



Pathways to Justice: Learning from the past, charting the future in Asia

Sri Lanka (1960 - 2024)

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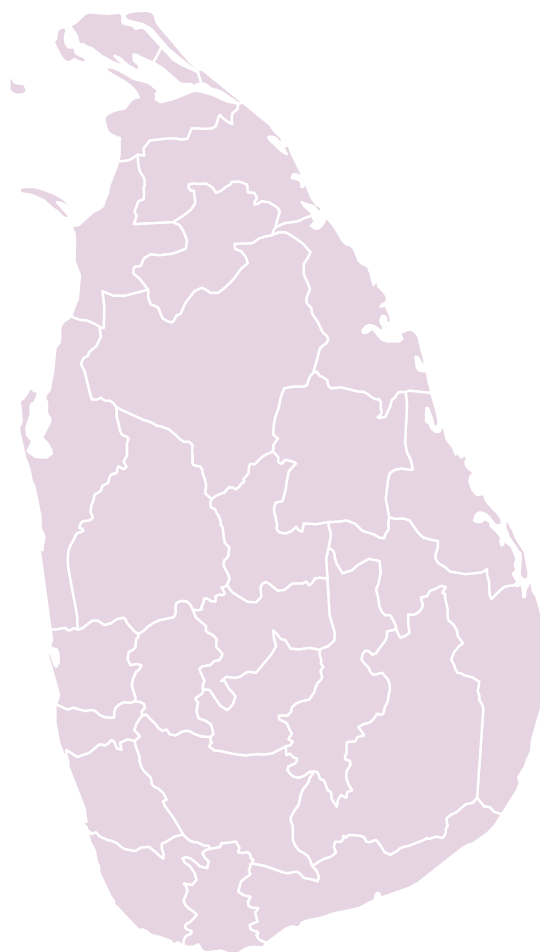


The Asia Foundation

Pathways to Justice: Learning from the past, charting the future in Asia

The Asia Foundation (TAF) is an international nonprofit organization working to solve the toughest social and economic challenges in Asia and the Pacific. Informed by more than 70 years of experience and deep local knowledge, we work with partners across more than 20 countries to improve lives and expand opportunities. In 2023 and 2024, The Asia Foundation conducted a historical analysis of its justice sector work in seven countries—Bangladesh, Indonesia, Laos, Nepal, the Philippines, Sri Lanka, and Timor-Leste. In some of the countries, TAF has carried out justice sector work for five decades, providing an extensive body of work to study. There are successes and failures, and the purpose of this analysis is to learn from those experiences. By assessing what we got right and wrong, what variables we anticipated and accounted for and which we didn't, we are better equipped to identify future justice sector needs and provide effective support and solutions. Each study is presented in a separate paper summarizing TAF's programming, key findings and lessons, and recommendations and opportunities for future justice sector reforms and programs in the country.

Series editors: *Nicola Nixon and Lisa Denney*



Navigating Change: The Asia Foundation's Journey in Sri Lanka's Justice Sector

(1960 - 2024)

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Executive Summary

Since its establishment in the 1950s, The Asia Foundation's Sri Lanka office has made law and justice one of its longest-standing priorities, working to strengthen democracy, uphold the rule of law, and reduce inequities so that all people have access to justice. In the decades since independence, Sri Lanka has been shaped by recurring cycles of conflict, marginalization, and political turbulence, which have influenced both the experiences of justice and the evolution of TAF's contributions. Across more than seventy years, The Asia Foundation has supported the development of formal legal institutions and informal justice mechanisms, improved legal literacy, and advanced protections for those most marginalized by gender, ethnicity, religion, and income disparities.

Early investments in legal education through the Books for Asia program and support to legal scholars and institutions laid the foundation for enduring partnerships with the Ministry of Justice, the Judges' Institute, the Attorney General's Department, and Sri Lanka's courts. This commitment expanded into building core rule-of-law institutions and supporting reforms to outdated and discriminatory laws, while also pioneering access-to-justice programs. The Asia Foundation was instrumental in the establishment and growth of the Legal Aid Commission, which now maintains 77 offices nationwide and enables improved access to justice for those living in poverty and marginalized communities. TAF also played a pioneering role in the creation of community mediation boards—an innovation that remains one of Sri Lanka's most significant and enduring contributions to informal justice. These boards resolve an estimated 200,000 disputes annually, providing affordable, accessible, and trusted avenues of redress for ordinary citizens, and the approach has since informed similar initiatives in other countries.

TAF also supported the strategic use of public interest litigation to advance environmental, land, and minority rights, and later developed a groundbreaking partnership with the Sri Lanka Police. Beginning cautiously with initiatives to improve language access and legal empowerment, this partnership grew into a community policing model that was scaled across 150 stations nationwide. Training 4,567 Sinhala police officers in Tamil helped improve relations with minority communities in conflict-affected areas, while local-level forums and activities fostered more trusting relationships between communities and police. Though political shifts eventually curtailed direct engagement, these investments left an enduring ethos of community-oriented policing within parts of the service.

From the mid-2010s, gender justice became a core focus, with programming that documented survivors' experiences of the justice system, built evidence for reform, and combined top-down institutional accountability with bottom-up empowerment of civil society. This work, supported through both internal and EU funding, has positioned The Asia Foundation as one of Sri Lanka's leading nongovernmental actors in addressing sexual and gender-based violence, helping to shift police practice, raise awareness, and strengthen the capacity of women's organizations.

TAF's approach has been marked by its ability to move between formal and informal systems, leveraging strong relationships with state institutions to open space for community-level work, and using grassroots partnerships to shape national reforms. Its locally rooted staff and long-term presence have enabled it to work strategically through volatile political contexts, while research and evidence have provided trusted entry points for reform. A hallmark of TAF's engagement has been to catalyze change and then institutionalize it—whether through state funding of legal aid, nationalization of police language training, or integration of mediation boards into government structures.

Despite significant achievements, The Asia Foundation's experience in Sri Lanka highlights enduring challenges: navigating a shifting and often polarized political context, adapting to increasingly prescriptive donor agendas, and balancing short-term demands with long-term change processes. Looking ahead, the Sri Lanka office seeks to strengthen cross-country collaboration on law and justice, deepen integration of psychosocial and mental health services into justice services, and make clearer the links between law and justice and broader initiatives in peacebuilding, social cohesion, and local governance. In a context where legal interventions and legislative reforms remain trusted avenues for reform, these future directions build on decades of engagement and sustain TAF's role as a key partner in Sri Lanka's pursuit of justice, equity, and resilience.



Why Law and Justice?

Since opening in the 1950s, TAF's Sri Lanka office has focused on strengthening democracy, the rule of law, social cohesion, and reducing inequity, with the overarching aim of ensuring all people have access to justice. In post-colonial Sri Lanka, recurring conflict and challenges to democratic rule have shaped both experiences of justice and TAF's contributions to it. Over more than seventy years, its work in law and justice has focused on building institutions across both formal and informal systems, improving legal literacy, and protecting the rights of citizens, particularly those marginalized by gender, ethnicity, religion, or income disparities.

In the decades following independence in 1948, Sri Lanka's legal sector was defining its identity. Legal institutions and scholars played a formative role, and TAF supported this process by contributing to legal education. Early investments laid the groundwork for institutional partnerships with the Ministry of Justice, the Judges Institute, the Supreme Court and Court of Appeal, the Judicial Services Commission, and law schools. As leading legal scholars moved between universities and state institutions, TAF's support helped strengthen the system's capacity to guarantee rights and uphold the rule of law.

Even as the legal sector developed, the country experienced deepening unrest. The 1956 Sinhala Only Act marginalized Tamil speakers and sowed the seeds of ethnic conflict. From the 1960s, grievances among youth across communities—driven by unemployment and political exclusion—erupted into the 1971 JVP insurrection and a harsh government crackdown. By the 1980s, conflict in the north, tied to language politics and systemic discrimination against Tamils, had intensified, while anti-Tamil violence and LTTE militancy escalated into civil war. The war ended in 2009 with a controversial military victory that claimed an estimated 100,000 civilian lives but failed to resolve underlying grievances, leaving Tamil and youth communities marginalized and politics increasingly polarized. In the years that followed, anti-Muslim violence grew, culminating in the 2019 Easter Sunday attacks.

Despite periods of economic growth, widening inequality, corruption, and unsustainable debt culminated in the 2022 economic crisis. Public outrage fueled mass protests that ousted the Rajapaksa regime. The Wickramasinghe government stabilized the economy but provoked dissatisfaction through restrictive legislation and security crackdowns. On September 21, 2024, Sri Lanka elected its ninth executive president in the most peaceful election in decades, with a 75 percent voter turnout. The victory of the National People’s Power (NPP) party, breaking the traditional two-party dominance, reflected popular demand for change. The new president campaigned on good governance and anti-corruption, resonating with a population eager for reform.

Since the election, the new administration has faced the formidable challenge of translating its reformist promises into tangible change amid fiscal constraints, fragile institutions, and competing interests. Early priorities have centered on anticorruption measures, judicial reform, and improving youth employment and local governance. Yet expectations remain high, and tensions between reform ambitions and political realities are already emerging.

These experiences of unrest, conflict, marginalization, and economic crisis underscore why access to justice, social cohesion, and the rights of marginalized groups have been central to TAF’s work in Sri Lanka for more than seventy years. As Sri Lanka enters this new phase, TAF’s law and justice programs are adapting to the opportunities and risks of transition—working with justice institutions, civil society, and community mediation networks to strengthen accountability, advance equitable access to justice, and support inclusive, locally grounded approaches that rebuild public trust in governance.

Areas of Work

Supporting the Emergence of the Legal Sector

In the early years of TAF’s work in Sri Lanka, the Books for Asia program provided vital legal resources in a country where education is highly valued. Legal textbooks were distributed to university law departments, judges, and lawyers, and over time, the program became a cornerstone of engagement with the legal sector.

These resources helped build strong relationships with universities, judges, and practitioners, leading to requests for broader support. In response, TAF expanded its work to strengthen legal education more generally—supporting legal scholars to pursue advanced degrees, helping to establish new approaches to legal training, facilitating the writing of textbooks, and convening conferences. Books for Asia also enabled civil society organizations to develop libraries in specialized areas, such as law and environmental protection.

One notable example was the Environmental Foundation Ltd (EFL), among the first organizations in Asia to use public interest litigation to enforce environmental protections. Ravi Algama, one of its co-founders, later recalled that more than 95 percent of the EFL library consisted of books provided by TAF, which became central references in their litigation. He also noted that these books improved the English skills of young staff, indirectly strengthening their professional capacity.¹

1 Ravi Algama, co-founder, the Environmental Foundation Ltd (EFL) interviewed on 24 July 2024

Building Rule of Law Institutions

When TAF began working in Sri Lanka, about a decade after independence, many donors were focused on community development, but few engaged with justice institutions. Through its early contributions to legal education, TAF established a strong reputation, and by the mid-1980s, it had become the leading nongovernmental partner in justice sector reform. Its work included addressing outdated and discriminatory laws, institutions, and practices that undermined trust and contributed to social conflict.

One of the most significant initiatives was the establishment of the Judges' Institute. In the 1980s, TAF partnered with the Ministry of Justice to organize training seminars for judges at multiple court levels. Judges, recognizing the value of these sessions, requested further support, which led to the creation of the institute in 1984. TAF funded it until 1992, when the ministry assumed responsibility. The institute continues to deliver training programs for judicial officers to this day.

Supporting Access to Justice: Legal Aid, Mediation, and Legal Documentation

From the late 1970s onward, TAF developed a long-term focus on access to justice, working through both formal and informal systems. A key milestone was support for the Legal Aid Commission, established in 1978. Initially administered by just two officers, it relied heavily on TAF to cover core and program costs. TAF also played a central role in advocating for government funding, which has since expanded to sustain 77 branch offices nationwide.

Beyond state institutions, TAF worked with civil society providers of legal aid and legal literacy. In 1997, it convened the first-ever Consortium of Legal Aid Organisations in Sri Lanka, fostering coordination between government and civil society providers to improve service delivery.

Recognizing that most Sri Lankans relied on informal dispute resolution rather than courts, TAF also pioneered support for community mediation. Beginning in 1988, in partnership with the Ministry of Justice, TAF helped establish mediation boards as a professionalized system of community-based dispute resolution. This introduced legislation, standards, and guidelines that built on existing practices while safeguarding impartiality and addressing power imbalances.² Volunteer mediators, coordinated by the state and trained extensively with TAF's support, now provide quick, affordable, and accessible dispute resolution—an essential alternative in a system plagued by court backlogs.

To ensure inclusivity, TAF worked with the Centre for Mediation and Mediation Training to deliver Tamil-language training to mediators in minority communities.³ It also provided outreach and information to judges, police, and local officials to encourage acceptance of mediation as a legitimate process.⁴ Over time, mediation became TAF Sri Lanka's flagship program, alternately framed as a way to reduce court congestion or as a tool to promote social harmony.⁵

2 C. Valters (2016) 'Building Justice and Peace from Below? Supporting community Dispute Resolution in Asia,' *Working Politically in Practice Series*, Case Study No.9. Online at: <https://asiafoundation.org/wp-content/uploads/2016/10/Building-Justice-and-Peace-from-Below.pdf>, p. 2.

3 C. Valters (2013) 'Community Mediation and Social Harmony in Sri Lanka,' *Theories in Practice Series*, JSRP Paper 4, p. 18.

4 R. Jayasundere and C. Valters (2014) 'Women's Experiences of Local Justice: Community Mediation in Sri Lanka,' *Theories in Practice Series*, JSRP Paper 10. Online at: https://eprints.lse.ac.uk/56356/1/JSRP_Paper4_Community_mediation_and_social_harmony_in_Sri_Lanka_Valters_2013.pdf, p. 8.

5 C. Valters (2013) 'Community Mediation and Social Harmony in Sri Lanka,' *Theories in Practice Series*, JSRP Paper 4.



TAF's access to justice programming has also been responsive to crises. Following the 2004 tsunami, it supported the rapid recovery of lost documentation, deployed mobile legal aid services, and worked with the Ministry of Justice to create Tsunami Special Mediation Boards. These efforts were later adapted to resolve land disputes from the civil conflict and, more recently, financial disputes linked to the debt crisis. During COVID-19 and the subsequent economic crisis, TAF provided resources and equipment to ensure mediation boards could continue operations safely.⁶

Public Interest Litigation

In the late 1990s, public interest litigation became an important tool for advancing access to justice and law reform in Sri Lanka. TAF supported civil society organizations to use public interest litigation strategically on issues such as land rights, environmental protection, corruption, elections, and minority rights. Long-standing partners like the Centre for Policy Alternatives and the Environmental Foundation Ltd have used this support to build sustained capacity and networks of pro bono lawyers, enabling them to continue public interest cases independently today.

Improving Police-Community Relations

In the mid-2000s, TAF began incorporating legal empowerment approaches into its legal aid programming, helping community organizations engage constructively with the police. By the late 2000s, this evolved into direct engagement with the police, starting with small initiatives to improve language access for minority communities. TAF approached this sensitive work cautiously, focusing on capacity building rather than operational support, and emphasizing “do no harm” in a context where the police were under the Ministry of Defence.

Over time, this led to the design and rollout of a community policing model, institutionalized through police training colleges and piloted in 27 stations in 2012. By 2015, it had scaled to 150 stations across the country, incorporating practices such as community forums, bicycle patrols, awareness campaigns, mobile services, and public complaint boxes.⁷ Civil defence committees were repurposed into community policing committees, with local CSOs playing a central role.

6 “Restoring Harmony - Sri Lanka’s Community Mediation Boards”, The Asia Foundation. Accessible at: <https://www.youtube.com/watch?v=Q17BeWJ910Q>.

7 See, for instance, V. Chambers, L. Denney, and K. Pieris (2014) ‘Community policing through bicycle patrolling in Sri Lanka: An incipient post-conflict strategy,’ Select Findings, London: Overseas Development Institute and The Asia Foundation.

As relationships deepened, TAF supported internal reforms, including Tamil language training for Sinhala officers and capacity building of women’s and children’s desks to respond to violence against women and children. In 2015, donor priorities shifted toward institutional reform, and TAF assisted the Ministry of Law and Order with a cabinet-approved police reform action plan. These efforts were aimed at improving the accountability and responsiveness of police to community needs.⁸ Implementation, however, was disrupted by political shifts, the heavy-handed response to the 2019 Easter bombings, and the economic crisis. By 2022, TAF’s direct work with the police had closed, though civil society partners supported by TAF continue to engage actively on community safety and violence against women and children.

Addressing Gender-Based Violence

Access to justice for people from marginalized groups has long been central to TAF’s work, and from 2016, gender justice became a core focus. The Inside Justice project, launched with Lotus Circle funding, explored justice sector responses to sexual and gender-based violence (SGBV). This work expanded through two EU-funded projects (2017–2022 and 2024–2025), targeting institutional shortcomings and insensitivities in how cases were handled.⁹

As Savithri Wijesekera, executive director of Women in Need (WIN), has noted, “Ninety percent of women don’t know their rights or that they can go to the police station and make an entry against someone who is harassing them.” TAF’s approach combined accountability from above—pushing for fair trial standards, due process, and gender-sensitive justice in formal systems—with accountability from below, by empowering civil society to raise awareness and hold institutions to account.

This multi-pronged strategy, combining advocacy, service provision, and knowledge-sharing, has established TAF as one of Sri Lanka’s leading NGOs in the gender justice space and created a unique body of knowledge on programming against SGBV. This approach has been maintained through all its projects addressing gender justice, which is now a long-term focus of TAF’s work in Sri Lanka. It has contributed to a wealth of information on programming on gender justice, bringing together advocacy and service provision and sharing lessons with diverse state and nongovernmental institutions. This has created a unique space for TAF as one of the lead NGOs working in the gender justice space.



- 8 L. Denney (2016) ‘Community Policing as a Catalyst for Change: Working with the police in Sri Lanka and Timor-Leste,’ Working Politically in Practice Series Case Study No. 10, San Francisco, CA: The Asia Foundation, p. 8.
- 9 The Asia Foundation (2021) ‘INSIDE JUSTICE: Ensuring Formal Justice Sector Responsibility and Accountability to Redress Sexual and Gender Based Violence (SGBV) against Women and Girls in Sri Lanka,’ Final Narrative Report.



Impacts

Improved Access to Justice for Women and People From Economically Disadvantaged and Marginalized Groups Through Legal Aid and Mediation

When the Legal Aid Commission was established in 1978, it operated with just two staff and relied entirely on TAF to cover both core and program costs. Over time, TAF worked with the commission to secure state funding, expand its reach, and improve the quality of services. Today, the commission is fully state-funded, with additional support from international donors for specific projects. Its 77 branch offices across the country provide legal assistance to citizens earning less than LKR 15,000 per month, as well as to women survivors of violence and women seeking child maintenance, regardless of income.¹⁰ A 2009 survey conducted by TAF, UNDP, and UNHCR found high levels of satisfaction with legal aid services.¹¹

To further strengthen the system, TAF initiated the Consortium of Legal Aid Organizations, a platform for state and nonstate providers to coordinate services, share resources, and build capacity. This collaboration expanded access to legal aid in contexts where resources were scarce. As Wijesekera explained: “If we needed a lawyer in Galle [for a victim of gender-based violence], and we didn’t have a presence, we were able to get another organization to support her with legal aid.” Over time, some community-level consortium members replicated the model locally. The Vehilihini Development Center in Moneragala, for example, created its own Access to Justice Network in the early 2000s, which continues to operate decades after TAF’s funding ended. According to its director, K.G.K. Weeraratne, the network not only strengthened community policing but also helped pursue redress for human rights violations, even in cases involving the police.

10 The Asia Foundation, UNDP, UNHCR, Ministry of Constitutional Affairs and National Integration and Ministry of Justice and Law Reform (2009) ‘The Legal Aid Sector in Sri Lanka: Searching for Sustainable Solutions’ Colombo, p. 2.

11 The Asia Foundation, UNDP, UNHCR, Ministry of Constitutional Affairs and National Integration and Ministry of Justice and Law Reform (2009) ‘The Legal Aid Sector in Sri Lanka: Searching for Sustainable Solutions’ Colombo, p. 3.

TAF's long-term work with Sri Lanka's mediation boards has also expanded access to justice. Today, there are 329 mediation boards covering all divisional secretariat divisions in the country, making mediation a truly accessible mechanism. Mediation offers a quicker alternative to court proceedings: about one-third of cases are resolved within 30 to 60 days, and 99 percent are resolved within a year.¹² On average, mediation boards handle around 200,000 disputes annually, with resolution rates consistently near 60 percent.¹³ This program is one of TAF Sri Lanka's longest-running initiatives and has informed similar efforts elsewhere, including Nepal and Mongolia.

Greater Awareness of and Improved Response to Gender-Based Violence Against Women

Through its work on gender-based violence (GBV), TAF has generated critical evidence on the challenges victim-survivors face within the formal justice system, creating a foundation for ongoing advocacy to improve services. This engagement has also built valuable networks, strengthened information-sharing among survivors and the public, and highlighted multiple entry points for reform through a multi-sectoral lens.

"The work is so challenging and motivating at the same time because you are helping someone to come out of a very life-threatening situation, and then you see that person strong and empowered by her legal rights. ... The police, although slow, has improved, but more training is required."

—Savithri Wijesekera, executive director, Women In Need

TAF collected qualitative and quantitative data through the monitoring of court proceedings in GBV cases. This documentation shed light on the experiences of survivors in the justice system and provided compelling evidence to influence justice stakeholders to introduce reforms. Court monitoring proved to be a low-cost, adaptable approach that can be replicated in other contexts to strengthen accountability.

The data collection process also benefited civil society partners. The Vehilihini Development Center implemented its strategic action plan through legal empowerment programming, while Women In Need benefited from exposure visits that introduced new perspectives and practices from other countries. TAF's work with the police, supported by the Ministry of Women's Affairs, promoted more sensitive handling of cases involving women victims of GBV. Awareness-raising initiatives helped shift attitudes on gender equality, while targeted police training improved knowledge of the law and practical skills, leading to tangible improvements in the support provided to survivors.¹⁴

12 C. Valters (2013) 'Community Mediation and Social Harmony in Sri Lanka,' Theories in Practice Series, JSRP Paper 4, p. 22.

13 Jayasundere, R. and Valters, C. (2014) 'Women's Experiences of Local Justice: Community Mediation in Sri Lanka,' Theories in Practice Series, JSRP Paper 10. Online at: https://eprints.lse.ac.uk/56356/1/JSRP_Paper4_Community_mediation_and_social_harmony_in_Sri_Lanka_Valters_2013.pdf, p. 8; C. Valters (2013) 'Community Mediation and Social Harmony in Sri Lanka,' Theories in Practice Series, JSRP Paper 4, p. 22. <http://www.mediation.gov.lk/> accessed on 24 June 2024

14 The Asia Foundation (2021) 'INSIDE JUSTICE: Ensuring Formal Justice Sector Responsibility and Accountability to Redress Sexual and Gender Based Violence (SGBV) against Women and Girls in Sri Lanka,' Final Narrative Report.

A Culture of Policing That Is More Sensitive to Community Needs

“The Asia Foundation was the major or only organization to work on women’s rights as human rights and programming development work to women’s work. There was work on women and development but TAF did women’s development work from a legal angle. And I think this was the start of looking at women’s rights seriously and talking about it and building the capacities of small organization like WIN which were entirely women focused. ... It is organizations like TAF that made it possible for us to continue to provide our services to victims of domestic violence. Crisis intervention service is what is needed in the country because we are the only ones to give it together: We give psychological, legal and shelter [support]. TAF helped especially in the process development of legal aid to these victim survivors of violence throughout the years. And that is a strength of TAF and they must continue to be the legal pioneers particularly in relation to gender.”

—Savithri Wijesekera, executive director, Women In Need

The partnership that TAF built with the Sri Lanka Police between 2009 and 2022 was unconventional. It was made possible in part by TAF’s ability to maintain a low profile and engage carefully, adapting to shifts in the political economy. TAF was also able to leverage its community-level work into wider institutional reforms, though these were later stalled by political changes. While direct engagement with the police has now ceased, the partnership produced several notable successes.¹⁵

One of the most significant achievements was the training of Sinhala police officers in Tamil language skills, which improved their ability to communicate with communities in the war-affected north and east, where relations with the police were especially fraught. TAF trained 4,567 officers, and by the end of the program, the Sri Lanka Police Service reported that 20 percent of officers stationed in the north could speak Tamil, compared to only 12 percent who were native Tamil speakers.¹⁶ The program’s success led to its full institutionalization within the national police budget, allowing TAF to shift its focus toward encouraging the recruitment of more native Tamil-speaking officers.¹⁷

At the local level, community policing initiatives fostered more trusting and open relationships between police and communities in multiethnic areas. Civil society organizations supported by TAF facilitated joint activities and dialogue forums, while perception surveys revealed tangible improvements. In Kandy, the proportion of respondents who felt “very safe” rose from 23 percent in 2009 to 59 percent in 2011, while in Moneragala the figure increased from 20 percent to 39 percent.¹⁸ Perceptions of police-community relations also improved: in Kandy, 79 percent of respondents rated relations as good in 2011, up from 57 percent in 2009; in Moneragala, the figure rose to 83 percent from 49 percent.¹⁹

15 L. Denney (2016) ‘Community Policing as a Catalyst for Change: Working with the Police in Sri Lanka and Timor-Leste,’ Working Politically in Practice Series, Case Study No.10. Online at: <https://asiafoundation.org/wp-content/uploads/2016/10/Community-Policing-as-A-Catalyst-for-Change.pdf>, p. 14.

16 The Asia Foundation (2015) Sri Lanka Programme Partnership Agreement Reporting Year 4, internal document, p. 5.

17 Interview with Johann Rebert, 28 February 2024.

18 The Asia Foundation (2012) Sri Lanka Programme Partnership Agreement Reporting Year 1, internal document.

19 Ibid.

Some of these practices remain in place. For example, the Vehilihini Development Center reports that community-police forums now include women, helping to improve responses to gender-based violence. Victims who report incidents to police are increasingly referred to other services, a shift described by Vehilihini’s director, Mr. Weeraratna, as “a very positive change.”

Perhaps most importantly, these initiatives have instilled an ethos of community-oriented policing within parts of the service. Although this has not displaced the more militarized and politicized tendencies of policing in Sri Lanka, there remain champions of community policing across different ranks, locations, and units. These individuals continue to carry influence within the institution. It is hoped that when the political climate becomes more favorable, the seeds planted through years of patient investment will bear fruit.²⁰

Ways of Working

Engaging Across Formal and Informal Justice

The Asia Foundation’s law and justice portfolio in Sri Lanka spans both formal institutions and informal mechanisms. On one hand, TAF has built long-standing partnerships with government agencies, formal justice entities, and law schools, focusing on strengthening the rule of law, enhancing safety, and improving access to justice. On the other hand, it has invested deeply in community mediation and worked with civil society on community policing. These initiatives address gaps in the formal system, ease its caseload, and extend justice to the local level. Crucially, the two spheres are not separate. TAF has at times leveraged its strong relationships with government institutions to create space for less formal initiatives, while also using its community-level work—such as on policing—to influence institutional reform at the national level.

This ability to move between formal and informal systems has been especially important in Sri Lanka’s dynamic political context, where government entities may be more or less open to partnership at different times. As K.G.K. Weeraratna of the Vehilihini Development Centre observed in relation to how this impacts CSO engagement: “State policies regarding CSOs change from time to time, and it is important that TAF has discussions with CSOs on how they can work within these evolving contexts.”



Using Research as an Entry Point

At various points, TAF has used research as a strategic entry point into the justice sector. Surveys, qualitative studies, and data collection have provided evidence that informed policymaking, shaped strategic guidelines, and created demand for deeper engagement. Research has underpinned major areas of work—community policing (enabling reforms and integrating sensitivity to SGBV into police services), gender justice (building credible evidence on women’s experiences in the justice system), and mediation (improving the design and delivery of services).²¹ TAF’s research has been highly valued by state actors. As former Secretary to the Ministry of Justice Kamalini de Silva noted, “Mediation was one area of work ... where much more research and surveys were conducted to understand how people perceived the mediation and the mediation boards.” In this way, research has served multiple purposes simultaneously: contributing to building knowledge on critical justice issues as a public good as a soft entry point to build trust, and as a lever for more sustained reform.

Taking a Long-Term, Committed View

Unlike many other development partners, TAF does not operate in Sri Lanka through short-term projects and fleeting presence. With a permanent office and an entirely local staff, its engagement reflects a long-term commitment to change in the law and justice sector—one that has endured and evolved for more than seventy years. While projects may be shaped by donor funding cycles, they are part of a broader trajectory of institutional strengthening and reform.²² Staff bring both deep local knowledge and long-standing affiliations, enabling them to work strategically in a fluid political environment with a long time horizon.²³

Relationships built by TAF are sustained across careers, not just projects. Staff are deeply embedded in local networks and share in the country’s future. As Kamalini de Silva reflected: “The Asia Foundation was our partner in progress. ... We had continuity because Dinesha [country representative] and Ramani [director, Gender and Justice Programs] were there throughout.”

Institutionalising Reforms to Be Self-Led

A hallmark of TAF’s approach has been to initiate or catalyze reforms and then work to hand them over to the government to ensure sustainability. This approach is evident in TAF’s early support for legal aid, which was later institutionalized by the Legal Aid Commission; decades of investment in community mediation boards, now largely state-funded; and the Tamil language training of police, which began with TAF support but is now fully funded by the Sri Lanka Police Service. Such transitions demonstrate the sustainability and scalability of TAF’s programming and reflect the value of long-term, trust-based relationships with government and justice sector institutions.

21 The Asia Foundation (2021) ‘INSIDE JUSTICE: Ensuring Formal Justice Sector Responsibility and Accountability to Redress Sexual and Gender Based Violence (SGBV) against Women and Girls in Sri Lanka,’ Final Narrative Report.

22 C. Valters (2016) ‘Building Justice and Peace from Below? Supporting community Dispute Resolution in Asia,’ Working Politically in Practice Series, Case Study No.9. Online at: <https://asiafoundation.org/wp-content/uploads/2016/10/Building-Justice-and-Peace-from-Below.pdf>, p. 21.

23 L. Denney (2016) ‘Community Policing as a Catalyst for Change: Working with the Police in Sri Lanka and Timor-Leste,’ Working Politically in Practice Series, Case Study No.10. Online at: <https://asiafoundation.org/wp-content/uploads/2016/10/Community-Policing-as-A-Catalyst-for-Change.pdf>, p. 1.



Challenges and Lessons Learned

Three key challenges emerge from TAF's experience in law and justice programming in Sri Lanka.

First, the country program has had to navigate a complex and rapidly shifting political context and manage the implications for programming decisions. This has been most evident in relation to community policing. Engagement with the Sri Lanka Police Service was already a bold undertaking for an NGO, but as the political climate changed and instances of police overreach occurred, the office was repeatedly forced to weigh whether to continue working with a controversial institutional partner on critical reforms or to suspend engagement altogether. Even within the country office, views have differed. Striking the right balance between upholding human rights and legal empowerment principles, while also adapting to political realities, has remained a delicate and ongoing challenge.

Second, changes in the donor operating environment have made it harder to secure funding for TAF- and community-designed initiatives. Donors are increasingly prescriptive, arriving with tightly defined projects and leaving little space for those steeped in the local context to shape law and justice work. Yet if TAF does not align with donor priorities, sustaining funding becomes unlikely. Balancing the need for ongoing funding streams while retaining the ability to shape the focus of that funding has become an ever-greater challenge.

This leads to the third challenge: balancing adaptation to shifting donor agendas with a commitment to long-term change in Sri Lanka's justice system. The task becomes one of integrating donor-driven priorities and short-term reporting requirements into meaningful, locally grounded trajectories of reform—without losing sight of deeper, qualitative processes of change that can only unfold over years. Reconciling these divergent time horizons and sequencing priorities in a way that serves both immediate and long-term goals and donor-driven and local agendas is no easy feat.



Potential Future Directions

Building on the Sri Lanka office's long history of engagement on law and justice, three key areas are identified as future priorities. First, TAF Sri Lanka has been active in cross-country learning, collaborating with other offices on mediation and community policing. However, stronger and more intentional connections across country offices on law and justice portfolios remain an opportunity for growth. Many country programs share similar areas of work that could benefit from deeper collaboration, including direct exchanges between partner organizations. More structured cross-country learning would significantly strengthen TAF's law and justice programming.

A second key area the Sri Lanka office is now exploring is the integration of psychosocial support and mental health services into justice sector programming. While past projects have addressed these issues in part—for example, by training legal aid providers on self-care, building capacity for more comprehensive legal services, and emphasizing mental health in survivor-centered SGBV work—systematic integration has been limited. Looking ahead, the office aims to bridge this gap by working closely with TAF's Mental Health and Psychosocial Support team. This collaboration has already begun, with the team providing counseling training to family court counsellors, who play an essential role in matrimonial and domestic violence cases.

Finally, law and justice interventions linked to peacebuilding, social cohesion, and local governance have often been treated as secondary components rather than core objectives. Future programming will aim to make these links clearer and more robust—for example, by strengthening dispute resolution at community and local government levels and supporting legislation that improves governance and service delivery. In Sri Lanka's context, where legal interventions and legislative reforms remain widely viewed as credible vehicles for reform, making these connections explicit offers a pathway for more transformative change.

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