

Submission to the Universal Periodic Review of the United Nations Human Rights Council

4th Cycle – 42nd Session

Country Review: Sri Lanka

June 2022 by Karl Baldacchino

Broken Chalk is an Amsterdam-based NGO established in 2020 and focused on raising awareness and minimizing human rights violations in the educational field.

Together with our international sponsors and partners, we encourage and support the following activities/projects: removing obstacles in education; contributing to the achievement of peace and tranquillity in society through adaptation studies in an environment of intercultural tolerance; preventing radicalism and polarization, and eliminating the opportunity gap in education for all. Our goal is to work with global partners to remove barriers to access to education and take concrete steps to ensure universal access to education.



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Introduction

- 1. Broken Chalk is a non-profit organization that addresses the right to education. Therefore, we are concerned about how Sri Lanka has expanded equal access to quality education across all levels and age groups without discrimination since the conclusion of the Universal Periodic Review's 3rd Cycle in late 2017. Out of the 231 recommendations made by the 88 delegations during the Working Group's interactive Dialogue on 17th November 2017, Sri Lanka supported 178 and noted 53 of these recommendations. Out of those supported, 16% were concerned with education and other issues such as discrimination against women, minorities, and those with disabilities, situations of poverty, and child labour which are likely to affect the access and outcomes of education. This report will cover such issues.
- 2. Showing such support, Sri Lanka accepted to strengthen the quality of its public education; reduce discrimination against girls and women in educational settings; remove barriers to education for vulnerable learners; and alleviate situations of poverty that reduce the chances for children to enter and continue their education. These recommendations serve as a baseline for Broken Chalk to highlight new and persistent issues that impact education in Sri Lanka and conclude whether these recommendations were satisfied by the Sri Lankan Government whilst calling for actions that address the current trends and issues in a holistic manner.

The Gaps in Sri Lanka's Education System

- 3. Sri Lanka has remained committed towards providing free, compulsory education for those aged 5 to 16, retaining a stable literacy rate of 92% and high enrolment rates for girls and boys at 96% and 97%, respectively in primary education and 95% for both in secondary education. Its government has devoted 14.5% of its total expenditures towards education, expanded the sector to attract international students, and encouraged the use of bilingual instruction to adapt to a globalizing environment. However, in 2021, there remained evident gaps in education methods, facilities, outcomes, and attainment. From over 300,000 students, between 15%-33% of students drop out annually prior to Ordinary Level examinations (O' Levels), and from those students who pass only 60% sat for their Advanced Level examinations in 2020, followed by 19% of those eligible to enter tertiary education getting accepted. In 2017, the World Bank ranked Sri Lanka in 6th place for the lowest amount of spending towards education at 2.1% of its gross domestic product (GDP). According to Household Income and Expenditure Survey (HIES) data from 2016, of the 66% of 15 to 16 year olds who dropped out of school, 36.6% did so due to the poor quality of education, 22.1% due to financial issues, and 8.6% because of household situations, increasing for 17-18 year olds to 49.5% and 20% for poor education and household activities respectively.
- 4. It has been reported that, on average there is one teacher per 16 students, with only 48% of teachers being trained, indicating a stressed system that leave parents concerned about their children not having the necessary skills to enter the labour market. Senanayake & Perera (2021) explain that teachers unable to teach English and maths resulted in approximately 80% of students failing their O' Levels, whilst also possibly contributing to the 54% attendance rate per student that increases the chances of youths migrating to Colombo to find employment and support their families. Likewise, an outdated, knowledge-based curriculum is unable to satisfy globalized labour market demands that require capable employees and not scholars, lowering students' skills attainment and the academic reputation of universities. Universities have become politicized by government authorities that fail to match education and economic policies

that result not only in geographic and social disparities as wealthier, urban students fill the gap by attending private universities but also risk reigniting student protest against unfair treatment similar to the early 1970s and late 1980s.* Since 2020, university educators and students have protested the attempts to privatize and militarise education via the 'Koteelawala National Defence University Bill', as well as demanding increased salaries, more resources, and better facilities but instead experienced arrest, threats, and intimidation by the authorities.*i

Ethnic, Religious & Gender Discrimination

- 5. Since 2017, Human Rights Watch have reported that religious minorities, particularly Muslims, experienced violence, hate speech, and the misuse of anti-terrorism laws, especially following the 'Easter Sunday Massacre' in mid-2019. XII These reports also speak of the retroactive progress in women's rights concerning religious laws permitting early marriages and the marital rape of Muslim girls which disrupt their education.xiii Socio-economic incentives are another reason why young girls are married off, relieving the household from one child in exchange for dowries.xiv Rifai (2021) notes that the Muslim community is being left behind in terms of education due to social, religious, and political divides that fail to adopt changes, in turn increasing dropout rates that are higher than for Tamil and Sinhalese communities.** Considering some 40% of Muslim families experience poverty, education is seen as a waste, whilst more than 800 Muslims facilities lack teachers trained in chemistry, maths, economics, or biology and either depend on Tamil teachers or require more money to hire private tuition masters, each negatively impact the 25,000 students who sit for O' Levels per year.xvi Another factor to consider are families pressuring their children to enter core professions like engineering and medicine rather than vocational training because the needs of the community lean more towards commercial professions than an educated community.xvii
- 6. Girls entering the STEM fields remained relatively low because these fields are perceived as masculine, whilst the problem of early marriages reduces the chances of girls to hold jobs in these fields by 26%. *Viii Once again, family values may dissuade girls from entering these fields, leading to 40% not having the right qualifications, instead entering career tracks in the liberal arts or social sciences. *In connection to this, period poverty remains a risk for girls in school, as seen in 2015 when 66% of females were unaware about what a period was until they got it, with a third reportedly missing a day or two of school. ** This issue persists for two reasons: firstly, there is a lack of education on the topic of menstruation; and secondly, social stigmas surrounding periods as bodily impurity continues to impact girls at school, leaving them with little access to basic services and hygienic products. **Xii
- 7. Women only make up 6% of parliamentary representation, and instead are strongly represented in the agricultural sector and domestic work because employers view them as supplementary workers, which explains why Sri Lanka has the 14th largest gender pay gap in the world and is ranked 74th out of 187 countries in terms of the United Nations Gender Equality Index.^{xxii}
- 8. Tamil dominated districts in the North and East of the country remain the poorest, with 7% being Tamil youth due to their lack of access to education and child labour to support their families. xxiii The fact that Sri Lanka has not yet signed the Safe Schools Declaration partly indicates the continued military occupation of Tamil lands, putting Tamil children at risk of the past abuses by the military of schools for military purposes. xxiv Pieris (2019) explains that prior to the civil war, education was a tool to benefit the majority Sinhalese and block access or at least lower the

overall quality of education for Tamils, once again using pro-Sinhala legislation today to establish cultural norms that place Tamil students at a disadvantage through textbooks that promote anti-Tamil views and made Sinhala the main language of instruction.** Such policies are concerning due to the historical contribution of education to the outbreak of war partly due to Tamil communities frustrated by low access to public services.

Situations of Poverty Impacting Education

- 9. According to the World Bank, 'poverty in Sri Lanka will rise to 11 percent in 2022 compared to 10 percent in 2019', rates which are above and contrary to the 2022 global rate of 8.6% that dropped from 9.1% in 2017.xxvi Senanyaka & Perera (2021) observed that the central provinces consist of the largest concentration of poor individuals, standing at 16.6%, with the Nuwara Eliya district having the lowest GDP per capita.xxvii This may sustain high alcohol consumption, as noted by Booth (2021) who noted how a past study concluded that 10% of males spent more money on alcohol than they earned, whilst another study observed that 40% of impoverished households spent 40% of their total income on alcohol.xxviii The Borgen Project suggest that consuming so much alcohol has resulted in cultural acceptance amongst the disadvantaged as a way to cope with poor living standards, despite the risks of domestic abuse, violent crime, self-harm, and loan sharks that prey on the vulnerable.xxix
- **11.** A joint investigation by Save the Children and the International Organization for Migration revealed that children continue to be sexually exploited by the sex tourism industry during infamous festivals like Kataragama or at the Anuradhapura religious site, identifying a total of eight districts that lack proper penal action because such labour is not considered a form of hazardous employment. This results from several push factors such as poverty, emotional distress, the lack of family protection measures at a community and state level, as well as some pull factors such as children preferring to live with their perpetrators because going back home leaves them with lower living standards. The property of the sex tourism industry during standards.

Social Stigma's and Policy Gaps for Those with Disabilities

12. A United Nations International Children's Emergency Fund video highlighted children with disabilities who struggled to enter or complete their education in Sri Lanka. Several experts within the video point out that children with disabilities are not accepted at school because

- society perceives them as a consequence of sins of family members, referring to them as 'mentally retarded' that dehumanizes these children.xxxviii The lack of investment towards special education resulted in teachers not trained to ensure children with disabilities develop skills, creating a financial threshold for professional support for low income households.xxxviii
- that negative attitudes and teaching methods in classrooms are crucial for children with disabilities to receive proper education, but teachers were unaware that their students had specific learning difficulties (SPLDs) as a consequence of the poor collaboration across national, regional, institutional, and classroom levels. Yes 97% of teacher-trainers did not understand what a disability means, 94% of teachers did not have a clear understanding, and, whilst 25% of all participants use corporal punishment to discipline 'misfits', 40% stated the little amount of time to implement changes, and 29% cited the difficulties in trying to accommodate the needs of both children with and without disabilities. Yellow training, methods, and taking a Multisensory Structured Language Teaching (MSLT) approach and adopting DysTEFL tools there can be great results to include children with disabilities in education as well as developing socioemotional management. Yellow

Amplifying Effects of COVID-19

- 14. On 12th March 2020, the global COVID-19 pandemic closed schools in Sri Lanka and resorted to online learning. This resulted in negative outcome as only 34% of households had an internet connection, with 21% being low-income households, whilst only 22.2% of households owned a digital device, leaving many children without access to online classes, with some suggesting a multi-pronged approach given the fact that 86% of households owned a television. XIII Low-income households shouldered after taking out some small loans to pay for internet and buy devices, whilst numerous teachers relied on outdated methods of remote learning despite students being unable to navigate digital platforms for learning. XIIII
- 15. Khashunika *et al.* (2021) observed both the lack of digital training of teachers in higher education, hesitant to use appropriate methods online that in turn left medical students in particular unable to learn online since many did not own devices, missed social connections, or experienced anxiety. It was suggested that the higher education sector required a blend of learning opportunities with flexibility of students to study by offering loan schemes to purchase devices and internet, and provide creative spaces to solve problems similarly faced globally. *Iv*
- **16.** On the other hand, Save the Children's strategy addressed how the pandemic heightened poverty for women-headed households and forced approximately 4.1 million students into poor conditions to study at home due to exposure to child labour on plantations. XIVI The pandemic had also resulted in a 40% rise in reported cases of child abuse such as corporal punishment or other forms of violence, as well as many starving without access to daily, nutritious school meals. XIVII

Conclusion & Recommendations

- 17. Broken Chalk applauds Sri Lanka for its dedication towards the access to free, public education that is compulsory under the law and for directing its teaching to challenge traditional norms and narrow perspectives. But as Alawattegama (2020) cites a quote by Jayawardena (2013),
- 18. "Free Education is not only to provide 'education' at free of cost, but to provide equitable access to every child irrespective of the demography, exploit the individual strengths and cultivate good values to become a law-abiding citizen."xlviii
- 19. This report has shown the gaps and possible actions that hinder progress in accessing quality education with valuable outcomes. Broken Chalk urges the Sri Lankan government to continue increasing the financial, logistical, and legislative support to all schools and levels of education, especially in preparation for a more uncertain, post-pandemic society. Broken Chalk calls upon the Sri Lankan Government to:
- 20. Remodel the education system to generate outcomes that allow students to satisfy labour market demands or so that they may enter higher education, with special regard to reducing the number of 13–18-year-olds dropping out of school;
- 21. Restructure teacher training to provide qualified teachers for core and particular subjects that are currently lacking, and which in turn puts students at a disadvantage to pass national examinations;
- 22. Address the low admission rates for higher education institutions as a barrier for students continuing their education and increasingly having to meet other thresholds to do so;
- 23. Implement recent policies that amend legal provisions contrary to compulsory education, and which ensures that all children have uninterrupted access to education, especially for Muslim girls due to cultural, socio-economic, and religious circumstances;
- 24. Increase the percentage of girls entering STEM fields by promoting the benefits and outcomes of these fields, as well as addressing the low representation of women in political office and civil service;
- 25. Address and reduce practices, political rhetoric, violence, and discrimination targeting particular minorities based on their ethnic identity, cultural and/or religious practices, and spoken language that are evident in school environments, with special regard for Muslim and Tamil communities;
- 26. Respect the right to education of children without discrimination, expand the promotion of government support for families with disabled children and by increasing investment towards special education in terms of resources, facilities, a holistic curriculum design and modernizing teacher training;
- 27. Continue progressing towards net-zero poverty by increasing employment and financial opportunities and by realizing the potential of education towards the economic growth of the country;
- 28. Build upon its commitment to reduce the rate of child labour for 5 to 17-year-olds on tea plantations and tourism industries through a robust framework of monitoring, expanding penal mechanisms, increasing social security, and addressing the gaps raised by situations of poverty;

- **29.** Use COVID-19 as an opportunity to reassess the education sector and build back a better system that places trust in education as part of transnational justice processes, socio-economic prosperity, and new market opportunities.
- **30.** These recommendations help to guide the Sri Lankan Government and its partners in developing future, sustainable policies that both address prior and post-pandemic educational issues and narrow the gaps in resources, needs, and skills through a high quality of education that satisfies Sri Lanka's previous recommendations under the previous UPR cycle. They also help to fulfil its current commitments under domestic and international law and progress towards achieving the Sustainable Development Goals. Broken Chalk has full confidence that the achievements and ambition of Sri Lanka in the past decade will motivate it to aim towards improving the field of education for all.

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iii Ibid.

https://openknowledge.worldbank.org/bitstream/handle/10986/27042/9781464810527.pdf?sequence=2&isAllowed=y [Accessed on 12/06/2022], p. 14.

 $\frac{poverty/\#:\sim:text=Out\%20of\%20the\%20poor\%20children,the\%20household\%E2\%80\%9D\%20(8.6\%25)}{[Accessed on 11/06/2022]}.$

https://www.researchgate.net/publication/349159908 Impact of Rural Poverty on School Education A case study on Walapane Divisional Secretariat Division Nuwara Eliya [Accessed on 12/06/2022], pp. 2-3. ix Udayanga, S. (2018) 'Passing the Crossroad: An Overview on Issues and Challenges of the University Education in Sri Lanka'. Global Journal of Human-Social Science: G Linguistics & Education, Vol 18(7), pp. 1-2, 3, 5 & 6.

https://www.thehindu.com/news/international/in-sri-lanka-teachers-resist-bill-militarising-education/article35594377.ece [Accessed on 12/06/2022]; see also Senevirathne, R. S. A. S. & Samaraweera, V. (2021) 'Ensuring Access to Education in Difficult Circumstances'. *Groundviews*. Available online from: https://groundviews.org/2021/09/09/ensuring-access-to-education-in-difficult-circumstances/ [Accessed on 12/06/2022]; see also Alawattegama (2021), p. 11.

xii Human Rights Watch (2018) 'World Report 2018 – Events of 2017', p. 507; see also Human Rights Watch (2019) 'World Report 2019 – Events of 2018', p. 546; see also Human Rights Watch (2020) 'World Report 2020 – Events of 2019', pp. 528-529; see also Human Rights Watch (2021), pp. 628-529; see also Human Rights

ⁱ United Nations Human Rights Council, *Report of the Working Group on the Universal Periodic Review – Sri Lanka*, 2017, A/HRC/37/17. Available online from: https://documents-dds-ny.un.org/doc/UNDOC/GEN/G17/370/50/PDF/G1737050.pdf?OpenElement [Accessed on 07/06/2022].

iv De Soysa, M. (2021) 'Sri Lanka's Education System Needs an Overhaul'. *Groundviews*. Available online from: https://groundviews.org/2021/01/24/sri-lankas-education-system-needs-an-overhaul/ [Accessed on 11/06/2022]; see also Alawattegama, K. K. (2020) 'Free Education Policy and its Emerging Challenges in Sri Lanka'. *European Journal of Educational Sciences*, Vol. 7(1), p. 9.

^v Dundar, H. *et al.* (2017) 'Sri Lanka Education Sector Assessment: achievements, Challenges, and Policy Options'. *World Bank*. Available online from:

vi Nanayakkara, W. (2020) 'Education Equity in Sri Lanka: A Pathway out of Poverty'. *IPS Talking Economics*. Available online from: https://www.ips.lk/talkingeconomics/2020/12/28/education-equity-in-sri-lanka-a-pathway-out-of-

vii Ibid.; see also Khosla.

viii Senanayaka, S. G. N. C. & Perera, M. O. (2021) 'Impact of Rural Poverty on School Education: A case study on Walapane Divisional Secretariat Division, Nuwara Eliya'. *Sri Lanka Association of Geographers (SLAG)*. Available online from:

^x *Ibid.*, pp. 3, 4 & 6.

xi Human Rights Watch (2021) 'World Report 2021 – Events of 2020', pp. 626-627 & 629; see also Human Rights Watch (2022) 'World Report 2022 - Events of 2021', p. 622; see also Human Rights Watch (2021) 'Sri Lanka: Stop Arrests, Reprisals for Education Policy Protests – Joint Statement by Nine Human Rights Groups'. Available online from: https://www.hrw.org/news/2021/09/28/sri-lanka-stop-arrests-reprisals-education-policy-protests [Accessed on 12/06/2022]; see also Srinivasan, M. (2021) 'In Sri Lanka, teachers resist Bill 'militarising' education'. *The Hindu*. Available online from:

Watch (2022), pp. 621-622.

- xiii Human Rights Watch (2018), p. 511; see also Human Rights Watch (2019), pp. 546-547; see also Human Rights Watch (2020), pp. 529-530; see also Human Rights Watch (2021), p. 528; see also Human Rights Watch (2022), pp. 623; see also Committee on the Elimination of Discrimination against Women (2017) Concluding observations on the eight periodic report of Sri Lanka, 2017, CEDAW/C/LKA/CO/8. Available online from: https://tbinternet.ohchr.org/layouts/15/treatybodyexternal/Download.aspx?symbolno=CEDAW%2fC%2fLKA%2fCO%2f8&Lang=en [Accessed on 11/06/2022], pp. 3-4 & 9-10 which also took note of these issues; see also Sethi, H. (2021) 'Reforms Regarding Child Marriage in Sri Lanka'. The Borgen Project. Available online from: https://borgenproject.org/child-marriage-in-sri-lanka/ [Accessed 11/06/2022].
- xv Rifai, S. L. (2021) 'Some Challenges in Sri Lankan Muslim Education Today'. *SSRN*. Available online from: https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3809244 [Accessed on 12/06/2022], pp. 1-2, 3 & 8-9. xvi *Ibid.*, pp. 4-5.
- xvii *Ibid.*, pp. 3, 7 & 8,
- xviii Nelson, T. (2019) 'Microsoft and Female STEM Education in Sri Lanka'. *The Borgen Project*. Available online from: https://borgenproject.org/female-stem-education-in-sri-lanka/ [Accessed on 11/06/2022]. xix *Ibid*.
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- xxiv *Ibid.*; see also *Human Rights Watch* (2019), p. 546; see also *Safe Schools Declaration Endorsements*. Available online from: https://ssd.protectingeducation.org/endorsement/ [Accessed on 11/06/2022].

 xxv Pieris, G. (2019) 'The Contribution of Education to Tamil Separatism and to the Ethnic Conflict in Sri Lanka'. *Aleph, UCLA Undergraduate Research Journal for the Humanities and Social Sciences*. Available online from: https://escholarship.org/uc/item/29x1q42n [Accessed on 12/06/2022], pp. 146-147, 149-151 &
- xxvi International Bank for Reconstruction and Development (2022) 'Reshaping Norms: A New Way Forward'. *World Bank*. Available online from:
- https://openknowledge.worldbank.org/bitstream/handle/10986/37121/9781464818578.pdf [Accessed on 12/06/2022], p. 62; see also Aguilar, R. A C. *et al.* (2022) 'April 2022 global poverty update from the World Bank'. *World Bank Blogs*. Available online from: https://blogs.worldbank.org/opendata/april-2022-global-poverty-update-world-
- bank#:~:text=The%20global%20poverty%20rate%20(at,people%20between%20the%20two%20years. [Accessed on 12/06/2022].
- xxvii Senanayaka & Perera (2021), p. 2.
- xxviii Booth, V. (2021) 'How Alcohol Consumption in Sri Lanka is Keeping People in Poverty'. *The Borgen Project*. Available online from: https://borgenproject.org/alcohol-consumption-in-sri-lanka/ [Accessed on 12/06/2022].
- xxix Ibid.
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- xxxii Ihid
- xxxiii Amnesty International (2020) 'It is time to change the narrative Measuring devastating impact of COVID-19 on the education of children in tea plantation communities in Sri Lanka'. Available online from: https://www.amnesty.org/en/latest/news/2020/06/sri-lanka-it-is-time-to-change-the-narrative/ [Accessed on 12/06/2022]; see also Dundar, H. et al. (2017).
- xxxiv Withana (2021); see also Pieris, D. M. P. (2021) 'Child Sex Trafficking in the Tourism Sector in Sri Lanka'. Save the Child
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- xxxvi United Nations International Children's Emergency Fund (2018) 'Every Mind: Equal rights to education for Children with Learning Disabilities in Sri Lanka'. Available online from: https://www.unicef.org/srilanka/every-mind [Accessed on 12/06/2022].

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xl *Ibid.*, pp. 4, 14, 16-17, 19

xli *Ibid.*, pp. 10, 14-15, 19-20

xlii Amnesty International (2020); see also Nanayakkara (2020).

xliii Ihid

xliv Khashunika, J. A. L. *et al.* (2021) 'Challenges and Opportunities in Online Education in Sri Lanka During the Covid-19 Pandemic: Evidence from the University of Kelaniya'. *International Journal of Educational Research & Social Sciences*. Available online from: https://ijersc.org/index.php/go/article/view/143 [Accessed on 12/06/2022], pp. 833-834, 836-837 & 838-839.

xlv *Ibid.*, pp. 841-845.

xlvi Save the Children, 'Save the Children's Response to COVID-19 in Sri Lanka'. Available online from: https://srilanka.savethechildren.net/sites/srilanka.savethechildren.net/files/library/Sri Lanka COVID%2019 Str ategy Booklet Final.pdf [Accessed on 12/06/2022], pp. 2 & 10; see also Amnesty International (2020); see also Withana (2021).

xlvii Save the Children (2021), pp. 6 & 8.

xiviii Alawattegama (2021), p. 2; see also Jayawardena, L. (2013) 'On Sri Lanka's Free Education Crisis'. *Colombo Telegraph*. Available online from: https://www.colombotelegraph.com/index.php/on-sri-lankas-free-education-crisis/ [Accessed on 14/06/2022].



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