo was energetic and the 'spirit' in the workshop was high. We would very much like to thank the AHRC for their contribution. We also wish to thank the partners: Right to Life, SETIK, Home for Victims of Torture, Janasansadaya, Gampaha People's Committee on Human Rights and the Centre for the Rule of Law. All of them have contributed to this evaluation.

We wish to thank RCT, and in particular Erik Wendt, for his overall support to this evaluation mission.

We are grateful to Liza Rowena Perdon who helped us in making the beautiful figures of this report.

We wish to thank the many survivors of police torture we spoke to in various meetings in Sri Lanka. Some of them are awaiting their cases pending at various courts for years; some of them are living under daily death threat; some of them are in hiding and trying to heal themselves in the Home for Victims of Torture; and all of them deserve the unabated support of the AHRC, the partner organisations, RCT and the international community in their quest for justice.

Amsterdam – Colombo
December 1st, 2009

Welmoed Koekebakker and Loreine dela Cruz

3. Methodology

The evaluation methodology made use of the Evaluation Frameworks developed for advocacy and rehabilitation interventions in the humanitarian sector and the field of human rights like those practised by UNDP.¹

Inception report

The Team Leader wrote an inception report on evaluation methodology prior to the mission². She presented the evaluation methodology to RCT and the AHRC during the briefing meeting in Hong Kong.

Qualitative and quantitative approach

The evaluation used a 'classical' qualitative evaluation approach. Quantitative information has been used to assess achievements vis-à-vis intended results. Quantitative sources are treated with care: statistics on Human Rights Violations based on reporting figures are an inaccurate tool for assessment of Human Rights Violations as survivors may have a wide range of justifiable reasons not to report.³

Interviews and sources

Interviews and group discussions were held with: the AHRC project staff, RCT project staff, Staff and representatives of the five partners organisations, Torture survivors, Stakeholders and Professionals involved in the project, other key informants working on Human Rights in Sri Lanka. A list of documents consulted is attached to the report as an annex.

Partner Workshop Sri Lanka

A workshop was organised with the partner organisations in Sri Lanka.

The objectives of the workshop were:

1. Presentation of findings to the partners,
2. Presentation of evaluation methodology,
3. Joint mapping of project outcome, clarifying attribution issues, joint assessment of enabling and hindering actors and factors,
4. For the evaluators: insight in the dynamics of the partner network.

The workshop introduced participatory methods and made use of visual and physical exercises. Participants perceived the workshop as successful.

Questionnaire

A questionnaire was prepared for workshop participants. Questions included expectations, perceived outcome, indicators for outcome, cooperation with the AHRC, perceived need for changes, the partner network, perceptions on success within the project, the organisational set up, the future of the project.

Survivors' perspectives

The evaluation mission included meetings with over 100 survivors of torture (victims).

The time factor

The emphasis of this final project evaluation is on outcome rather than impact, as in evaluation practices it is generally agreed that impact assessment is only meaningful once a certain period of time has passed since the finalisation of the project.

Output, Outcome, Impact

In the results-chain 'input-output-outcome-impact', evaluation of Human Rights projects may situate itself on the line between output and outcome and to some extent it would touch on impact.

In the past, projects / interventions were evaluated primarily at the level of inputs and outputs. Output evaluations are typically suitable for traditional project evaluation purposes but their scope is limited in the sense that the conclusions are restricted to expected 'tangible' outputs, the kind of output that is governed by SMART indicators, whereas the project objectives usually go beyond outputs. Today, the focus of evaluations is increasingly on outcomes, because this level of results reveals more about how effective actions are in achieving development changes. A focus on outcomes catches credible linkages between the action and the eventual effect in a relatively short timeframe.

Human Rights projects aim at non-tangible, 'soft' outcomes that can be achieved only in interaction with other development interventions and in collaboration with other actors.

The same is true for all other projects aiming at political and societal change like Peace Building Projects, projects aiming at Gender Equity, Democracy etcetera. Typically, for these kind of interventions with large components of advocacy, awareness raising and capacity building, outcome assessments tend to be more suitable than output assessments.

The culmination of successful interventions aiming at prevention of torture (or prevention of human rights violations, transforming gender inequalities, conflict transformation...) proves itself at the level of outcome, not at the level of outputs.

The attribution factor

In assessing outcome and impact of interventions aiming at the preventing torture, the attribution factor is paramount. In case of a torture prevention project, where there is a major breakthrough in the area of prevention of torture, can this outcome be attributed to the project? ⁴ Likewise, if there is no breakthrough, can the project be 'blamed' for that?

What is the impact of a human rights intervention in a country in a period of a gradual erosion of Human Rights standards and a systematic increase of abuses and human rights violations? In times of shrinking spaces, the likelihood that the overall project objectives can be achieved is limited. Whereas a project under favorable conditions may be expected to have multiplier effects (ripple effects), in times of war and state violence the impact of the same project may be measured in terms of 'little victories'. When assessing impact we may look at it as if it were at the 'inner circle' of impact. Perhaps the maximum attainable under these conditions is: did the project activities meet the expected results?

There seems to be a consensus among human rights evaluations that an assessment in terms of 'achievements vis-a-vis intended results' is valid, but an assessment of impact is highly questionable and 'a station too far' for an end-of-project evaluation ⁵. However, evaluations may assess project components contributing to the likeliness of sustained impact and highlight indications of a wider, sustainable impact.

Dilemmas in Human Rights Impact Assessments

Is there a way out to this dilemma? A way out is to focus on outcome evaluation. ⁶

Outcome evaluation works backwards from the outcome. It takes the outcome as its point of departure and then assesses a number of variables. The variables include the following:

1. whether an outcome has been achieved or progress made towards it,
2. how, why, and under what circumstances the outcome has changed (factors affecting the outcome),
3. the contribution of the implementing organisation to the achievement of the outcome,
4. its partnership strategy in pursuing the outcome..

In this evaluation report (See Chapter 5: Outcome assessment: public acknowledgement of police torture) the following model has been used:

Assessment of outcome: “x”

- 1. Outcome: “x”**
- 2. Indicators for this outcome: x**
- 3. Analysis of actors and factors contributing to this outcome:**
 - AHRC and partners
 - Other actors and factors, national and international
- 4. Conclusion:** it is justified/not justified to conclude that this outcome can be attributed to the project.

Methodologies used in this evaluation

This evaluation uses a combination of methodological approaches that have each of them in a different way proven to be valid in the assessment of human rights interventions.

1. An assessment of project achievements vis-à-vis intended results. Basically, this is the level of monitoring and assessment that may be expected from an implementing organisation.
2. Assessment of issues related to management, organisational development and partnership.
3. Outcome assessment:
 - taking the outcome as a point of departure and assessing the likely contribution of the project to the outcome; this includes
 - an assessment of the relative weight of the various project components in contributing to the outcome; and
 - an assessment of the relative contribution of other actors working towards the same or similar outcome.
4. This includes an assessment of the wider context including the various enabling and hindering factors and actors.
5. The changes in the context over time may be captured by constructing a time line differentiating the dynamics among the various actors and factors (e.g. overall role of the state vis-à-vis civil society, the legal framework, war and conflict, poverty, or other factors found relevant); these may be then summarized in a graph.
This may justify conclusions on the interaction of contextual actors and factors with the project as influencing the project outcome and on the extent to which the outcome may be attributed to the project.
6. This may then also include reflections on the likeliness of sustained impact.

The outcome assessment (3-6) will constitute the main part of the evaluation.

7. In addition: A process approach, a focus on lessons learned rather than end results.

8. A perception approach: what is the perceived impact/outcome, what is the impact outcome in the perceptions of torture survivors? This could be related to the role of the project vis-à-vis the emancipation process (empowerment) of victims. It could be argued that the perceptions of the victims matter most. The report will include perceptions and opinions of the victims (case studies, quotations) so as to “make their voices heard”.
9. Case studies of exemplary cases, including extrapolations of generic factors (provided the report has sufficient space).

Properties of indicators

Properties of indicators used are SMART or SPICED depending on what is most appropriate⁷.

Norms and Standards

This evaluation mission adheres to ALNAP Evaluation Principles, UNEG Norms and Standards and anthropological ethical frameworks⁸.

Geographical coverage and phasing

The evaluation was carried out in three phases: Phase I – desk study; Phase II in the premises of the AHRC in Hong Kong; Phase II in Sri Lanka.

Debriefing

The findings of the evaluation were presented to project partners at the evaluation workshop in Sri Lanka. A debriefing has been organised in Denmark for RCT and the AHRC.

-
1. All major international development institutions and humanitarian institutions have their ‘corporate’ strategies on evaluation and impact assessment, for example all UN organisations, WB, OECD/DAC, EU, and the larger INGOs. These corporate strategies have a lot in common.
UNDP: Handbook on Monitoring and Evaluation for Results, UNDP Evaluation Office, New York, 2002;
UNDP: RBM in UNDP: Technical Note; UNDP Evaluation Office: Guidelines for Outcome Evaluations: Monitoring and Evaluation Companion Series 1, 2002. www.undp.org/eo/
 2. Unfortunately, due to time limits the inception report could not be presented in Hong Kong.
 3. See W.Koekebakker: Report on a Field Mission to Kutum, North Darfur, August 2006.
 4. E.g. Erik Wendt, RCT, November 2009: “RCT will claim the anti-torture bill in the Philippines as an impact indicator”. “Ecuador has just ratified CAT after many years of campaigning by our partner organisation. We congratulate our partner with that achievement. But is it really their achievement?”

5. For different positions in the discourse on methodologies of human rights evaluations see Andersen, E.A., and H.O.Sano: Human Rights Indicators at programme and project level. Guidelines for defining indicators, Monitoring and Evaluation. Copenhagen, The Danish Institute for Human Rights, 2006; Berggren. B. and P.Jotun: Democracy and Human Rights. An Evaluation of Sida's support to five projects in Georgia. SIDA, Stockholm, 2001; DANIDA: Evaluation of Danish Support to Promotion of Human Rights and Democratisation 1990-1998. Synthesis Report. Copenhagen, Chr. Michelsen Institute, 2000.
6. This is the approach followed by UNDP. UNDP is widely involved in interventions in the area of governance including human rights and gender equality. See: UNDP: Handbook on Monitoring and Evaluation for Results, UNDP Evaluation Office, 2002. See also: UNDP Evaluation Office: Guidelines for Outcome Evaluators. Monitoring and Evaluation Companion Series #1, New York 2002.
7. See Chris Roche: Impact Assessment for Development Agencies. Learning to Value Change. Oxford, OXFAM, 2000. On Value-Based Indicators: The choice of indicators depends on the approach adopted. Establishing appropriate indicators is a critical part of planning. In 'conventional' planning the acronym SMART is being used for describing the properties of indicators (Specific, Measurable, Attainable, Relevant, Time bound). Alternative indicators may be characterised by SPICED properties. SPICED stands for: Subjective, Participatory, Interpreted, Cross-checked, Empowering, Diverse and Disaggregated. In the discourse on Human Rights Impact Assessment different properties of indicators have been proposed.
8. UNDP: Ethical Code of Conduct for UNDP Evaluation; UNDP: Evaluation report: Deliverable Description. Note, derived from Standards for evaluation in the UN system; UNEG, United Nations Evaluation Group: Standards for Evaluation in the UN System, April 2005. <http://www.uneval.org/indexAction.cfm?module=Library&action=GetFile&DocumentAttachmentID=1496>
UNEG, United Nations Evaluation Group: Norms for Evaluation in the UN System, April 2005.. <http://www.uneval.org/indexAction.cfm?module=Library&action=GetFile&DocumentAttachmentID=1491>

4. Project model and strategies

1. The AHRC model

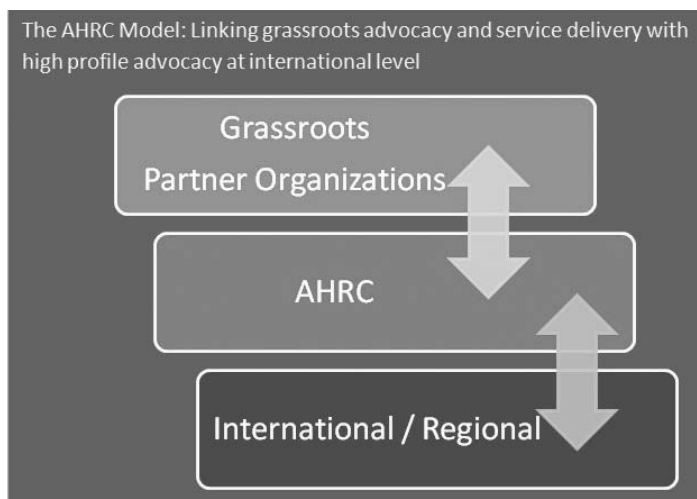
1. The AHRC model (I): An integrated model for linking grass roots with international support

Main Finding: The project utilizes an **integrated approach to torture prevention combining service delivery and advocacy at grassroots level with high profile advocacy at regional and international levels**. The role of the AHRC is building bridges of solidarity and advocacy between the grass roots through the local partners and the international actors.

This is a unique feature of the AHRC Model.

The model is based on a contextual analysis acknowledging that the local risk level is so high that effective advocacy on torture prevention can not be undertaken solely from Sri Lanka. In other words: “*What can be done when nothing can be done*”. From this perspective a three-tier action model was chosen with an outside support role for the AHRC to partners within Sri Lanka implementing the project at national level, and where strategies at international, national and local level are expected to coalesce and mutually support each other, thus creating an effective **Rapid Response Mechanism**.⁹

Figure 1: AHRC Model (I): Linking grass roots with international support



This expected outcome of integrated strategies was never ‘formally’ defined as an expected outcome of the project. Looking back, we may conclude that the model of an integrated approach to torture combining service delivery and advocacy at grassroots level with high profile advocacy at regional and international levels has certainly been a successful outcome of the project. The model works. The integrated three-tier model is a highly dynamic feature of the project.

2. The AHRC model (II): Combining advocacy, legal redress, rehabilitation and protection

The AHRC’s model in addressing police torture effectively combines **four interrelated prevention, legal redress, rehabilitation and protection**; they form a ‘package’ where the various interventions call for different activities, professional expertise and personal qualities. **From the perspective of the victim** and his/her family in their process of seeking justice and recovery these areas of intervention are inseparable.

This is an outstanding feature of the project.

For the AHRC this combination has been the outcome of a learning process as the project was initially focused on torture prevention. In the process of assisting the victims for legal redress and appeals, additional interventions were called for such as the need for healing and recovery; and an urgent need for developing protection mechanisms for the victims, their families and human rights defenders¹⁰.

Figure 2: AHRC Model (II): Combining advocacy, legal redress, rehabilitation, protection



3. The AHRC model (III): A human rights based approach to torture prevention

The project uses a human rights based approach to torture prevention. The torture victims as rights holders claim their rights to justice. State authorities are challenged to fulfil their obligations as duty bearers. This is to highlight the need for reform of the criminal justice system and the rule of law that are hampered by emergency and anti-terrorism laws.

Police torture is addressed as an opportunity to expose systemic deficiencies in the criminal justice system and the rule of law with torture being practised as standard operating procedure; at the same time highlighting the significance of the fight against impunity.

The AHRC's rights based approach puts the victims as human being at the centre. Torture violates the very core of human dignity and integrity of a person. In the context of Sri Lanka, it has reached a point where a culture of violence legitimizes routine use of torture in policing work throughout the country.

The impact of torture on individuals, families and communities is put in the context of civil and political rights violations but for the AHRC promotion and protection of economic, social and cultural rights is a matter of priority as well. For the poor it is about the right to food.

4. The AHRC model (IV): Torture as a poverty issue

The AHRC approaches torture as a poverty issue as it found that a root cause of torture is poverty. Based on its extensive database and field practice the AHRC concludes that the majority of torture cases in Sri Lanka do not pertain to middle or higher-class people, but to the poor¹¹. Poverty is a main risk factor and determinant of torture, and torture prevention strategies should take this into account. The AHRC's consequent emphasis on **poverty as a root cause** calls for a theoretical framework that connects torture with poverty, power and Rule of Law¹².

The poverty approach informed the project target group and the choice of project partners, and brought the project close to its target group, the rural poor.

2. Assessment of strategic components

As the project evolved, the need for an integrated approach became evident: combining preventive strategies with legal redress and addressing needs of the victims for healing and protection. Care, healing and protection are needed for the victims to muster the courage and perseverance to pursue their legal fight for justice.

This is one of the strengths of the project. The project incorporated the lessons learned.

The combined approach of the four areas (prevention, legal redress, rehabilitation and protection) could be helpful for other organisations in Asia and elsewhere working in the field of torture prevention and rehabilitation; also for RCT. It could be a 'learning model' for other organisations. It may be replicable.

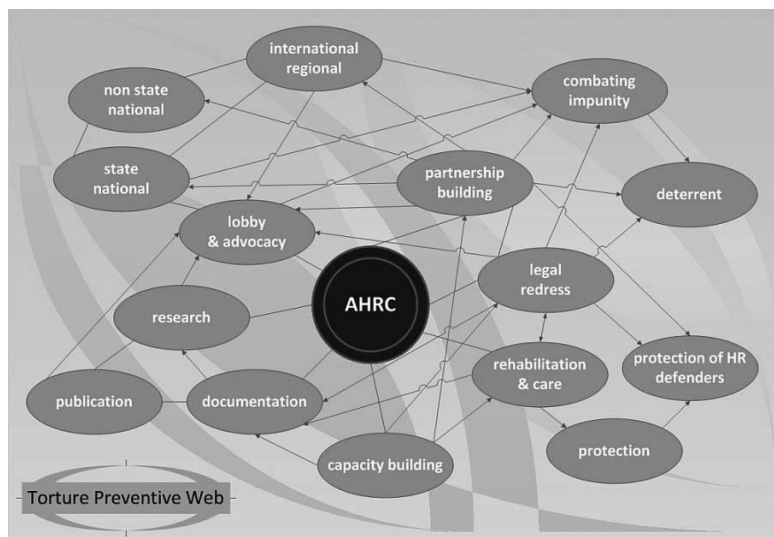
1. Preventive strategies

The focus of the project is on prevention. The preventive strategies include Urgent Appeals, lobby, advocacy, campaigns, public awareness, case documentation and reporting, publications, research, media relations, street movement, dialogues¹³.

The AHRC and its partners excel in routing out torture as a systemic issue at different levels in terms of civil, political, economic, social and cultural rights.

The various strategies are interlinked at every level (local, national, regional, international). They constitute a Preventive Web. Victim support feeds into Urgent Appeals and legal redress; Legal redress feeds into advocacy; data collection feeds into research and publications; which are then used for advocacy; partnership feeds into better rehabilitation and care and into better advocacy; public awareness activities feed into victims awareness, trust, increase of caseload; public awareness activities feed into advocacy; international advocacy feeds into national advocacy, protection, organisational profile and funding; capacity building feeds into better rehabilitation and advocacy and partnership building, etcetera¹⁴. See below.

Figure 3: Torture Preventive Web



The preventive strategy that has proven to be most effective is the Urgent Appeals¹⁵. The Urgent Appeals have undoubtedly served as advocacy tools that contributed to establishing torture as a endemic phenomenon. They serve as a protection tool; they provide awareness and solidarity to the victims with the message that they are not alone in their suffering; they contribute to the victims' determination to pursue justice.

Outcome: There is evidence that at the results and outcome level there are several achievements that can be attributed to the project's prevention strategies.

More people are coming forward today to report cases of torture than ever before in spite of considerable risks (killings, death threats, repeated torture, threats to family members) involved in seeking justice. A growing number of people are participating in public action; more publications have come out on torture (urgent appeals, statements, newspaper articles). At least ten books have been published, TV and radio programmes have been realised. Supreme Court senior judges have undertaken a proactive role on the torture issue. The Human Rights Commission adapted a zero policy on torture.

Recommendations

- The evaluators met one victim who did not know that there was an Urgent Appeal about her. It is recommended that victims' consent be sought. This is primarily an ethical issue. In addition it is a lost opportunity in terms of empowerment. Do the AHRC and partners have operational procedures about Urgent Appeals and publications on issues of consent and privacy? What dilemmas are experienced? Is there a learning process within the organisation in handling these?

2. Legal redress

Legal redress is **effective** in several ways: for the purpose of highlighting police torture as a systemic issue (prevention) and for rehabilitation of the victim (seeking justice, regaining strength). The AHRC and its partners have faced a huge range of obstacles and dilemmas in fighting for legal redress.¹⁶

Victims of torture have the right under the constitution to file Fundamental Rights applications (FR); however the 30-day limit imposed in the constitution for filing up such cases is a major constraint.¹⁷ Another constraint that is peculiar for Sri Lanka is the fact that for criminal cases brought before the Magistrate Court it is the local police who assign the lawyers. This affects the independence of the lawyers.¹⁸

Legal cases are found to be prolonged battles. Delays of legal cases are considered a reflection of the dysfunctional state of the judicial system preventing and discouraging victims from attaining justice.¹⁹

A victim may experience legal redress as a **second phase of traumatization**, in particular when prolonged delays are involved. Legal redress may hinder the process of recovery; all project partners interviewed in the process of this evaluation acknowledged this dilemma. The evaluators found that the project partners are very apprehensive not to put any **pressure** on the victims to opt for legal redress; they are aware that it may be in the interest of the victims to opt for a settlement. However it is in the interest of the wider objectives of the project to seek legal redress. It may be recommended that project partners share their experiences in this respect to develop a deeper understanding of this dilemma and an institutional position.

Independent lawyers taking up torture cases are difficult to find in Sri Lanka as representing torture victims puts lawyers at odds with the police, and this against their allies, the magistrates²⁰. The risks for lawyers taking up torture cases are well known and lawyers representing torture survivors have faced serious retaliation from the state and perpetrators²¹.

A lesson learned by the project is that there is a need for building up a pool of human rights lawyers.

There is evidence that in terms of legal redress, at the outcome level there are several achievements that can be attributed to the project.

In the past cases of torture were not filed as torture cases; only the AHRC started addressing them as torture cases. There are positive Supreme Court decision on five cases of torture of which two were handled by the AHRC; these are landmark cases. Progress is steady but slow. Few cases on police torture have actually been won. Many cases are pending.

A huge and invaluable case documentation has been created and (partly) made available (through the AHRC/ALRC websites); local and international pressure has been built up for almost all cases; a pool of lawyers has been created who are willing to take on and have experienced in handling torture cases; international support has been created for defense of Human Rights defenders; international solidarity has been organised for victim support (in addition to financial support for legal cases²²), etcetera.

Recommendations:

- Case conferences / peer discussions between project partners, especially on exceptional cases. Intervention between human rights lawyers.
- Intervention on discrimination experienced by female lawyers.

3. Rehabilitation and service delivery

The AHRC and its partners undertake a wide range of service activities to support victims of torture. The AHRC's approach to rehabilitation care and service delivery differs from the standard western interpretation of rehabilitation²³ in the sense that it sees rehabilitation care as a 'package of service delivery' to victims including accompanying victims to the police and to courts, counselling, community based protection, medical rehabilitation, livelihood support, financial assistance et cetera.

RCT has in the past concluded that professional rehabilitation care is the weaker part in the project's service delivery to victims. "The challenge is to develop treatment models and professionalise without much access to medical doctors or other health professionals."²⁴ RCT recommended assisting the partner network in building a client centred counselling with rules of consultation and assessing the feasibility of different health care models to be integrated in the partner network. In response to these recommendations RCT has facilitated professional support from outside (including through Dr. Mitra²⁵ and Dr. Inger Agger²⁶). The evaluators found that this kind of support and knowledge sharing by RCT is highly appreciated by the partners. There is still a continued need for support in professionalizing health care delivery and professionalisation of counsellors. The evaluators **recommend that RCT continue its support to facilitating professionalisation of rehabilitation care**, in particular in the following fields: case supervision, counselling techniques, case conferences, victims' self-help, para-counsellors, self-help groups for livelihood support.

The evaluators witnessed the resiliency and coping capacities of the survivors to heal themselves and help heal fellow survivors. From sharing, they have drawn strength from one another mirroring each other's experience thereby achieving self-healing in the process. Counselling and testimonial therapy contributed to their **individual and collective healing** and served as preparation for their cases in courts.

The evaluators observed the need for enhanced rehabilitation interventions for some of the victims in terms of psychosocial professional care. Healing and trauma counselling may indeed not be the strongest side of the project. Faced with the urgent and apparent need to help victims in pain, the local partners, to the best of their knowledge and abilities and with genuine commitment and compassion, have engaged in helping to "**heal invisible wounds**"²⁷. They have been pioneers. They did whatever they could, and what they did has to be immensely appreciated. The counsellors and staff of local partner organizations were always ready with their listening ear, a shoulder to cry on, comforting victims and giving them the feeling of not being alone in this fearful battle²⁸. This healing approach is obviously very much valued by the victims; at the same time, however, it is observed that there is space for more shared systematic learning in concepts, methods and tools of healing.

The AHRC in successive project documents has noted that there is a need for more professionalisation in trauma healing in Sri Lanka. In recent years, as part of post-tsunami rehabilitation programmes, there has been an inflow of trauma counselling projects for tsunami victims; this has definitely contributed to a greater trauma counselling human resource base in the country and more people being familiar with counselling. However there has been little coordination and no systematic build up of knowledge.

Self-healing is unique to each and every individual. It depends a lot on the resiliency of individuals and the support system provided by families and communities. It also depends on the life history of the victim and on the extent to which the torture experience comes 'on top of' other experiences of abuse, humiliation, poverty, and destitution. This is another reason why an integrated approach to rehabilitation is a prerequisite for effective healing, in particular within a target group consisting in majority of people affected by poverty and discrimination.

The evaluators noted a need for institutionalized staff-care that may include reflection sessions, debriefing and defusing activities, body-work and mindfulness exercises. This need was communicated to the evaluation team on several occasions.

In emergency cases the rehabilitation care provided to victims includes emergency financial assistance²⁹. The allowances are decided on a case basis. It is observed that the issue of financial assistance comes with a lot of dilemmas and constraints: who decides; who may/may not receive, possibility of jealousy, manipulation, personal involvement; what is the impact; the risk of a dependency syndrome. It is recommended that the partners work out guidelines on financial assistance, also from the perspective of "Do no Harm".

The healing activities have been effective and beneficial, at least for some of the victims met by the evaluation team: "I can eat again", "I can laugh again", "When I came to this group I thought I am the only one, but now I know there are many like me", "I don't want to forget but I want to fight my case", "In the beginning I was scared of every uniform but now I can face the police. The police are even scared of me." These can be seen as indicators for outcome.

There is evidence that in terms of rehabilitation care, at the outcome level there are several achievements that can be attributed to the project to a major extent.

Recommendations

- RCT may continue its support to facilitating professionalisation of rehabilitation care, in particular in the following fields: case supervision, counselling techniques, case conferences, victims' self-help, para-counsellors, self-help for livelihood support.

- Partners may put greater emphasis on rehabilitation and healing in the follow-up phase.
- A referral network may be developed among partners for rehabilitation care in particular for special cases,
- The network may develop guidelines on how to decide on emergency financial assistance: who, for what, when, how long, how to account for it.

4. Protection

Protection activities include establishment of shelters (church sanctuaries, safe places), emergency actions in case of death threats, transporting victims to another country, logistics, creation of solidarity groups, community vigilance committees, fund-raising.

Protection emerged as a logical and indispensable project component as a direct result of the prevention and rehabilitation work. The project came to venture into protection with the case of Gerald Perera.

Protection involves not only the victim but also his/her entire family, as shown in the cases of Gerald Perera and Sugath Nishanta Fernando. Protection is also required for Human Rights Defenders who experience victimization from state authorities, police and perpetrators (arrests, torture, death threats, attacks and targeted killings). The defense of Human Rights Defenders is an equally indispensable component of a torture prevention programme. In the absence of the State guaranteeing protection of citizens, human rights organisations have no choice but taking up protection.

The evaluators visited three groups involved in organised protection (Home for Victims of Torture, Right to Life and Janasansadaya). At the time of the evaluation mission an urgent need for protection came up with the case of Edward Michael and his wife Mary Allen and daughter Vinoja who need to seek asylum in view of serious death threats posed to them. The issue was raised in follow-up meetings (e.g. with the UN) with no success; this case made obvious that emergency protection needs will continue to surface all along the process of torture prevention and rehabilitation.

HVT and Janasansadaya have been involved in organising victims' solidarity groups at community level – not only for purpose of rehabilitation but also as a protection mechanism. Some of the victims' support group have taken the role of village vigilance committees and engaged in a wider range of rights issues. It is premature to speculate on whether such groups may play a further role in addressing grass roots rights and livelihood issues in a broader human rights framework.

Effective protection requires the formation of a broad solidarity front within the country and regionally and internationally. Here, again, the support role of the AHRC comes in.

Unfortunately, the protection offered has not always been sufficient. Combined urgent action calling for protection has not been able to prevent several torture victims (Gerald Perera, Sugath and others) being killed. The office of lawyer Weliamuna has been destroyed. Given the overall repressive framework and deficient Rule of Law, effective fundamental protection is beyond the capabilities of the partners.

It is to be highly appreciated that the shelter homes do not discriminate between torture victims and victims of 'other' types of violence. There is a consensus in the humanitarian sector that humanitarian interventions must at any price avoid discrimination between target groups and non-target groups that may lead to tensions about access to resources. Do No Harm.³⁰ It is recommended that RCT, the AHRC and partners develop clear procedures on how to deal with possible dilemmas resulting from the principle of non-discrimination in view of existing funding requirements.

Protection of victims is very costly³¹. Protection can be a major burden for project funds and human resources, and they are inherently un-planned in that there is no end to them. Protection is a huge operation, also in terms of logistics. Suranji, the wife of Sugath, lived in 17 places in one year with her children. Suranji's case gives evidence on how protection support is a *sine qua non* for maintaining the spirit and persistence required for continuing legal redress. Suranji continues to receive death threats but she is adamant that she wants to fight her case.

Recommendations

- Develop policy guidelines on protection procedures,
- Try to establish an (in-country and international) solidarity network on protection including emergency funding,
- Develop procedures on how to deal with possible dilemmas resulting from the principle of non-discrimination in shelter homes, in view of existing funding requirements

9. See also Shyamali Puvimanasinghe: Urgent Appeals and Advocacy: Bridging grass roots and international opinion for change. Praxis paper no 1, RCT, Copenhagen, 2006, p. 25

10. See for example AHRC: Dossier on Gerald Mervin Perera, 2004, and AHRC: The Assassination of Sugath Nishanta Fernando – a Compliant in a Bribery and Torture Case, 2008.

11. "(Janasansadaya, working among) ...the poorest in (...) Kaluthara. (...) realised that torture remained one of the major obstacles for the poor in organizing themselves for their betterment." Project document 2005-2006.

12. C.f. the proposed study on the link between poverty and police torture, Project doc 2005-2006, p 27. See also: B. Fernando and S. Puvimanasinghe: An X ray of the policing system in Sri Lanka and the torture of the poor, AHRC, 2005.

13. See Project Document 2005-2006 and Project Document 2006-2008.

14. E.g.: “The material that is collected (..) in the normal course of trying to provide redress, also becomes the basic direct research material. On the basis of this, further studies can be undertaken, various types of analysis can be done and recommendations to local and international agencies can be developed with a view to redress and reform”. Project Document 2005-2006, p 6.
15. In total over 600 between 2004-2009; in 2009 so far around 40, in 2008 around 90, in 2007 over 100, in 2006 around 150, in 2005 around 135, in 2004 around 100. See AHRC: List of Urgent Appeals from Sri Lanka from 2004-19 October 2009, AHRC, Unpublished document.
16. It has been proposed to lobby for changes of the various constraints (delays, time constraints, police role in assigning lawyers), however it can be argued that lobby for separate constraints may not be opportune in view of a much needed wider lobby for systemic changes in the overall legal framework.
17. According to Prof. O.Espersen this is probably the shortest time limit in the world for filing such cases – see RCT Mission report Nov. 2004.
18. Prof. O.Espersen in RCT Mission report Nov. 2004. Another state tactic making it difficult for a victim to attain justice is case referral to a remote area (e.g., a victim in Kandy whose case was referred to Vavuniya).
19. See: Delays in adjudication, in: Basil Fernando and Shyamali Puvimanasinghe, 2005, p 199-213
20. “...few lawyers, especially outside Colombo, are willing to take up (torture) cases. Representing torture victims puts a lawyers at odds with the police, and this against their allies, the magistrates”: International Crisis Group, 2009, p 20. It is also reported that lawyers taking up HR cases have given questionable advice. One victim was advised to ‘admit’ contacts with LTTE even if he did not have. Other victims have been advised to accept compensation – which they then did not get. Another constraint is that lawyers may charge high fees (up to 150,000 Rs).
21. See also AHRC: Corruption and abuse of Human Rights: Threats and Attacks on a Human Rights Defender. AHRC, 2008; also: B. Fernando, Recovering the Authority of Public Institutions, 2009, p. 245-267
22. for example for the legal case of Ms. Rizana Nafeek (audit report 2007).
23. In fact the Biopsychosocial rehabilitation model (BPS) stipulating a “package of services” is also being applied in the West.
24. RCT: Report, Mission to Sri Lanka June, 2007, by H.Gullestrup, B.Sjolund, J.O.Haagensen, E.Wendt, p. 16
25. HVT documented the training by Dr. Mitra on video.
26. I.Agger: Testimonial Training in Sri Lanka, Report from a Workshop, November 2008, draft; Giving Voice. Using testimony as a brief therapy intervention in Psychosocial community work for survivors of torture and organised violence. Manual for Community workers and Human Rights activists. By C.Perera and S.Puvimanasinghe, and I.Agger. December 2008; I. Agger and S.Puvimanasinghe: Testimonial Therapy and Victims Solidarity Groups, Mission report, October 2009
27. See Richard F.Mollica: Healing Invisible Wounds. Paths to Hope and Recovery in a Violent World. Nashville, Vanderbilt University Press, 2006
28. The evaluators heard many stories about this care both from victims, staff and volunteers.
29. Discussion of the Evaluation team with the Centre for the Rule of Law. Various examples were given, e.g. allowances are given to Lalith (who was breadwinner for his grandparents), Gerald Perera’s family, Rohina, Palitha Tissakumara. Allowances may cover costs of livelihood and medical expenses.
30. see Mary B. Anderson: Do No Harm: How Aid Can Support Peace - or War. Boulder, Lynne Rienner Publishers, 1999; Mary B. Anderson (ed.) Options for Aid in Conflict: Lessons from Field Experience, Boulder, 2000. See the Do No Harm framework.
31. as evidenced in cases of Gerald, Lalith and Palitha

5. Key Findings (I): Results and Outcome

Results vis-à-vis the project document

Results assessments are about project achievements vis-à-vis intended results.

This is basically the responsibility of an organisation and part of its monitoring and internal evaluation³². Human Rights organisations rarely manage to undertake result assessment in a comprehensive way. For the AHRC a logframe and systematic monitoring in the follow-up project may be useful. Some capacity building is recommended in this field, including for partner organisations.³³

For an external evaluation the emphasis is generally not on results assessment, but on the outcome level. Still, this evaluation can, as far as the data are available, draw some conclusions on results.

The results of the Prevention of Police Torture Project are impressive. It is fair to say that few organisations would, with limited means, reach a similar level of effectiveness.³⁴

The AHRC is among the NGOs having submitted the highest number of written statements in the history of the Human Rights Commission³⁵. But, of course, these statements do not exclusively refer to torture.

It is not possible to 'measure' achievements versus intended outputs one-to-one, as the project document does not mention targets for intended outputs.³⁶

The 2009 action plan though, does mention quantitative expected outputs³⁷.

It is definitely not possible to measure achievements versus intended output for the partner organisations.

Annual project reports do mention outputs and examples of outcome in considerable level of detail. As for qualitative indicators for output mentioned in the project document³⁸ these are in fact all indicators at outcome level and they cannot be assessed in terms of project output because these achievements depend on the interplay with other actors. (See below).

What, however, can be done at results level, is looking at the quality of the results actually achieved. This would mean: looking at the quality of the UAs, publications, trauma treatment etcetera. This, of course, again requires indicators for quality, which have not yet been developed for this project. In fact there is in the human rights sector at large no consensus about the kind of indicators that are appropriate for assessment of human rights interventions. There is also no consensus about the properties of indicators suitable for human rights impact and outcome assessments³⁹.

Recommendations:

- develop a logframe for the future project,
- undertake monitoring of results vis-à-vis expected results in a systematic way,
- Capacity Building on Results Based Management for AHRC and partners.

Outcome assessment

The overall objective (expected outcome) of the project was “to achieve **significant breakthroughs** in terms of attitude, policy, and legislative changes and changes in the institutional practices of relevant government agencies in Sri Lanka”⁴⁰.

The expected overall outcome has been achieved only to a certain extent. The expected systemic breakthrough has not materialized. In assessing this negative outcome, the evaluation assessed whether this is to be attributed to: (a) The project: Has the objective been too ambitious? Was the design of the project inadequate (contextual analysis, objectives, strategies, activities, management, the network)? Have there been shortcomings at implementation level? Or/and: (b) Have there been major changes in the context?

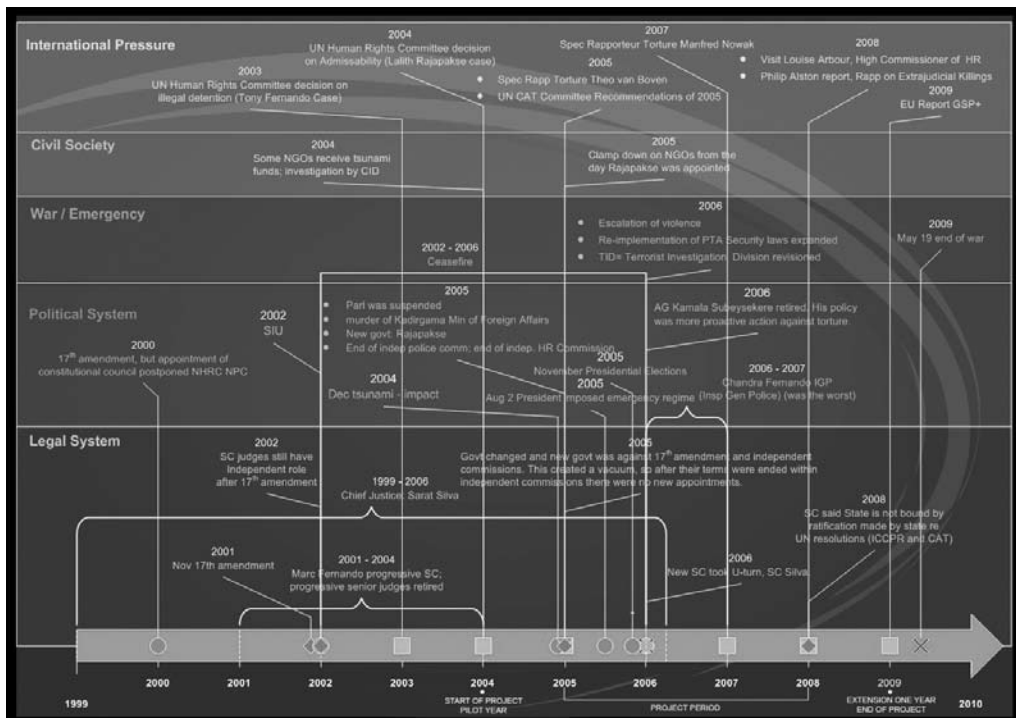
Already in the first project visit by RCT, RCT assessed that “since November 2004, the political and security situation have changed rapidly”.⁴¹ In order to assess the dynamics of the project against the overall context, the evaluation ‘mapped’ the actors and factors determining **project outcome in more detail (See next par). The evaluation concludes that as far as the overall project outcome has not been realized, this has to be attributed largely to the increasingly hostile context** in which the project operated, in fact right from the outset of the project. The project start *coincided with a deterioration of the overall political climate* affecting the major actors and factors determining project outcome: the political system, the legal system, the war, and civil society.

Outcome assessment in the partner workshop

The evaluation mission organised a workshop with the five partner organisations. The

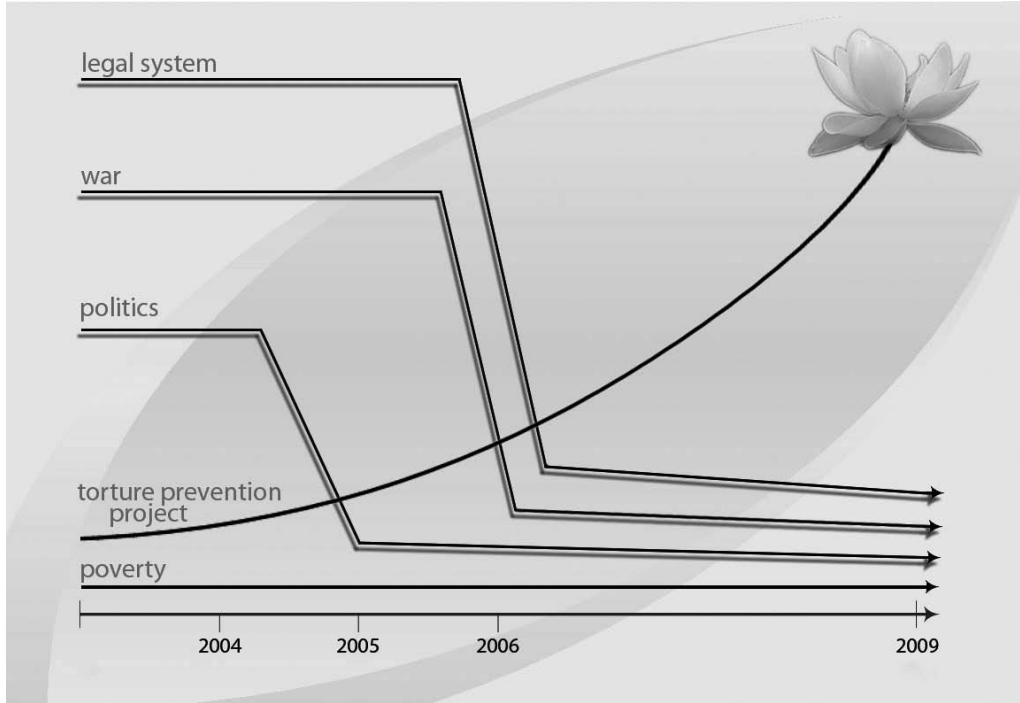
main theme was “Results/Outcome/Impact assessment of Human Rights interventions, in particular of the Torture Prevention Project”. In a participatory exercise participants analysed the main underlying factors beyond the project’s control that influenced project outcome: (1) the political system, (2) the legal system, (3) the war, (4) civil society, and (5) international pressure. These were then set out on a timeline against the project timeline. See below.

Figure 4: Timeline of the Torture Prevention Project and Major Contextual Factors (I)



The timeline was a useful tool as it enabled a detailed analysis of the main contextual factors. These contextual factors were then summarized (in a simplified manner) in a graph visualising how the project operated in an increasingly hostile context right from the start.

Figure 5: Timeline of the Torture Prevention Project and Major Contextual Factors (II)



Outcome assessment: public acknowledgement of police torture

The evaluation identified several outcomes that can be attributed to the project. A major outcome is that “Torture is increasingly widely and publicly acknowledged in Sri Lanka”.

The evaluation conducted a detailed assessment of this outcome so as to carefully create credible linkages between the outcome and the project interventions, while accounting for other contextual factors and establishing attribution factor. The evaluation could thus establish that it is justified to conclude that this outcome can indeed be significantly attributed to the efforts and work of AHRC and its partners.

In assessing outcome evaluation works backwards from the outcome (see chapter 3).

The evaluation used the following outcome assessment model:

Assessment of outcome:

“Torture is increasingly widely and publicly acknowledged in Sri Lanka”

1. Outcome: There is a general acknowledgement that torture exists in Sri Lanka, and that it is practised by the police in a systematic way.

2. Indicators for this outcome:

- TV⁴², radio, media⁴³
- public support to mass campaigns⁴⁴
- acknowledgement by judiciary, lawyers⁴⁵
- acknowledgement by GoSL and (representatives of) state institutions⁴⁶
- awareness of CAT Act in Sri Lanka⁴⁷
- victims coming forward⁴⁸
- community and civil society support to victims⁴⁹

3. Analysis of actors and factors contributing to this outcome:

a. AHRC and partners

- the type, number and quality of interventions by AHRC and partners; the cohesion of these interventions; the support base; the immediate, visible results of these interventions
- the credit given by other actors working on prevention of torture to AHRC w.r.t. their interventions; reference made to AHRC by other actors working on prevention of torture in SL ;

b. Other actors and factors working on prevention of torture in Sri Lanka:

- National – civil society
- National – Government
- International

4. Conclusion: it is justified to conclude that this outcome can be significantly attributed to the efforts and work of AHRC and its partners.

Outcome attributed to the project

The evaluation identified twenty-five (25) different outcomes that can be attributed to the project.

1. **Torture is increasingly widely and publicly acknowledged in Sri Lanka,** including by GoSL and (representatives of) state institutions.⁵¹

2. **Utilization of the Cat Act** for criminalization of torture cases:⁵² A significant **number of indictments** in High Court have been filed by the Attorney General⁵³. **Five convictions** where police officers have been found guilty of torture; two of these came from the AHRC⁵⁴. There have been 17 acquittals. The majority of prosecutions are still pending in High Courts. The success of five court cases establishes the usefulness of the CAT Act as a tool to highlight the practice of police torture. It also shows that it has been extremely difficult to reach convictions⁵⁵. The court cases may serve as a deterrent for police torture.⁵⁶
3. The AG's department is well aware of the fact that the criminal justice process on torture cases is **closely followed by a network of critical observers**, national and internationally.
4. **The establishment of a Special Investigation Unit on torture cases** by the Attorney General's department⁵⁷. There is a credible link between the AHRC advocacy, UN pressure and establishment of the SIU.
5. **A reporting method has been established**, which is now widely used. There is a system in place. A **Rapid Response Mechanism. Within one or two hours** an organisation can prepare a case with all requirements for local and international legal purposes. Within one or two hours of a torture incident an Urgent Appeal can land on the screen of a Special Rapporteur in Geneva. This is a remarkable achievement and the credit goes to the AHRC⁵⁸.
6. **Independent commissions:** Drafting a **complaint making procedure** for the National Police Commission, which was then officially adopted by the NPC. Credit goes to the AHRC as the AHRC drafted it on the invitation of the NPC chairman⁵⁹.
7. **Supreme Court** has been taking a proactive role. Supreme Court judges have acknowledged torture. Increased understanding among the judges. Several successful judgements.⁶⁰
8. **State institutions:** The **Human Rights Commission** adopting the zero policy on torture.
9. **Defense Forces** directorate introduced a session on torture for their trainings⁶¹.
10. Progress in establishing a **witness protection law**⁶²;
11. **Increased public awareness** on the need to promote the **17th amendment** to the Constitution;

12. The issue of **court delays** has been put on the agenda⁶³.
13. **Six UN Rapporteurs** recognizing torture as an endemic rule of law problem in Sri Lanka⁶⁴. **Comprehensive reports by Special Rapporteurs** on Torture, HR Defenders, Violence against Women, Extrajudicial killings, and Independence of Judiciary and Lawyers. **An increase of cases taken up** by these Rapporteurs with the GoSL in response to Urgent Appeals from AHRC, AHRC lobby, AHRC shadow reports to the Committees, and oral and written submissions by ALRC to the UNHR Commission and the UNHR Council⁶⁵. **Continuous recommendations** and concluding observations of the Committee on ICCPR and the Committee on CAT asking the GoSL to take serious steps on the prevention of torture. This can be partly attributed to AHRC⁶⁶.
14. The establishment of **new pathways in the UN Human Rights Committee** to combat against torture in international forums⁶⁷. The decisions and statements of the UN Human Rights Committee regarding four cases of police torture in Sri Lanka.⁶⁸
15. Increased **EU pressure** on the GoSL regarding Human Rights Violations including on torture⁶⁹. Most recent example: GSP+ report⁷⁰.
16. **Grassroots Participation** has been created for knowledge generation, legal redress, pressure to GOSL, victim's protection and empowerment.
17. **Tools** have been created for an integrated approach to torture, including electronic media. The websites serve as infrastructure for institutional memories and custom references.⁷¹
18. **Partnership**: a forum for local partners at grassroots level. Partnerships among victims, professionals and staff.
19. **Increased discourse among lawyers**.⁷²
20. **The theoretical debate** on **root causes** and determinants of torture has been strengthened and enriched, also internationally. The AHRC has contributed with a consequent emphasis on **poverty as a root cause** and the need for a theoretical framework that connects studies on torture with the **Rule of Law**.⁷³
21. **A pool of knowledgeable and skilled staff** and volunteers within the partner organisations.

22. **A pool of committed professionals** (lawyers⁷⁴, JMOs, prison authorities, researchers, writers).
23. The creation of **shelter** and places of care. Pathways for protection.
24. **A pool of counsellors**⁷⁵.
25. **Outcome at individual level: Awareness, Care, Healing, Justice, Empowerment.** Several victims say that they are strong again. There are indications that, as communicated by victims themselves, this can be partly attributed to the AHRC. Some of the victims show a remarkable personal development⁷⁶.

It is justified to conclude that these outcomes⁷⁷ can be significantly attributed to the work of the AHRC and its partners within the RCT supported project on Prevention of Police Torture in Sri Lanka. Altogether these changes amount to impressive project outcome, even though they have not (yet) been able to bring about the expected systemic changes.

Conclusion on the outcome of the project

The overall expected outcome of “a systemic breakthrough” on torture prevention has only been achieved to a certain extent.

This can definitely not be exclusively attributed to the project, as a closer analysis of the context in which the project operated shows that the project faced a huge number of ‘hindering factors’.

However a great number of significant positive outcomes were definitely realised that can be directly or to a considerable extent attributed to the work of AHRC and its partners within the RCT supported project on Prevention of Police Torture in Sri Lanka.

In view of the deterioration of the overall political climate in Sri Lanka coinciding with the start of the project, the virtual absence of the Rule of Law and the numbing of the civil society in the last four years (actually since the breakdown of the peace agreement), these outcomes cannot be underestimated.

They may appear to be significant pillars for human rights advocacy in the post-conflict era.

32. For this, a logframe is needed with a clear distinction between expected results, realised results, indicators and outcome, risk factors, hindering and facilitating factors et cetera.

33. Ideally, results assessments should also be expected from the partner organisations for the project components 'delegated' to them.
34. For details of results see AHRC annual reports to RCT. See also the successive project documents summarizing the results in previous project periods. Results are further documented in several publications. See also: "Summaries for Discussion for Evaluators", unpublished document, November 2009.
35. S. Puvimanasinghe 2006, p. 21, see <http://www.alrc.net/mainfile.php/60written>
36. The project document provides a list of quantitative indicators for output, mentioning "a. number of complaints received, b. number of urgent appeals et cetera", see Project document Nov 2005 p 19
37. There is a considerable variation in the data provided to the evaluators on number of cases handled (85 - 253)
38. Project doc Nov 2005 p 19
39. See chapter 3. In the discourse on Human Rights Impact Assessments different properties of indicators have been proposed.
40. Project doc Nov 2005 p 2. AHRC expected that "a major breakthrough would take place in 2005". See RCT mission report November 2004 p. 8. "The analysis of openings for preventive activities against torture disclosed a positive prevention scenario". Quoted in ToR Review Mission 2004, p 1.
41. RCT Mission report, October 2005, p.2. "The project started smoothly, but suddenly there was a regime change, and all these Draconian laws were launched." S. Weerawickrame, 18.11.09
42. Several TV networks have covered torture; they cooperate with AHRC. Young Asia Television had a half-hour item on police torture in Sri Lanka on 12.11.09. Leading presenter Bakmeewewa closely cooperates with AHRC. AHRC organised an internet conference on police torture (June 2009), with experts in Hong Kong, cable TV experts in SL and international activists connected via internet. Bakmeewewa reported his analysis of changing public opinion on torture: "In earlier times public opinion saw torture as an indispensable mechanism for crime investigation, but now people widely understand that torture is used against innocent people. An alarming issue is that in recent years there has been again a switch in public opinion, in the sense that people see torture of Tamils as justified". There is a divide along ethnic lines. Sirasa TV, a critical Sinhala/Tamil TV network, started a programme in prime time including items on police torture, investigations, ignorance of investigations by 'independent commissions' and repercussions on human rights defenders. AHRC is providing information but Sirasa has its own information network.
43. Media: English language media are seen as a primary vehicle for change in SL. Daily Mirror has covered torture extensively; this is regarded a breakthrough that can be attributed to the efforts of AHRC and its network (contributions from Basil, Shyamali, Kishali). An alternative newspaper, Rawayaya, has regular contributions on torture, to a large extent through AHRC contributions. Overall few media are willing to pick it up.
44. The recent demonstration (Nov. 2009) against police torture viz. the drowning of a (Tamil, mentally retarded) boy was organised by Civil Rights Monitoring Committee. Some members of the partner network participated. Civil society / HR movement in SL is low profile and split along Tamil-Sinhala lines. Mobilising public support to anti-torture campaigns has been increasingly difficult in recent years but street pickets have been organised. Under emergency, regulation gatherings with more than 5 people are forbidden but at local level it is possible to hold campaigns. Police permission is not asked. Campaigns are organised by Janasasadaya, R2L, CC and HVT. One of the street movements by father Nandana gathered 1500 participants, in majority poor and Tamil.
45. Judiciary: Some senior judges have acknowledged torture - see list of quotations in Kishali Pinto 2008 p. 6. Lawyers are aware of torture, the expertise of AHRC is acknowledged and there is cooperation between AHRC and lawyers organisations. However: "few lawyers, are willing to take up torture cases", see International Crisis Group: 2009 p 20. Centre for Human Rights and Development (CHRD) organised a conference in November 2009 on torture prevention; AHRC was represented. CHRD gives

credit to the work of AHRC; the director participated in AHRC and IRCT workshops on Istanbul protocol (2005, 2007) in SL. A major obstacle in the cooperation with lawyers is that torture of Tamils reportedly is “a subject by Tamil lawyers; Sinhala lawyers don’t want to raise it”. Sinhala lawyers are reluctant to take up cases of Tamil torture victims.

46. On several occasions GOSL and representatives of State institutions acknowledged the prevalence of torture and reported on steps taken to prevent torture. See statement of Min. of Foreign Affairs Lakshman Kadirgamar (2005) confirming the seriousness of police torture: <http://www.ahrchk.net/statements/mainfile/282/>. Minister of Human Rights Mr. Samarasinghe reported to HRC (2007) that “GoSL has taken steps to prevent torture”; he urged the development of investigation skills (documented in UNHRC database). Radika Coomaraswamy, chairperson of the HRC-SL, reported a zero policy on torture. Steps to prevent and address torture include the creation of the Special Investigation Unit (2004 - documented in 2006 UN database); and the establishment of an Inter Ministerial Working Group to coordinate torture prevention work. The Minister of HR made written submissions to the UNHRC expressing the intention of the GoSL to take steps on witness protection; a witness protection bill was drafted and presented to parliament.
47. Awareness on CAT Act: “Before 2004 nobody knew about the Cat Act. It is problematic to estimate how many people now are aware of the CAT Act, but it is reported that the ‘public’ is more aware of the CAT Act than in earlier times”. In Asia only Hong Kong and Sri Lanka signed the CAT Act. AHRC has made a large number of advertisements on CAT Act. In 2005, before the elections, representatives from the Police Dept. organised discussions with major candidates for the presidential elections, urging them to abolish the Cat Act.
48. Number of torture cases documented has increased significantly since the inception of the project; the list of Urgent Appeals is steady since 2004. The project established mechanisms to articulate torture cases, this helped victims to understand that torture is practised in a systematic way and that there are many more (potential) victims like themselves. It encouraged victims to come forward. The project definitely worked as a catalyst.
49. Community and civil society support to victims was created to support victims. Increasing acknowledgement at grassroot level that torture is practised in a systematic way and that it can be inflicted on any innocent person, especial vulnerable groups. The project introduced two new grassroots intervention concepts: Victims Groups and Victim’s Support Groups. Public participation in victims’ support groups has increased. The Victims’ Groups concept came from Janasansadaya, R2L and CC; the Victims’ Support Group concept came from HVT. Both groups got a lot of response. These groups continue to function as effective support and protection mechanisms. They are increasingly functioning in an independent way; financially they have always been independent. AHRC and partners try to empower them with knowledge about current cases and follow up.
50. Credit given and reference made to AHRC, nationally and internationally: See most recently the EU Report “The Implementation of certain Human Rights Conventions in Sri Lanka”, 30 September 2009 p 57-69, where reference is made to the work of AHRC and ALRC. See also the letter by Special Rapporteur Theo van Boven acknowledging the contribution of AHRC, quoted in next paragraph. See also International Crisis Group: Sri Lanka’s Judiciary: Politicised courts, compromised rights: Asia report no 172 – 30 June 2009, p 20. See also: Communication in UN meeting – C. Veliko – Nov. 2009: “I have not come across an NGO that looks so consistently at torture. AHRC has incredible precise information, it is impossible for GoSL to dismiss it”. See also: US State Department Annual Report 2007 “The State of Human Rights”, mentioning “48 cases reported by AHRC”. Recently, the International Commission of Jurists adopted the theme “Impunity and administration of Criminal Justice System”, where AHRC was invited to give a keynote address (October 2009). Centre for Human Rights and Development, Sri Lanka, inviting an AHRC resource person. IRCT, when organising the Istanbul Protocol 2005-2006, asked AHRC to make presentations, and lawyers attached to the AHRC network were invited to participate. The Sri Lanka Defense Forces Directorate introduced a session on torture in their trainings; they invited AHRC. Senior lawyer and dramaturg Wiramuni produced a play on torture; he documented himself with AHRC documents and oral information from AHRC.

51. See evidence documented in previous section.
52. Kishali Pinto-Jayawardene and Lisa Kois: Sri Lanka, The right not to be tortured, A critical Analysis of the Judicial Response, Colombo, LST, 2008 p 55-67;
Kishali Pinto-Jayawardene: "The rule of law in decline in Sri Lanka: Study on Prevalence, Determinants and Causes of Torture and Other Forms of Cruel, Inhuman or Degrading Treatment or Punishment in Sri Lanka. Copenhagen, RCT, 2009, p 38
53. According to Chitral Perera, the number of indictments is 80, but figures have to be treated with care.
54. Anjalin Roshana and Piyadasa. The first three cases – around 2002 – did not come from AHRC.
55. E.g. one of the High Court Justices (name known) reportedly communicated that early 2006 High Court judges have, in response to the breakdown of the peace agreement, come to an informal agreement not to convict any of the police officers under the Cat Act as this may demoralize officers in their mission of combating terrorism.
56. Kishali Pinto regards the deterrent effect as minimal. See Kishali Pinto 2009 p 10.
57. 2004. See earlier remarks on the start of AHRC's interventions in 2001. The SIU has investigated quite a few cases in the early years of its existence. SIU was established as a branch of the Criminal Investigation Division of the Police Department. IGP Chandra Fernando in response to complaints from UN recruited the most talented investigators and handed these torture cases over to the SIU. The link is documented in court reports.
58. The courts use a special format. AHRC (with help of IRCT) developed a new format on how to comprehensively report torture cases for legal and medico-legal purposes.
59. See AHRC: Summaries for Discussion with Evaluators, November 2009, unpublished document.
60. In particular senior judges such as Mark Fernando. Fernando in the case of Gerald Perera: "The number of credible complaints of torture (..) shows no decline". See Kishali Pinto and Lisa Kois, p 6. See also: Case Law Supreme Court, in: Summaries for Discussion with Evaluators, p. 4.
61. AHRC was invited as trainer.
62. The murder of torture victim / complainant Gerald Perera in November 2004 led to intense campaigning for a witness protection law, followed up through several other cases including the case of Sugath Fernando. UNHRC pressurized the GoSL, GoSL drafted a law on witness protection, the draft law was submitted to parliament but as the political situation deteriorated this draft law was 'swept under the carpet'.
63. Ministry of Justice appointed a Special Committee to look into the matter of court delays, causes and solutions. Former AG and Justice Deeralathna in the said committee brought out a report; this was handed over but it is not clear what happened to the report afterwards.
64. Theo van Boven (Special Rapporteur on Torture); Manfred Nowak (Special Rapporteur on Torture); Param Kumaraswami (independent judiciary); Radika Coomaraswami (Special Rapporteur on Violence Against Women, in her capacity as chairperson HRCSL); Philip Alston (Extrajudicial Killings); Hina Gilani (Human Rights Defenders – special representative of the Sec. Gen. of the UN on Human Rights Defenders).
65. All accessible on internet, see HR Council database. There are hundreds of oral and written submissions made by ALRC (sister organisation of AHRC) to the UNHR Commission and the UNHR Council on torture in SL. See also RCT mission report Nov 2004 p 7.
66. Theo Van Boven, at the occasion of the termination of his mandate as Special Rapporteur on Torture, wrote to AHRC: "Over the years I have been impressed by the work of the Asian Human Rights Commission, its quality, the vigour and persistence of its actions and its attachment to international human rights standards...."
67. AHRC filed 5 cases internationally at the UN HRC between 2004-2009: Tony Emanuel Fernando, Lalith Rajapakse, Dingribandha, Sugath Nishantha Fernando, Nimal Guneratne. See Lalith Rajapakse,

CCPR/C/83D/1250/2004; Tony Fernando, CCPR/C/83/D/1189/2003. AHRC won 4 cases, that is: AHRC got the view of the Committee in favour of the victim, then they recommended the GoSL to give compensation to the victim, to which the Govt has not responded; one pending case is Sugath Nishantha.

68. OMCT should also be credited here. AHRC sees these decisions as massive victories: "The decisions of the (UNHR) Committee are heralded as massive victories in AHRC's campaign against torture in Sri Lanka". see S. Puvimanasinghe 2006, p 22-23; <http://ohchr.org/english/bodies/chr/docs/61chr/speeches/srilanka15march.pdf>
69. The European Commission has released its final report on the findings of the investigation with respect to the effective implementation of certain human rights conventions (ICCPR, CAT and CRC) in Sri Lanka. The investigation was ordered in respect to concerns on the renewal of the favourable trade incentives – the GSP+ agreement – between EU and Sri Lanka. The conclusions are very clear that Sri Lanka has not effectively implemented these key conventions. See http://trade.ec.europa.eu/doclib/docs/2009/october/tradoc_145154.pdf.
70. This outcome cannot be only attributed to AHRC but definitely to certain extent. The report contains references to the AHRC documents and to the study by Kishali Pinto on Decline of Rule of Law in Sri Lanka.
71. "One can safely conclude that the network made information available (..) that was previously inaccessible ..." S. Puvimanasinghe 2006, p 24
72. AHRC has contributed. Torture was not part of the curriculum of legal studies in Sri Lanka; since around 2005 it has been integrated in the curriculum. Workshops on torture for lawyers have been organised by Centre f. Study of Human Rights (Colombo University), Caritas Sri Lanka, SETIK.
73. It is fair to say that AHRC has laid important groundwork for the debate with publications, awareness campaigns, urgent appeals, and resource materials. See also: B. Fernando and S. Weerawickrame, 2009 p 36.
74. On the need to have a pool of lawyers: International Crisis Group 2009, p 20
75. AHRC: "We introduced counselling as a method for healing".
76. Tony Fernando became an activist organising torture victims in Canada.
77. The closest AHRC comes to "outcome assessment" is in the unpublished document: AHRC: Summaries for Discussion with Evaluators, November 2009.

6. Key Findings (II): Assessments of the preventive strategies

The project is relevant, effective, and there are reasons to believe that it has sustainable impact.

The AHRC model is **unique** in several ways: 1) as an integrated approach to torture **combining** service delivery and advocacy at **grassroots level with high profile advocacy** at regional and international levels; 2) In addressing torture the project effectively combines three interrelated intervention areas: prevention, rehabilitation and protection. 3) The project uses a human rights based approach to torture prevention.

These are outstanding features of the project.

1. Relevance

The relevance of the project is beyond doubt:

1. The project is highly relevant to the context in Sri Lanka, and certainly also to the Human Rights context and the Rule of Law,
2. The project is relevant to international Human Rights institutions,
3. The project is relevant for organisations working on Human Rights and torture prevention elsewhere in the world – the approach used, the lessons learned,
4. The contribution of partner organisations is absolutely relevant within the project,
5. The project components are all highly relevant for the project. This can even be said for the project components that have been “added on the way”,
6. The approach, the messages, the project activities have been appropriate within the project and as such relevant for the project outcome,
7. The project was definitely relevant to the target population - the victims of torture.
8. The project is relevant to RCT as it has contributed to the achievement of RCT’s policy targets for 2015⁷⁸.

2. Effectiveness and efficiency

The project is highly effective. It is unusual to find a project working with (relatively) limited resources with a similar level of effectiveness.

The effects of the projects are many; they are listed and quantified. They include

successful court cases, dozens of letters to the Government of Sri Lanka, hundreds of Urgent Appeals, a huge number of publications etcetera. Victims' solidarity groups and citizen's committees in rural villages are indications of torture awareness among grass roots communities. They constitute effective and relevant mechanisms for victim's support at grassroot level.

Victims have articulated their awareness and empowerment and they mention that the help of the partner organisations has been effective and "invaluable" for them.

The **focus** on police torture (rather than a wide range of HR concerns) was appropriate in terms of effectiveness ('hammering effect'), efficiency (maximizing output in view of organisational capacity) and organisational identity.

Integrating a stronger gender perspective in the organisation and in the project activities is expected to enhance the project's effectiveness. For example, attention for gender specific rehabilitation needs could increase the effectiveness of rehabilitation.

If the partner network had been stronger and inclusive this might have contributed to the effectiveness of the project.

Efficiency⁷⁹

The project is highly **effective and efficient** as it made maximum use of the advantages of new technologies to cater to a wide global audience for advocacy on torture prevention. The focus on new technologies was a strategic choice.

The accessibility of web based information for target groups related to advocacy and global human rights is high, though the AHRC has overestimated its accessibility⁸⁰. Of course, the primary target group does not have access to web based information⁸¹.

An effective reporting method has been established, which is now widely used. A **Rapid Response Mechanism. Within one or two hours** an organisation can prepare a case with all requirements for local and international legal purposes. Within one or two hours of a torture incident an Urgent Appeal can land on the screen of a special Rapporteur in Geneva. Effective, low cost, efficient.

The **focus** on police torture (rather than a wide range of HR concerns) is appropriate in terms of effectiveness ('hammering effect'), efficiency (maximizing output in view of organisational capacity) and organisational profile.

The uniqueness of the AHRC approach is in the combination of the four models and it is precisely these four models that constitute **keys to effectiveness and efficiency**.

For example the integrated approach at grass root and international level: Effectiveness and efficiency. Partners identify a torture case; they contact the AHRC in Hong Kong; one staff member is handling Urgent Appeals and the website, the support team comes in with technical and tactical advice and the role of local partners again is to translate the publications into the local language and support the victim and his/her family. The consequent poverty approach (choosing partners with a rural support base) brought the project close to its target group: effectiveness. The combined approach to prevention, rehabilitation, legal redress and protection: effectiveness.

The project output includes an enormous amount of **publications**: the AHRC is highly productive. The way of working on publications is highly efficient: team work with an effective division of labour maximising the use of available human resources. The quality of the publications is generally high; though publications sometimes reflect haste, which affects the impact of the message. Publications are highly cost effective, in particular as it has to be acknowledged that the financial support is exclusively for printing costs (not including writers fees, e.g. the recent study by Kishali Pinto Jayawardena). Books are printed in Sri Lanka so as to reduce printings costs. A question may be raised regarding the income from distribution of publications, also in view of effectiveness.

Project activities are generally highly **cost-effective**, though some project components are costly (legal professional aid, protection, inter-country logistics). Legal cases may be expensive⁸² but the importance of these cases may go beyond the case itself. Lalith's case e.g. is a test case highlighting police torture, systemic issues, Rule of Law deficiencies (court delays, bad prosecutors, lack of proper inquiries), impunity, etc. In other words, the expected wider impact is high.

The partner budgets are in majority used for prevention activities. Treatment and rehabilitation activities are allocated a relatively small share of the budget.

The project set up with a local, regional and international component has of course implications for budget allocations for transport (international flights). This is inherent in the project set up and is justifiable.

3. Contextual analysis

AHRC's overall contextual analysis is reflected in the project documents and in an impressive number of publications.

The contextual analysis by AHRC is highly relevant for the project. It is based on a huge and detailed documentation of cases of police torture and related legal cases and mass based actions and campaigns, and a thorough knowledge of the international mechanisms

available for addressing torture. The distinctive feature of the contextual analysis seems to be that the 'core issue' is analysed from different perspectives in varying levels of detail and with varying emphasis.

Case documentation has increased enormously in the course of the project⁸³ and lessons learned from these cases and from the activities undertaken at local level by the partner network and at international level have been incorporated in the contextual analysis contributing to a highly dynamic knowledge resource base. The project uses a highly sophisticated model for knowledge generation.

Publications and action studies substantiating the contextual analysis include a variety of issues⁸⁴; they are relevant, accurate, well documented, precise and visionary. Information is validated and verified. These studies appear to have constantly informed, sharpened and adjusted the strategies undertaken by the project⁸⁵.

It is clear that the focus of the project has progressed as the project evolved, and that the contextual analysis is shared by the stakeholders (partners and professionals).

The contextual analysis is consistent over time while reflecting **contextual changes** in the course of the project period with implications for strategic objectives⁸⁶.

The AHRC's context analysis informed the AHRC action model in crucial ways:

1. working from outside,
2. police torture as a systemic issue, thus trying to sidestep the polarization in the Sri Lankan human rights discourse regarding the conflict in the North, with the wider objective to widen the potential support base for the campaign,
3. no emphasis on torture related to the conflict (See below).

Contextual analysis of actors and factors: Project Baseline?

A **Contextual Analysis** is provided in the 2005-2006 project documents, at the inception of the project. The analysis is "mapping" actors and factors that are potentially enabling or hindering the overall objective of prevention of torture (public opinion, civil society, NPC, SC, AG, Judiciary, HRC). The analysis is thorough and overall appropriate. Questions may be raised as to the analysis of civil society actors (see below). It is justified to regard this contextual analysis as a (partial) "baseline".⁸⁷

It is generally advised to construct a baseline at the inception of a project. However, if a baseline has not been constructed at the outset, it may be re-constructed a posteriori.

While it is fair to regard this analysis as a **project baseline** as it sets off in 2004, it would be justified to take into account achievements of the implementing organisation in the

preparatory phase of the project, prior to 2004, in particular if the objective of assessment is not only to look from a project perspective but rather from a strategy perspective. Achievements prior to 2004 may (or may not) be attributed (credited) to strategies deployed by the AHRC and its partners prior to the project. For example: the AHRC project document says: “In 2000 the CAT Act was little known; by 2004 it was very well known in the country. The AHRC network has been instrumental in creating this change”.⁸⁸

Of course, from a methodological point of view a more in-depth research should establish indicators for further substantiation of this outcome, and again, reconstruct a baseline, a contextual analysis, and map the actors and factors in the period concerned so as to establish credible linkages between outcome and AHRC intervention strategies.

Another question is whether the project has been able to sufficiently map the **changes** in the context for the purpose of outcome monitoring, and account for unintended outcome. The answer is: Yes, the project accounted for contextual changes.

Contextual analysis of Civil Society and AHRC's position

AHRC's analysis of civil society and its own position within civil society on torture prevention is, in brief⁸⁹ :

1. Human Rights NGOs and other civil society actors in Sri Lanka have failed to take up torture,
2. The AHRC network has filled up this gap since late 1990's.
3. In the past elite-led NGOs have engaged in treatment and rehabilitation,
4. There is a need for highlighting torture as an issue of the poor,
5. Recently civil society has begun to show interest. A mass-based campaign against torture is now within the possibilities. A beginning has already been made.
6. Partnerships are possible with rural based organisations.

However:

7. “At the moment some sections of the middle class / affluent classes realise that there is a collapse of the rule of law; they come forward to expose HR abuses and seek a better system of justice. This is also a need felt by grassroots groups”.⁹⁰

“We are the only ones working on torture with a focus on the rural poor, but a mass-based campaign against torture is possible”. It can be asked whether this approach gives sufficient recognition of the contribution of other actors in the wider human rights scene, and whether this is conducive to an effective partner strategy. There may be a need for an adjustment of the contextual analysis of civil society and a change in the partnership approach.

Tools for contextual analysis

The project has a valuable tool for analysis of torture, redress and coping in the immense case documentation created over time. This database is being used intensely for the purpose of advocacy and it had been the basis for dozens of publications in Sinhala and English, either based on single case studies or on a number of cases. Studies are focusing on advocacy and rights and a wide range of related issues⁹¹. A comprehensive study on torture and related issues on the basis of this documentation has not yet been undertaken. See the paragraph below: Need for disaggregated data.

How are the AHRC and its partners managing their valuable but sensitive database? Is privacy respected? Are the data sufficiently protected against attacks⁹²? Preservation of the database? Shadow database? Code of conduct? The evaluators have been given affirmative answers. This may be an area where capacity building for the partner network may be recommended.

When the evaluators asked how many cases the AHRC and its partners have filed on behalf of the victims we were given different answers, and no clarity could be provided on the remaining torture cases pending in different courts (it was reported that around 200 cases are pending of which around half were filed by other actors)⁹³.

The wider analysis of torture prevalence is even a different matter. There are no reliable sources. If one takes into account that the figures on disappearances related to the 1988-1992 violence vary from 30,000 to 60,000 it not surprising that figures on the overall prevalence of torture and on the number of torture survivors are absent altogether.

In conclusion, there is no 'baseline' on torture. There is no public health baseline on torture available⁹⁴, and the closest that we come to a criminal justice baseline on torture is the recent study by Kishali Pinto Jayawardena⁹⁵.

4. Coverage

Areas and cases addressed

The first premise of the project was to deliberately address police torture as a generic, systemic issue. Prior to this project reporting on torture to the UN was primarily related to the LTTE-State conflict State. The project approached police torture as an institutional issue, addressing the larger underlying issues. This choice also served the wider aim of avoiding the political polarization related to the conflict and seeking openings for advocacy beyond the conflict.⁹⁶

This had the unintended, at least not explicitly intended effect of not (or to a lesser extent) covering large parts of the country that are affected by the conflict. None of the partner organisations could affirm that any of the cases of police torture addressed by the conflict came from the conflict areas in the North and North-East. It also had the effect that perhaps Tamils are relatively under-represented in the project caseload. In other words, specific factors and actors contributing to torture related to Tamils may not surface.

The evaluators recommend that, with the new political situation emerging since May 2009, the project explore possibilities for covering the areas not covered so far.

Vulnerable groups

Are certain groups likely to be more targeted than others? Which sections of society are more at risk of torture? Does the project address the most vulnerable sections of society? Is it possible that certain groups are not or less covered because they have specific reasons not to report or not to come forward?

The project in targeting torture as a poverty issue certainly addresses one of the main risk factors. Other risk factors may include ethnicity. The HVT and SETIK have a large group of Tamils among their target groups. Are women invisible? Do women face special kind of torture and is it possible that they are underrepresented? Is there a need for additional efforts to address gender-specific torture and gender-specific reasons not to report?

Clearly there is a need for additional data to answer these questions. One, a disaggregated database. Secondly, special action research into possible group specific determinants and dynamics of torture (poverty, gender and ethnicity).

Need for disaggregated data

There may be a need for specific strategies in view of specific needs of particular vulnerable groups. This was discussed in a meeting of the evaluation team with the Centre for the Rule of Law and the AHRC.

The evaluation team had asked whether disaggregated data are available on the caseload so as to enable the creation of a typology of torture victims based on the AHRC database, that could provide insights in vulnerable groups, types of torture (who, how, where, for what etc). So:

1. disaggregated data
2. group-specific conclusions
3. possible implications for strategies

A provisional list of categories was created during the meeting and the AHRC managed to create a disaggregated database of 253 cases handled between 2004-2009 (see Annex). The team recommends that, based on its comprehensive database, the AHRC may undertake a deeper study into root causes of torture, redress, coping and healing: determinants/root causes, risk factors, with possible implications for prevention and protection strategies.

Expanding the boundaries of the mandate: children

The evaluators came across a case where a teacher beating a child was taken up by the partner organisation as the partner holds the position that the teacher is acting as a state professional (a representative of the state) and thus it is an act of torture. The position of the partner is that this issue is relevant as “schools are breeding places for violence”. Sri Lanka has two relevant acts in this respect: 1) the Act on Child Protection, and 2) the CAT Act. The discussion on whether or not the CAT Act is applicable to violence by government schoolteachers has far reaching implications for OPCAT.

5. Partners and Partnership

The AHRC has over time developed a network of strategic partners at local, national, regional and international levels, each level with their different roles w.r.t. torture prevention strategies, and contributing as and where the strategies require. The (Asian) regional partners have come in with respect to training and capacity building but they were also of crucial importance when urgent assistance was required on protection of torture victims. International partners have contributed in international advocacy, capacity building, knowledge generation and funding. National partners form the backbone of the project; and at grassroots level the project is partnering with village organisations (e.g. village vigilance committees).

The AHRC had created a “model network of Human Rights activist organisations called People Against Torture (PAT)”⁹⁷. The national partner network existed since three years before the project; only since the RCT grant the partners were able to scale up and employ two persons for coordination activities⁹⁸.

The AHRC’s choice of partners was informed by its contextual analysis. All partners work at grass root level, with the rural poor. No Colombo-based partners were chosen, as these are perceived as “urban elite or middle class”⁹⁹. The partners are diverse in background, approach, outlook and identity. They have to some extent very different target groups (e.g. SETIK’s target group consists to a large extent of plantation Tamils). The AHRC’s focus was on torture as an endemic factor, not related to the conflict; as a consequence no partners were selected in the North-East.

Linkages between project partners and local organisations are informal. Replication of community level partnerships may be one of the directions for future dissemination of project outcome.

Partnership is 'give and take'. The AHRC has contributed to regional and international partners through training, knowledge generation, support to advocacy and support to their profiles as results based and rights based institutions, etc. The partnership between the AHRC and the national partners may be characterised as 'holding hands', with mutual respect and awareness of their complementarity at both sides.

Grassroots partnerships are forged as the prevention activities evolve, also at a personal level. Every case is seen as a learning experiment in solidarity, working together across boundaries of class, caste, geographical boundaries ... a victim, a victim's family, NGO staff, a human rights lawyer, a counsellor, the Hong Kong team ...

The Partners in Sri Lanka

At present five partners in Sri Lanka collaborate within the Torture Prevention project: Janasansadaya, Right to Life, Human Rights Citizen's Committee, Home for Victims of Torture and SETIK. The evaluation team visited all partners.

The team found that the partners all work with enormous dedication, passion and a boundless sense of responsibility on torture prevention and justice for torture victims in Sri Lanka. They all gained tremendous experience. All work on the four interconnected strategic areas prevention, legal redress, rehabilitation and protection – though the emphasis may vary. All have become experts in the field of torture prevention and rehabilitation. All have established victims' networks and some have created victims' support groups. All are working under extremely hostile circumstances and there is no partner organisation that has not faced serious retaliation by the state, the police, or individual perpetrators. Their staff surmounts the risks and vulnerabilities inherent in work, 24/7 without insurance and protection.

The partners all maintain high standards of performance¹⁰⁰. They all have created their ways to deal with an imminent situation of urgent humanitarian needs and similarly urgent lack of resources.

They all need and deserve support.

RCT's decision to collaborate with these partners in the context of the torture prevention project is appropriate and is definitely an added value to a grassroots approach to torture prevention in Sri Lanka.

Civil Society and Human Rights: shrinking spaces

Civil society in Sri Lanka has in recent years – in fact coinciding with the start of the project - been impaired by the collapse of the Rule of Law, new emergency and anti-terrorism regulations, the brutalization of the police, the clampdown on NGOs, CID investigations and the resumption of war (2006)¹⁰¹. In view of the ethnic and political divides that have deepened throughout society with the return to war activists have faced huge obstacles in generating wider popular support for human rights concerns. Human rights and peace activists have been systematically attacked in the media as “traitors to the nation”. Government attacks on critical media have led to extensive self-censorship, with the effect that in particular the Sinhalese public is largely kept unaware of the extent of the human rights violations. Numerous human rights defenders have been threatened, attacked and killed. Spaces for human rights action have been reduced¹⁰².

Civil society in Sri Lanka is weak and divided along various lines¹⁰³.

In spite of this there are various networks of human rights organizations engaged in joint fact finding missions, publications, lobby, demonstrations and solidarity statements.¹⁰⁴ In public demonstrations raising outrage on torture cases or attacks on human rights defenders – like the recent demonstration against police torture viz. the drowning of a mentally retarded Tamil boy - several organisations may join.¹⁰⁵ Some donors engaged in funding Human Rights organisations have created donor-driven networks¹⁰⁶.

Movement against torture?

The project had envisaged the strengthening of the umbrella structure for the AHRC.

One of the immediate project objectives was “to strengthen the partner network”¹⁰⁷ and expand geographically through sub-offices. The AHRC expected that “a mass-based campaign against torture is now within the possibilities”¹⁰⁸.

The “model network of Human Rights activists – People Against Torture (PAT)” had formally ceased to exist at the time of the evaluation¹⁰⁹; this may be partly due to internal dynamics within the network and partly to insufficient guidance from the AHRC. The AHRC has been over-optimistic in claiming that it has “successfully created a model network of HR activist organisations”¹¹⁰ and may perhaps have underestimated the obstacles to reach a common ground between the network partners. The partner network building has been and to some extent continues to be a painful process for partners.

The evaluation mission found on one hand that there are profound identity issues within the partner network and between the partners and the AHRC partly explaining incidents

of lack of cooperation. The differences pertain to strategic issues as well as personal/ego-issues. “There was gradual run-down with partners being divided”.¹¹¹ The network has not been able to establish sufficient coherence and synergies. On the other hand all partners expressed that they are prepared to help revive the partner network.¹¹²

The present more informal partner network still consists of the same five project partners. Each of the partners has made a considerable contribution to the realisation of the Torture Prevention Project. They still work together on an ad hoc basis, in support of cases of police torture, in campaigns for the defense of human rights defenders¹¹³ and for training programmes.

The AHRC approached the issue of police torture as a systemic Rule of Law issue, expecting that this approach would make it possible to sidestep the polarization in the Sri Lankan human rights discourse regarding the conflict in the North, and thus to widen the potential support base for the campaign. Looking back, this wider support base has hardly been realised.

The partners maintain informal working relations with other organisations working on Human Rights in Sri Lanka. The partners cooperate with Platform for Freedom and the peace network.¹¹⁴ However, there is no “national network” with an explicit united agenda on torture prevention. The expected outcome of a “movement against torture” has not emerged¹¹⁵; the expected “mass-based campaign” has not been realized. This may be partly attributed to the increasingly hostile context in which the project operated¹¹⁶. Though acknowledging the contributions of other HR actors, the AHRC and the partners may not have put sufficient efforts in bringing about a more inclusive partnership strategy.¹¹⁷

For an effective revival of the partner network there is a need for a change in approach to partnership building and this includes a change in the way the partner network on torture prevention conceives itself within the Sri Lankan human rights movement and civil society at large. But this is also a prerequisite for maximizing impact for the project itself.

Coordination and communication within the network

Communication amongst partners is bilateral and need-based. There seem to be no planned coordination and communication schemes related to a common project action plan.

The AHRC as a project holder plays a central role in the communication between partners. The AHRC has bilateral communication with each partner. Communication is generally efficient. In some cases lack of responsiveness and “one-way-traffic”¹¹⁸ has

been reported. Communication with the AHRC is not always smooth, as is reported by partners and friends¹¹⁹.

Support role by AHRC

The AHRC ‘invests’ in capacity building of the partners. Partners are invited to the AHRC in Hong Kong for internships in the Urgent Appeals program. Partners are given a training on modern communication technologies, efficient methods of data collection, how to prepare Human Rights information, and minimum requirements of an Urgent Appeal. The importance of speedy dissemination of information is emphasized.¹²⁰

Capacity building provided by AHRC has resulted in:

- a. better case documenting, so as to optimize Urgent Appeals and media campaigns,
- c. higher quality of public awareness activities, more recognition, more response,
- d. greater capacity in mobilising, more response.

Organisational issues

Local partners have their shared role and responsibilities. Every partner handles case identification, case documentation, legal redress, healing, protection, etc. Organizations are run in an activist way; they practice an informal leadership and management style and the staff participate. The staff undertakes the work in a generalist manner. Decision-making is sometimes with the leader, sometimes more a collective process.

The project staff work round the clock with great commitment. Like in most activist organisations they tend to regard their commitment to the cause as more important than their own needs. There is no institutionalized self-care for staff. Secondary traumatization has been addressed in some of the trainings but not in a systematic way. It is recommended that the partner organisations develop and integrate notions of “care” and “caring organisation” in their practice.

Conclusions on the partner network

Several human rights advocates in Sri Lanka are calling for a united approach and effective alliance building. In their words, in view of the challenges that continue to be posed by the State there is a need for coordination to form a broad platform and a united stand. Vulnerabilities as regards human rights violations need to be faced including addressing the conflict that remains unresolved, i.e. the ethnic conflict.

As one of the human rights activists put it: “If we don’t unite, our voices will not be strong enough in Geneva and Sri Lanka”.

A revival of the partner network on torture prevention is very well possible, however, that is not enough.

There is a need for a drastic change in the way the torture prevention project conceives itself within the Sri Lankan human rights movement and civil society at large. The AHRC's contextual analysis should more than before recognize the contribution of other actors in the wider human rights scene. The project requires a clear positioning within Sri Lankan civil society and a pro-active and inclusive strategy on partnership and alliance building.

This is a condition for the project to gain maximum impact.

The partners all work with enormous dedication, passion and a boundless sense of responsibility on torture prevention and justice for torture victims in Sri Lanka. All have become experts in the field of torture prevention and rehabilitation. The partners all maintain high standards of performance. They all need and deserve support.

RCT's decision to collaborate with these partners in the context of the torture prevention project is appropriate and is definitely an added value to a grass roots approach to torture prevention in Sri Lanka.

Recommendations:

- The project would benefit from a clear positioning within the human rights movement in Sri Lanka and civil society at large and a pro-active and inclusive strategy on partnership and alliance building. This is a condition for the project to gain maximum impact.
- The AHRC's contextual analysis should more than before recognize the contribution of other actors in the wider human rights scene.
- A joint strategic planning, resulting in a common plan (with time frame and indicators). This should include an analysis of civil society and a clear action plan on partnership. All partners may be expected to commit themselves to the strategic plan.
- The partner network may be revived, possibly in a different form.
- This requires a designated coordination role for a person or centre in SL. The coordinator should a.o. have a clear vision on partnership, be able to navigate between the various pitfalls, and be a problem solver.
- There is a need for a "change of organisational culture" within the AHRC-and-partner network, in the sense that "language" and messages of communication should be constructive, inclusive, appreciative, and negative communication should be avoided. A mechanism has to be worked out to bring about a "cultural change".

6. Organisational set-up

The three-tier model has been an appropriate and effective model for the Prevention of Police Torture project (See Ch 4.1.1.).¹²¹

Linking local, regional and international capacity is a powerful strategy. The organizational model was successful and can be replicated in other countries.

Analysis of the organisational set-up cannot be separated from the way it was implemented. The representatives of the partner organisations were asked whether in their opinion the organisational set-up for the project was successful.¹²² Several participants answered, that “the beginning was good. (..) There was gradual run-down with partners being divided”.

Relations between the AHRC and the partners are formally governed by annual contracts. Terms of Reference are not specified in detail¹²³; partner action plans are governed by the overall action plan. Each partner submits a narrative annual report¹²⁴ and audited annual accounts; these are synthesized into one coherent annual report from the AHRC to RCT.

As project funds are channelled through the AHRC, there is a risk of an unintended imbalance in the relationship; this is a potentially detrimental feature of the partnership that should be given some attention. The contacts between the AHRC and the partners have impacted the dynamics within the partner network.

In spite of the geographic distance the AHRC has managed to give guidance, support and directions. The geographic distance inherently creates a certain imbalance, which may have affected equity.

The network of local organizations includes support groups like religious groups, youth groups, women's groups, lobby and campaign, education programmes support groups, and the HVT support group (with retired police officers, doctors, counsellors, lawyers); membership of those groups has grown over the years. A key factor in local support base building is inclusiveness, openness and mutual respect. On a local level this works well.

Project management may benefit from a joint strategic planning where roles and responsibilities are clearly defined, with the role of the AHRC as project holder and manager and the local partner organizations as co-implementers. Partners may also benefit from clear action plans. A joint strategic planning could also be beneficial to project cycle management (including monitoring and evaluation).

There will have to remain a sound balance between planning and flexibility. The nature of the work involves a considerable number of risk factors – there will have to be sufficient space for flexibility to respond to these. Also, the diversity among the partner organisations will have to be respected, as diversity is one of the strengths of the network.

7. Gender perspective

The majority of torture cases documented by the police torture project pertains to men: out of 253 cases 14% were related to women.¹²⁵ In the study by Kishali Pinto Jayawardena the proportion of female victim-petitioners was 21%¹²⁶. The police torture project covers women as direct victims of torture as well as family members.

Torture of women and men includes gender specific (physical and psychological) torture of women and men¹²⁷. Figures on torture of women have to be handled with caution. Is torture of women less prevalent as suggested by the figures? Or **is part of the torture of women invisible**? Are there gender specific reasons for women not to report? Is in particular sexual torture of women invisible?¹²⁸

Out of 35 cases of torture of women in the AHRC database, 11 cases included sexual violence¹²⁹. At least in two cases torture of men included sexual violence. The cases analysed by Pinto include two cases of sexual violence. Pinto concludes that “sexual torture emerged as a relatively common form of torture of both women and men”.¹³⁰ Like police is extorting money from men routinely, it has been hypothesized that police may be requesting sexual favours from women on a routine basis. It is beyond doubt that sexual torture is underreported. Women have a great number of reasons not to report sexual violence.¹³¹

The partner organisations pay special attention to women victims of torture¹³²; however a systematic analysis of gender specific torture has not yet been undertaken¹³³. Partners are aware that there is a need for addressing gender specific rehabilitation needs including gender specific counselling needs in case of sexual violence¹³⁴. At an organisational level gender is not systematically addressed; several professionals (staff, lawyers) mentioned gender specific obstacles in their practice; there is no institutional mechanism to address these.

The project would benefit from integrating a gender perspective both at project cycle level and at the organisational level.

Recommendation:

- strengthen a gender perspective in the project cycle (analysis, strategy, activities, monitoring)¹³⁵; strengthen a gender perspective at the organisational level within the organisations involved,

- seek funding for a pilot project on gender and torture in Sri Lanka: analysis, capacity building, training, case study development, strategic planning,
- strengthen partnership with women's organisations (or individuals) that may be able to assist in strengthening a gender perspective in the project.

8. Victims' Perceptions and Empowerment

The evaluators spoke with many victims/survivors and their family members – about one hundred in six meetings. Their stories were moving, often enraging and sometimes encouraging. The wife of a victim told us that her husband is a broken man and was not able to come and meet us. Many of the persons we spoke to are facing the impact of the torture in every aspect of their lives. We also met one lady who was greatly surprised to hear that there is an Urgent Appeal about her¹³⁶. Some victims show a remarkable personal development.

There is no doubt that the victims we spoke to, without any exception, have a very high opinion of the Prevention of Police Torture project. There is no doubt, also, that in their perception the AHRC, the partners and RCT have contributed greatly to their empowerment.

Dingribandha:

"This institution gave me the strength to fight for justice. If I had not met Father Nandana and Basil Fernando I would never have come so far. I am very grateful to AHRC and other organisations. I believe that it is very difficult for ordinary people and those who are discriminated to get justice. The main reasons are ignorance and poverty. There are hundreds of thousands of cases like mine but they never come up."

Nandana Kumari Herat:

"Now I am fearless when I go to court. Now I look the judge in the eyes. Now I can eat. Actually everybody going to the High Court has fear but I don't have fear anymore. Now the police is scared of me. Last week I went to the police station and they said: "Madam, we acknowledge that it has happened..." I was supported to come to this stage by the group of Chitral."

9. Learning approach

In every project cycle the project has been able to assess lessons learned and incorporate these in the follow up project.¹³⁷

For example:

- Legal remedies and international mechanisms: Exploring the whole range of legal and international mechanisms (country – lower courts, high court, supreme court - regional, and international – UN mechanisms); and routing out torture as a systemic issue,
- Participation and knowledge development: creating opportunities for democratic participation and knowledge development at varying levels: victims, local partners, regional and international organisations; victims became involved in the advocacy at different levels,

The AHRC and the partners have mentioned various specific examples of lessons learned during the project:

- The need to establish an network of specialised Human Rights lawyers
- The evident need of including protection as an integral component of the strategy,
- Lessons learned within various cases,
- The learning method of taking exemplary cases and highlighting systemic and generic issues on the basis of cases.

Learning and capacity building within the project could be strengthened:

- there is a need for peer learning, intervision and support. Could be organised across partners.
- Expanding the database with disaggregated data and draw conclusions (see above)¹³⁸

Learning and sharing with other organisations elsewhere could be strengthened:

- E.g., by writing a publication / manual based on the model of the Police Torture Prevention project, to enable sharing with other groups.

Staff mentioned that they have learned during the project (this was communicated to the evaluators):

- They mentioned that they learned about: Law, Human Rights, Torture; Counselling techniques; Listening to and connecting with the victims; The process of healing with the survivors;
- They mentioned that they learned from: seeing victims getting empowered and living without fear
- They mentioned that they learned to be courageous; to fight for justice, and to

work as a collective, without a hierarchical system, and that they can collectively work towards change.

In the Partner workshop representatives mentioned that they learned:

- Healing trauma; and that communication between partners is most important in a network¹³⁹.

10. Sustainability, replicability

The project model could be replicated for other organisations working on torture in countries with a similar context.

Sustainability:

- Financial sustainability: The project will remain dependent on outside funding.
- Institutional sustainability:
 - o The project has not resulted in a wider institutional agenda for the prevention of torture.
 - o Protection is the responsibility of the state, but in the absence of the state taking responsibility, civil society organisations will continue to engage in 'R2P', 'Right to Protect'.
- Social / political sustainability: the support base for a Prevention of Police Torture project has definitely increased through the project, though the expected "mass campaign against torture" has not materialized.

The sustainability of the prevention work is guaranteed in the sense that the project holders have a great sense of commitment to torture prevention.¹⁴⁰ In the follow-up phase sustainability may be given more emphasis.

11. Support by RCT

RCT has provided extensive support to the conceptualisation of the project¹⁴¹ including: a project formulation workshop in October 2003; a training mission on treatment for victims with an RCT medical consultant organised by partner FRC (Family Rehabilitation Centre); a consultancy to "compile, analyse and document the preventive model and experiences"¹⁴²; a mission to assist in the formulation of the project document for the pilot phase, September 2004; and the funding for the pilot project. During the project (2004 – 2005, 2005 - 2009) RCT provided the funding for the activities, several capacity building missions - highly appreciated by partners (Testimonial therapy, Care for Care givers, Trauma Counselling¹⁴³) and it undertook regular high-profile monitoring & review missions.

RCT contributes to the AHRC in many ways, including in terms of knowledge development, providing a platform for critical exchange and dialogue on torture prevention and rehabilitation, providing a range of invaluable contacts and partnerships, strategy development and funding – through the Danish Ministry of Foreign Affairs, Danida.

The range, intensity, consistency, amount and quality of the technical and financial¹⁴⁴ contributions provided by RCT is remarkable and commendable. RCT's support involves much more than what is usually provided by funding agencies. RCT is not a merely donor. RCT is a strategic partner for the AHRC. This should be acknowledged as such by the AHRC.¹⁴⁵

Recommendation: RCT's contribution to partners' capacity building may focus on:

1. Results Based Management (incl. logframe, results and outcome assessment of human rights interventions),
2. Partnership building,
3. Counselling,
4. Documenting and publishing best practices¹⁴⁶.

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78. The project has provided new knowledge as to which models or approaches offer the best access, quality and possibilities for sustainability for the work against torture and organised violence, in particular in an increasingly hostile context. In that sense the project has contributed to RCT's policy targets for 2015. See: The RCT policy targets of particular relevance for the project evaluation, mentioned in ToR, appendix. "By the year 2015, based on an improved understanding of the practice of torture and organised violence, the crucial elements for effective organisation of community mobilisation for rehabilitation and prevention in relation to torture and organised violence have been identified, and models from at least 2 different parts of the world have been tested. By the year 2015, RCT is able to provide new knowledge as to which models or approaches offer the best access, quality and possibilities for sustainability for the work against torture and organised violence in different political and socio-economic environments".
 79. Efficiency - the ratio of effect to the total inputs (money, resources, time etc). If efficiency were to be assessed in financial terms, this would require a highly detailed level of financial data with accounts disaggregated to activity at the level of AHRC and the partners. That level of detail is not available in project accounts and not needed in this kind of evaluation.
 80. AHRC has mentioned in publications that the Urgent Appeals reach 200,000 people; in the evaluation briefing meeting in Hong Kong in November 2009 the figure given was 6,300.
 81. There is a question as to how many other organisations and websites have links to AHRC. It may be recommended to expand external links to the AHRC website from websites of relevant stakeholders.
 82. In exceptional cases lawyers fees may amount to 150,000 Rs (nearly 1000 Euro) for an appearance, like in the case of Lalith Rajapakse
 83. The current documentation includes over 253 detailed cases.
 84. Studies include a variety of issues such as an analysis of the main conflicts governing the Sri Lankan

political scene and the implications thereof for the legal system, the Rule of Law in Sri Lanka, prevalence and determinants of torture, a detailed analysis of case reports, the criminal-police nexus, police reform initiatives, analysis of attacks on the judiciary, contempt of court, delays in adjudication, the dysfunctionality of the criminal justice system, threats on human rights defenders, absence of witness protection, analysis of state inaction in response to recommendations of UN agencies, analysis of obstacles in processes and strategies on prevention of torture in Sri Lanka.

85. There is sometimes space for improvement in terms of final editing, lay out, font etc; (some publications are a compilation of articles where the relation between the various articles and the title is not clear for the reader; some publications read more like pamphlets). Sometimes the distinction between conclusions that are substantiated by research data and statements about expected or hoped-for outcome is not sufficiently clear.
86. In the course of the project the emphasis of the contextual analysis was adjusted in response to the contextual changes; the latter documents emphasize more than before the endemic, systemic nature of torture in Sri Lanka. See Project document 2005-2006. Chitral Perera: "When the project started there was an assumption that we can really abolish torture, that is why the overall objective is called prevention of torture".
87. The evaluators have produced a systematic baseline based on this analysis, for the purpose of this evaluation.
The first mission report by RCT after the start of the pilot project serves as a baseline for the project – it describes the various project components, considerations and dilemmas in much detail. See RCT: Mission Report to Sri Lanka, November 2004.
88. Another example: Public opinion: in 2003-2004 a "tremendous improvement in the expression of public opinion against torture" is reported in the 2004 project document. AHRC says: "the AHRC network has played an instrumental role in creating this improvement".
89. AHRC Prevention of Police Torture in Sri Lanka, Project Document Project Phase 2005-2006, December 2004, p 13-18.
90. *Idem*, p 18
91. see f.e. the list of studies mentioned in the project document, December 2004
92. This is far from an imaginary situation, in view of the many attacks that have actually taken place in recent time, for example on the office of Human Rights lawyer Weeliamuna, see (publication)
93. See footnote in Ch 5, Results
94. RCT has initiated public health studies based on WHO methodology (quantitative baselines) in Guatemala, Honduras and in Albanian prisons. Assessments of the prevalence of torture in Sri Lanka are difficult to make. The existing data arise from analysis of individual cases and compilation. One may consider projecting prevalence from available case based sources.
95. Kishali Pinto 2009.
96. See above, under contextual analysis
97. "AHRC's best experience is in Sri Lanka, where it has successfully created a model network of HR activist organisations, called People Against Torture (PAT). Established in 2002, the network comprises 15 grassroots level organisations (together with their sub-offices) working independently in different parts of the island. These groups meet once a month to share their experiences, support each other and decide on future action. They are also in constant communication with AHRC." S.Puvimanasinghe 2006, p. 18
98. Project Document 2005 Annex 3 p 27. Also: RCT mission report November 2004 p 3. The description of the partner network in this mission report (though not an AHRC document) may be seen as a "baseline" for the partner activities.
99. S. Puvimanasinghe 2006 p 17.

100. It may be just to mention here that the evaluation team has not come across any indication of misappropriation of funds or violation of humanitarian codes of conduct.
101. International Crisis Group 2007 p 15: “the environment for humanitarian organisations and NGOs has become much more difficult”.
102. Cynthia Veliko, UN HR Advisor: “The last 1-1,5 years have been the most difficult to find spaces to work on Human Rights”. Meeting, November 2009
103. Sinhala-Tamil, Buddhist-Christian-Muslim-secular, Colombo-outside, access to INGO funding-no funding, professional-non-professional, women’s perspective, political background, political affiliation, etc. Some human rights activists mentioned that negative perceptions, ego-issues, sectarianism and competitiveness between organizations have contributed to lack of concerted action.
104. Interview with human rights and peace activists, November 2009. These networks are mostly Colombo based. One of them is a network of 8 Human Rights organisations: CPA, Home for HR, LST, Inform, Rights Now, Right to Life, Civil Monitoring Commission, IMADR. They work in principle with a division of labour or at least acknowledgement of areas of strength. Very broadly: CPA - Policy issues; LST – Documentation; Inform – Fact finding; IMADR – Facilitating UN advocacy; Home for Human Rights – Handling legal cases; Right to Life – Awareness, mobilising at district level, victim assistance; Rights Now – Leadership Development, Lawyers training, Democracy, Rule of Law; Civil Monitoring Commission – Political leadership, disappearances, national campaigning. They work as a “United Forum”. See joint reports at website of Centre for Policy Alternatives cpalanka.org. There are also ad hoc and issue based networks. See also publications by Seeds, Shade, Surya, Centre for Human Rights and Development, LST, UTHR (University Teachers for Human Rights).
105. Civil Monitoring Commission, Mothers and Daughters of Sri Lanka, Right to Life, Platform for Freedom, CPA. Apart from Right to Life there was no participation from other partners of the AHRC project. See also the statement by Women’s organizations and Organisation of Professional Associations of Sri Lanka in response to the attack on the house of senior lawyer J.C.Weliamauna, in: AHRC: Corruption and abuse of Human Rights: Threats and Attacks on a Human Rights Defender. AHRC, 2008, p 33-42.
106. Cynthia Veliko, UN HR Advisor: “I have never seen a donor community that has worked so intensely on Human Rights”. Donors have their donor driven HR networks: EU is creating a (donor-driven) network of HR organisations funded by EU. UN has its HR partner network. These networks engage in information sharing, capacity building, joint advocacy, and may be utilized by donors to ‘get their messages across’ and monitor their policies.
107. See Project document Nov 2004, Project doc Nov 2005 p 16 et passim: “to strengthen a comprehensive network of local organisations .. against torture”.
108. Project Document Project December 2004, p 13-18, quoted before (par. on contextual analysis); Project doc Nov 2005 p 7: a “mass-based campaign is now within the possibilities”.
109. “In February 2008, at a meeting held at Kerela, India, attended by Chithral, Fr. Nandana, Philip and Brito from Right to Life, Sanjeeva and myself, it was jointly agreed to abolish PAT as for long time it has not formally functioned. Everyone also agreed that PAT had no real formal function. Therefore it was held it was pointless to appoint any person formally as a coordinator. Thereafter no coordinator was appointed. It was agreed by everyone that whenever they wished to get together, any member organization can call for join meeting. There should be no formalities and any organization which feels that some activities can be done together can call for a meeting. In fact, PAT as a formal structure never existed. It was just a name created at the start to express the common purpose of all the 5 organizations. Following principles were always firmly agreed upon:
 1. each organization is separate and that no organization has any say over the workings of the other organizations. All internal decisions of each organization is the responsibility of each organization.
 2. The coordinator of this programmer is the Asian Human Rights Commission. The executive director of AHRC will be the formal coordinator of the total programmer and will also coordinate all functions with the RCT. Thus the real coordinating center of the organizations is the AHRC and the coordinator is myself.

I have kept in contact with each organization on an almost daily basis. All the major decisions of each organization are taken in consultation with me. All the organizations contact me whenever there is any issue. Either on the work in general or organizational problem". (Letter from B. Fernando 29 November 2009)

110. See footnote in previous paragraph: "AHRC's best experience is in Sri Lanka, where it has successfully created a model network of HR activist organisations, called People Against Torture (PAT). Established in 2002, the network comprises 15 grassroots level organisations..." S.Puvimanasinghe 2006, p. 18. The evaluators have not met all 15 partner organisations mentioned in the AHRC documents.
111. Outcome of the questionnaire for Participants to the Partner Workshop, Prevention of Torture Project, 11.9.09
112. Responses to questionnaire to participants of the partner workshop: .. out of ... participants states that he/she sees a possibility to revive the network.
113. For example on the cases of Gerald, Lalith, Rita and the attack on Weliamuna all partner all partners campaigned together.
114. Like Home for Human Rights, Center for Human Rights and Development, Lawyers for Human Rights and Development (LHRD), Law and Society Trust (LST). These organisations are regarded as informal partners.
115. In the evaluation meeting in Hong Kong, 1 November 2009, AHRC clarified that for AHRC a "movement" is understood as a "dialogue".
116. See previous paragraph
117. See the par. on contextual analysis, above; see also AHRC Prevention of Police Torture in Sri Lanka, Project Document December 2004, p 18.
118. "Partners have been instructed.." Project doc 2006 p 5
119. As one of the friends put it: "Basil is a unique personality in Sri Lanka. His strengths are his passion, his honesty – he does not tolerate any hypocrisy – and his vision. He is also unique in that Sri Lankan culture is generally less abrasive". The personality of the executive director of AHRC is held in high esteem by all partners and friends in the network.
120. See S.Puvimanasinghe 2006
121. See also Annex: AHRC working model. See also the model in: S.Puvimanasinghe 2006
122. Outcome of the Questionnaire for Workshop Participants, Police Torture Project, 11 November, 2009
123. The contracts refer to the agreement with RCT and mention the "items for (...) reimbursement of costs": Treatment and Rehabilitation, Lobby, Media, Meetings, Street movements, Research and publications".
124. Reporting obligations are not mentioned as a requirement in the contract
125. With many thanks to Lewis Davis who compiled a detailed database of 253 cases of police torture handled by AHRC between 2004 and 2009.
126. Kishali Pinto-Jayawardene 2008, p 15; 14 out of 66 cases
127. Gender specific violence against men includes sexual violence against men or threatening a man that his wife will be assaulted. E.g. the police threatened Sugath that they would rape his wife, assaulted the daughter. Gender specific torture of women may include forced abortion.
128. On gender and torture see the report of UN Special Rapporteur on Torture Manfred Nowak, addressing Gender and Torture. See Report of the Special Rapporteur on Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, (A/HRC/7/3, 15 January 2008)
129. Several of these cases were discussed in more detail during the evaluation mission.
NH: the government claimed that they filed action against the perpetrators. However, two years after the incident, the files were still with the AG's Department. AHRC progress rep May 2004 p.1.

The case of P. is an example of police using power to enforce sexual favours. See: Supreme Court (F.R.) Application no 298/2005, decided on 25.01.2008. P. makes a living selling liquor (UML). She is compelled to bribe the police and surrender bottles of liquor to the police. Police threatens to arrest P. unless she pays with sexual favours and assaults her. Janasansadaya took up the case, published a booklet about her including all her letters to IGP, AG, HRC. P. won her case. She has been very courageous. She still has a problem making a living for her family.

NK: Janasansadaya: The sexual violence is specifically mentioned in the N.K. judgement by the S.C.

130. see Kishali Pinto 2008 p 15: the cases of (V.A.) and (Y.V.). E.g. see (Y.V.) v. Mr. Wijesekara and others, SC (FR) App. No. 186/2001, SCM 23.08.2002. The Supreme Court has been very outspoken on these cases: "Such methods can only be described as barbaric, savage and inhuman".
131. see my report on Kutum
132. As was mentioned by participants in the partner workshop and is clear from publications, e.g. Women speak out: interviews with four women, in: B. Fernando, S. Puvimasinghe, 2005, p 28-52
133. In the UNHR meeting one of the staff mentioned missing info on torture and SGBV.
134. As was mentioned during the partner workshop. Counselling on sexual torture has been taken up in the training by Dr. Mitra.
135. including gender disaggregated data collection, gender disaggregated case documentation, gender analysis of torture prevalence, analysis of gender specific torture, analysis of gender specific traumatization and rehabilitation needs; specified for vulnerable groups (girl children, minorities, FHH) etc; including implications for staff capacity building, partnership etc.
136. Ranjini Rupika
137. The 2005-2006 project document mentions that a review of the pilot phase (2004) has been undertaken, that "mere repetition is irrelevant" and that a number of changes in the intervention strategies are needed; the project document 2006-2008 has incorporated lessons learned. Project document 2006-2008 annex 4
138. Kishali Pinto-Jayawardene: Sri Lanka, The right not to be tortured, A critical Analysis of the Judicial Response, Colombo, LST, 2008, p.10 f.f.: She 'draws lessons' from the analysis of the database: the majority of cases analysed were: cases involving allegations under penal code; sinhala petitioners; close to Colombo; men; outcome was low compensation; the most severe forms of torture are reserved for the poorest and most marginalized segments of society (p.17); professionals tend to be subjected to lesser, while nonetheless abhorrent, forms of violence, but tend to receive higher level of compensation (18). She highlights the link to ethnicity: compensation awarded to Sinhala is higher than to Tamils; compensation tends to be linked to who is the justice. She points to patterns of torture; issues of protection; classification issues (p 35).
139. Outcome of the questionnaire for participants of the partner workshop, 11 November, 2009.
140. Basil Fernando: "We will continue this project anyway, with or without financial support".
141. RCT Mission Report November 2004, Terms of Reference, p. 1-2
142. It is mentioned that "in accordance with the project objectives AHRC and RCT will co-write on articles / papers on methodological development and lessons learned from the preventive strategies...(.) The expected outcome will be two well-researched articles ready to be published in relevant magazines. A second objective will be to formulate a research proposal for implementation in 2005".
143. Partners communicated that the training missions organised by RCT have been very successful.
144. The funding covers part of the organisational expenditures for the project.
145. AHRC refers to RCT as a donor organisation.
146. The study by AHRC/RCT written by Shyamali (2006) may have been undertaken with that purpose; what is needed is an update by someone with an independent outsiders' perspective.

7. Lessons learned, best practices, replicability

The AHRC model itself can be regarded as best practice (See ch. 4):

1. The three-tier model,
2. The Interconnectedness of prevention, legal redress, rehabilitation and protection,
3. The Human Rights based approach,
4. The Poverty approach,

In addition several project components can be considered Best Practices that may be replicable:

5. The Focus on one strategic issue: Police Torture
6. The Urgent Appeals, and in general AHRC's advocacy strategy,
7. The use of new technologies for Torture Prevention advocacy,
8. The Torture Prevention strategy within Sri Lanka – including legal redress; the exposure of the deficiencies of the Rule of Law and the criminal justice system in Sri Lanka; the pooling of Human Rights Lawyers and the victim's support to sustain legal redress; etc,
9. Victim's support and protection,
10. The practice of Defense of Human Rights Defenders.

8. Recommendations

Recommendations to the AHRC and partners

These recommendations are given for reflection and future consideration.

Approach and strategies

- **Torture as poverty issue:** The AHRC's approach to torture as a poverty issue is highly relevant for other HR interventions. Highlight "torture as a poverty issue" at a wider the South-Asia regional level, with clear examples and best practices.
- Give more emphasis to **social, economic and cultural** rights,
- **Protection:** Assist in developing civilian protection mechanisms at country level and at Asia regional level; if possible, establish emergency protection procedures,
- **Rule of Law:** Special emphasis on addressing pertinent issues like court delays and witness protection,
- **Gender:** Develop a gender perspective. Integrate a gender perspective in torture prevention, at organisational level and at activity level,
- Legal redress may hinder the process of recovery; all project partners acknowledge this dilemma. The evaluators found that the project partners are very apprehensive not to put pressure on victims to opt for legal redress, and that from a victim's perspective it may be in his/her interest to opt for a settlement. However it is in the interest of the wider objectives of the project to seek legal redress. Develop a deeper understanding of this dilemma and an institutional position.
- Always 'put the victim in the centre'. Always get her/his consent and connect to the victim. The team met a woman who did not know that there is an Urgent Appeal about her - Ranjini Rupika, in Janasansadaya. Lost opportunity.
- **Healing and therapeutic support** need greater attention, programmatic response, and further capacity building.

Coverage

- With the new political situation since May 2009, explore possibilities for covering police torture in the **North**,
- **Identify vulnerable groups** and identify special needs,
- Look into the invisibility of torture of **children in government schools**; file test cases;
- Look into other areas of **invisibility** of torture (e.g. **torture of women**).

Strategic Planning, Civil Society Partnership

- The Torture Prevention project would benefit from a **clear positioning within the human rights movement** in Sri Lanka and civil society at large and a proactive and inclusive strategy on partnership and alliance building. Including a perspective on the **broadest possible civil society platform** on torture prevention and human rights and a unified agenda. Create alliances with other organizations with mandates on torture and HR including women's organizations.
This is a **requirement for the project to gain maximum impact**.
- The AHRC's contextual analysis should more than before recognize the contribution of other actors in the wider human rights scene.
- **Strategic Planning:** Organise a joint strategic planning, resulting in a common plan (with time frame and indicators). This should include an analysis of civil society and partnership. Redefine strategic partnership.
- **Project structure and management:** The project partner network may be revived, possibly in a different form. The future organisational set-up / model needs to be clarified. Clarify common responsibilities while fully maintaining the diverse identities of project partners. Clarify decision-making, coordination structures and communication lines.
- This may require a designated **coordination** role for one centre or person in SL, (circular, changing every year). The coordinator should a.o. have a clear vision on partnership, be able to navigate between the various pitfalls, and be a problem solver.

Management and Organisational Development

- **Results Based Management:** in the future project develop a logframe, undertake monitoring of results vis-à-vis expected results in a systematic way, an annual participatory review including review of logframe and if needed refining or revision of qualitative and quantitative indicators. Capacity Building on results based management for the AHRC and partners.
- Develop a **Code of Conduct** on Torture prevention and rehabilitation including a "Do No Harm" perspective.
- **Funding base:** diversify the funding base for the project in view of sustainability.
- There is a need for a **"change of organisational culture"** within the the AHRC-and-partner network, in the sense that "language" and messages of communication should be constructive, inclusive, appreciative, and negative communication should be avoided. A mechanism has to be worked out to bring about a "cultural change".
- Acknowledge the **contributions of RCT** as a partner organisation and funder, in publications and in wider communication, where appropriate,
- Develop and institutionalise a notion of **"Caring in the organisation"**. Caring practices. Identify needs among management, staff, caretakers, victims.

Activities, Best Practices, Tools

- **Database:** The AHRC has a huge database. It could be used to identify areas needing special attention for most **vulnerable groups**. **Disaggregate** case documentation. Include entries on vulnerable groups, gender, types of torture, locations. **Identify areas of concern** and develop **strategies** to address these.
- **Management of the database:** Formalise guidelines on data base management, including on privacy, data base protection, possibly a Code of Conduct for partners,
- **Research and studies:** Based on its extensive database the AHRC may undertake a deeper and comprehensive study into root causes of torture, redress, coping and healing: determinants/root causes, risk factors, possible prevention and protection strategies.
- **Legal redress:** case conferences / peer discussions between project partners, especially on exceptional cases. Intervention between human rights lawyers. Intervention on discrimination experienced by female lawyers.
- The **shelter homes** do not discriminate between torture victims and victims of 'other' types of violence. There is a consensus in the humanitarian sector that humanitarian interventions must at any price avoid discrimination between target groups and non-target groups. Do No Harm. It is recommended that RCT, the AHRC and partners develop procedures on how to deal with possible dilemmas resulting from the principle of non-discrimination in view of existing funding requirements.
- **Best Practices:** Document, analyse and present best practises in a systematic way, including victim's perspectives.
- Document and analyse **lost cases** and disappointments, like the case of Lalith,
- **Manual:** Write a small manual for torture prevention advocacy for **grass roots** organisations in Sri Lanka;
- Write a **manual or booklet for organisations** working on torture prevention elsewhere in the world, sharing the unique and highly relevant strategies and experience from AHRC and partners. What to do, how to do it. Including case studies, best practices.
- **One-page publications:** Make one-page leaflets / manuals: a "How to..", "What to do when...you are arrested", "What to do when someone in your village is tortured", etcetera, together with other HR organisations,
- **Publications:** More attention for target specific publications; avoid overlap; attention for final editing,
- **Tools:** Use visual materials, visual aides,
- Develop **high-quality photo documentation** (if possible also video documentation) on the practices of the AHRC and partners; develop expertise in the platform.
- **Tools:** Partners use a wide variety tools for healing, stress reduction and

empowerment – this area could be drastically enhanced by strengthening needs-based healing methods including **diversifying tools and methods** (incl. body-work, creativity, mindfulness),

- **Tools for advocacy and campaigning:** Diversify ways to get the message across: involve arts, drama, including visual arts as means of communication; expand partnerships with likeminded organisations and initiatives in the area of culture.

Recommendations to RCT

- RCT has to be given credit for supporting this highly relevant and effective project on Torture Prevention in Sri Lanka. The project has provided new insights in effective models for prevention of torture and rehabilitation of torture victims, in particular in a hostile context. In that sense the project has contributed to RCT's policy targets for 2015. The evaluation team recommends that RCT continue the support to the AHRC.
- Identify a women's organisation and/or an organisation working in the North, working on torture rehabilitation,
- RCT's contribution to partners' capacity building may focus on:
 1. Results Based Management,
 2. Strategic planning and Partnership building,
 3. Healing and counselling; facilitating professionalisation of rehabilitation care, in particular in the following fields: case supervision, counselling techniques, case conferences, victims' self-help, groups of para-counsellors, self-help groups for livelihood support,
 4. Identifying best practices, and support to a publication on the 'model' and its best practices. This may be commissioned to someone with an "outsider's view".

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Annexes

1. Terms of Reference

TERMS OF REFERENCE

Evaluation Mission

‘Prevention of Police Torture in Sri Lanka’

(Period Under Evaluation: 2004-2009)

Background

The Rehabilitation and Research Centre for Torture Victims (RCT) has the overall mission of contributing to the prevention of torture and the rehabilitation of torture victims as well as to contribute to the global knowledge in these fields.

RCT entered into a co-operation agreement with the Asian Human Rights Commission in 2004 and the two organisations have worked with local Sri Lankan human rights organisations ever since in the struggle against torture in Sri Lanka.

The overall goal of the project ‘Prevention of Police Torture in Sri Lanka’ has been defined as to achieve significant breakthroughs in terms of attitude, policy, and legislative changes and changes in the institutional practices of relevant government agencies in Sri Lanka. The victims of police torture in Sri Lanka are primary concern and are thus the primary partners and beneficiaries of this project. Similarly, project benefits are expected to accrue at the group level to the local network of civil organisations, as well as to the general public and the Sri Lankan society at large.

The strategic project components include the following: Investigations of violations relating to torture, response to torture violations and assistance to victims in the quickest possible manner, free legal aid, trauma treatment and other rehabilitation work, campaigning for redress for victims of torture. The objectives also include working for the realization of the UN Convention against Torture within the Sri Lankan context, training for activists as well as state officers, support to the institutions working for the elimination of torture and international campaigning on these issues to get the international community involved in achieving the said objectives

The evaluation will consist of a desk study, field visits to partner organisations, debriefing meetings with partner organisations and at the Asian Human Rights Commission (AHRC)

in Hong Kong. The field work in Sri Lanka will allow in-depth study of the local organisations and their activities to prevent torture.

Presentation of the RCT

RCT was founded in 1982 and is an independent self-governing Danish institution with funding from the Danish Ministry of Foreign Affairs. RCT has selected a number of strategic South partners, that share the values and overall goals with RCT. The development activities of RCT are currently being implemented in 14 developing countries. Prevention of torture is part of RCT mission statement and one of RCT's key central focus areas. The mission for the RCT's international support program is to contribute to the global knowledge on:

- how to alleviate human suffering and consequences of torture and other forms of organised violence at an individual and community level and how to empower survivors and their communities to become change agents for improving their lives
- how to prevent the occurrence of torture and other forms of organised violence, and to create the conditions necessary, at societal level, for respect for human rights, social justice and sustainable human development.

The financial support to the AHRC and the local partners in Sri Lanka amounts in 2009 to DKK 1.579,000 and the total budget allocations for local implementation under the co-operation agreements since 2004 amounts to DKK 7.363,000.

RCT works through partner organisations using a rights-based approach in relation to rehabilitation (individual, groups and communities) and prevention. This includes capacity development (rehabilitation, prevention and organisational development), advocacy and service delivery (rehabilitation and access to justice (legal support to individuals and groups)).

Objectives

The primary objective of the evaluation is to focus on the preventive approaches of the work against torture in Sri Lanka.

More specifically the objectives are:

- to assess the local organisations performance in relation to prevention and addressing the underlying issues on torture in Sri Lanka
- to assess the AHRC's performance in relation to prevention, including how effectively the AHRC has been able to support its partner organisations to identify, plan and implement interventions against torture in Sri Lanka

Scope of Work

The scope of work should include, but not necessarily be limited to, the following aspects:

1. Assessment of the relevance, effectiveness, efficiency and effects of the preventive strategies, as they are operationalised in the cooperation between the AHRC and the local organisations in Sri Lanka, in particular with regard to the following groups: populations at risk of torture and survivors of torture in Sri Lanka
2. Assessment of the quality of the AHRC's prevention work in Sri Lanka, including:
 - The relevance and focus in terms of selection of local partners
 - The quality of the technical input to partner organisations
3. Assessment of the contextual analysis, including the tools developed to undertake such analysis, including:
 - criminal justice baseline: studies on prevalence, determinants and causes of torture and other cruel, inhuman or degrading treatment or punishment
 - public health baseline: problem definition (prevalence), causes, risk and protective factors, and who it affects
4. Assessment of the extent to which the self-perception of the partner organisations as political civil society actors and to which extent this role is understood, accepted and transformed into adequate preventive programmes with a relevant and targeted purpose and well-designed message, taking into consideration the Sri Lankan context.
5. Assessment of the extent to which the capacity of partner organisations to employ sound planning and programming frameworks with regard to relevant prevention activities
6. Assessment of the extent to which the preventive research/studies and prevention interventions complement and support each other, including an assessment of the relevance and applicability of such research to partners in Sri Lanka
7. Assessment of the AHRC strategy for dialogue, cooperation, advocacy and networking with other national, regional and international actors against torture in Sri Lanka
8. Assessment of the sustainability of prevention interventions
9. Recommendations for the future work in the field of prevention in Sri Lanka

Based on observations and the dialogue with RCT, the AHRC and the local organisations throughout the evaluation the team may present findings of general nature, if found relevant.

Method of work

The evaluation process will involve the participation of relevant RCT and the AHRC staff to clarify the boundaries and expectations of the evaluation. The evaluation team will combine a brief desk review of the relevant project documents as well as an overall

assessment of the contextual issues in Sri Lanka. The team should work with RCT and the AHRC in the process of discussing and analysing the issues and outline the methodology for the field study. The field study will then be carried out for the concrete assessment of practice, how project methodologies and strategies have been implemented. Following the field study it is projected that debriefing meetings will be held with local organisations in Sri Lanka. A final workshop with RCT and the AHRC in either Copenhagen or Hong Kong will present the draft findings of the evaluation for discussion.

Composition of the evaluation team

The Team should comprise 1-2 internationally recognised experts in the field of:

- human rights with particular knowledge on prevention of torture
- organisational approaches towards prevention of torture

The Team should preferably be familiar with the human rights situation in Sri Lanka and with in-depth knowledge on the role of civil society in prevention or torture. Experience in evaluating complex sets of issues from the following fields should be demonstrated:

- Evaluation in human rights and development
- Advocacy; and legal aspects of prevention of torture, rule of law
- Organisational development; capacity development

The RCT program manager for Asia and the AHRC South India Desk officer will participate as resource persons to assist and learn from the evaluation process.

Outputs

- A presentation based upon the desk study with preliminary issues to be addressed during the field trip
- A debriefing meeting with local organisations in Sri Lanka to discuss the draft findings after the field trip
- A meeting with RCT and the AHRC (Copenhagen or Hong Kong) with presentation of draft findings and recommendations by the team
- An evaluation report, not exceeding 30 pages, excluding annexes with clear recommendations

Consultants

Team Leader: Welmoed Koekebakker (CV available)

Team Member: Loreine de La Cruz (CV available)

Timeframe

The evaluation begins and ends week 44 - 49. A final report should be elaborated within five days after the presentation meeting of the draft evaluation report with RCT and AHRC participation.

Consultancy input and time schedule for the evaluation to be confirmed

Background information

A package of documents and publications will be provided to the Team before the evaluation

- RCT Policy 2004
- Progress reports and Mission reports
- Other documents such as previous reviews and evaluations of the AHRC work in Sri Lanka

APPENDIX

The RCT policy targets of particular relevance for the project evaluation:

- By the year 2015, based on an improved understanding of the practice of torture and organised violence, the crucial elements for effective organisation of community mobilisation for rehabilitation and prevention in relation to torture and organised violence have been identified, and models from at least 2 different parts of the world have been tested
- By the year 2015, RCT is able to provide new knowledge as to which models or approaches offer the best access, quality and possibilities for sustainability for the work against torture and organised violence in different political and socio-economic environments
- By the year 2015, approaches for eliminating torture within law enforcement institutions, particularly in places of detention, have been developed and tested, and the impact assessed in at least five different countries

The Seven RCT guiding principles:

- research orientation
- victim-survivor perspective
- rights-based development perspective
- fight to overcome impunity
- perspective on impact and sustainability
- perspective on gender mainstreaming
- organisational principles

2. Time Schedule Evaluation Mission

Time Schedule Evaluation Prevention of Police Torture Project Welmoed Koekebakker and Loreine dela Cruz

July-August	Preparations
28-Oct	Preparations
29-Oct	Preparations
30-Oct	Preparations
31-Oct	Preparations
1-Nov	Preparations / Travel
2-Nov	travel to Hong Kong
3-Nov	AHRC meeting
4-Nov	AHRC Meeting and Travel to Sri Lanka
5-Nov	1) Gampaha Human Rights Citizen's Committee, Ekala, ULA, Joseph, Soma, Theodor, Rita, Kusum, victims Domin and Prasad 2) Right to Life (Families against Disappeared), Katunayake, Britto Fernando, Negombo, Suranji- wife of Sugadh, Taranga, victim Sampath Travel to Kandy;
6-Nov	Home for Victims of Torture (HVT) Kandy, Fr Nandana, Sr Mabel Meeting with family members of disappeared, Meeting with torture victims, staff meeting, video, presentation
7-Nov	SETIK, father Camulus, Asela - plantation sector, Meeting with professionals (consultant JMOs, forensic doctors, lawyers, Rtd. Commissioner of prison, Attorney at Law)
8-Nov	Janasansadaya, Chitral Perera
9-Nov	Biju Frances, AHRC; Centre for the Rule of Law, Sanjeewa, Kingsley Kamnaratne, Inoma Kanonathilaka UN Human Rights, Cynthia Veliko, HR advisor, Nehama, Ambika
10-Nov	Kishali Pinto-Jayawardena and LST-Consultant Jayantha de Almeida Guneratne
11-Nov	Partner Workshop
12-Nov	Report Writing
13-Nov	Report Writing, meeting Erik Wendt
14-Nov	Report Writing
15-Nov	Report Writing
16-Nov	Report Writing, evening dep. Loreine
17-Nov	Report Writing, Meeting Human Rights activist
18-Nov	Report Writing, Meeting Sanjeewa, AHRC
19-Nov	Report Writing, Meeting Human Rights activists

20-Nov	Report Writing, Meeting EU Sarah Pallack and Gonzalo Jorro, Meeting Human Rights activists, Platform for Freedom
21-Nov Sat	Report Writing
22-Nov Sun	Report Writing, study documents
28-Nov Sat	Report Writing, meeting Human Rights activists
29-Nov Sun	Meeting CRL Inoma Kanonathilaka, Travel Colombo-Delhi
30-Nov Mon	Travel Delhi-Amsterdam
1-Dec Tue	Report Writing
3-Dec Thu	Travel to Copenhagen
4-Dec Fri	Debriefing meeting RCT Copenhagen
10-Dec Thu	Finalisation Report

3. Typology of police torture cases AHRC - Spreadsheet 2004-2009

This chart was not included due to its size - ed.

4. List of documents consulted

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www.ahrchk.net

www.alrc.net

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AHRC Project Documents

AHRC Project documents, Prevention of Police Torture in Sri Lanka project:

- AHRC project plans
 - a. Project Phase 2005-2006 (dd. December 2004)
 - b. Project Phase 2006-2008 (dd November 2005)
 - c. Action plan 2009
- Agreements between AHRC and partners (CC, CRL, HVT, Janasansadaya, PAT, R2L, SETIK)
- Audit reports partners
- Narrative partner reports (selective partners)
- AHRC budgets
- AHRC joint annual Audited Accounts
- AHRC annual reports to RCT.

RCT project documents

- RCT contracts with Danida, Prevention of Police Torture in Sri Lanka project
- RCT budgets - Danida
- RCT mission reports
- RCT reports to Danida.

New Year Wishes and Demands

Ensure rule of law

End culture of murder, abductions and insecurity

End Torture and extra-judicial killings

End detentions under PTA and emergency regulations

Ensure freedom of expression and publication

End displacement

Ensure inquiries and prosecutions against all crimes and human rights abuses

Restore the functioning of all public institutions

Speedily reform the police

Ensure fair and speedy trial

Ensure gender equality

Ensure independence of attorney Generals department

Ensure independence of judiciary

Activate all regulatory bodies to ensure proper public services

Reform the Commission against Bribery and corruption

End executive presidential system and ensure checks and balances

Restore parliamentary democracy

"We ask all voters to demand from all candidates to presidential elections a commitment to fulfill these demands during coming year"

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Asian Human Rights Commission

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