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எனது இல.
My No. }

ඔබේ අංකය
உமது இல.
Your No. }



දිනය
திகதி
Date. } 18 July 2024

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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

Mr. H.J.M.C. Amith Jayasundara,
Commissioner General of Examinations,
Department of Examinations Sri Lanka,
Pelawatta,
Battaramulla.

Dear Commissioner General,

**Interim Directions with regard to the Alleged Infringement of the
Freedom of Religion or Belief**

The Human Rights Commission of Sri Lanka (HRCSL), in pursuance of its *suo motu* inquiry (HRC/RM/SUOMOTU/01/2024), held a discussion with officers of the Department of Examinations and the University Grants Commission on 8 July 2024 at the HRCSL Head Office. The said discussion was held with a view to reach a mediated settlement with respect to an incident in which the GCE Advance Level Results of around 70 candidates of Zahira College, Trincomalee had been withheld by the Department of Examinations. The results were withheld on the alleged grounds that the candidates had violated examination rules with respect to ensuring their ears were visible during the examination. The HRCSL is reliably informed that no other school in Sri Lanka appeared to have experienced a similar interpretation of the relevant examination rule.

At the outset, the HRCSL wishes to express its gratitude to you for your Department's cooperation in this matter, as the discussion held on 8 July was constructive. The HRCSL is pleased that the Department of Examinations and the University Grants Commission reported that the results of the said students had been released, and that these institutions were taking additional remedial measures to ensure that the said students can manually apply for re-scrutiny of their examination scripts and apply for university entrance. Pending further investigation into the matter, the HRCSL is of the view that a satisfactory mediated settlement to the matter has potentially been reached owing to the various undertakings given by the Department of Examinations and the University Grants Commission.

With regard to the substantive allegations that the freedom of religion or belief of the said students had been infringed, the HRCSL will continue to pursue the abovementioned *suo motu* investigation to arrive at a considered conclusion.

In view of giving effect to the abovementioned mediated settlement and the avoidance of the recurrence of similar incidents, the following interim directions are hereby issued to your Department pending the completion of the abovementioned *suo motu* investigation:

1. With regard to the allegation that the said students had violated examination rules during the examination, the Department of Examinations stated at the discussion held on 8 July 2024 that the relevant rule required all candidates to ensure that their ears were visible to enable examination invigilators to assess whether candidates were using any electronic device to aid them during the examination. The HRCSL noted that the rule in question did not prohibit any particular type of attire, but instead only obliged candidates to ensure that their ears were visible for the necessary assessment to be made. The HRCSL informed the officers of the Department of Examinations that, according to the statements recorded by the HRCSL Regional Office in Trincomalee, the candidates in question – all of whom were girls who adhered to Islam – had claimed that they wore a loose transparent head covering that did not impede visibility of their ears.

The HRCSL accordingly directs the Department of Examinations to conduct an internal inquiry into whether the invigilators present during the examination had objectively assessed the attire worn by the candidates and reached an objective conclusion that the attire violated examination rules.

The Department of Examinations is further directed to review the interpretation of the relevant examination rule in order to ensure greater consistency and certainty in the application of the rule and to avoid similar situations during future examinations.

2. The HRCSL is reliably informed that only one female invigilator had been assigned to the relevant examination hall despite all the candidates being girls. This alleged lack of accommodation may have impacted the fundamental rights and freedoms of the candidates.

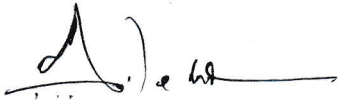
The HRCSL accordingly directs the Department of Examinations to review the current procedure for assignment of female invigilators and ensure the assignment of adequate numbers of female invigilators to examination halls in the future.

3. The HRCSL is reliably informed that, on 4 July 2024, the Department of Examinations sent letters to each of the abovementioned candidates, through the Principal of Zahira College, Trincomalee, stating that they had violated examination rules issued under the Public Examinations Act, No. 25 of 1968 with respect to establishing the identity of candidates. The HRCSL notes that at no point during the discussion held on 8 July 2024 did any officer of the Department of Examinations claim that any rule with regard to establishing the identity of candidates had been allegedly violated. The said officers maintained that the rule in question pertained to ensuring the candidates' ears were visible to assess whether the candidates were using any electronic device to aid them during the examination. The HRCSL trusts that the letter dated 4 July 2024 was sent prior to the

4. undertakings given by your Department on 8 July 2024 and that no further action would be taken against any candidate or school official in a manner that interferes with or detracts from the undertakings given by your Department. It is of the view that any action, including the holding of disciplinary inquiries against any candidate or school official will prejudice the HRCSL's ongoing *suo motu* investigation into the alleged infringement of the fundamental rights of the said candidates.

The HRCSL accordingly directs the Department of Examinations to refrain from taking any action against any candidate who has complained to the HRCSL or any school official associated with Zahira College, Trincomalee, specifically with respect to the subject matter of the alleged infringement of the fundamental rights of the said candidates, until the HRCSL completes the abovementioned *suo motu* investigation.

Sincerely,



Justice L T B Dehideniya,
Chairman.
Human Rights Commission of Sri Lanka.

Justice L.T.B. Dehideniya
Judge of the Supreme Court (Retired)
Chairman
Human Rights Commission of Sri Lanka

Cc: Chairperson,
University Grants Commission,
20, Ward Place,
Colombo 07.