

LAW-RELATED EDUCATION CONTRIBUTING TO PEACEFUL AND INCLUSIVE SOCIETIES

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I. INTRODUCTION

Sri Lanka police celebrated its 151st commemoration on 3rd September 2017. The present Sri Lankan police service was formally established on 3rd September 1866 under Ordinance No. 16 of 1865, during the British regime. Duties and responsibilities of police officers are mentioned in clause 56 of the police ordinance, which was formulated by the British and reads as,

Section 56

Every police officer shall for all purposes in this Ordinance contained be considered to be always on duty, and shall have the powers of police officers in every part of Ceylon.

- i. to use his best Endeavour's and ability to prevent all crimes, offences and public nuisances;
- ii. to preserve the peace;
- iii. to apprehend disorderly and suspicious characters;
- iv. to detect and bring offenders to justice;
- v. to collect and communicate intelligence affecting the public peace; and
- vi. Promptly to obey and execute all orders and warrants lawfully issued and directed to him by any competent authority.

Our Vision

Towards a Peaceful environment to live with confidence, without fear of Crime and Violence.

Our Mission

Sri Lanka Police is committed and confident to uphold and enforce the law of the land, to preserve the public order, prevent crime and terrorism with prejudice to none – equity to all.

Including elements of the above points, the Sri Lanka Police vision and mission were been created.

Main Targets

- I. Creating a safe and a peaceful environment for the Sri Lankans to live in harmony by producing people-friendly, professional, prestigious and elite Police officers with pride.
- II. Devotion and commitment towards crafting exemplary and prestigious police officers to protect law and order by developing their knowledge, skills and humanity.
- III. To train police officers to perform ritual police duties and to face unforeseen emergencies and other situations.
- IV. Creating a peaceful society, taking adequate measures to prevent crimes, winning the confidence of the people by actively participating in the criminal justice system when crimes are committed and getting involved in implementing community-based policing, collecting criminal intelligence, taking prompt action to investigate crimes, educating the public of their roles and rights in curbing crimes, training police officers to perform anti-criminal work investigation and assess the work of territorial divisions, maintaining a good rapport with all relevant agencies involved in the criminal justice system, getting the

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fullest cooperation of the law abiding citizens to curb crimes.

- V. To control the supply and demand of drugs through enforcement and educating the society on the evils of drugs, especially reaching out to youth. In achieving these objectives, the Police Narcotic Bureau changes its strategies according to the drug trend in the country. Close coordination is adopted among government institutions and non-government institutions that are directly involved in controlling the drug menace. Public cooperation is solicited for greater success through awareness programmes to reduce the abuse.

II. WHAT IS LAW-RELATED EDUCATION?

Law-Related Education (LRE) is “education to equip non-lawyers with the knowledge and skills pertaining to the law, the legal process, and the legal system, and fundamental principles and values on which these are based.” It helps students “respond effectively to the law and legal issues in our complex and changing society.” Education for citizenship in a constitutional democracy, not specialized legal education, is the main point of law-related education in elementary and secondary schools. Given the fundamental place of law in Sri Lankan society, every citizen needs to know how the legal and political systems function, how the law affects them, and how they can affect it.

In the past, major leaders in LRE described their field for a federal government report. They defined LRE as “those organized learning experiences that provide students and educators with opportunities to develop the knowledge and understanding, skills, attitudes and appreciations necessary to respond effectively to the law and legal issues in our complex and changing society” (Study Group on Law-Related Education). In line with this definition, central ideas of LRE1 programmes pertain to why certain legal procedures have been established and how they work in resolving disputes.

A. Development of Citizenship

Law-related education provides young people with knowledge, skills, and attitudes necessary for informed, responsible participation in general constitutional democracy. LRE clearly and indisputably increases students’ knowledge of the justice system, government, and the rights and responsibilities of citizenship in a constitutional democracy.

There also is evidence that LRE contributes to development of skills in civic participation, decision making, and critical thinking. Finally, positive attitudes about the law, the justice system, and responsible citizenship may be enhanced through LRE programmes, such as through the following programme:

- **Advanced Diploma in Police Science**

| | |
|-------------------|--|
| Period: - | 24 Months |
| Conducted by: - | Sri Lanka Police Academy, |
| Qualifications: - | Advanced Diploma in Police Science and 03 years of active service following the Diploma or 03 years of service as a Gazette Officer and having been confirmed in the rank. |

B. Prevention of Delinquency

A study conducted by the Social Science Education Consortium and the Center for Action Research indicates that LRE programmes, when properly conducted, can reduce tendencies toward delinquent behaviour and improve a range of attitudes related to responsible citizenship. For example, successful students of LRE programmes are less likely to associate with delinquent peers, use violence as a means of resolving conflict, and refrain from reporting criminal behaviour to authorities. For example:

- **Diploma in Leadership and Management training**

| | |
|-------------------|--|
| Period: - | 04 Months |
| Conducted by: - | Sri Lanka Police Academy |
| Qualifications: - | 05 years' active service at the rank of Inspector of Police and having been confirmed in the rank. |

C. Growth of Student Interest in Social Studies

The content of LRE1 programmes is directly related to the lives of students. The variety of interactive

methods of instruction (*e.g.*, small group work, mock trials, simulations, case studies) seem to involve students positively in the learning process. Thus, law-related educators tend to report that students seem to “value LRE1 classes as relevant, useful, and interesting; that the classroom interaction is rewarding—offering students who had difficulties mastering the subject matter of other courses opportunities to participate successfully”. Heightened interest and positive attitudes of students in LRE1 programmes may transfer to other courses in social studies. Some programmes include:

- Diploma in Scene of Crime (Conducted by the National Police Academy)
- Diploma in Senior Crime detective (Conducted by the National Police Academy)
- Diploma in Crime Scene Management (Conducted by the National Police Academy)
- Diploma in Cybercrimes (Conducted by the National Police Academy)
- Diploma in Community Policing (Conducted by the National Police Academy)

D. Provision of Breadth and Depth to Education in the Social Studies

Law-related concepts and facts are necessary to the understanding of history, government, and economics—subjects that are integral to education in the social studies in elementary and secondary schools. Sources of law, functions of law, legal processes, legal roles, and legal principles (*e.g.*, justice, equality, authority, freedom, order, etc.) are essential elements of the social studies curriculum. Thus, LRE1 is a necessary component of a sound social studies curriculum. Some programmes include:

- Diploma in Criminology (Conducted by the University of Sri Jayewardenepura)
- Bachelor of Science Degree/Police Science (Conducted by the University of Kelaniya)

III. PRIMARY, SECONDARY AND TERTIARY LAW-RELATED EDUCATION

A. Primary Law Related Education

According to the Primary Law Related Education in Sri Lanka the following topics are highlighted:

- (i) School legal awareness programmes
- (ii) School traffic controlling committees
- (iii) Community policing programmes

B. Secondary Law Related Education

- (i) Police colleges' programmes
- (ii) Institutional programmes
- (iii) 13 police in-service centres

C. Tertiary Law Related Education

- (i) University degrees, advanced diplomas and certificate courses
- (ii) National Police Academy degrees, advanced diplomas and certificate courses
- (iii) Foreign courses

IV. LAW-RELATED EDUCATION FOR TEACHERS, COMMUNITY LEADERS AND THE GENERAL PUBLIC

Sri Lanka Police committed to educate the general public, teachers, community leaders, students etc. on prevailing law in the country in order to prevent crime and maintain a peaceful environment. To do the education programmes, suitable persons are sent to schools, clubs, institutes, etc. Sometimes the Sri Lanka Police College and the National Police Academy conduct short-term law education programmes for civilians in their respective institutions.

V. LAW-RELATED EDUCATION THROUGH MASS MEDIA

Mass media is one of the options to promote crime-related information to the public and to reduce crime rates in Sri Lanka. These are some examples:

- (i) Police gazette system
- (ii) Awareness programmes for the public to increase knowledge regarding crime prevention

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- (iii) Radio advertisements with reward systems to collect information about highlighted crimes
- (iv) TV news with CCTV information regarding crimes incidents
- (v) Money laundering information
- (vi) Police websites
- (vii) Scene of crime management public awareness programmes

A. Some Important Points Enumerated in the Newspaper

(Sunday, 5 November 2017)

- a) Reduce incidence of certain categories of crime, those on the upward trend to tolerable levels.
“...Of the 51,809 grave crime cases reported during 1996, in 3,395 cases firearms have been used. Of the 3,395, in 901 cases, automatic weapons have been used by the culprits.
In 2012, of the 4,885 grave crimes committed against persons, in 2,237 cases automatic weapons have been used. This developing trend needs to be added, in order to reduce the level of risk felt and experienced by the citizens...”
- b) Maintenance of standards in criminal justice services:
Explains the importance in implementing sentencing guidelines and the theories of Restorative Justice.
- c) Measurement of crime
A true picture of the crime situation in the country does not appear in the crime statistics.
Official statistics take into account only a set of standard violations of law, adopted globally, like, breaking and entering and theft; robbery, etc.
These are listed as grave crimes. In addition, it is important to undertake in-depth studies into specific crime problems prevalent in the country to understand the real crime situation. A few of them are:
 - * Offences committed against the environment, reservoirs, coasts and cultural heritage;
 - * Effects of screen violence, video parlors, phonographic materials, gaming and betting centres, especially, on the minors
 - * Bribery and corruption in the government and corporate sectors
 - * Organized crime and transnational crime, including, human and drug trafficking
 - * Developing adverse subcultures in tourist industrialized areas

VI. SIGNIFICANCE OF A CULTURE OF LAWFULNESS WHILE RESPECTING THE CULTURAL IDENTITY OF EACH COUNTRY

A. What is a Culture of Lawfulness?

A culture of lawfulness means that the population in general follows the law and has a desire to access the justice system to address their grievances. It does not require that every single individual in that society believe in the feasibility or even the desirability of the rule of law but that the average person believes that formal laws are a fundamental part of justice or can be used to attain justice and that the justice system can enhance his or her life and society in general. Without a culture of lawfulness, the population will have no desire to access the system and may resort to violence to resolve grievances. For the rule of law to be fully realized, the population needs to follow the law and support its application voluntarily rather than through coercion. The culture of lawfulness in Sri Lanka has solved so many highlighted crime cases. Some examples follow:

- (i) Colombo-Pettah bus stand murder case – Western province in Sri Lanka
- (ii) Gang rape and murder case in Kaytes – Northern province in Sri Lanka
- (iii) Girl child “Seya Sadewmi” rape and murder case – Kotadeniyawa Gampahain Sri Lanka: Members of the public in the area had given information and our justice system was able to solve the crimes and brought the culprits to justice.

B. Programmes for Communities to Enhance their Culture of Lawfulness

- (i) Awareness programmes
- (ii) Public intelligence systems
- (iii) Police and public patrolling system according to the crime clock and the map
- (iv) Community policy committees. There are 14,022 villages that have a separate community policy committee.

- (v) Women and child protection units

C. Guidance for Promoting a Culture of Lawfulness

Participation and communication can help build the foundations for a culture of lawfulness, which may not exist in a society emerging from conflict. Participation means that the population feels they are a part of the process and can use the law to improve their lives. Communication means that an open dialogue exists between the rule of law community and the population in general and that the public has the means to obtain information from the government.

Some examples in Sri Lanka:

- I. 118, 1919 & 119 government Information systems
- II. Legal aid agencies
- III. Attorney General's Department
- IV. Human Rights Commission

D. Promote Public Participation

In many societies emerging from conflict, the population may be afraid to speak out and voice their opinions. They may have little experience with participation. The international community should promote participation in rule of law reforms. When the members of the public start to feel like they are part of the process, they connect to their society, thus strengthening social cohesion and their investment in promoting the rule of law, and they begin to trust in their government and the justice system, both of which are essential for planting the seeds of a culture of lawfulness and respect for the rule of law.

E. Promote Communication between the Justice System and the Population

In societies emerging from conflict, a lack of mutual understanding and trust commonly exists between the population and the justice system. The international community should support efforts to open the lines of communication to help enhance mutual trust and understanding through dialogue between the public and the justice system. Dialogue can be convened around key issues affecting both the population and the justice system or through permanent communication structures such as local community-police fora. These dialogue sessions can also provide a forum for justice actors and the population to put forward joint proposals for rule of law reforms. Another way to foster communication and understanding is to establish more permanent communication structures such as local community policing boards in which the police meet with the population on a regular basis to discuss issues of concern to both sides.

F. Support School-based Education

By including rule of law in curriculum as part of school education for children, a strong culture of lawfulness message is sent not only to students but to the families and the community. School education programmes should help young people understand how the rule of law improves quality of life and why they should follow the law, as well as develop knowledge of the justice system and skills for preventing crime.

G. Engage the Mass Media and Popular Culture

The mass media and culture of citizens are powerful connections in many countries. They can send strong messages that support a culture of lawfulness and the rule of law. The media can also expose crime and corruption and provide a forum for the population to express their views on the rule of law by covering related issues or topics and by providing a forum for national discussion. Popular culture, through films, popular songs, television, advertising, and art can all convey positive rule of law messages.

H. Work with Law Enforcement Agencies

Law enforcement agencies are at the front lines and are the first point of contact of the justice system with the population. Law enforcement officials should send a message that rule of law matters, that corruption will not be rewarded, and that officers are expected to ensure responsive, service-oriented policing. Accountability mechanisms also support a culture of lawfulness. Education of law enforcement officials is necessary, as are performance reviews that take into account how the official has upheld the rule of law.

VII. COOPERATION BETWEEN THE LEGAL AND EDUCATIONAL PROFESSIONS

Since the inception of the Sri Lanka Police in 1866 we have been maintaining good cooperation between the police and other education professions. In order to enhance the law-related knowledge and raise service standards, we have entered into Memoranda of Understanding with the following institutions.

A. National Universities Assisting the National Police Academy to Facilitate Specialized Training Programmes

- I. University of Sri Jayawardenepura
- II. University of Moratuwa
- III. University of Colombo
- IV. University of Kelaniya
- V. University of Peradeniya
- VI. General Sir John Kotelawela Defense University

B. State Training Institutions Assisting the National Police Academy to Facilitate Specialized Training Programmes

- I. Department of National Languages
- II. Sri Lanka Institute of Development Administration
- III. Bandaranaike International Diplomatic Training Institute (BIDTI)
- IV. Sri Lanka Foundation Institute
- V. National Institute of Social Development
- VI. National Library and Documentation Board
- VII. Attorney General Department
- VIII. Government Analysis Department

C. Why Should LRE Be Included in the Social Studies Curriculum?

Four reasons for including LRE in the curriculum are,

- I. Development of knowledge, skills and attitudes needed for citizenship
- II. Prevention of delinquency
- III. Growth of student interest in social studies
- IV. Provision of breadth and depth to education in social studies

VIII. COOPERATION AMONG RELEVANT AGENCIES, ORGANIZATIONS AND INDIVIDUALS (E.G., STATE AGENCIES, LOCAL GOVERNMENTS, SCHOOLS, NON-GOVERNMENTAL ORGANIZATIONS, BAR ASSOCIATIONS, PRO BONO LAWYERS)

There are a number of trends in the development of the contemporary Sri Lanka legal profession which have been widely remarked upon, among them:

- The growth in size of the profession;
- The increasingly boundary-free nature of legal practice;
- The imperatives for private legal practice to become more competitive and "business-like";
- The professionalization of certain formerly lucrative areas of legal practice, such as residential conveyance;
- The crisis in legal education caused by the very poor level of resources available to university law schools;
- The inaccessibility of the courts for reasons of cost and delay; and
- The consequent growth of Alternative (or preferably "Additional") Dispute Resolution (ADR).

IX. MEMBER ORGANIZATIONS

A. Human Rights Commission

- a. To give force to the commitment of Sri Lanka as a member of the United Nations in protecting human

rights, and to perform the duties and obligations imposed on Sri Lanka by various international treaties; to maintain the standards set out under the Paris Principles in 1996, the Government of Sri Lanka formulated Act No. 21 of 1996 to establish the Human Rights Commission of Sri Lanka.

- b. The Human Rights Commission of Sri Lanka is an independent commission, which was set up to promote and protect human rights in the country.
- c. Prior to the establishment of the Human Rights Commission of Sri Lanka (HRCSL), two different institutions had been promulgated under emergency regulations; the Human Rights Task Force (HRTF) to prevent illegal arrest and detention and the Commission for Eliminating Discrimination & Monitoring of Human Rights (CEDMHR) to prevent discrimination.

B. Attorney General's Department

The Attorney General's Department provides legal assistance to the central government, provincial councils, government departments, statutory boards and other semi-governmental institutions. Legal officers of the Department provide instructions to the Government and governmental institutions on civil, criminal, constitutional and commercial matters and represent the Government and governmental institutions for the cases instituted in the Supreme Court, other Courts and labour tribunals on the island.

Three main divisions, named the Civil Division, the Criminal Division and the State Attorney Division, have been established in the Department for Civil and Criminal Cases and the Establishment Division and the Account Division have been established to conduct administrative work. In addition to those divisions, the Corporation Division, the EER Unit, which performs duties under the Extra Emergency Regulations and Prevention of Terrorism Act, the Child Abuse Cases Unit, the Immigration and Emigration Unit, the Public Petitions Unit and the Supreme Court Unit have been established for the smooth functioning of the Attorney General's Department.

C. Human Rights and the Rule of Law

It is desirable to relate personal values and, more specifically, organizational values, to human rights and the rule of law. Human rights can be an emotive topic with different interpretations across the globe. Historically, human rights have been developed over many hundreds of years and are embodied in the major religions. In recent times, the following list is widely accepted and endorsed by the United Nations. The Universal Declaration of Human Rights – summary version:

- I. We are all born free and equal. We all have our own thoughts and ideas. We should all be treated in the same way.
- II. These rights belong to everybody, whatever our differences.
- III. We all have the right to life, and to live in freedom and safety.
- IV. Nobody has any right to make us a slave. We cannot make anyone else our slave.
- V. Nobody has any right to hurt or torture us or treat us cruelly.
- VI. Everyone has the right to be protected by the law.
- VII. The law is the same for everyone. It must treat us all fairly.
- VIII. We can all ask for the law to help us when we are not treated fairly.
- IX. Nobody has the right to put us in prison without a good reason, to keep us there or to send us away from our country.
- X. If we are put on trial, this should be in public. The people who try us should not let anyone tell them what to do.
- XI. Nobody should be blamed for doing something until it has been proved. When people say we did a bad thing we have the right to show it is not true.
- XII. Nobody should try to harm our good name. Nobody has the right to come into our home, open our letters, or bother us, or our family, without a good reason.
- XIII. We all have the right to go where we want to in our own country and to travel abroad as we wish.
- XIV. If we are frightened of being badly treated in our own country, we all have the right to run away to another country to be safe.
- XV. We all have the right to belong to a country.
- XVI. Every grown up has the right to marry and have a family if they want to. Men and women have the same rights when they are married, and when they are separated.

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- XVII. Everyone has the right to own things or share them. Nobody should take our things from us without a good reason.
- XVIII. We all have the right to believe in what we want to believe, to have a religion, or to change it if we wish.
- XIX. We all have the right to make up our own minds, to think what we like, to say what we think, and to share our ideas with other people.
- XX. We all have the right to meet our friends and to work together in peace to defend our rights. Nobody can make us join a group if we don't want to.
- XXI. We all have the right to take part in the government of our country. Every grown up should be allowed to vote to choose their own leaders.
- XXII. We all have the right to a home, enough money to live on and medical help if we are ill. Music, art, craft and sport are for everyone to enjoy.
- XXIII. Every grown up has the right to a job, to a fair wage for their work, and to join a trade union. 24. We all have the right to rest from work and relax.
- XXIV. We all have the right to enough food, clothing, housing and health care. Mothers and children and people who are old, unemployed or disabled have the right to be cared for.
- XXV. We all have the right to education, and to finish primary school, which should be free. We should be able to learn a career, or to make use of all our skills.
- XXVI. We all have the right to our own way of life, and to enjoy the good things that science and learning bring.
- XXVII. There must be proper order so we can all enjoy rights and freedoms in our own country and all over the world.
- XXVIII. We have a duty to other people, and we should protect their rights and freedoms.
- XXIX. Nobody can take away these rights and freedoms from us.

According to Chapter III of the Constitution of the Democratic Socialist Republic of Sri Lanka, some selected fundamental rights for Sri Lankans are protected.

X. NATIONAL LAWS TO PROTECT THE RIGHTS OF CHILDREN IN SRI LANKA

National law in Sri Lanka has moved away from a position of exclusive faith in criminal processes to protect children to a more direct child- or victim-focused protective approach at the legislative and conceptual level (GOSL, 2008). National laws in Sri Lanka that cover child rights are as follows:

A. The Children and Young Persons Ordinance No. 48 of 1939

This ordinance is the principal legislation in Sri Lanka which addresses the rights and interests of a child or young person who is a victim of an offence or who is facing a charge for an alleged offence. It deals with the protection of children and young persons, juvenile courts and supervision of juvenile offenders.

B. The Adoption of Children Ordinance No. 24 of 1941

The adoption ordinance has general applications in Sri Lanka. Therefore, customary laws such as Muslim law and *Thesawalami* law does not apply except in the case of succession. This provides procedures for the adoption of children and registration for persons who are not the natural parents of the child but have the care, custody or control of the child, in the District courts. Types of adoption are categorized as local adoption (adopting a child from a receiving home or related or known child) and foreign adoption (adopting a child from a receiving home or a child who is related by blood).

C. The Tsunami (Special Provisions) Act 2005

This act has provisions to deal with persons affected by a tsunami; special provisions for tsunami-orphaned children regarding their guardianship, custody, foster care and adoption; monitoring and evaluation of custody, foster care and recommendations for adoption.

D. The Employment of Women, Young Persons and Children (Amendment) Act No. 8 of 2003

This act has strengthened child labour law by increasing the minimum age of employment from 12 to 14 years, and prohibiting the employment of children under 14 while enhancing the sentence for violation of this provision. This act has further classified the minimum age for employment at sea (on a vessel) as 15 years; for

training to take part in performances of a dangerous nature as 16 years; for public performances endangering life or limb, prescribed hazardous occupation and night work as 18 years.

According to this Act, a child may work in light agricultural or horticultural work before the commencement of regular school hours or after the close of school hours, with the permission of his or her parent(s)/guardian(s); or in any school or other institution supervised by a public authority that imparts technical education or other training for the purpose of any trade occupation.

E. The Factories Ordinance No. 45 of 1942

According to the Factories Ordinance, children between 16–18 years should not engage in work for more than 12 hours per day. They should not start work earlier than 6 a.m. and should not work after 6 p.m. Maximum hours of work for a young person are 60 hours per week, including overtime.

F. The Shop and Office Employees Act No. 19 of 1954

The minimum age for employment in a shop or office is 14 years. A child between 14–18 who is working in a shop or office is not allowed to work before 6 a.m. or after 6 p.m. Males who have attained the age of 16 years can work at night between 6 p.m. and 10 p.m. in or about the business of a hotel, restaurant or place of entertainment.

G. The Minimum Wages (Indian Labour) Ordinance No. 27 of 1927

Minimum age of work according to this ordinance is 14 years.

XI. CONCLUSION

A. Issues and Challenges

- I. Due to 30 years of war, a small percentage of the society still has a criminal mentality.
- II. As a result of 30 years of war, illegal weapons still peregrinate the society.
- III. Inadequate advanced technical equipment
- IV. Investigators having lack of knowledge & foreign exposure
- V. Technology issues
- VI. Unethical behaviour of the media

B. Suggestions

- I. To improve knowledge of advanced investigations
- II. Update technology
- III. Resources
- IV. Stakeholders
- V. Open DNA labs island-wide
- VI. Open Government Analysis department branches island-wide
- VII. Easily available hand phone details facilities
- VIII. Media support

References

- The Children and Young Persons Ordinance No. 48 of 1939
- The Adoption of Children Ordinance No. 24 of 1941.
- The Tsunami (Special Provisions) Act 2005
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