

**Universal Periodic Review**  
**(28<sup>th</sup> session, Oct-Nov 2017)**  
**Contribution of UNESCO to Compilation of UN information**  
**(to Part I. A. and to Part III - F, J, K, and P)**

[Sri Lanka](#)

**I. Background and framework**

Scope of international obligations: Human rights treaties which fall within the competence of UNESCO and international instruments adopted by UNESCO

<i>Title</i>	<i>Date of ratification, accession or succession</i>	<i>Declarations /reservations</i>	<i>Recognition of specific competences of treaty bodies</i>	<i>Reference to the rights within UNESCO's fields of competence</i>
<i>Convention against Discrimination in Education 1960</i>	State party to this Convention (ratification 11/08/1983)	Reservations to this Convention shall not be permitted		Right to education
<i>Convention on Technical and Vocational Education 1989</i>	Not state party to this Convention			Right to education
Convention concerning the Protection of the World Cultural and Natural Heritage 1972	06/06/1980 Acceptance			Right to take part in cultural life
Convention for the Safeguarding of the Intangible Cultural Heritage 2003	21/04/2008 Acceptance			Right to take part in cultural life
Convention on the Protection	Not ratified			Right to take part in cultural life

and Promotion of the Diversity of Cultural Expressions 2005				
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## Right to education

### II. Promotion and protection of human rights on the ground

1. The **Constitution of Sri Lanka, adopted in 1978<sup>1</sup> (as amended up to 2015)**, stipulates that the State pledges to completely eradicate illiteracy and to assure to all persons of the right to universal and equal access to education at all levels. Effective steps to eliminate discrimination and prejudice in the fields of teaching, education and information fall also under the responsibility of the State. However, these provisions do not confer or impose legal rights or obligations, and are not enforceable in any court or tribunal. The **Education Ordinance of 1939** as amended subsequently provides the policy and governance framework on equality in education. The **Education Act of 1945** introduced free education and instruction in mother language from kindergarten to the university.<sup>2</sup> The main objective of enforcement of the **Regulation on Compulsory Education (1997)**, which came into force in 1998, is to ensure that all children in the age group 5-14 years attend school.<sup>3</sup> Special committees have been set up to motivate parents to send their children to schools. The University system in Sri Lanka operates within the framework laid down in the **Universities Act N°16 of 1978** and subsequent amendments. The Tertiary and Vocational Education Commission (TVEC) was established in 1991 under the **Tertiary and Vocational Act N°20 of 1990** and reconstituted as a statutory body by the TVE (Amendment) Act N°50 of 1999. The National Education Commission was established under the **National Education Commission Act N°19 of 1991**.<sup>4</sup> Special provision **Act No. 8 of 1960** stipulated that government is the sole provider of education to children aged 5 to 14. A few fee levying and no-fee levying private schools were allowed to continue while the government had the power to regulate. Salaries of the teachers of these schools and free text books are provided by the government to these schools. However, the **Company Act of 1982** has opened an opportunity for the private sector to establish schools as a business enterprise. They are now called International Schools which provide instruction in English medium. These

<sup>1</sup> <https://www.parliament.lk/files/pdf/constitution.pdf> ,

<sup>2</sup> Sri Lanka Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 1

<sup>3</sup> Sri Lanka Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 1

<sup>4</sup> IBE, World Data on Education, 7<sup>th</sup> ed., 2010-2011, p. 3, Sri Lanka, [http://www.ibe.unesco.org/fileadmin/user\\_upload/Publications/WDE/2010/pdf-versions/Sri\\_Lanka.pdf](http://www.ibe.unesco.org/fileadmin/user_upload/Publications/WDE/2010/pdf-versions/Sri_Lanka.pdf), Accessed on 06/02/2014

schools cater to the children of families with affordable income.<sup>5</sup> The **1992 Trust fund Act for the Rehabilitation of the Visually Handicapped** provides for education and training opportunities; financial assistance; housing provision and welfare schemes; marketing of products made by people with visual impairments; action to eliminate conditions which prevent gaining of equal rights and opportunities.<sup>6</sup> Finally, **Act No. 8 of 2003** is also worth noting, which strengthened child labour law by inter alia increasing the minimum age of employment from 12 to 14 years.<sup>7</sup>

2. In terms of reporting to UNESCO, Sri Lanka submitted national reports within the framework of the Seventh and Eighth Consultation of Member States on the measures taken for the implementation of the Convention against discrimination in education to which it is party since 1983. However, unfortunately it did not participate in the ongoing Ninth Consultation, therefore no recent updated report is available on the implementation of the Convention. With regards to the 1974 UNESCO Recommendation concerning Education for International Understanding, Co-operation and Peace and Education relating to Human Rights and Fundamental Freedoms, Sri Lanka reported on the measures taken for its implementation within the framework of the Fourth Consultation of Member States. However, Sri Lanka did not submit a report within the framework of the Fifth Consultation of Member States.

### **Freedom of opinion and expression**

#### ➤ Constitutional and Legislative Framework:

3. Article 14 of the Constitution<sup>8</sup> guarantees freedom of expression and speech: “Every citizen is entitled to the freedom of speech and expression including publication”. Although, Article 15.2 places restrictions on this right when in the interests of "racial and religious harmony or in relation to parliamentary privilege, contempt of Court, defamation and incitement to an offence".
4. The 1979 Prevention of Terrorism Act<sup>9</sup> (PTA) contains restrictions, such as a prohibition on bringing the government into court. The Official Secrets Act<sup>10</sup> bans reporting on classified information, and those convicted of violating its provisions can be sentenced to up to 14 years in prison.

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<sup>5</sup> Sri Lanka Report submitted for the Seventh Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2000-2005), 2006, p. 1

<sup>6</sup> Sri Lanka Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 4

<sup>7</sup> Sri Lanka Report submitted for the Eighth Consultation on the implementation of the Convention and Recommendation against Discrimination in Education (2006-2011), 2012, p. 3

<sup>8</sup> <https://www.constituteproject.org/search?lang=en&q=expression>

<sup>9</sup> [http://www.satp.org/satporctp/countries/shrilanka/document/actsandordinance/prevention\\_of\\_terrorism.htm](http://www.satp.org/satporctp/countries/shrilanka/document/actsandordinance/prevention_of_terrorism.htm)

<sup>10</sup> <http://www.srilankalaw.lk/Volume-VI/official-secrets-act.html>

5. Defamation is considered a criminal offence under Chapter 19 section 479 of The Sri Lanka Penal Code<sup>11</sup>. Whoever defames another shall be punished with imprisonment for a term which may extend to two years, or with fine or with both.
6. On the 4th of August 2016, Sri Lanka's Right to Information Act<sup>12</sup> No 12 of 2016 was adopted. The implementation of the Act is expected to take time due to the necessity of establishing official positions in government institutions to provide information to the general public.

➤ Implementation of legislation:

7. Sri Lanka Press Council<sup>13</sup> is a statutory institution established under the Sri Lankan Press Council Act No. 05 of 1973 which comes under the purview of the Ministry of Mass Media and Information. A code of ethics for journalists has been introduced in 1981. The Council consists of a Director, and of six other members appointed by the President. The functions of the Council range from legal registration of newspapers, to examination of complaints lodged as a result of news reports published in them.
8. The Telecommunications Regulatory Commission of Sri Lanka (TRCSL)<sup>14</sup> was established under the Sri Lanka Telecommunication (Amendment) Act No. 27 of 1996 as the national regulatory agency for telecommunications in Sri Lanka.

➤ Media Self-Regulation:

9. The Press Complaints Commission of Sri Lanka<sup>15</sup> (PCCSL) is a voluntary self-regulatory mechanism inaugurated on October 15, 2003 by the media industry. It works on the principles of conciliation, mediation and arbitration under the Arbitration Act No 11 of 1995. The High Court of Colombo is empowered to enforce an arbitration award made under this Act, if a newspaper fails to publish the decision of the Dispute Resolution Council of the PCCSL and a complainant wishes to pursue a case where the editor is not abiding by the arbitral decision.
10. One of the main self-regulatory body is the *Sri Lanka Journalists' Trade Union (SLJTU)*, whose objectives are to promote generally the interests of journalists and journalism in the country. Many other Journalists' Trade Unions exist in the country, such as: the Sri Lanka Working Journalists Association<sup>16</sup> (SLWJA), the Federation of Media Employees Trade Union (FMETU), the Sri Lanka Muslim Media Forum (SLMMF), the Sri Lanka Tamil Journalists Alliance (SLTJA) and the Free Media Movement (FMM).

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<sup>11</sup> <http://ediscipline.org/defamation.html>

<sup>12</sup> [http://www.media.gov.lk/images/pdf\\_word/2016/12-2016\\_E.pdf](http://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf)

<sup>13</sup> <http://www.sipc.lk/>

<sup>14</sup> <http://www.trc.gov.lk/#home1>

<sup>15</sup> <http://www.pccsl.lk/>

<sup>16</sup> <http://www.slwja.org/>

➤ Safety of journalists:

11. Since 2008, UNESCO has recorded the killings of 2 journalists in Sri Lanka.<sup>17</sup> Government has responded to UNESCO requests concerning two of the killings of journalist's cases.

### III. RECOMMENDATIONS

**12. Below are the recommendations made within the framework of the 2nd cycle of the Working Group**

**(14th session) on the Universal Periodic Review (December 2012)<sup>18</sup>:**

*127.35. Continue to promote and protect human rights through education and institutional reforms*

*127.73. Work on the elimination of the causes of minor's recruitment by armed groups and guarantee full rehabilitation, social reintegration and school reintegration of those children who participated or were affected by the conflict, including those who had to be accommodated in internal displaced camps and to take into account the linguistic, cultural, and religious diversity in Sri Lanka*

*127.80. Continue human rights education for police and security forces to ensure better protection and maintenance of human rights standards*

*127.83. Work on building the capacity of law enforcement officials in the area of human rights and provide them with the necessary education to guarantee the best standards in this regard*

*127.86. Continue human rights education for police and security forces aiming at better protection and preservation of human rights principles*

*127.87. Strengthen its efforts to integrate human rights and peace education in the school curricula*

*127.89. Continue to improve access to education, especially in the post-conflict and underdeveloped areas*

#### **Review and specific recommendations**

13. The Education Sector Development Framework and Programme (ESDFP) and Transforming School Education as the Foundation of a Knowledge Hub (TSEP) 2011–2015 are Sri Lanka's two foremost policies supporting the country's education system.<sup>19</sup> The ESDFP 2013-2017 is on 'human capital foundation for a knowledge economy: Transforming the school education system

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<sup>17</sup> <http://www.unesco.org/new/en/communication-and-information/freedom-of-expression/press-freedom/unesco-condemns-killing-of-journalists/countries/sri-lanka/>

<sup>18</sup> <http://www.ohchr.org/EN/HRBodies/UPR/Pages/LKSession14.aspx>

<sup>19</sup> <http://www.uis.unesco.org/Education/Documents/srilanka-oosci-report-2013.pdf>

- Education first'. It aims to: increase equitable access to primary and secondary education; improve the quality of primary and secondary education; and strengthen governance and service delivery of education.<sup>20</sup> ESDFP provides school-based grants for the development of facilities for the science education in schools where the advanced level science subject stream has been commenced under the programme of developing 100 secondary schools (2015-2016).<sup>21</sup> The World-Bank-funded MOE project TSEP 2011–2015 has as its first pillar promoting equity of access to basic and secondary education, ensuring continuity in the provision of the demand-side incentives. It also has proposed that School Attendance Committees be appointed for each school's local community in order to promote enrolment and attendance. It is expected that this strategy will bring out-of-school children into non formal education centres as a transition to enrolment in formal school or, in the case of older students, into vocational training institutions.<sup>22</sup> A second phase of TSEP has started recently and will cover 2012 to 2016. Its objective is to enhance access to, and the quality of, primary and secondary education in order to provide a foundation for the knowledge-based economic and social development of the country.<sup>23</sup>

14. Universalizing primary and secondary education to ensure social equity is a prime recommendation in national policy documents including the Mahinda Chintana 2005, the Ten-Year Horizontal Development Framework Programme 2006–2016, and most recently, the Mahinda Chintana: Development Framework 2010. They firmly reiterate continuity of the policy of free education at all levels to university undergraduate level, and the incentives provided over the years—scholarships, free textbooks and uniforms, subsidized transport, and a school feeding programme initially at primary level. The Ten-Year Horizontal Development Framework Programme 2006–2016 proposed that a specified number of quality secondary schools should be developed, with priority being given to the 100 poorest divisions in the country identified by the Department of Census and Statistics in 2006. Consequently, a policy of establishing Isuru quality schools in the poorest 100 divisions is being implemented.
15. Efforts to increase the quality of higher education have been made through the National Higher Education Plan 2012-2015<sup>24</sup> which focuses on a) increasing access to higher education, b) enhancing quality and upgrading standards, c) fostering a culture of research and innovations, d) ensuring accountability, sound performance and financial sustainability through 12 specific goals.

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<sup>20</sup> [http://planipolis.iiep.unesco.org/upload/Sri%20Lanka/Sri\\_Lanka\\_ESDFP\\_2013-2017.pdf](http://planipolis.iiep.unesco.org/upload/Sri%20Lanka/Sri_Lanka_ESDFP_2013-2017.pdf)

<sup>21</sup> <http://www.moe.gov.lk/english/images/stories/circulars/2015-32e.pdf>

<sup>22</sup> <http://www.uis.unesco.org/Education/Documents/srilanka-oosci-report-2013.pdf>

<sup>23</sup> <http://www.uis.unesco.org/Education/Documents/srilanka-oosci-report-2013.pdf>

<sup>24</sup> [http://planipolis.iiep.unesco.org/upload/Sri%20Lanka/Sri\\_Lanka\\_National\\_Higher\\_Education\\_Strategic\\_Management\\_Plan\\_2012-2015.pdf](http://planipolis.iiep.unesco.org/upload/Sri%20Lanka/Sri_Lanka_National_Higher_Education_Strategic_Management_Plan_2012-2015.pdf)

16. Education policies to address children in poverty groups were restated in the National Plan of Action for the Children of Sri Lanka 2004–2008 and its proposed second phase in 2010–2014, and in the SAARC Social Charter Plan of Action 2008–2015. 25
17. There is a lack of reporting relative to the efforts that Sri Lanka has made to ensure the right to education which needs to be addressed in order to increase levels of accountability and transparency.<sup>26</sup>

### **Specific recommendations:**

1. Sri Lanka should be strongly encouraged to submit state reports for the periodic consultations of UNESCO's education related standard-setting instruments, notably regarding the consultations organised for the Convention against discrimination to which Sri Lanka is party.
2. As a State Party to the Convention against discrimination in education, Sri Lanka is encouraged to fully implement the relevant provisions that promote equal access to a quality education without discrimination or exclusion, and fully implement the right to education as defined by it and by the Covenant on Economic, social and cultural rights.
3. Sri Lanka should be encouraged to render accessible up to date information on the measures taken with regards to the implementation of the right to education.
4. Sri Lanka should also be encouraged to share with UNESCO relevant information to update the country profile of the Global Database on the right to education.<sup>27</sup>

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### **Freedom of opinion and expression**

18. Sri Lanka is recommended to decriminalize defamation and place it within a civil code that is in accordance with international standards.<sup>28</sup>

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<sup>25</sup> <http://www.uis.unesco.org/Education/Documents/srilanka-oosci-report-2013.pdf>

<sup>26</sup> [http://www.moe.gov.lk/english/index.php?option=com\\_circular&view=circulars&Itemid=920](http://www.moe.gov.lk/english/index.php?option=com_circular&view=circulars&Itemid=920)

<sup>27</sup> <http://www.unesco.org/new/en/education/themes/leading-the-international-agenda/right-to-education/database/>

<sup>28</sup> See for example, General Comments No 34. of the International Covenant on Civil and Political Rights (ICCPR), 2006 Recommendation of the 87<sup>th</sup> Session Human Rights Committee, the recommendations of the UN Special Rapporteurs on the Right to Freedom of Opinion and Expression, and Resolution 1577 (2007) of the Parliamentary Assembly of the Council of Europe.

19. The Government is urged to continue to investigate the cases of killed journalists, and to voluntarily report on the status of judicial follow-up to UNESCO. The Government may wish to consider taking advantage of the UN Plan of Action on the Safety of Journalists and the Issue of Impunity as a means to strengthen protection of journalists and freedom of expression.

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### **Cultural Rights**

20. As a State Party to the Convention concerning the Protection of the World Cultural and Natural Heritage (1972)<sup>29</sup> and the Convention for the Safeguarding of the Intangible Cultural Heritage (2003)<sup>30</sup>, Sri Lanka is encouraged to fully implement the relevant provisions that promote access to and participation in cultural heritage and, as such, are conducive to implementing the right to take part in cultural life as defined in article 27 of the Universal Declaration of Human Rights and article 15 of the International Covenant on Economic, Social and Cultural Rights. In doing so, Sri Lanka is encouraged to give due consideration to the participation of communities, practitioners, cultural actors and NGOs from the civil society as well as vulnerable groups (minorities, indigenous peoples, migrants, refugees, young peoples and peoples with disabilities), and to ensure that equal opportunities are given to women and girls to address gender disparities.

21. Sri Lanka is also encouraged to ratify the Convention on the Protection and Promotion of the Diversity of Cultural Expressions (2005) as a means to promote access to and participation in creative expressions and as such contribute to implementing the right to take part in cultural life.

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### **Freedom of scientific research and the right to benefit from scientific progress and its applications**

22. In the framework of the Second Consultation on the implementation of the Recommendation on the Status of Scientific Researchers (1974) covering the period from 2013 to 2016, launched by UNESCO in December 2016 (<http://on.unesco.org/2hL0xGz>), The Democratic Socialist Republic of Sri Lanka is encouraged to report to UNESCO on any legislative or other steps undertaken by it with the aim to ensure the application of this international standard-setting instrument. Sri Lanka is invited to complete the online questionnaire, which has been prepared by UNESCO to guide and assist Member States with their reporting (<http://unesdoc.unesco.org/images/0024/002468/246830E.pdf>). When replying to the 2013-2016 monitoring questionnaire, Sri Lanka is kindly invited to pay particular attention to the legal provisions and regulatory frameworks which ensure that scientific researchers have the

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<sup>29</sup> Periodic Report available at: <http://whc.unesco.org/document/116967>

<sup>30</sup> Periodic Report available at: <http://www.unesco.org/culture/ich/en/state/sri-lanka-LK?info=periodic-reporting>



responsibility and the right to work in the spirit of the principles enshrined in the 1974 Recommendation