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இலங்கை மனித உரிமைகள் ஆணைக்குழு
Human Rights Commission of Sri Lanka

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Press Notice

Alleged Infringement of the Freedom of Religion and Right to Education in Trincomalee

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 discussion pertained to an incident in which the Advance Level Results of around 70 candidates of Zahira College, Trincomalee had been withheld by the Department of Examinations on the alleged grounds that the said candidates had violated examination rules with respect to ensuring their ears were visible during the examination.

At the outset, the HRCSL wishes to emphasise that, according to Article 10 of the Sri Lankan Constitution, all persons in Sri Lanka are entitled to the freedom of thought, conscience and religion. Article 12(2) of the Constitution provides that no citizen shall be discriminated against on the grounds of *inter alia* sex or religion. Moreover, Article 14(1)(e) of the Constitution guarantees to all citizens the freedom to manifest their religion or belief in worship, observance, practice, and teaching, including in the public domain. These fundamental rights and freedoms are enshrined to ensure that all citizens of Sri Lanka are able to practice their religion or belief without exception.

The HRCSL is of the view that specific forms of attire, including attire worn by Muslim women and girls that cover their heads, and in some cases, their ears, are protected under Article 14(1)(e) as legitimate forms of religious observance and practice. Any restriction on such attire must be provided by law and be necessary for a specific purpose found in Article 15(7) of the Constitution. Moreover, discriminating any citizen on the basis of such attire could amount to an infringement of such citizen's right to non-discrimination on the grounds of sex and religion.

The HRCSL also recalls that the right to universal and equal access to education at all levels is recognised in Article 27(2)(h) of the Sri Lankan Constitution. The denial of opportunities to sit for examinations or the refusal to release results of examinations can be inconsistent with the obligations of the state found in this Article. Moreover, the HRCSL recognises that section 5(2) of the International Covenant on Civil and Political Rights (ICCPR) Act, No. 56 of 2007 obliges all administrative authorities, including the Department of Examinations and the University Grants Commission, to consider the best interest of the child as being of paramount importance in all matters pertaining to children.

It is in these overarching circumstances that the HRCSL requested the Department of Examinations and the University Grants Commission to attend the said discussion.

The HRCSL is pleased to state that the discussion held with the two institutions was constructive. Both 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. The HRCSL emphasised that no student should, in any manner, be prejudiced by the delay in the release of their results.

With regard to the allegation that the said students had violated examination rules during the examination, the Department of Examinations reported 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 advised the Department of Examinations to review this claim and conduct a thorough assessment of whether the attire in question in fact violated any examination rule. It was also pointed out that no other school in Sri Lanka appeared to have experienced a similar interpretation of the relevant examination rule, thereby suggesting a selective application of the rule to target candidates from this particular school. Moreover, the Department of Examinations was informed that it was reported that only one female invigilator had been assigned to the relevant examination hall despite all the candidates being girls. It was pointed out that this lack of accommodation impacted the rights and freedoms of the candidates. The HRCSL recommended that the Department of Examinations ensures the assignment of adequate numbers of female invigilators to examination halls in the future.

The officers of the Department of Examinations undertook 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.

The HRCSL will continue to pursue the abovementioned *suo motu* investigation and will monitor the full implementation of the remedial measures and undertakings of the Department of Examinations and University Grants Commission in this matter. It has also decided to engage in a consultative process to formulate General Guidelines and Recommendations on the Freedom of Religion or Belief and to disseminate the same among state authorities.

Media Spokesperson
Human Rights Commission of Sri Lanka

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