

**16** PEACE, JUSTICE  
AND STRONG  
INSTITUTIONS



**POLICY, SDGs  
AND FIGHTING  
CORRUPTION  
FOR THE PEOPLE**

---

**A Civil Society Report on Sri Lanka's  
Sustainable Development Goal 16**

**Transparency International Sri Lanka (TISL) is an independent, non-governmental, non-profit and non-partisan organization with a vision of Sri Lanka in which government, politics, business, civil society and the everyday lives of citizens are free from corruption. As the fully accredited national chapter in Sri Lanka of the Berlin-based Transparency International (TI), TISL partners and works with TI and its chapters world-wide.**

**[www.tisrilanka.org](http://www.tisrilanka.org)**

Author: Winoth Lakshan Ilangka

Design: Haritha Dahanayaka

Every effort has been made to verify the accuracy of the information contained in this report. All information was believed to be correct as of June 2018. Nevertheless, Transparency International Sri Lanka cannot accept responsibility for the consequences of its use for other purposes or in other contexts.

ISBN: 978-955-1281-83-0

Transparency International Sri Lanka  
5/1, Elibank Road  
Colombo 05  
Sri Lanka

Phone: +94 0114369781  
Fax: +94 011 2 501 707

[tisl@tisrilanka.org](mailto:tisl@tisrilanka.org)  
[www.tisrilanka.org](http://www.tisrilanka.org)

[facebook.com/tisrilanka](https://facebook.com/tisrilanka)  
[twitter.com/tisrilanka](https://twitter.com/tisrilanka)

This report was compiled with the Financial support of Norway.

---

# CONTENTS

<b>EXECUTIVE SUMMARY AND MAJOR FINDINGS</b>	<b>02</b>
Key findings under Target 16.4: significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime	<b>03</b>
Key Findings under Target 16.5: Substantially reduce corruption and bribery in all their forms	<b>03</b>
Key Findings under Target 16.6: Develop effective, accountable and transparent institutions at all levels	<b>04</b>
Key Findings under Target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements	<b>04</b>
<b>THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT</b>	<b>05</b>
<b>RATIONALE FOR THIS SHADOW REPORT</b>	<b>06</b>
<b>INTRODUCTION</b>	<b>07</b>
<b>METHODOLOGY</b>	<b>09</b>
<b>NATIONAL PROGRESS REPORT</b>	<b>10</b>
<b>TRANSPARENCY INTERNATIONAL SRI LANKA'S FINDINGS ON NATIONAL PROGRESS TOWARDS SDG 16.4, 16.5, 16.6 AND 16.10</b>	<b>11</b>
<b>SCORECARD</b>	<b>13</b>
<b>ANNEX: QUESTIONNAIRE FOR TARGETS 16.4, 16.5, 16.6 AND 16.10</b>	<b>14</b>
<b>BACKGROUND</b>	<b>15</b>
1. National SDG implementation plan and monitoring process	<b>15</b>
2. Recent developments	<b>17</b>
3. Anti-money laundering	<b>21</b>
4. Beneficial ownership transparency	<b>28</b>
5. Recovery of stolen assets	<b>31</b>
6. Fight against organised crime (optional)	<b>33</b>
7. Arms trafficking (optional)	<b>33</b>
8. Experience and perceptions of corruption	<b>34</b>
9. Anti-Corruption framework and institutions	<b>36</b>
10. Private sector corruption	<b>56</b>
11. Lobbying transparency	<b>57</b>
12. Party and election campaign finance transparency	<b>59</b>
13. Transparency and integrity in public administration	<b>62</b>
14. Fiscal transparency	<b>65</b>
15. Public procurement	<b>66</b>
16. Whistle-blowing and reporting mechanisms	<b>69</b>
17. Protection of fundamental freedoms	<b>71</b>
18. Access to information	<b>73</b>
<b>RECOMMENDATIONS</b>	<b>84</b>

---

# EXECUTIVE SUMMARY AND MAJOR FINDINGS

Adopted by the 193 UN member states in 2015, the Sustainable Development Goals (SDG) are a set of 17 aspirational “global goals” and 169 targets which sets out a transformative agenda that intends to ensure an inclusive and sustainable world. Global targets and indicators have been set for each goal to integrate them into national planning and policy processes and individual countries are encouraged to identify locally relevant indicators and data sources to measure progress towards achieving each SDG target.

As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages member states to report on national progress against the 17 SDGs to the High-Level Political Forum (HLPF). Sri Lanka will be fulfilling this requirement by reporting to the HLPF in July 2018. The fulfillment of this requirement highlights steps taken by the country towards sustainable development, which is to be achieved by unifying the three pillars of sustainability - economic, social and environmental.

Since adopting the SDGs in 2016, Sri Lanka has taken a number of steps to mainstream and prioritize SDG implementation across sectors. This includes the establishment of a Parliamentary Select Committee on the United Nations 2030 Agenda for Sustainable Development, the establishment of the Ministry of Sustainable Development and Wildlife (MoSDW) in 2015 which acts as a focal point for coordinating and facilitating the SDG implementation in Sri Lanka, and the enactment of the Sustainable Development Act in 2017.

Sri Lanka’s policy framework further reflects the country’s commitment to principles of sustainable development. The country’s current strategic development framework can be examined via its long-term development plan, “Vision 2025: A Country Enriched”; its medium term development plan, “Public Investment Programme: 2017-2020”; and its short-term plan, the “Blue Green Budget” of 2018, all of which incorporates elements of sustainable development.

As a mark of Sri Lanka’s commitment to achieving the SDGs, the country expressed its interest to present its first Voluntary National Review (VNR) at the July 2018 High Level Political Forum (HLPF) in 2017. The review was conducted by the Institute of Policy Studies for Sri

Lanka on behalf of the Government and was prepared in line with the UN Secretary-General’s guidelines, which requires a multi stakeholder approach. At least two stakeholder consultations were conducted with representatives from the public and civil society sectors. A conference was also organized by the Parliamentary Select Committee focusing on the use of data for SDGs. Sri Lanka’s VNR appraises the current status of SDG implementation in the country while also raising awareness and creating ownership in the SDGs and the VNR process.

While global SDG indicators have been defined for each of the goals, they are limited in scope. This is true of Goal 16 – Peace, Justice and Strong Institutions – which captures targets pertaining to corruption. For example, for Target 16.5: Substantially reduce corruption and bribery in all their forms, the 2 indicators only address bribery within the public sector, ignoring all other forms of corruption (i.e. embezzlement, discretionary abuse, misappropriation) and fail to capture how corruption affects women and vulnerable groups. Target 16.4 seeks to combat all forms of organised crime, but there is no official indicator that measures organized crime nor an indicator related to strengthening the recovery and return of stolen assets.

While governments are expected to take the lead in monitoring and reporting on progress, CSO involvement is particularly important given three key limitations in the official SDG monitoring mechanisms: the inadequacy of the officially-selected indicators to account for the multi-dimensional nature of SDG targets, the unavailability of data for official indicators and questions around the credibility of data generated by government agencies. Generally, CSO engagement is even more important for politically sensitive SDG targets, such as corruption, where governments may not be willing or able to monitor progress, particularly since some forms of corruption are likely to serve the interests of powerful groups and actors in and around state structures.

It is in this context that Transparency International Sri Lanka, the Sri Lankan Chapter of the global movement against corruption, has compiled the Civil Society Report on Goal 16 based on the methodology developed by Transparency International. The report attempts to provide an in-depth analysis of the status of corruption within the framework of SDG 16 and will

be presented to all relevant stakeholders at the HLPF in July 2018.

Following are key findings under Targets 16.4, 16.5, 16.6 and 16.10 with a summary of recommendations.

### **Key findings under SDG Target 16.4: significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organized crime**

- With the establishment of the Financial Criminal Investigation Division (FCID) in 2015, Sri Lanka took a firm step toward putting in place systems and policies to fight corruption and financial fraud. Since November 2017, Sri Lanka has made a high-level political commitment to work with the Financial Action Task Force on money Laundering and Asia/Pacific Group on Money Laundering (FATF and APG) to strengthen the effectiveness of its AML/CFT (Global Anti Money Laundering/ Combating the Financing of Terrorism) regime and address any related technical deficiencies. Further, the Financial Intelligence Unit (FIU) of the Central Bank of Sri Lanka (CBSL) has introduced new guidelines in 2018 for Money Laundering and Terrorist Financing to keep records and to report suspicious transactions, in line with the Financial Action Task Force (FATF) on Money Laundering recommendations 22 and 23.
- Sri Lanka is drafting a new provision to specifically address beneficial ownership, transparency of institutions through amendments to the Companies Act.
- A Special Presidential Task Force for Recovery of Illegally Acquired State Assets was established in 2015. Sri Lanka is currently in the process of drafting the Proceeds of Crime Act to enable the recovery of stolen assets. It is anticipated that this Act will address several gaps in Sri Lanka's current legislation related to asset recovery by introducing non-conviction based asset forfeiture and bringing domestic law further in line with Sri Lanka's UNCAC obligations.

### **Recommendations**

- In order to prevent financial crime, enact laws that would ensure adequate, accurate and timely information on beneficial ownership such as establishing a beneficial ownership register.
- Finalize the draft Bill on Proceeds of Crime in consultation with civil society and subject experts to ensure its adherence to international standards. The Bill should be prioritized and enacted swiftly.

- The relevant authorities should actively pursue the investigation and prosecution of money laundering and grand corruption cases using the provisions of the Judicature Act<sup>1</sup>. The Judicature Act was amended in 2018 to set up a permanent High Court at Bar to try, hear and determine the trials of offences such as misappropriation of property, criminal breach of trust by public servants in respect of money, money laundering, conspiracy and abetment to commit the offences under the prevention of Money Laundering Act, bribery of Judicial Officers and Members of Parliament, acceptance of gratification by Members of Parliament for interviewing public officer etc.

### **Key findings under target 16.5: Substantially reduce corruption and bribery in all their forms.**

- Sri Lanka does not have legal provisions to regulate campaign finance. However, the Election Commission of Sri Lanka has developed a policy framework on the matter which has been accepted by the Cabinet of Ministers.
- Sri Lanka continued to perform poorly in the 2017 Global Corruption Barometer (GCB)<sup>2</sup> with 15% - 20% of the Sri Lankan public still experiencing bribery same as in 2013<sup>3</sup>. The Police appears to be the highest bribe accepting entity according to the data.
- Even though Sri Lanka has taken steps to ensure its anti-corruption framework complies with the provisions of the United Nations Convention against Corruption (UNCAC), more needs to be done to ensure it full compliance with the mandatory and non-mandatory provisions of the UNCAC. This includes the areas of private sector corruption, recovery of stolen assets and regulation of campaign finance. in the areas of including private sector corruption and asset recovery.
- Sri Lanka's Bribery Act does not include private sector corruption. However, the Commission to Investigate Allegation of Bribery or Corruption (CIABOC) has demonstrated an interest in this area through public consultation and in the process of developing the National Anti-Corruption Action Plan.
- Sri Lanka does not have a specific Law or a provision that address lobbying.

1. <http://srilankalaw.lk/Volume-IV/judicature-act.html> accessed on 5th July 2018

2. [https://www.transparency.org/whatwedo/publication/people\\_and\\_corruption\\_asia\\_pacific\\_global\\_corruption\\_barometer](https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer) accessed on 5th July 2018

3. <https://www.transparency.org/gcb2013> accessed on 5th July 2018

## Recommendations

- It is essential that the Department of Census and Statistics (DCS) together with the CIABOC develop indicators to measure progress against corruption and gather data on bribery and other forms of corruption. The DCS is also encouraged to use existing data sources on bribery and corruption such as the Global Corruption Barometer, which is a survey conducted by Transparency International.
- While civil society organizations are invited to participate in the UNCAC review cycles, measures should be taken to ensure wider participation and due notice to ensure meaningful contribution. Furthermore, the feedback of civil society organizations should be sufficiently acknowledged in the reports submitted to the review committee.
- Amendments should be made to the Bribery Act and the CIABOC Act to include private sector bribery in compliance with the UNCAC.
- Laws should be introduced to regulate lobbyists and campaign and political party finances that includes disclosure and expenditure limits.

## Key findings under target 16.6: Develop effective, accountable and transparent institutions at all levels

- Sri Lanka has a legal framework that requires a fairly high degree of fiscal transparency. Although the budget documents are published, accessibility of documents and contribution to the budget formulation process by the public is still limited.
- There is no Law or regulation that governs public procurement but a set of guidelines that sets the framework. However, even though the electronic procurement is not yet fully established, some institutions have started adapting it.
- Sri Lanka does not have a Law to protect whistleblowers. However, limited provisions are available under the Victims of Crime and Witnesses Act which in practices is still not utilized due to lack of awareness of the provisions within the Act.

## Recommendations

- Finalize the National Procurement Guidelines that will strengthen the function of the National Procurement Commission and procurement practices at both a national and local level.
- Enact a standalone law to protect whistleblowers that adheres international standards.

## Key findings under target 16.10: Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements.

- The 19th Amendment to the Constitution of Sri Lanka acknowledged the Right to Information as a fundamental right. Following this the Right to Information Act was passed in 2016. The law at present is considered to be the third best legislation on Right to Information in the world<sup>4</sup> according to the ranking done by Center for Law and Democracy.
- According to the data available Sri Lanka is categorized as “partly free” in Freedom House’s Freedom in the World rating. Although the Freedom of Expression is a Fundamental Right in the Constitution and has improved since 2015, there have been instances of online news media censorship and social media blocking.

## Recommendations

- Right to Information Commission and the Media Ministry should ensure that Public Authorities comply with the proactive disclosure mechanisms outlined in the Right to Information Act.
- The government should ensure that civil society and media has the freedom and space to actively speak against corruption without reprisals. Furthermore, investigations should be completed and prosecutions initiated into the murders, disappearances and other attacks targeting media personnel to create an enabling environment for freedom of expression

---

4. <http://www.rti-rating.org/country-data/> accessed on 5th July 2018

---

# THE 2030 AGENDA FOR SUSTAINABLE DEVELOPMENT

Spearheaded by the United Nations, the sustainable development goals (SDGs), also known as *Transforming our World: the 2030 Agenda for Sustainable Development*, is a set of 17 aspirational “global goals” and 169 targets adopted in 2015 by the 193 UN member states.

All UN member states have committed to these global goals that are intended to steer policy-making and development funding for the next 15 years. Of particular relevance to the anti-corruption agenda is SDG 16 on sustainable governance, most notably targets 16.4 on illicit financial flows, 16.5 on bribery and corruption, 16.6 on transparent and accountable institutions, and 16.10 on access to information.

Global targets and indicators have been set for each goal with the expectation that they will be incorporated into national planning processes and policies. Countries are also encouraged to define national targets tailored to their specific circumstances and identify locally relevant indicators and data sources that will be used to measure progress towards achieving each of the SDG targets.

As part of its follow-up and review mechanisms, the 2030 Agenda for Sustainable Development encourages member states to conduct regular national reviews of progress made towards the achievement of these goals through an inclusive, voluntary and country-led process. In addition, each year certain state parties volunteer to report on national progress to the High-Level Political Forum (HLPF), which will next meet in July 2018 in New York. Sri Lanka will be among the countries reporting this year. While SDG 16 will not be reviewed in depth by the HLPF until 2019, integrity risks across the SDG framework make it essential to monitor national progress against corruption from the outset.

---

# RATIONALE FOR THIS SHADOW REPORT

**While governments are expected to take the lead in reviewing progress towards the Sustainable Development Goals (SDGs), national-level monitoring needs to go beyond the remit of governments to include civil society and other stakeholders.**

This shadow report is based on data collected by Transparency International Sri Lanka. The report has been developed in response to three key issues related to the official SDG monitoring processes: the multi-dimensional nature of SDG targets, data availability and perceived credibility of data generated by government agencies. Collectively, these limitations provide a strong rationale for an independent appraisal of the government's anti-corruption efforts in the context of the Sustainable Development Goals.

Firstly, several of the targets under Goal 16 are multi-dimensional in the sense that they measure broad concepts like "corruption" which cannot be adequately captured by a single indicator. Moreover, the indicators in the official global set do not sufficiently cover the full ambition of the targets. For instance, target 16.5 seeks a substantial reduction in corruption and bribery "in all their forms", but the only approved global indicators measure bribery between public officials and the public or business. There are no measures of corruption within or between governments or other forms of non-governmental corruption. For some targets, the selected global indicators fail to capture critical aspects. For instance, target 16.4 seeks to combat all forms of organised crime, but there is no official indicator that measures organised crime nor an indicator related to strengthening the recovery and return of stolen assets.

*This shadow report seeks to provide a more comprehensive picture of national anti-corruption progress across a range of policy areas.*

Secondly, even where the official indicators are themselves capable of capturing progress towards SDG 16 targets, there is an absence of data to speak to these indicators. Many of the global SDG 16 indicators rely on data that is not regularly produced or currently have no established methodology or standards for data collection.

*This shadow reporting exercise is partly an effort to compensate for insufficient coverage of and data availability for official SDG 16 indicators by presenting alternative indicators, data sources and proxies.*

Finally, the official assessment of progress made towards the SDG targets will rely on data generated by government agencies, particularly national statistics offices. The reliability and credibility of official data may be open to question for two reasons. First, in some settings, national statistics offices may simply be overwhelmed by the task of producing data for 169 targets. Second, politically sensitive targets, such as those related to corruption and governance, require that governments assess their own efficacy; illicit financial flows (16.4) may involve government officials, corruption (16.5) may involve government elites, while governments may be restricting information, or even targeting journalists, trade unionists or civil society activists (16.10).

*Given the challenges described above, independent analysis is vital to complement and scrutinise official government progress reports related to SDGs 16.4, 16.5, 16.6 and 16.10. This shadow report is an attempt to do just that.*

The information gleaned from the shadow reporting exercise and presented here in this report can be used as an input into two key processes. At the global level, this information can be used to complement National Voluntary Reviews at the High Level Political Forum in July 2018. Nationally, this information generated can feed into the governmental SDG review processes taking place on a rolling basis in each country.

---

# INTRODUCTION

The commitment of the Government of Sri Lanka (GOSL) to the SDGs is reflected by the establishment of a separate Ministry on Sustainable Development, a Parliament Select Committee on SDGs, and cluster committees on SDGs. The Ministry of Sustainable Development and Wildlife's (MoSDW) mission is to coordinate "policies, strategies, programmes, mechanisms and tools to address development challenges towards ensuring environmental, social and economic sustainability through an integrated approach, inter-ministerial/agency mechanisms, and broad stakeholder engagement"<sup>5</sup>. The Ministry has established the Sustainable Development Division (SDD) and has started work on a National Sustainable Development Roadmap that will lead towards the formulation of policy, an institutional framework, a strategy and an action plan toward ensuring the SDGs are realised in Sri Lanka. The website of the Ministry ([www.http://msdw.gov.lk/home/](http://msdw.gov.lk/home/)) provides basic information on the role of the Ministry and progress being made on the SDGs.

The Ministry initiated consultation forums and workshops in order to prepare for the VNR (Voluntary National Review). The review is prepared, in line with the UN Secretary General's Guidelines for the Preparation of VNRs, with a multi-stakeholder approach forming the core of the VNR process. The Sri Lanka VNR appraises the current status of SDG implementation in the country, while also raising awareness and creating ownership in the SDGs as well as in the VNR process. The report adheres to a great extent to the structure proposed under the UN Secretary General's Guidelines.

The inauguration of the Sri Lanka Stakeholder SDG Platform and National Dialogue was held on March 8th, 2018. Civil Society Organizations, private and government sector stakeholders, international organizations and academia participated at this event.

Diverse groups, including the government, UN agencies, and civil society organisations have been supporting the implementation of the SDGs in Sri Lanka. A number of civil society organizations are working towards the operationalizing of the SDGs on a national level and many consultation forums and workshops have been held for this purpose involving various citizen groups.

The Department of Census and Statistics (DCS) is tasked with gathering data on SDG targets. The DCS published a report titled "The Status of Sustainable Development Goals Indicators in Sri Lanka: 2017" to present the status of SDG Indicators in Sri Lanka. This report provides a brief overview of the SDGs, list of SDGs, and list of SDG targets and indicators for the 17 SDGs, proxy indicators and particulars relating to the data availability on those indicators. The report also provides baseline data compiled by the DCS through ongoing censuses and surveys of the DCS and administrative records, and data compiled by some Statistical Units of DCS established at other institutions of the National Statistical System (NSS) of Sri Lanka.

The report includes 12 chapters providing the status of SDG implementation in Sri Lanka except for goals 12, 13, 14, 15 and 17, for which data cannot be compiled by the DCS. A brief overview is provided for each chapter (each goal) indicating number of targets and indicators under each of the SDGs relevant to Sri Lanka, and status of compiling data for SDG indicators by the DCS. As such out of 244 official SDG indicators, information is only available and being gathered for 46 indicators in Sri Lanka. The Department of Census and Statistics is considering adding another 29 indicators to future census and data collection, bringing the total up to 75, which is still below 30% of the total. None of the indicators selected deal with corruption. At a recent event on the SDGs and data organised by the UN in Sri Lanka<sup>6</sup>, the Director General of the Department called for wider collaboration to bridge gaps in data collection that the state is currently unable to fill.

---

5. <http://msdw.gov.lk/divisions/sustainable-development-division/> accessed on 3rd July 2018.

6. #SDGDataLK: Enhancing data for a sustainable Sri Lanka – Sri Lanka's first national symposium on data for the sustainable development goals. Colombo, March 20th-21st, 2018.

Since 2015 the Government of Sri Lanka has taken several important steps in combating corruption. According to Transparency International's "People and Corruption: Asia Pacific Global Corruption Barometer 2017"<sup>7</sup>, 49% of respondents in Sri Lanka have stated that the Government is performing well at fighting against corruption in the public sector, while 23% has said that the Government is not performing well. With the establishment of the Financial Criminal Investigation Division (FCID) in 2015, and the enactment of the Right to Information (RTI) Act in 2017, Sri Lanka has taken a firm step towards putting in place systems and policies to fight corruption. Since November 2017, Sri Lanka has made a high-level political commitment to work with the FATF and APG to strengthen the effectiveness of its AML/CFT (Global Anti Money Laundering/ Combating the Financing of Terrorism) regime and address any related technical deficiencies. Further, the Financial Intelligence Unit (FIU) of the Central Bank of Sri Lanka has introduced new guidelines in 2018 for Money Laundering and Terrorist Financing to keep records and to report suspicious transactions, in line with the Financial Action Task Force (FATF) on Money Laundering recommendations 22 and 23.

---

7. [https://www.transparency.org/whatwedo/publication/people\\_and\\_corruption\\_asia\\_pacific\\_global\\_corruption\\_barometer](https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer) accessed on 5th July 2018

---

# METHODOLOGY

**The report aims to provide a broad assessment of national progress towards four SDG targets linked to anti-corruption and transparency, which are: 16.4, 16.5, 16.6 and 16.10.**

A number of policy areas are covered under each of these four SDG targets to provide a rounded overview in a way that goes beyond the narrow understanding of corruption captured by the official global indicators.

Each policy area was assessed against three dimensions. First, there was a scored evaluation of the country's de jure legal and institutional framework. Second, relevant country data from assessments and indices produced by civil society groups and international organisations was considered. Finally, a qualitative appraisal of the country's de facto efforts to tackle corruption was conducted.

Three dimensions of policy area assessment:

1. Legislative and institutional framework: A number of questions pertaining to the de jure legal framework contain "scoring" references. Scored questions are used to assign a numerical value to the country's legal framework, based on guidance provided in the question. Each numerical value will correspond to one of the following five scores:

- Dark Green / 1
- Light Green / 0.75
- Orange / 0.5
- Light Red / 0.25
- Dark Red / 0
- Grey / Not applicable or no data available

2. Implementation and compliance: Alongside the score, there are questions the answers to which involve brief narratives, which address de facto implementation and compliance.
3. Third-party assessment: Information and data from relevant third-party assessments are also included.

Questions marked with \* are considered "optional" and are only answered if they appear relevant to the national context, and where time and resources permit.

The research in Sri Lanka commenced in May 2018 and was completed in June 2018. The main sources used for this research were interviews with relevant public sector officials, newspaper articles, annual reports, regional reports, Transparency International publications and archives, official websites of respective Ministries and other organizations and their publications.

Some of the challenges encountered while compiling the report were:

- Gaps in reporting periods of certain of the annual reports were found and non-availability of recent publications.
- Accessibility to certain documents were limited as they were not available online or for public consumption.
- Information shared by Public Officials were at times given confidentially.
- The report is compiled using available data.

---

# NATIONAL PROGRESS REPORT

In 2017 Sri Lanka expressed interest in presenting its first VNR at the July 2018 High Level Political Forum. The Sri Lanka's VNR appraises the current status of SDG implementation in the country. The review was prepared in-line with the UN Secretary-General's Guidelines for the Preparation of VNRs with a multi-stakeholder approach. Institute for Policy Studies of Sri Lanka was tasked with conducting the VNR process on behalf of the Government.

In order to guide and develop the VNR report, a Task Force (TF) consisted of various governmental bodies was established. The TF consists of representatives from: The President's Office, The Prime Minister's Office, Ministries of National Policies and Economic Affairs, Foreign Affairs, Mahaweli Development and Environment, and Sustainable Development & Wildlife, The Finance Commission, Department of National Planning, Census and Statistics Department, Department of Project Monitoring and Management, and an UN Observer. The Institute of Policy Studies of Sri Lanka (IPS) that comes under the purview of the Ministry of National Policies and Economic Affairs facilitated the VNR process and prepared the report through a multi-stakeholder consultative process at the national and sub-national level.

The Sri Lanka VNR employed a mix of quantitative and qualitative methods for data collection and analysis to allow for optimum reflection and evaluation. As such, both secondary data collection tools (e.g. review of literature/ policy documents) as well as primary data collection tools (e.g. stakeholder consultations, and key informant interviews) were utilized to gather information.

It is commendable that the Ministry of Sustainable Development and Wildlife adopted a consultative approach when conducting the VNR. The draft report was shared with external stakeholders including representatives from the public and civil society sectors and a validation meeting was held where participants were able to comments on the report highlighting areas of concern. However, it is yet to be seen how these concerns were incorporated into the final report. Furthermore, progress reported on SDG 16 was quite insignificant. Progress reported on targets 16.4, 16.5, 16.6 and 16.10 were minimal.

---

# TRANSPARENCY INTERNATIONAL SRI LANKA'S FINDINGS ON NATIONAL PROGRESS TOWARDS SDG 16.4, 16.5, 16.6 AND 16.10

## Findings on SDG Target 16.4

- With the establishment of the Financial Criminal Investigation Division (FCID) in 2015, Sri Lanka took a firm step toward putting in place systems and policies to fight corruption and financial fraud. Since November 2017, Sri Lanka has made a high-level political commitment to work with the Financial Action Task Force on money Laundering and Asia/Pacific Group on Money Laundering (FATF and APG) to strengthen the effectiveness of its AML/CFT (Global Anti Money Laundering/ Combating the Financing of Terrorism) regime and address any related technical deficiencies. Further, the Financial Intelligence Unit (FIU) of the Central Bank of Sri Lanka (CBSL) has introduced new guidelines in 2018 for Money Laundering and Terrorist Financing to keep records and to report suspicious transactions, in line with the Financial Action Task Force (FATF) on Money Laundering recommendations 22 and 23.
- Sri Lanka is drafting a new provision to specifically address beneficial ownership, transparency of institutions through amendments to the Companies Act.
- A Special Presidential Task Force for Recovery of Illegally Acquired State Assets was established in 2015. Sri Lanka is currently in the process of drafting the Proceeds of Crime Act to enable the recovery of stolen assets. It is anticipated that this Act will address several gaps in Sri Lanka's current legislation related to asset recovery by introducing non-conviction based asset forfeiture and bringing domestic law further in line with Sri Lanka's UNCAC obligations.

## Findings on SDG Target 16.5

- Sri Lanka does not have legal provisions to regulate campaign finance. However, the Election Commission of Sri Lanka has developed a policy framework on the matter which has been accepted by the Cabinet of Ministers.
- Sri Lanka continued to perform poorly in the 2017 Global Corruption Barometer (GCB)<sup>8</sup> with 15% - 20% of the Sri Lankan public still experiencing bribery same as in 2013<sup>9</sup>. The Police appears to be the highest bribe accepting entity according to the data.
- Even though Sri Lanka has taken steps to ensure its anti-corruption framework complies with the provisions of the United Nations Convention against Corruption (UNCAC), more needs to be done to ensure it full compliance with the mandatory and non-mandatory provisions of the UNCAC. This includes the areas of private sector corruption, recovery of stolen assets and regulation of campaign finance. in the areas of including private sector corruption and asset recovery.
- Sri Lanka's Bribery Act does not include private sector corruption. However, the Commission to Investigate Allegation of Bribery or Corruption (CIABOC) has demonstrated an interest in this area through public consultation and in the process of developing the National Anti-Corruption Action Plan.
- Sri Lanka does not have a specific Law or a provision that address lobbying.

---

8. [https://www.transparency.org/whatwedo/publication/people\\_and\\_corruption\\_asia\\_pacific\\_global\\_corruption\\_barometer](https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer) accessed on 5th July 2018

9. <https://www.transparency.org/gcb2013> accessed on 5th July 2018

## Findings on SDG Target 16.6

- Sri Lanka has a legal framework that requires a fairly high degree of fiscal transparency. Although the budget documents are published, accessibility of documents and contribution to the budget formulation process by the public is still limited.
- There is no Law or regulation that governs public procurement but a set of guidelines that sets the framework. However, even though the electronic procurement is not yet fully established, some institutions have started adapting it.

Sri Lanka does not have a Law to protect whistleblowers. However, limited provisions are available under the Victims of Crime and Witnesses Act which in practices is still not utilized due to lack of awareness of the provisions within the Act.

## Findings on SDG Target 16.10

- The 19th Amendment to the Constitution of Sri Lanka acknowledged the Right to Information as a fundamental right. Following this the Right to Information Act was passed in 2016. The law at present is considered to be the third best legislation on Right to Information in the world<sup>10</sup> according the ranking done by Center for Law and Democracy.
- According to the data available Sri Lanka is categorized as “partly free” in Freedom House’s Freedom in the World rating. Although the Freedom of Expression is a Fundamental Right in the Constitution and has improved since 2015, there have been instances of online news media censorship and social media blocking.

---

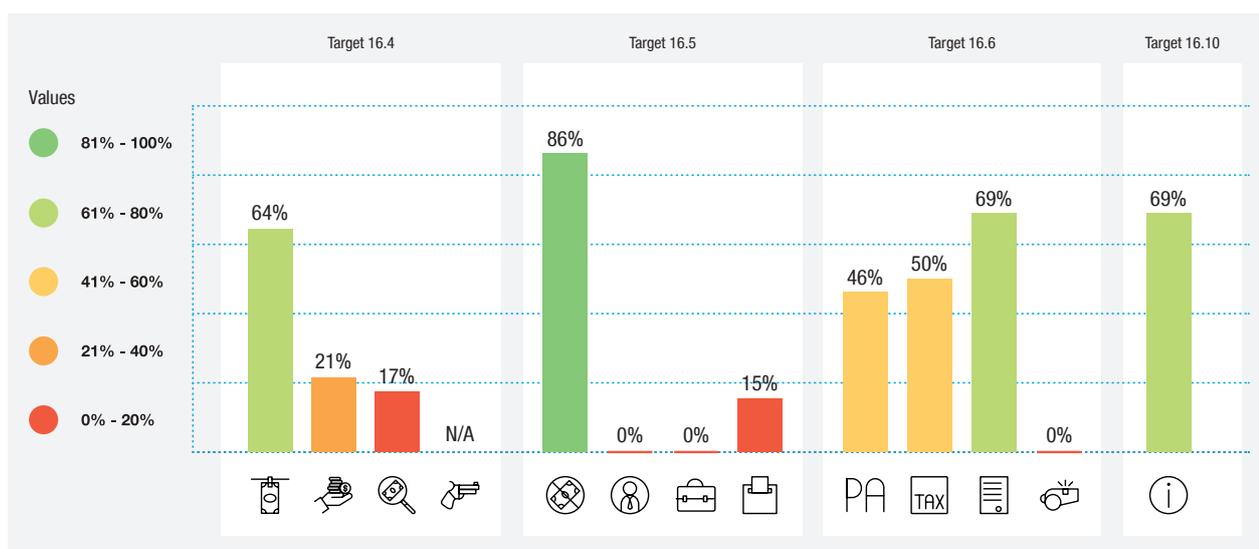
10. <http://www.rti-rating.org/country-data/> accessed on 5th July 2018

# COUNTRY LEGAL SCORECARD\*

## SRI LANKA

### SDG AGGREGATE VALUE

Target 16.4 Score	41%
Target 16.5 Score	49%
Target 16.6 Score	37%
Target 16.10 Score	69%



### POLICY AREA

- Anti-Money Laundering
- Beneficial Ownership
- Asset Recovery
- Arms Trafficking
- Anti-Corruption Framework and Institutions
- Private sector
- Transparency in Lobbying
- Transparency in Party & Election Campaign Finance
- Transparency and Integrity in Public Administration
- Fiscal Transparency
- Integrity in Public Procurement
- Whistleblowing
- Access to Information

### KEY MESSAGES

- The Department of Census and Statistics (DCS) together with the CIABOC should develop indicators to measure progress against corruption and gather data on bribery and other forms of corruption. The DCS is also encouraged to use existing data sources on bribery and corruption such as the Global Corruption Barometer, which is a survey conducted by Transparency International.
- The Election Commission of Sri Lanka should take the lead in introducing campaign finance regulations that includes a disclosure framework and expenditure limitations.
- The Proceeds of Crime Act which is being drafted should address gaps in Sri Lanka's current legislation related to asset recovery by introducing non-conviction based asset forfeiture and bringing domestic law further in line with Sri Lanka's UNCAC obligations.
- Right to Information Commission and the Media Ministry should ensure that Public Authorities comply with the proactive disclosure mechanisms outlined in the Right to Information Act.

\* This scorecard is simply intended to assess whether a given country's legislative and institutional anti-corruption framework is in line with international best practice. It does not assess compliance with the legislative framework or the effectiveness of its implementation.

---

# ANNEX: QUESTIONNAIRE FOR TARGETS 16.4, 16.5, 16.6 AND 16.10

**This questionnaire aims to provide background information regarding Sri Lanka’s recent developments in fighting against corruption and to provide a broad assessment of national progress towards four SDG 16 targets linked to anti-corruption and transparency: 16.4 on illicit financial flows, 16.5 on bribery and corruption, 16.6 on effective, accountable and transparent institutions and 16.10 on access to information.**

The official UN global indicators for these four targets does not adequately capture the level of corruption or the status of the fight against corruption at a national level. This shadow report covers a number of policy areas under each of these four SDG targets, to provide a rounded overview in a way that goes beyond the narrow understanding of corruption captured by the official global indicators.

Each policy area was assessed against three dimensions. First, there was a scored evaluation of the country’s de jure legal and institutional framework. Second, relevant country data from assessments and indices produced by civil society groups and international organisations was considered. Finally, a qualitative appraisal of the country’s de facto efforts to tackle corruption was conducted.

Three dimensions of policy area assessment:

1. Legislative and institutional framework: A number of questions pertaining to the de jure legal framework contain “scoring” references. Scored questions are used to assign a numerical value to the country’s legal framework, based on guidance provided in the question. Each numerical value will correspond to one of the following five scores:

- Dark Green / 1
- Light Green / 0.75
- Orange / 0.5
- Light Red / 0.25
- Dark Red / 0
- Grey / Not applicable or no data available

2. Implementation and compliance: Alongside the score, there are questions the answers to which involve brief narratives, which address de facto implementation and compliance.
3. Third-party assessment: Information and data from relevant third-party assessments are also included.

Questions that are marked with “\*” are considered “optional” and are only answered if they appear relevant to the national context of Sri Lanka, and if time and resources permit.

The research in Sri Lanka commenced in May 2018 and was completed in June 2018. The main sources used for this research were interviews with relevant public sector officials, newspaper articles, annual reports, regional reports, Transparency International publications and archives, official websites of respective Ministries and other organizations and their publications.

---

# BACKGROUND

## 1. NATIONAL SDG IMPLEMENTATION PLAN AND MONITORING PROCESS

Indicator number	1.1
Indicator question(s)	Has the government taken steps to develop an SDG action plan on how to implement the Agenda 2030 at the national level?
Response	<p>In September 2015, the President attended the United Nations Summit at which, the Sustainable Development Agenda 2030, which consists of 17 goals and 169 targets, was adopted.</p> <p>A step towards implementing the Agenda, The Sustainable Development Act was enacted in 2017. However, the Act does not contain details regarding the implementation strategy of the SDGs.</p> <p>Although Sri Lanka does not have an action plan, a National Sustainable Development Strategy is in the process of being prepared.</p> <p>Different organisations have conducted several workshops to ensure the engagement of stakeholders across the country, such as: (a) Workshop for 150 Youth Leaders in Nuwara Eliya on SDG Goal 07. (b) Sri Lanka Voluntary National Review of Sustainable Development Goals – Multi-Stakeholder Consultative Workshop and (c) Master class on Sustainable Development.</p>
References	<p>a) <a href="https://sustainabledevelopment.un.org/content/documents/10735Updated_Issues_Brief_rev10_1_March_2017.pdf">https://sustainabledevelopment.un.org/content/documents/10735Updated_Issues_Brief_rev10_1_March_2017.pdf</a> b) <a href="http://www.jlankatech.com/sdg-goal-no-7-workshop-150-youth-leaders-nuwaraeliya/">http://www.jlankatech.com/sdg-goal-no-7-workshop-150-youth-leaders-nuwaraeliya/</a> c) <a href="https://sustainabledevelopment.un.org/memberstates/srilanka">https://sustainabledevelopment.un.org/memberstates/srilanka</a> d) <a href="http://www.sundayobserver.lk/2017/03/12/master-class-sustainable-development">http://www.sundayobserver.lk/2017/03/12/master-class-sustainable-development</a> e) <a href="http://www.un.org/esa/agenda21/natlinfo/countr/slanka/nsds.pdf">http://www.un.org/esa/agenda21/natlinfo/countr/slanka/nsds.pdf</a></p>
Indicator number	1.2
Indicator question(s)	Which government body or bodies are in charge of the implementation of the national SDG implementation process, and in particular concerning the implementation of SDG 16?
Response	<p>In pursuit of the SDG's, Sri Lanka enacted the Sustainable Development Act in 2017 which is implemented by the Sustainable Development Council of The Ministry of Sustainable Development and Wildlife.</p> <p>The Ministry of Sustainable Development and Wildlife is the national focal agency to coordinate and facilitate the SDG commitments.</p> <p>The focal points for SDG coordination are the Secretary of the Ministry of Sustainable Development and Wildlife and the Additional Secretary (Sustainable Development) of the Ministry of Sustainable Development and Wildlife.</p> <p>SDG 16 is implemented by the Ministry of Defence, the Supreme Court, the Attorney General's Office and other anti-corruption agencies.</p>

Indicator number	1.3
Indicator question(s)	Has civil society been able to contribute to the selection of national indicators concerning SDG 16 and have there been any formal discussions about how anti-corruption targets will fit into the implementation of a national SDG plan?
Response	<p>Different groups including the government, UN agencies, and civil society organisations have been supporting the implementation of the SDGs in Sri Lanka. Different institutions have helped operationalize the SDGs at the national level. Consultation forums and workshops have been held for the same reason.</p> <ul style="list-style-type: none"> <li>- The Ministry of Sustainable Development and Wildlife held consultation forums and workshops in order to discuss the VNR (Voluntary National Review).</li> <li>- Inauguration of the Sri Lanka Stakeholder SDG Platform and National Dialogue.</li> </ul> <p>Goal 16 was discussed at stakeholder workshops where recommendations have been made by Transparency International Sri Lanka for the expansion of indicators pertaining to targets under Goal 16.</p>
Indicator number	1.4
Indicator question(s)	Has the development of national SDG implementation reports relating to SDG 16 been open and inclusive?
Response	<p>National SDG implementation reports have been discussed at different events at which, Goal 16 was also discussed.</p> <ul style="list-style-type: none"> <li>- The Ministry of Sustainable Development and Wildlife held consultation forums and workshops in order to discuss the VNR (Voluntary National Review).</li> <li>- Consultative Workshop of Voluntary Peoples Review on the Sustainable Development Goals.</li> </ul>
Indicator number	1.5
Indicator question(s)	How do you assess the quality of the official assessment and the data provided in official implementation reports for targets 16.4, 16.5, 16.6 and 16.10?
Response	There is no official assessment for SDG target 16.4, 16.5, 16.6 and 16.10.
Indicator number	1.6
Indicator question(s)	Are there any salient corruption or governance issues which are omitted or not adequately addressed in the official national report?
Response	There is no official assessment for SDG target 16.4, 16.5, 16.6 and 16.10.

## 2. RECENT DEVELOPMENTS

Indicator number	2.1
Indicator question(s)	Has the country adopted a national anti-corruption action plan?
Scoring	● 0.5: There is an on-going process to draft and adopt a national anti-corruption action plan
Response	<p>According to the Director General of the Commission to Investigate Allegations of Bribery and Corruption (CIABOC), the drafting of an anti-corruption action plan is currently underway and it will be released in 2018.</p> <p>The Director General of CIABOC has also stated that the action plan will focus mainly on preventive measures. Further, by making adequate amendments to the Bribery and Corruption Act, its adversarial approach will be strengthened. The introduction of laws to curb corruption in the private sector, is also under consideration.</p>
References	<p>a) <a href="http://www.thecolombopost.net/en/national-action-plan-corruption">http://www.thecolombopost.net/en/national-action-plan-corruption</a></p> <p>b) <a href="http://www.dailynews.lk/2018/03/09/local/145055/national-action-plan-combat-corruption">http://www.dailynews.lk/2018/03/09/local/145055/national-action-plan-combat-corruption</a></p>
Indicator number	2.2
Indicator question(s)	___% of respondents state that their government performs “well” at fighting corruption in government, according to Transparency International’s Global Corruption Barometer.
Response	According to Transparency International’s “People and Corruption: Asia Pacific Global Corruption Barometer 2017”, 49% of the respondents state that the respective governments perform well at fighting against corruption in the public sector.
References	a) <a href="https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer">https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer</a>

Indicator number	2.3
Indicator question(s)	Has your country's current political leadership made public declarations about fighting corruption in the past two years? Have there been high-level commitments by the current administration to strengthen the legal framework, policies or institutions that are relevant to preventing, detecting and prosecuting corruption?
Response	<ul style="list-style-type: none"> <li>• The Right to Information (RTI) Act of 2017 was passed.</li> <li>• In February 2015, the Government established the Financial Crimes Investigation Division (FCID) for investigating major financial crimes, fraud, unsolicited mega projects, major financial crimes against public property, money laundering, terrorist financing, illegal financial transactions, unlawful enrichment and offences or financial crimes against national security.</li> <li>• At an event in Polonnaruwa, President Maithripala Sirisena stated that the law will be enforced strictly, against anyone who is involved in fraud and corruption, irrespective of their status. (2018)</li> <li>• President Maithripala Sirisena, quoting the final report of the Commission of Inquiry investigating the Treasury Bond issue, stated that "Considering the recommendations of the Commission, the government recommends adopting a new Monetary Law Act in order to avoid this kind of malpractices in the Central Bank in the future. The existing legal provisions are old and need replacement." He further clarified that a minor amendment to the Commission for the Investigation of Allegations of Bribery or Corruption Act must be enacted to allow legal action to be taken on the recommendations of the Commission. Experts at the legal draftsman office are already working on the required amendment. (2017)</li> <li>• According to the President's speech at the London Anti-Corruption Summit in 2016, there is a strong political commitment to promote asset recovery in Sri Lanka.</li> <li>• President Maithripala Sirisena said he would take all measures to ensure a free and fair environment without political influence, in which institutions which work on the prevention of corruption, may function, at the concluding ceremony of the Walk "A Bribery and Corruption Free Country", held at Independence Square. (2015)</li> </ul>
References	<p>a) <a href="https://www.newsfirst.lk/2018/05/law-will-be-strict-for-those-who-involved-in-fraud-corruption-president/">https://www.newsfirst.lk/2018/05/law-will-be-strict-for-those-who-involved-in-fraud-corruption-president/</a></p> <p>b) <a href="http://www.president.gov.lk/the-full-text-of-the-speech-by-president-maithripala-sirisena-at-the-anti-corruption-summit-held-in-london-on-may-12/">http://www.president.gov.lk/the-full-text-of-the-speech-by-president-maithripala-sirisena-at-the-anti-corruption-summit-held-in-london-on-may-12/</a></p> <p>c) <a href="https://www.slguardian.org/sri-lanka-presidential-appointed-commission-recommended-legal-actions-against-bond-plunders/">https://www.slguardian.org/sri-lanka-presidential-appointed-commission-recommended-legal-actions-against-bond-plunders/</a></p> <p>d) <a href="http://www.president.gov.lk/govt-will-take-every-step-for-prevention-of-corruption-president/">http://www.president.gov.lk/govt-will-take-every-step-for-prevention-of-corruption-president/</a></p>

Indicator number	2.4
Indicator question(s)	Is there evidence that laws and policies are not equally applied to all officials, resulting in an increased risk for misuse of power and grand corruption?
Response	<p>According to the GAN Integrity report 2017, a selected group of powerful politicians in Sri Lanka often go unpunished for crimes of corruption committed by them.</p> <p>It was also found that corruption in politics has become an issue, as Politicians have been accused of engaging in corrupt activities such as bribery, extortion, cronyism, nepotism, patronage, graft, and embezzlement. Corrupt acts such as these have facilitated criminal enterprises including drug trafficking, money laundering, and human trafficking within the country.</p> <p>Although corruption is a widely discussed issue, cases of large-scale corruption involving politicians have failed to reach convictions. A citizen run news website, in Sri Lanka has categorized corruption into three types.</p> <ol style="list-style-type: none"> <li>1. Bribery or seeking money/rewards for rendering public service.</li> </ol> <p>This refers to corruption by both politicians and public officials at national, provincial and local level.</p> <ol style="list-style-type: none"> <li>2. Aiding and abetting preferred or illicit businesses in exchange for monetary or other benefits</li> </ol> <p>Example: The very recent controversy on the Central Bank bond issue, and a former Prime Minister allegedly issuing a letter to the Customs Department on behalf of a drug trafficker.  <a href="https://groundviews.org/2017/09/02/examining-facets-of-corruption-in-sri-lanka/">https://groundviews.org/2017/09/02/examining-facets-of-corruption-in-sri-lanka/</a></p> <ol style="list-style-type: none"> <li>3. The misuse of public funds for personal or political purposes.</li> </ol> <p>It has been identified that the Presidential system and the composition of Sri Lanka's Cabinet are a significant reason for the misuse and waste of public funds. Such misuse of public funds perpetuates bribery.</p> <p>Ministers and Deputies often have personal entourages made up of their family and friends. Further, expenses on luxury vehicles, fuel, travel and security are colossal. The Members of the Opposition also receive perks, evidencing a collective swindling of public funds.  <a href="https://groundviews.org/2017/09/02/examining-facets-of-corruption-in-sri-lanka/">https://groundviews.org/2017/09/02/examining-facets-of-corruption-in-sri-lanka/</a></p> <p>Example: A former first lady allegedly spent a staggering amount of money attending a UNESCO Celebration, the President's Secretary distributing 'Sil Redi' (white Cloth) purchased using telecommunication funds for political purposes.</p>
References	<ol style="list-style-type: none"> <li>a) <a href="https://www.business-anti-corruption.com/country-profiles/sri-lanka/">https://www.business-anti-corruption.com/country-profiles/sri-lanka/</a></li> <li>b) <a href="http://www.ft.lk/article/595377/Never-ending-corruption-in-Sri-Lankan-politics">http://www.ft.lk/article/595377/Never-ending-corruption-in-Sri-Lankan-politics</a></li> <li>c) <a href="https://groundviews.org/2017/09/02/examining-facets-of-corruption-in-sri-lanka/">https://groundviews.org/2017/09/02/examining-facets-of-corruption-in-sri-lanka/</a></li> </ol>

Indicator number	2.5
Indicator question(s)	Have there been significant anti-corruption reforms or advances in the fight against corruption in the past two years?
Response	<ul style="list-style-type: none"> <li>• The Financial Intelligence Unit introduced new guidelines in 2018 on Money Laundering and Terrorist Financing, which requires record keeping and the reporting of suspicious transactions, in line with FATF recommendations 22 and 23.</li> <li>• As a part of its on-going compliance review with the AML/CFT standards, the FATF has identified jurisdictions that have strategic AML/CFT deficiencies. The FATF in collaboration with those jurisdictions has developed action plans to address the identified deficiencies. As a signatory Sri Lanka is taking steps to make necessary changes to the requisite legal provisions and guidelines to improve anti-money laundering and to combat the financing of terrorism.</li> </ul>
References	<p>a) <a href="http://fiusrilanka.gov.lk/docs/Guidelines/2018/Guideline-01-2018.pdf">http://fiusrilanka.gov.lk/docs/Guidelines/2018/Guideline-01-2018.pdf</a></p> <p>b) <a href="http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-february-2018.html#SriLanka">http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-february-2018.html#SriLanka</a></p> <p>c) <a href="https://www.cbsl.gov.lk/en/news/sri-lanka-listing-in-the-financial-action-task-force-and-measures-initiated-by-sri-lanka-to-improve-global-aml/cft-standards">https://www.cbsl.gov.lk/en/news/sri-lanka-listing-in-the-financial-action-task-force-and-measures-initiated-by-sri-lanka-to-improve-global-aml/cft-standards</a></p>
Indicator number	2.6
Indicator question(s)	How do you assess the space for civil society and the media to investigate and highlight corruption risks and cases, and to demand accountability from the country's political and economic elite?
Response	Since 2015, the space for civil society and media to investigation and highlight corruption, has improved to a certain extent. Despite this positive trajectory, there have been a few instances in which the media was blocked.
References	a) <a href="https://freedomhouse.org/report/freedom-world/2018/sri-lanka">https://freedomhouse.org/report/freedom-world/2018/sri-lanka</a>

## Target 16.4: “By 2030, significantly reduce illicit financial and arms flows, strengthen the recovery and return of stolen assets and combat all forms of organised crime”

### 3. ANTI-MONEY LAUNDERING

Indicator number	3.1
Indicator question(s)	Has the country adopted a law to criminalize money laundering, in line with recommendation 3 of the FATF?
Scoring	● 0.75: Largely Compliant (LC)
Response	<p>Sri Lanka has adopted laws to criminalise ML: the ‘Prevention of Money Laundering Act No.5 of 2006’ and the ‘Prevention of Money Laundering (Amendment) Act. 40 of 2011.</p> <p>The FATF has found Sri Lanka to be largely compliant but has highlighted an incomplete coverage of predicate offences.</p> <p>“Since November 2017, when Sri Lanka made a high-level political commitment to work with the FATF and APG to strengthen the effectiveness of its AML/CFT regime and address any related technical deficiencies, Sri Lanka has taken steps towards improving its AML/CFT regime, including by issuing CDD rules for DNFBPs. Sri Lanka should continue to work on implementing its action plan to address its deficiencies, including by:</p> <ol style="list-style-type: none"> <li>1. enacting amendments to the MACMA to ensure that mutual legal assistance may be provided on the basis of reciprocity;</li> <li>2. issuing any necessary guidance and ensuring that implementation of the CDD rules has begun, by way of supervisory actions;</li> <li>3. enhancing risk-based supervision and outreach to FIs and high-risk DNFBPs, including through prompt and dissuasive enforcement actions and sanctions, as appropriate;</li> <li>4. providing case studies and statistics to demonstrate that competent authorities can obtain beneficial ownership information in relation to legal persons in a timely manner;</li> <li>5. issuing a revised Trust Ordinance and demonstrating that implementation has begun; and</li> <li>6. establishing a TFS regime to implement relevant UNSCRs related to Iran, and demonstrating effective implementation on this and the UN Regulation related to the DPRK.”</li> </ol>
References	<p>a) Improving Global AML/CFT Compliance: On-going Process – 23 February 2018 - <a href="http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-february-2018.html#SriLanka">http://www.fatf-gafi.org/publications/high-riskandnon-cooperativejurisdictions/documents/fatf-compliance-february-2018.html#SriLanka</a></p> <p>b) <a href="http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Sri-Lanka-2015.pdf">http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Sri-Lanka-2015.pdf</a></p>

Indicator number	3.2
Indicator question(s)	* Has the government during the last three years conducted an assessment of the money laundering risks related to legal persons and arrangements, in line with Principle 2 of TI's "Just for Show?" report? Has the final risk assessment been published?
Scoring	● 0.5: A risk assessment was carried out; only an executive summary of the risk assessment has been published.
Response	The Financial Intelligence Unit (FIU) of the Central Bank of Sri Lanka conducted an assessment of money laundering risks in 2013. This report was published in 2014 and has been made available to the public.
References	a) National Money Laundering and Terrorist Financing Risk Assessment of Sri Lanka – 2014; <a href="http://fiusrilanka.gov.lk/publications.html">http://fiusrilanka.gov.lk/publications.html</a>
Indicator number	3.3
Indicator question(s)	Are financial institutions (banks) prohibited by law from keeping anonymous accounts and are they required to undertake due diligence on their customers, in line with FATF recommendation 10?
Scoring	● 1: Financial institutions are prohibited by law from keeping anonymous accounts; they are also required to undertake due diligence on their customers, in line with FATF recommendation 10
Response	<ul style="list-style-type: none"> <li>• Yes, Section 2 (1) of Financial Transactions Reporting Act No. 6 of 2006 stipulates that 'No Institution shall open, operate or maintain an account, where the holder of such account cannot be identified, including any anonymous account or any account identified by number only, or any account which to the knowledge of the Institution is being operated in a fictitious or false name.'</li> <li>• FIU Circular on Financial Transactions Reporting Act, No. 6 of 2006, Part 2 – Customer Due Diligence (CDD) Section 24 (1): In terms of the provisions of section 2 of the Act, no Financial Institution shall open, operate or maintain any anonymous account, any account in a false name, or in the name of a fictitious person or any account that is identified by a number only (hereinafter referred to as "Numbered Account").</li> <li>• Every Financial Institution shall take the measures specified in these rules for the purpose of identifying, assessing and managing money laundering and terrorist financing risks posed by its customers, by conducting ongoing customer due diligence (hereinafter referred to as "CDD") based on the "risk based approach."</li> </ul>
References	<p>a) <a href="https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/publications/annual_report/2016/en/15_Part_03.pdf">https://www.cbsl.gov.lk/sites/default/files/cbslweb_documents/publications/annual_report/2016/en/15_Part_03.pdf</a></p> <p>b) <a href="http://www.fatf-gafi.org/media/fatf/documents/reports/fur/Sri%20Lanka%20FUR%202016.pdf">http://www.fatf-gafi.org/media/fatf/documents/reports/fur/Sri%20Lanka%20FUR%202016.pdf</a></p> <p>c) <a href="http://fiusrilanka.gov.lk/docs/Rules/2016/1951_13/1951_13_E.pdf">http://fiusrilanka.gov.lk/docs/Rules/2016/1951_13/1951_13_E.pdf</a></p>

Indicator number	3.4
Indicator question(s)	Are financial institutions required by law to inform relevant authorities when they suspect (or have reasonable grounds to suspect) that funds are the proceeds of criminal activity, in line with FATF recommendation 20?
Scoring	● 1: Financial institutions are required by law to inform relevant authorities when they suspect or have grounds to suspect that funds are the proceeds of criminal activity, in line with FATF recommendation 20
Response	<p>The ML offences in the PMLA apply to natural persons who know or have reason to believe that the property is the proceeds of unlawful activity. Either conclusion (“know” or has “reason to believe”) may be inferred from objective factual circumstances under the general principles of Sri Lankan criminal law. The Act also extends criminal liability to a body corporate including its directors and officers and to unincorporated bodies. The PMLA makes no distinction in imposing punitive consequences on natural or legal persons. The penalties for ML are, however, not dissuasive.</p> <p>In 2015, an FATF evaluation report rated Sri Lanka as ‘Compliant’ with Recommendation 20.</p>
References	<p>a) <a href="https://www.imf.org/external/pubs/ft/scr/2008/cr0818.pdf">https://www.imf.org/external/pubs/ft/scr/2008/cr0818.pdf</a>  b) <a href="http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Sri-Lanka-2015.pdf">http://www.fatf-gafi.org/media/fatf/documents/reports/mer-fsrb/APG-Mutual-Evaluation-Report-Sri-Lanka-2015.pdf</a></p>
Indicator number	3.5
Indicator question(s)	Are designated non-financial businesses and professions (DNFBPs) – casinos, real estate agents, jewellers, lawyers, notaries, other legal professionals, accountants, and trust and company service providers – required to carry out customer due diligence, to keep records, and to report suspicious transactions to the financial intelligence unit, in line with FATF recommendations 22 and 23?
Scoring	● 1: Designated non-financial businesses and professions by law are required to carry out customer due diligence, to keep records and to report suspicious transactions, in line with FATF recommendations 22 and 23.
Response	Yes; Although Sri Lanka was rated ‘non-compliant’ in regard to Recommendation 22 and ‘partly compliant for Recommendation 23 in the FATF Report 2016, the Financial Intelligence Unit (FIU) introduced new guidelines in 2018 on Money Laundering and Terrorist Financing which require designated non-financial business and professions (DNFBPs) to carry out customer due diligence, to keep records and to report suspicious transactions, in line with FATF recommendations 22 and 23.
References	<p>a) <a href="http://fiusrilanka.gov.lk/docs/Guidelines/2018/Guideline-01-2018.pdf">http://fiusrilanka.gov.lk/docs/Guidelines/2018/Guideline-01-2018.pdf</a>  b) <a href="http://fiusrilanka.gov.lk/docs/Rules/2018/2053_20/2053_20_E.pdf">http://fiusrilanka.gov.lk/docs/Rules/2018/2053_20/2053_20_E.pdf</a></p>

Indicator number	3.6
Indicator question(s)	* Does the law require financial institutions to conduct enhanced due diligence in cases where the customer or the beneficial owner is a PEP (politically exposed person) or a family member or close associate of a PEP?
Scoring	● 1: Yes, financial institutions are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP
Response	<p>Yes.</p> <p>According to the Financial Transactions Reporting Act, No.6 of 2006, financial institutions are required to conduct enhanced due diligence in cases where their client is a foreign or a domestic PEP, or a family member or close associate of a PEP.</p> <p>Rule No. 3: Every non-finance business shall take such measures specified in these rules for the purpose of identifying, assessing and managing money laundering and terrorist financing risks posed by its customers, by conducting ongoing Customer Due Diligence (hereinafter referred to as “CDD”) based on the “risk based approach”.</p> <p>Part 2 Rule No. 24.: Every non-finance business shall, in relation to politically exposed persons or their immediate family members and close associates,– (a) implement appropriate internal policies, procedures and controls to determine if the customer or the beneficial owner is a politically exposed person; (b) obtain approval from the Senior Management of the non-finance business, if any, to enter into or continue the business relationship where the customer or the beneficial owner is a politically exposed person; (c) identify, by appropriate means, the source of fund and the source of wealth where the customer or the beneficial owner is a politically exposed person; and (d) conduct enhanced CDD and ongoing monitoring of their business relationships with the non-finance business.</p>

Indicator number	3.7
Indicator question(s)	* Does the law require enhanced due diligence by DNFBPs in cases where the customer or the beneficial owner is a PEP or a family member or close associate of the PEP?
Scoring	● 0.5: Yes, but the law does not cover both foreign and domestic PEPs and their close family and associates
Response	<p>Politically Exposed Persons according to the above act defines as “individuals in Sri Lanka or abroad who are, or have been, entrusted with prominent public functions” e.g. Heads of State or of government, senior politicians, senior government, judicial or military officials, senior executives of State owned corporations, important political party officials. Business relationships with family members or close associates of such person involve reputational risks similar to those of such persons themselves. This is not intended to cover middle ranking or more junior officials in the forgoing categories.”</p> <p>The law requires enhanced due diligence by DNFBPS under the Financial Transaction Reporting Act No. 6 of 2016.</p> <p>Politically Exposed Persons (PEPs)</p> <p>Section 59. Every non-finance business shall, in relation to politically exposed persons or their immediate family members and close associates,—</p> <p>(a) implement appropriate internal policies, procedures and controls to determine if the customer or the beneficial owner is a politically exposed person;</p> <p>(b) obtain approval from the Senior Management of the non-finance business, if any, to enter into or continue the business relationship where the customer or the beneficial owner is a politically exposed person;</p> <p>(c) identify, by appropriate means, the source of fund and the source of wealth where the customer or the beneficial owner is a politically exposed person; and</p> <p>(d) conduct enhanced CDD and ongoing monitoring of their business relationships with the non-finance business’.</p>
References	<p>a) <a href="http://fiusrilanka.gov.lk/docs/Rules/2016/1951_13/1951_13_E.pdf">http://fiusrilanka.gov.lk/docs/Rules/2016/1951_13/1951_13_E.pdf</a></p> <p>b) <a href="http://fiusrilanka.gov.lk/docs/Rules/2011/1699/1699_10_(E).pdf">http://fiusrilanka.gov.lk/docs/Rules/2011/1699/1699_10_(E).pdf</a></p>
Indicator number	3.8
Indicator question(s)	Has the country signed the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups?
Scoring	● 0: No
Response	Sri Lanka is not a signatory of the multilateral competent authority agreement on the exchange of country-by-country reports on key indicators of multinational enterprise groups.
References	<p>a) <a href="https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm">https://www.oecd.org/tax/automatic-exchange/country-specific-information-on-country-by-country-reporting-implementation.htm</a>.</p> <p>b) <a href="http://www.oecd.org/tax/beps/country-by-country-reporting.htm">http://www.oecd.org/tax/beps/country-by-country-reporting.htm</a></p>

Indicator number	3.9
Indicator question(s)	Has the country signed the competent authority multinational agreement on automatic exchange of financial account information?
Scoring	● 0: No
Response	Sri Lanka is not a signatory of the multilateral competent authority agreement on the exchange of country-by-country reports on automatic exchange of financial account information.
References	a) <a href="http://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm">http://www.oecd.org/tax/beps/country-by-country-exchange-relationships.htm</a> b) <a href="http://www.oecd.org/tax/beps/country-by-country-reporting.htm">http://www.oecd.org/tax/beps/country-by-country-reporting.htm</a>
Indicator number	3.10
Indicator question(s)	How is the jurisdiction's performance on the exchange of information for tax purposes on request assessed by the OECD's Global Forum on Transparency and Exchange of Information for Tax Purposes?
Scoring	● - : Not applicable or no data available
Response	Since, Sri Lanka is not in the list of signatories, the data is unavailable.
Indicator number	3.11
Indicator question(s)	What is the country's score in the Basel Institute on Governance's Basel Anti-Money Laundering Index?
Response	Sri Lanka's score is 7.15 (with a score of 10 meaning very high risk and 0 a very low risk). Out of 146 countries, it ranks as having the 25th highest risk.
References	a) <a href="https://index.baselgovernance.org/ranking">https://index.baselgovernance.org/ranking</a>
Indicator number	3.12
Indicator question(s)	What is the country's secrecy score in the Tax Justice Network's Financial Secrecy ?
Response	Sri Lanka is not on the list.
References	a) <a href="https://financialsecrecyindex.com/introduction/fsi-2018-results?">https://financialsecrecyindex.com/introduction/fsi-2018-results?</a>
Indicator number	3.13
Indicator question(s)	Is there evidence that money laundering is effectively prosecuted?
Response	Yes.  According to the FIU (Financial Intelligence Unit – Sri Lanka), in 2016, there were 3 money laundering convictions under the PMLA (Prevention of Money Laundering Act), which includes the country's first Money Laundering conviction for drug trafficking.
References	a) Annual Report 2016 - Financial Intelligence Unit Sri Lanka - <a href="http://fiusrilanka.gov.lk/docs/AR/FIU_AR_2016.pdf">http://fiusrilanka.gov.lk/docs/AR/FIU_AR_2016.pdf</a>
Indicator number	3.14
Indicator question(s)	* How many suspicious transactions reports did financial institutions and different types of DNFBPs file in the last two years for which data is available?
Response	In 2016, the Financial Intelligence Unit of Sri Lanka referred 94 suspicious transactions reports (STRs) to the relevant authorities such as the Bank Supervision Department (BSD), the Department of Supervision of Non-Bank Financial Institutions (DSNBFIs), the Exchange Control Department (ECD), the NGO Secretariat, the Insurance Board of Sri Lanka (IBSL), and the Securities and Exchange Commission of Sri Lanka (SEC) for further investigations.  The most number of STRs were referred to the Exchange Control Department (ECD) for violations of exchange control regulations. Subsequently, 22 STRs were reported to the Inland Revenue Department on the suspicion of tax evasion.
References	a) <a href="http://www.sundaytimes.lk/180429/business-times/latest-2017-data-on-suspicious-financial-transactions-next-month-291932.html">http://www.sundaytimes.lk/180429/business-times/latest-2017-data-on-suspicious-financial-transactions-next-month-291932.html</a>

Indicator number	3.15
Indicator question(s)	Have there been any noteworthy changes or developments in the past two years that indicate an improvement or deterioration in the framework or practice to prevent and fight money laundering?
Response	<ul style="list-style-type: none"> <li>• The government is currently drafting a Proceeds of Crime Act – POCA</li> <li>• The FIU has conducted awareness programmes for key stakeholders (reporting institutions and law enforcement agencies) on AML/CFT.</li> <li>• New FIU Guidelines issued in 2018:</li> <li>• Guidelines on ML &amp; TF Risk Management for Financial Institutions. No. 01 of 2018.</li> <li>• Guidelines on AML &amp; CTF Compliance Obligations for Casinos and Gambling Houses. No 02 of 2018.</li> <li>• Guidelines on AML &amp; CTF Compliance Obligations for Dealers in Real Estate and Precious Metals, Precious and Semi-Precious Stones. No.03 of 2018.</li> <li>• Guidelines for Financial Institutions on Identification on Beneficial Ownership. No. 04 of 2018.</li> <li>• Procedure of Conducting Risk Based Onsite Examinations, Circular No. 01 of 2018.</li> <li>• Judicature (Amendment) Act, No.9 of 2018</li> </ul>
References	<p>a) <a href="http://fiusrilanka.gov.lk/">http://fiusrilanka.gov.lk/</a></p> <p>b) <a href="http://www.dailymirror.lk/article/New-Judicature-Act-gives-fresh-hope-for-justice-149764.html">http://www.dailymirror.lk/article/New-Judicature-Act-gives-fresh-hope-for-justice-149764.html</a></p> <p>c) <a href="http://fiusrilanka.gov.lk/docs/AR/FIU_AR_2015.pdf">http://fiusrilanka.gov.lk/docs/AR/FIU_AR_2015.pdf</a></p>

## 4. BENEFICIAL OWNERSHIP TRANSPARENCY

Indicator number	4.1
Indicator question(s)	To what extent does the law in your country clearly define beneficial ownership?
Scoring	● 0.5: Beneficial owner is defined as a natural person [who owns a certain percentage of shares], but there is no mention of whether control is exercised directly or indirectly, or if control is limited to a percentage of share ownership
Response	<ul style="list-style-type: none"> <li>• In March 2018, the Cabinet of Ministers approved a proposal presented by the acting Minister of Industry and Commerce to amend the Companies Act No. 7 of 2007, in order to avoid money laundering and funding terrorism. However this is yet to be adopted.</li> <li>• The new provision on beneficial ownership has not vested any extra powers in the CID allowing the CID to extract confidential and sensitive financial information on company directors who hold 25% of shares or more, but it was in place according to the Companies Act No. 7 of 2007 even before the amendment. The public is allowed to obtain the details of companies that are registered in the country.</li> <li>• Therefore, it has been decided to make necessary amendments to the Companies Act No. 7 of 2007 to collect details on shareholders who have more than 25% of company ownership (excluding Limited Public Companies) or beneficiaries who have active control of such a company.</li> <li>• The FATF identified that there was no mechanism to detect beneficial ownership, with the implementation of the new amendment it can be recognized. Once the amendment is implemented the RoC will maintain a separate register on beneficial ownership. The RoC is bound to provide information for investigative purposes as a government institution as per existing practice.</li> </ul>
References	a) <a href="http://www.tiruchelvam.com/wp-content/uploads/2011/07/Amendment-of-the-Companies-Act-07-2007.pdf">http://www.tiruchelvam.com/wp-content/uploads/2011/07/Amendment-of-the-Companies-Act-07-2007.pdf</a>

Indicator number	4.2
Indicator question(s)	Does the law require that financial institutions have procedures for identifying the beneficial owner(s) when establishing a business relationship with a client?
Scoring	● 1: Yes, financial institutions are always required to identify the beneficial owners of their clients when establishing a business relationship
Response	<p>Financial Transaction Reporting Act, No 6 of 2006 –</p> <p>Section 30. – Where there is a beneficial owner every Financial Institution shall obtain information to identify and take reasonable measures to verify the identity of the beneficial owner of the customer using relevant information or data obtained from a reliable source, adequate for the Financial Institution to satisfy itself that it knows who the beneficial owner is.</p> <p>Section 31 – Every Financial Institution is required to verify the identity of the customer and beneficial owner before or during the course of entering into a business relationship with or conducting a transaction for an occasional customer.</p> <p>Where the risk level of the customer is low, according to the risk profile of the Financial Institution, and verification is not possible at the point of entering into the business relationship, the Financial Institution may, subject to Rule 32 allow its customer and beneficial owner to furnish the relevant documents subsequent to entering into the business relationship and subsequently complete the verification (hereinafter referred to as “delayed verification”).</p> <p>Section 32 – In any case where delayed verification is allowed the following conditions shall be satisfied:  (a) verification shall be completed as soon as it is reasonably practicable but not later than fourteen working days from the date of opening of the account;  (b) the delay shall be essential so as not to interrupt the Financial Institution’s normal conduct of business; and  (c) no suspicion of money laundering or terrorist financing risk shall be involved.</p>
References	a) <a href="http://fiusrilanka.gov.lk/docs/Rules/2016/1951_13/1951_13_E.pdf">http://fiusrilanka.gov.lk/docs/Rules/2016/1951_13/1951_13_E.pdf</a>
Indicator number	4.3
Indicator question(s)	Does the law specify which competent authorities (e.g. financial intelligence unit, tax authorities, public prosecutors, anti-corruption agencies, etc.) have access to beneficial ownership information?
Scoring	● 0: The law or relevant decrees or policies do not specify which authorities should have access to beneficial ownership information
Response	There is no information available on access to beneficial ownership
Indicator number	4.4
Indicator question(s)	* Which information sources are competent authorities allowed to access for beneficial ownership information?
Scoring	● 0: Information on beneficial ownership is not available
Response	There is no information available on access to beneficial ownership
Indicator number	4.5
Indicator question(s)	Which public authority supervises/holds the company registry?
Response	The Department of Registrar of Companies or known as ‘Samagam Madura’ holds the company registry in Sri Lanka.
References	b) <a href="http://www.drc.gov.lk/">http://www.drc.gov.lk/</a>

Indicator number	4.6
Indicator question(s)	What information on beneficial ownership is recorded in the company registry?
Scoring	● 0: No information is recorded
Response	There's no data available currently but the Company Law Advisory Committee and Central Bank of Sri Lanka are working on amending the Companies Act. Accordingly, they are working on drafting new provisions on including information on beneficial ownership.
Indicator number	4.7
Indicator question(s)	What information on beneficial ownership is made available to the public?
Scoring	● 0: No information is published, or accessible information is insufficient to identify direct or beneficial owners
Response	Please refer answer to 4.6
Indicator number	4.8
Indicator question(s)	What information on beneficial ownership is made available to the public?
Scoring	● - : Not applicable or no data available
Response	Please refer answer to 4.6
Indicator number	4.9
Indicator question(s)	* Is there a registry which collects information on trusts?
Scoring	● 0: No, there is no registry in which all trusts are listed
Response	According to a public-sector official there is no such registry yet. However, the Department of Registrar of companies is in the process of drafting legal provisions to address the same.
Indicator number	4.10
Indicator question(s)	* What is the country's score in the Open Company Data Index produced by Open Corporates <a href="http://registries.opencorporates.com">http://registries.opencorporates.com</a> ?
Response	In the Open Company Data Index a country is evaluated under 6 categories and scored out of 100, according to the following score allocation; (a)Freely Searchable – 20 points, (b)Licensing – 30 points, (c)Data Freely available – 20 points, (d)Directors – 10 points, (e)Accounts – 10 points, (f)Shareholders – 10 points. According to the Open Company Data Index 2014, Sri Lanka has scored 10 on Freely Searchable (if possible to search for basic company data) and 5 on Licensing (30 points for an open licence; 5 points if no license; 0 points for a closed licence). Hence, Sri Lanka has been given a total of 15 points out of 100.  There is no recent data available on the Open Company Data Index.
Reference	a) <a href="http://registries.opencorporates.com/jurisdiction/lk">http://registries.opencorporates.com/jurisdiction/lk</a>
Indicator number	4.11
Indicator question(s)	How strong is the level of transparency of the company registry in practice?
Response	Data on registered companies is available to the public, but not online. However, any interested party may access the relevant document through the organisation or Registrar of Companies by paying a specified amount. Despite this, in practice citizens go through lawyers to access data, which makes the process tedious.  Annual accounts are accessible by the public as explained above.
Indicator number	4.12
Indicator question(s)	Have there been any developments in the past two years that indicate an improvement or deterioration of the transparency of corporations and other legal entities?
Response	a) Ongoing work on the new provision on Disclosure of beneficial ownership b) The same is to be used as an anti-money laundering tool There will be improvements in the foreseeable future though Sri Lanka has not made any major improvements yet.

## 5. RECOVERY OF STOLEN ASSETS

Indicator number	5.1
Indicator question(s)	Does the country have a specific asset recovery policy?
Scoring	● 0: No asset recovery policy has been adopted
Response	While regulations are in place for asset freezing, confiscation and recovery, Sri Lanka does not have a policy or holistic law on asset recovery. Even if such a policy were to exist, the legislation available does not outline the procedure to be followed in dealing with recovered assets. Additionally, Sri Lanka lacks a non-conviction-based forfeiture mechanism, as the existing laws require the conviction of a person. Thus, the civil recovery of proceeds of crime is not provided for. A Special Presidential Task Force on Recovery of State Assets (START) is currently formulating a legislative policy, with the participation of stakeholders including TISL.
Indicator number	5.2
Indicator question(s)	Has the country established a wide range of asset recovery mechanisms, including a) measures that allow for the seizure and confiscation of proceeds from money laundering without requiring a criminal conviction (non-conviction based confiscation), b) a policy that requires an offender to demonstrate that the assets were acquired lawfully, and c) the recognition/enforceability of foreign non-conviction based confiscation/forfeiture orders?
Scoring	● 0: None of the approaches has been adopted
Response	Currently non-conviction based asset recovery is not recognised.
Indicator number	5.3
Indicator question(s)	Has the country created a specialized asset recovery team or unit?
Scoring	● 0.5: There is a team, unit or agency that specializes in asset recovery and the legal framework provides either sufficient political independence or sufficient resources to carry out its responsibilities
Response	<p>The Stolen Assets Recovery Taskforce (START) comprises representatives from the Commission to Investigate Allegations of Bribery or Corruption (CIABOC), the Financial Crime Investigation Division (FCID) and the Financial Intelligence Unit (FIU) at the Central Bank and it is actively involved in the asset recovery process.</p> <p>START is a presidential task force mandated to:</p> <p>a) Conduct necessary intelligence gathering, coordinate with local and foreign intelligence, law enforcement, prosecuting and judicial authorities and investigate and inquire into and thereby</p> <p>b) Identify, trace, seize and transfer or return to Sri Lanka to be confiscated and be vested in the general treasury state assets and revenue due to the Government of Sri Lanka. (Cabinet Memorandum, dated 16th March, 2015, No. PS/CP/10/2015)</p>
References	<p>a) Cabinet Memorandum, dated 16th March, 2015, No. PS/CP/10/2015</p> <p>b) <a href="http://www.tisrilanka.org/wp-content/uploads/2017/12/Sri-Lanka-Asset-Recovery-CSO-Report-final.pdf">http://www.tisrilanka.org/wp-content/uploads/2017/12/Sri-Lanka-Asset-Recovery-CSO-Report-final.pdf</a></p>

Indicator number	5.4
Indicator question(s)	Is there evidence of a strong political commitment to promoting asset recovery?
Response	<p>Asset Recovery was addressed often after the Presidential election of 2015. Sri Lanka was also, a focus country at the Global Forum on Asset Recovery (GFAR) in Washington D.C. in 2017, following the commitments made at the London Anti-Corruption Summit in 2016.</p> <p>According to the President’s speech at the London Anti-Corruption Summit, there is a strong political commitment to promote asset recovery in Sri Lanka.</p> <p>“However, even under this limited situation as a demonstration of my commitment to transparency, accountability and the rule of law and my firm determination to root out corruption I established an anti-corruption secretariat, a special presidential commission to investigate. I also appointed a commission to investigate allegations of bribery and corruption. The Right to Information Act has been presented to the Parliament and the National Audit Act will be presented to the Parliament shortly. All these institutions are working satisfactorily. A special division within the police titled Financial Crimes Investigation Division (FCID) was established to expedite investigations on major financial crimes. They have been given all necessary facilities to carry out their duties.”</p> <p>Among the members of START, there is a will to try and establish a comprehensive legislative framework. After GFAR, a Drafting Committee was appointed consisting of members from CIABOC, the CID, the FCID, the Attorney General, the Bar Association, the FIU and TISL, among others, to formulate a policy and legal framework on the Proceeds of Crime Act. The proposed plan is to present the finalised document to the President in the coming months, which would ultimately be presented to the Cabinet of Ministers and thereafter to the Legal Draftsman to draft the Proceeds of Crime Act.</p>
References	<p>a) <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522731/Sri_Lanka.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/522731/Sri_Lanka.pdf</a></p> <p>b) <a href="https://star.worldbank.org/">https://star.worldbank.org/</a></p> <p>c) <a href="http://www.president.gov.lk/the-full-text-of-the-speech-by-president-maithripala-sirisena-at-the-anti-corruption-summit-held-in-london-on-may-12/">http://www.president.gov.lk/the-full-text-of-the-speech-by-president-maithripala-sirisena-at-the-anti-corruption-summit-held-in-london-on-may-12/</a></p>
Indicator number	5.5
Indicator question(s)	Does the country actively participate in international cooperation networks focusing on asset recovery?
Response	<p>The country made commitments related to asset recovery at the London Anti-Corruption Summit in 2016. Thereafter Sri Lanka participated at the GFAR, which according to the government delegation was successful in building and improving partnerships with countries and other stakeholders. START informally noted, that they will also be participating at the upcoming UNCAC Asset Recovery Working Group Meeting in Vienna next month.</p>
References	<p>a) See Sri Lanka Delegation’s outcomes GFAR –</p> <p>b) <a href="https://star.worldbank.org/content/gfar-closing-round-table-december-6">https://star.worldbank.org/content/gfar-closing-round-table-december-6</a></p> <p>c) <a href="https://star.worldbank.org/content/gfar-press-conference-december-6">https://star.worldbank.org/content/gfar-press-conference-december-6</a></p>
Indicator number	5.6
Indicator question(s)	* Is there public evidence of any asset recovery cases involving your country in the past two years?
Response	<p>There is insufficient information on the freezing, seizing and confiscation of assets. There is no information on the:</p> <ul style="list-style-type: none"> <li>• Number and nature of on-going procedures: amounts frozen/seized, countries involved, problems encountered etc.</li> <li>• Number of concluded procedures in the past five years: amounts confiscated/ released, countries involved, problems encountered etc.</li> <li>• Cases where assets were unfrozen and reasons for this</li> </ul>
References	<p>a) <a href="https://star.worldbank.org/content/gfar-closing-round-table-december-6">https://star.worldbank.org/content/gfar-closing-round-table-december-6</a></p> <p>b) <a href="https://star.worldbank.org/content/gfar-press-conference-december-6">https://star.worldbank.org/content/gfar-press-conference-december-6</a></p>

**6. FIGHT AGAINST ORGANISED CRIME (OPTIONAL)**

Indicator number	6.1
Indicator question(s)	* Is there evidence of strong public trust in the integrity of the police?
Response	According to the Global Corruption Barometer report 2017, 43% of the respondents state that they have paid a bribe to the police during the past year. 31% of the respondents in TI's GCB 2017 survey stated that they believed many or all of the members of the police were involved in corruption (61% stated they believed only some or no member of the police to be corrupt). Hence, as per the data, the perception of the police as one of the most corrupt entities in Sri Lanka continues. However, these responses, presumably, only count people who said they were in contact with the police.

**7. ARMS TRAFFICKING (OPTIONAL)**

The questions under this section is optional and will not be answered at this time.

## Target 16.5: “Substantially reduce corruption and bribery in all their forms.”

### 8. EXPERIENCE AND PERCEPTIONS OF CORRUPTION

Indicator number	8.1
Indicator question(s)	___ % of respondents state that they or a member of their household made an unofficial payment or gift when coming into contact with public services over the past 12 months, according to Transparency International's ___ Global Corruption Barometer (or similar national surveys).
Response	According to Transparency International's 2017 Global Corruption Barometer, 15% of respondents stated that they or a member of their household made an unofficial payment or gift when accessing public services over the past 12 months. 13% stated that they paid a bribe for Education services, while 22% stated that they had paid a bribe to the Judiciary. In relation to the medical and Health Services sector 7% stated that they had paid a bribe while 6% stated they paid a bribe to a Utility Service provider. Another 15% had paid a bribe to the Registry and Permit Services. 17% stated that they had paid bribes for land services while 20% have paid bribes to the Tax Revenue. The highest percentage of bribes paid was to the Police at 43%.
Reference	a <a href="https://www.transparency.org/news/feature/global_corruption_barometer_citizens_voices_from_around_the_world">https://www.transparency.org/news/feature/global_corruption_barometer_citizens_voices_from_around_the_world</a>
Indicator number	8.2
Indicator question(s)	___% of respondents state that corruption or bribery is one of the three most important problems facing this country that the government should address, according to Transparency International's ___ Global Corruption Barometer (or similar national surveys).
Response	Relevant data is not available
Indicator number	8.3
Indicator question(s)	___ % of respondents state that their government performs “badly” at fighting corruption in government, according to Transparency International's ___ Global Corruption Barometer.
Response	According to Transparency International's “People and Corruption: Asia Pacific Global Corruption Barometer 2017”, 23% of the respondents state that their respective governments perform badly at fighting corruption in the public sector.
Reference	a) <a href="https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer">https://www.transparency.org/whatwedo/publication/people_and_corruption_asia_pacific_global_corruption_barometer</a>
Indicator number	8.4
Indicator question(s)	In Transparency International's most recent Corruption Perceptions Index 2017, the country scored ___ points on a scale of 0 (highly corrupt) to 100 (very clean), ranking ___ out of 180 countries.
Response	38 Points (0 means highly corrupt, 100 means very clean); Rank 91 out of 180 countries
Reference	a) <a href="https://www.transparency.org/news/feature/corruption_perceptions_index_2017">https://www.transparency.org/news/feature/corruption_perceptions_index_2017</a>

Indicator number	8.5				
Indicator question(s)	Has corruption experienced by people increased or decreased in recent years? Compare data from the most recent edition of the Global Corruption Barometer 2015/2016 with data from the 2013 edition (if no data is available for your country, try to find other relevant surveys you could use for a comparison over time).				
Response	<table border="1"> <tr> <td>2013</td> <td>2017</td> </tr> <tr> <td>64%</td> <td>21%</td> </tr> </table> <p>According to the GCB report 2013, 64% of the respondents have stated that corruption was on the rise over the past two years. Whereas, in 2017, 21% of the respondents have claimed that the level of corruption has increased. Which shows a decrease of 43% of the level of corruption over the years.</p>	2013	2017	64%	21%
2013	2017				
64%	21%				
Reference	<ul style="list-style-type: none"> <li>a) Global Corruption Barometer Report 2017</li> <li>b) Global Corruption Barometer Report 2013</li> <li>c) <a href="http://www.tisrilanka.org/global-corruption-barometer-2013-reveals-corruption-on-the-increase-in-sri-lanka-police-most-corrupt-institution/">http://www.tisrilanka.org/global-corruption-barometer-2013-reveals-corruption-on-the-increase-in-sri-lanka-police-most-corrupt-institution/</a></li> <li>d) <a href="http://www.tisrilanka.org/sri-lanka-among-the-best-in-asia-pacific-region-according-to-the-global-corruption-barometer/">http://www.tisrilanka.org/sri-lanka-among-the-best-in-asia-pacific-region-according-to-the-global-corruption-barometer/</a></li> <li>e) <a href="https://www.transparency.org/news/feature/corruption_in_asia_pacific_what_20000_people_told_us">https://www.transparency.org/news/feature/corruption_in_asia_pacific_what_20000_people_told_us</a></li> <li>f) <a href="https://www.transparency.org/gcb2013/country?country=sri_lanka">https://www.transparency.org/gcb2013/country?country=sri_lanka</a></li> </ul>				

## 9. ANTI-CORRUPTION FRAMEWORK AND INSTITUTIONS

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? a. Active bribery of domestic public officials, in line with Art. 15(a) of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	<p>UNCAC review report of Sri Lanka by UNODC –</p> <p>Article 15 Bribery of National Public Officials</p> <p>Subparagraph (a) Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(a) The promise, offering or giving, to a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties;</p> <p>(a) Summary of information relevant to reviewing the implementation of the article 14. Sri Lanka has cited the following implementation measures: Sections 14(a), 16(a), 17(a), 19(a), 20(a), 21 (a) and (b), 22(a) and (b), 88, 89, 90 of the Bribery Act.</p> <p>Section 14(a)</p> <p>A person – (a) who offers any gratification to a judicial officer, or to a Member of Parliament, as an inducement or a reward for such officer's or Member's doing or forbearing to do any act in his judicial capacity or in his capacity as such Member, or shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees: Provided, however, that it shall not be an offence under the preceding provisions of this section for any trade union or other organization to offer to a Member of Parliament, or for any such Member to accept from any trade union or other organization, any allowance or other payment solely for the purposes of his maintenance.</p> <p>Section 16(a)</p> <p>A person – (a) who offers any gratification to any police officer, peace officer, or other public servant, employed in any capacity for the prosecution, detection or punishment of offenders, or to an officer of a court, as an inducement or a reward for such officer's or servant's interfering with the due administration of justice, or procuring or facilitating the commission of any offence, or protecting from detection or punishment the perpetrator of any offence, or abusing his official powers to the injury or detriment of any person, shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.</p>

A person -

(a) who offers any gratification to a public servant as an inducement for a reward for such public servant' giving assistance or using influence in the promotion of the procuring of any contract with the Government for the performance of any work, the providing of any service, the doing of anything, or the supplying of any article, material or substance, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof, or shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

Section 19(a)

A person -

(a) who offers any gratification to a public servant as an inducement or a reward for that public servant's performing or abstaining from performing any official act, or expediting, delaying, hindering or preventing the performance of any official act whether by that public servant or by any other public servant, or assisting, favouring, hindering or delaying any person in the transaction of any business with the Government, or shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:

Provided, however, that it shall not be an offence for a public servant to solicit or accept any gratification which he is authorized by law or the terms of his employment to receive;

Provided further that section 35 of the Medical Ordinance shall not entitle a medical practitioner who is a public servant to solicit or accept any gratification.

Section 20(a)

A person -

(a) who offers any gratification to any person as an inducement or a reward for -

(i) his procuring from the Government the payment of the whole or a part of any claim, or

(ii) his procuring or furthering the appointment of the first-mentioned person or of any other person to any office, or

(iii) his preventing the appointment of any other person to any office, or

(iv) his procuring, or furthering the securing of, any employment for the first-mentioned person or for any other person in any department, office or establishment of the Government, or

(v) his preventing the securing, of, any employment for any other person in any department, office or establishment of the Government, or

(vi) his procuring, or furthering the securing of, any grant, lease or other benefit from the Government for the first-mentioned person or for any other person, or

(vii) his preventing the securing of any such grant, lease or benefit for any other person, or

shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

A person –

(a) who, while having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public servant employed in that department, office or establishment, or

(b) who, within one year before or after his having dealings of any kind with the Government through any department, office or establishment of the Government, offers any gratification to any public servant employed in that department, office or establishment, or

(c) who, being a public servant, solicits or accepts any gratification the offer of which is an offence under this section, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:

Provided, however, that such offer of a gratification to a public servant as is referred to in paragraph (b) of this section shall not be an offence under this section if the offeror proves that the gratification was bona fide offered for a purpose not connected with and not relating to such dealings as are referred to in that paragraph and that when he offered the gratification he had no hope or expectation of having any such dealings or he did not intend that the gratification should be an inducement or a reward for that public servant's doing or forbearing to do any act connected with or relating to any such dealings.

Section 22(a) and (b)

A person -

(a) who offers any gratification to any member of a local authority, or of a scheduled institution, or of the governing body of a scheduled institution, as an inducement or a reward for –

(i) such member's voting or abstaining from voting at any meeting of such local authority, scheduled institution, or governing body or of a committee thereof in favour of or against any measure, resolution or question submitted to such local authority, scheduled institution, governing body, or committee, or

(ii) such member's performing, or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or

(iii) such member's aid in procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or

(b) who offers any gratification to any officer or employee of any local authority, or of any scheduled institution, as an inducement or a reward for –

(i) such officer's or employee's performing or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or

(ii) such officer's or employee's procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person, or

(b) who offers any gratification to any officer or employee of any local authority, or of any scheduled institution, as an inducement or a reward for –

(i) such officer's or employee's performing or abstaining from performing, or his aid in procuring, expediting, delaying, hindering or preventing the performance of, any official act, or

(ii) such officer's or employee's procuring or preventing the passing of any vote or the granting of any contract or advantage in favour of any person shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

Response	<p>Section 88</p> <p>For the purposes of this Act a person offers a gratification if he or any other person acting with his knowledge or consent directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any gratification to or for the benefit of or in trust for any other person.</p> <p>Section 89</p> <p>For the purposes of this Act -</p> <p>(a) a person solicits a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly demands, invites, asks for, or indicates willingness to receive, any gratification, whether for the first mentioned person or for any other person, and</p> <p>(b) a person accepts a gratification if he, or any other person acting with his knowledge or consent, directly or indirectly takes, receives or obtains, or agrees to take, receive or obtain any gratification, whether for the first mentioned person or for any other person.”</p>
Reference	a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a>
Indicator number	9.1
Indicator question(s)	<p>Are the following offences clearly defined and banned by criminal law?</p> <p>b. Passive bribery of domestic public officials, in line with Art. 15(b) of UNCAC</p>
Scoring	● 0.5: The offence is banned, but there are shortcomings in its definition
Response	<p>UNCAC review report of Sri Lanka by UNODC -</p> <p>“Article 15 Bribery of national public officials</p> <p>Subparagraph (b)</p> <p>Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(b) The solicitation or acceptance by a public official, directly or indirectly, of an undue advantage, for the official himself or herself or another person or entity, in order that the official act or refrain from acting in the exercise of his or her official duties.</p> <p>(a) Summary of information relevant to reviewing the implementation of the article</p> <p>23. Sri Lanka has cited the following implementation measures. Sections 14(b), 15, 16(b), 17(b), 19(b), 19(c), 20(b), 21 (c), 22(c), 22(d), 24, 89 and 89A of the Bribery Act.</p>

A person –

(b) who, being a judicial officer or a Member of Parliament, solicits or accepts any gratification as an inducement or a reward for his doing or forbearing to do any act in his judicial capacity or in his capacity as such Member, shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees:

Provided, however, that it shall not be an offence under the preceding provisions of this section for any trade union or other organization to offer to a Member of Parliament, or for any such Member to accept from any trade union or other organization, any allowance or other payment solely for the purposes of his maintenance.

Section 15.

A Member of Parliament who solicits or accepts any gratification as an inducement or a reward for –

(a) his interviewing a public servant on behalf of any person, or

(b) his appearing on behalf of any person before a public servant exercising judicial or quasi-judicial

functions, shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees:

Provided, however, that it shall not be an offence under the preceding provisions of this section for a Member of Parliament to appear as an attorney-at-law before a court or before a statutory tribunal of which a public servant is not a member.

Section 16(b)

A person –

(b) who, being any such officer or servant, solicits or accepts any gratification as an inducement or a reward for such interfering, procuring, facilitating, protecting, or abusing as is referred to in paragraph (a) of this section, shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.

Section 17(b)

A person –

(b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his giving assistance or using influence in the promotion of the procuring of any such contract as is referred to in paragraph (a) of this section, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.

Section 19(b)(c)

A person –

(b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting, delaying, hindering, preventing, assisting or favouring as is referred to in paragraph (a) of this section, or (c) who, being a public servant solicits or accepts any gratification, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:

Provided, however, that it shall not be an offence for a public servant to solicit or accept any gratification which he is authorized by law or the terms of his employment to receive;

Provided further that section 35 of the Medical Ordinance shall not entitle a medical practitioner who is a public servant to solicit or accept any gratification.

Response	<p>Section 20(b)</p> <p>A person –  (b) who solicits or accepts any gratification as an inducement or a reward for his doing any of the acts specified in sub-paragraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (a) of this section, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.</p> <p>Section 21 (c) as cited under paragraph (a) above</p> <p>Section 22(c)(d)</p> <p>A person -  (c) who, being such member as is referred to in paragraph (a) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in subparagraphs (i), (ii) and (iii) of that paragraph, or (d) who, being such officer or employee as is referred to in paragraph (b) of this section, solicits or accepts any gratification as an inducement or a reward for any such act, or any such abstaining, as is referred to in sub-paragraphs (i) and (ii) of that paragraph, shall be guilty of an offence punishable with rigorous imprisonment for a term not exceeding seven years and a fine not exceeding five thousand rupees.</p> <p>Section 24  Where in any proceedings against any person for any offence under any section in this Part of this Act, it is proved that he accepted any gratification, having grounds to believe or suspect that the gratification was offered in consideration of his doing or forbearing to do any act referred to in that section, he shall be guilty of an offence under that section notwithstanding that he did not actually have the power, right or opportunity so to do or forbear or that he accepted the gratification without intending so to do or forbear or that he did not in fact so do or forbear.</p> <p>Section 89 as cited under paragraph (a) above</p> <p>Section 89A  A public servant who solicits or accepts a gratification which is an offence under this Act shall, if such solicitation or acceptance was made outside Sri Lanka, be deemed to have committed such offence within Sri Lanka, and accordingly the High Court holden in Colombo shall have jurisdiction to try such offence notwithstanding anything in any other law to the contrary.”</p> <p>However, there is no comprehensive data available on the implementation of the same.</p>
Reference	<p>a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a>; p24-27</p>

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? c. Embezzlement, misappropriation or other diversion of property by a public official, in line with Art. 17 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	<p>UNCAC review report of Sri Lanka by UNODC -</p> <p>Article 17 Embezzlement, misappropriation or other diversion of property by a public official</p> <p>Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally, the embezzlement, misappropriation or other diversion by a public official for his or her benefit or for the benefit of another person or entity, of any property, public or private funds or securities or any other thing of value entrusted to the public official by virtue of his or her position.</p> <p>(a) Summary of information relevant to reviewing the implementation of the article</p> <p>34. Sri Lanka indicated that the said offence falls in terms of the offence of Criminal Breach of Trust, as provided by Sections 386, 388, 389 and 392 of the Penal Code and Section 5(1) of the Public Property Act No 15 of 1982. These matters are investigated by the police, not CIABOC.</p> <p>Section 386 of the Penal Code.</p> <p>Dishonest misappropriation of property.</p> <p>Whoever dishonestly misappropriates or converts to his own use any movable property shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.</p> <p>Section 388 of the Penal Code.</p> <p>Criminal breach of trust.</p> <p>Whoever, being in any manner entrusted with property, or with any dominion over property, dishonestly misappropriates or converts to his own use that property, or dishonestly uses or disposes of that property in violation of any direction of law prescribing the mode in which such trust is to be discharged, or of any legal contract, express or implied, which he has made touching the discharged of such trust, or willfully suffers any other person so to do, commits criminal breach of trust.</p> <p>Section 389 of the Penal Code</p> <p>Punishment for criminal breach of trust. Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a terms which may extend to three years, or with fine or with both.</p> <p>Section 392 of the Penal Code</p> <p>Criminal breach of trust by public servant or by banker, merchant, or agent.</p> <p>Whoever, being in any manner entrusted with property, or with any dominion over property, in his capacity of a public servant or in the way of his business as a banker, merchant, factor, broker, attorney, or agent, commits criminal breach of trust in respect of that property, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.</p>

Response	<p>Section 5(1) of Offences against Public Property Act No 12 of 1982</p> <p>Any person who dishonestly misappropriates or converts to his own use any movable public property or commits the offence of criminal breach of trust of any movable public property shall be guilty of an offence and shall upon conviction be punished with imprisonment of either description for a term not less than one year but not exceeding 20 years and with a fine of Rupees one thousand or three times the value of the property in respect of which such offence was committed, whichever ever amount is higher.</p>
Reference	a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a> ; p24-27
Indicator number	9.1
Indicator question(s)	<p>Are the following offences clearly defined and banned by criminal law?</p> <p>d. Trading in influence, in line with Art. 18 of UNCAC</p>
Scoring	● 1: The offence is clearly defined and banned
Response	<p>UNCAC review report of Sri Lanka by UNODC -</p> <p>Article 18 Trading in influence</p> <p>“Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(a) The promise, offering or giving to a public official or any other person, directly or indirectly, of an undue advantage in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage for the original instigator of the act or for any other person;</p> <p>(b) The solicitation or acceptance by a public official or any other person, directly or indirectly, of an undue advantage for himself or herself or for another person in order that the public official or the person abuse his or her real or supposed influence with a view to obtaining from an administration or public authority of the State Party an undue advantage.</p> <p>(a) Summary of information relevant to reviewing the implementation of the article 38. Sri Lanka has cited the following implementation measures.</p> <p>Section 17 of the Bribery Act.</p> <p>A person -</p> <p>(a) who offers any gratification to a public servant as an inducement for a reward for such public servant's giving assistance or using influence in the promotion of the procuring of any contract with the Government for the performance of any work, the providing of any service, the doing of anything, or the supplying of any article, material or substance, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof, or</p> <p>(b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his giving assistance or using influence in the promotion of the procuring of any such contract as is referred to in paragraph (a) of this section, or in the execution of any such contract, or in the payment of the price or consideration stipulated therein or of any subsidy payable in respect thereof, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.</p>

Response	<p>Section 19 of the Bribery Act.</p> <p>A person –</p> <p>(a) who offers any gratification to a public servant as an inducement or a reward for that public servant's performing or abstaining from performing any official act, or expediting, delaying, hindering or preventing the performance of any official act whether by that public servant or by any other public servant, or assisting, favouring, hindering or delaying any person in the transaction of any business with the Government, or</p> <p>(b) who, being a public servant, solicits or accepts any gratification as an inducement or a reward for his performing or abstaining from performing any official act or for such expediting, delaying, hindering, preventing, assisting or favouring as is referred to in paragraph (a) of this section, or</p> <p>(c) who, being a public servant solicits or accepts any gratification, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees:</p> <p>Provided, however, that it shall not be an offence for a public servant to solicit or accept any gratification which he is authorized by law or the terms of his employment to receive;</p> <p>Provided further that section 35 of the Medical Ordinance shall not entitle a medical practitioner who is a public servant to solicit or accept any gratification.</p> <p>Section 20 of the Bribery Act.</p> <p>A person -</p> <p>(a) who offers any gratification to any person as an inducement or a reward for -</p> <p>(i) his procuring from the Government the payment of the whole or a part of any claim, or</p> <p>(ii) his procuring or furthering the appointment of the first-mentioned person or of any other person to any office, or</p> <p>(iii) his preventing the appointment of any other person to any office, or</p> <p>(iv) his procuring, or furthering the securing of, any employment for the first-mentioned person or for any other person in any department, office or establishment of the Government, or</p> <p>(v) his preventing the securing, of, any employment for any other person in any department, office or establishment of the Government, or</p> <p>(vi) his procuring, or furthering the securing of, any grant, lease or other benefit from the Government for the first-mentioned person or for any other person, or</p> <p>(vii) his preventing the securing of any such grant, lease or benefit for any other person, or (b) who solicits or accepts any gratification as an inducement or a reward for his doing any of the acts specified in sub-paragraphs (i), (ii), (iii), (iv), (v), (vi) and (vii) of paragraph (a) of this section, shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.”</p>
Reference	<p>a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a>; p24-27</p>

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? e. Abuse of functions, in line with Art. 19 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	<p>Section 70 of the Bribery Act</p> <p>Corruption</p> <p>Any public servant who, with intent, to cause wrongful or unlawful loss to the Government, or to confer a wrongful or unlawful benefit, favour or advantage on himself or any person, or with knowledge, that any wrongful or unlawful loss will be caused to any person or to the Government, or that any wrongful or unlawful benefit, favour or advantage will be conferred on any person-</p> <p>(a) does, or forbears to do, any act, which he is empowered to do by virtue of his office as a public servant;</p> <p>(b) induces any other public servant to perform, or refrain from performing, any act, which such other public servant is empowered to do by virtue of his office as a public servant;</p> <p>(c) uses any information coming to his knowledge by virtue of his office as a public servant;</p> <p>(d) participates in the making of any decision by virtue of his office as a public servant;</p> <p>(e) induces any other person, by the use, whether directly or indirectly, of his office as such public servant to perform, or refrain from performing, any act, shall be guilty of the offence of corruption and shall upon summary trial and conviction by a Magistrate be liable to imprisonment for a term not exceeding ten years or to a fine not exceeding one hundred thousand rupees or to both such imprisonment and fine.</p>
Reference	a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a> ; p48.

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? f. Illicit Enrichment, in line with Art. 20 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	Chapter 26 Legislative Enactments of the Bribery Act (23A)  23A. (1) Where a person has or had acquired any property on or after March 1, 1954, and such property – (a) being money, cannot be or could not have been - (i) part of his known income or receipts, or (ii) money to which any part of his known receipts has or had been converted; or (b) being property other than money, cannot be or could not have been - (i) property acquired with any part of his known income, or (ii) property which is or was part of his known receipts, or (iii) property to which any part of his known receipts has or had been converted, then, for the purposes of any prosecution under this section, it shall be deemed, until the contrary is proved by him, that such property is or was property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery. (3) A person who is or had been the owner of any property which is deemed under subsection (1) to be property which he has or had acquired by bribery or to which he has or had converted any property acquired by him by bribery shall be guilty of an offence punishable with rigorous imprisonment for a term of not more than seven years and a fine not exceeding five thousand rupees.  Provided that where such property is or was money deposited to the credit of such person's account in any bank and he satisfies the court that such deposit has or had been made by any other person without his consent or knowledge, he shall not be guilty of an offence under the preceding provisions of this subsection.
Reference	a) Chapter 26 Legislative Enactments of the Bribery Act (23A) : <a href="https://www.ciaboc.gov.lk/images/Publications/Bribery_Act_english.pdf">https://www.ciaboc.gov.lk/images/Publications/Bribery_Act_english.pdf</a>

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? g. Bribery in the private sector, in line with Art. 21 of UNCAC
Scoring	● 0: The offence is not adequately defined or not banned
Response	<p>Article 21 Bribery in the private sector</p> <p>“Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally in the course of economic, financial or commercial activities:</p> <p>(a) The promise, offering or giving, directly or indirectly, of an undue advantage to any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting;</p> <p>(b) The solicitation or acceptance, directly or indirectly, of an undue advantage by any person who directs or works, in any capacity, for a private sector entity, for the person himself or herself or for another person, in order that he or she, in breach of his or her duties, act or refrain from acting.</p> <p>(a) Summary of information relevant to reviewing the implementation of the article</p> <p>47. Sri Lanka indicated that it has not implemented the article under review. Transactions exclusively between private parties do not come within the provisions of the Bribery Act. The Legislature has so far not given thought to addressing this situation through the law.</p> <p>(b) Observations on the implementation of the article</p> <p>48. It seems that currently, Sri Lanka has no legislation pertaining to bribery in the private sector. This issue has raised concern among the public and businesspersons but anti-corruption agencies, trade associations and the media (as discussed during the country visit). Their response with respect to the adoption of relevant legislation is positive. It was further explained during the country visit that three committees had been established at the level of CIABOC to consider a possible amendment of the legislation in line with the Convention.</p> <p>49. Bribery in the private sector in many circumstances also involves other offences, including fraud and forgery of documents. Cases reported in that regard are mostly based on Section 398 (Cheating) of the Sri Lankan Penal Code. Victims are usually persons in charge of private-sector entities or other business partners. In such circumstances, victims may report offence to the police for investigation.</p> <p>50. Section 18 of the Bribery Act that provides for the offering and acceptance of bribes among bidders for government tenders does not rule out that that the provisions on the bribery in the private sector already exist in this particular area .</p> <p>51. Moreover, the offering of bribes is an offence if committed by any person, including persons in the private sector (Section 88 of the Bribery Act).</p>

Response	<p>Section 88 For the purposes of this Act a person offers a gratification if he or any other person acting with his knowledge or consent directly or indirectly gives, affords or holds out, or agrees, undertakes or promises to give, afford or hold out, any gratification to or for the benefit of or in trust for any other person.</p> <p>52. Sri Lanka requested technical assistance in implementing the article and is seemingly willing to take advice on working out the best solution in terms of the legislation required.</p> <p>53. Sri Lanka is encouraged to consider adopting specific legislation in accordance with provisions of the Convention in order to criminalize such acts.</p> <p>(c) Technical assistance needs</p> <p>54. Sri Lanka has indicated that the following forms of technical assistance, if available, would assist it in better implementing the article under review:</p> <ol style="list-style-type: none"> <li>1. Summary of good practices/lessons learned;</li> <li>2. Model legislation;</li> <li>3. Legislative drafting;</li> <li>4. Legal advice;</li> <li>5. On-site assistance by an anti-corruption expert;</li> <li>6. Development of an action plan for implementation;</li> </ol> <p>Sri Lanka has not received any form of technical assistance to date</p>
Reference	<p>a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a>; p57-58.</p>

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? h. Embezzlement of property in the private sector, in line with Art. 22 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	<p>Article 22 Embezzlement of property in the private sector</p> <p>Each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally in the course of economic, financial or commercial activities, embezzlement by a person who directs or works, in any capacity, in a private sector entity of any property, private funds or securities or any other thing of value entrusted to him or her by virtue of his or her position</p> <p>(a) Summary of information relevant to reviewing the implementation of the article 55. Sri Lanka has cited the following implementation measures.</p> <p>Sections 386 and 388 of the Penal Code. Referred to under article 17 above.</p> <p>56. Regarding examples of implementation Sri Lanka referred to the cases cited under article 17 above.</p> <p>(b) Observations on the implementation of the article.</p> <p>57. The article under review is covered in Section 388 of the Penal Code. Sections 386 and 388 of the Penal Code are not confined to acts of embezzlement in the private sector. According to Section 392 of the Penal Code, “public officials” fall under the same category as other professionals such as bankers, brokers and lawyers and are, once convicted, subject to a criminal penalty of up to ten years of imprisonment. Therefore, the coverage of these provisions is broader than that in article 22 of the Convention.</p> <p>58. In <i>Cooray v. King</i> 53 NLR 73, the Sri Lankan Court of Appeal adopted the practice of determining the embezzled amount on a flexible basis put forward by Judge Fawcett J. in the Bombay case (<i>Emperor v Byramji Jamsetji Chevalla</i> 3 [A.I.R. 1928 Bom. 148]). This decision is worth citing as it stipulates that : “ if the evidence is sufficient as to establish that at any rate some property such as money has been misappropriated it seems to me that it is against reason and authority to say that because you cannot specify the exact amount that has been misappropriated the accused cannot be convicted. “</p> <p>59. In the case of <i>Attorney General v. Walgamage</i> 2000 3SLR 01, the Supreme Court of Sri Lanka held that “entrustment” does not contemplate the creation of a trust with all the technicalities of the law of trust; it includes the delivery of property to another to be dealt with in accordance with an arrangement made either then or previously.”</p> <p>60. This special definition of “entrustment” makes it possible to bring the conduct of the dishonest appropriation of property within the coverage of the offence of the breach of trust.</p> <p>61. The maximum term of imprisonment prescribed in Sections 389-392 of the Penal Code empowers the judge to give a sentence according to the identity of the criminal. Generally speaking, the judge is empowered to consider all factors in sentencing to reflect the gravity of the offence, including the identity of the criminal, the crime’s modus operandi, conditions of the victim and the amount involved.</p> <p>62. Sri Lanka did not provide statistical information with regard to the prosecution of the offences of embezzlement, misappropriation and criminal breach of trust.</p>
Reference	a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a> ; p58-59.

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? i. Laundering the proceeds of crime, in line with Art. 23 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	3. Prevention of Money Laundering Act s3 (1) Any person, who— (a) engages directly or indirectly in any transaction in relation to any property which is derived or realised, directly or indirectly, from any unlawful activity or from the proceeds of any unlawful activity; (b) receives, possesses, conceals, disposes of, or brings into Sri Lanka, transfers out of Sri Lanka, or invests in Sri Lanka, any property which is derived or realised, directly or indirectly, from any unlawful activity or from the proceeds of any unlawful activity, knowing or having reason to believe that such property is derived or realised, directly or indirectly from any unlawful activity or from the proceeds of any unlawful activity, shall be guilty of the offence of money laundering and shall on conviction after trial before the High Court be liable to a fine not less than the value of the property in respect of which the offence is committed and not more than three times the value of the property in respect of which the offence is committed or to rigorous imprisonment for a period of not less than five years and not exceeding twenty years, or to both such fine and imprisonment.
Reference	a) Prevention of Money Laundering Act No. 5 of 2006 (Part 1) 3 ,(1); <a href="http://fiusrilanka.gov.lk/docs/ACTs/PMLA/Money_Laundering_Act_2006-5_%28English%29.pdf">http://fiusrilanka.gov.lk/docs/ACTs/PMLA/Money_Laundering_Act_2006-5_%28English%29.pdf</a>

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? j. Concealment, in line with Art. 24 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	<p>Article 24 Concealment</p> <p>Without prejudice to the provisions of article 23 of this Convention, each State Party shall consider adopting such legislative and other measures as may be necessary to establish as a criminal offence, when committed intentionally after the commission of any of the offences established in accordance with this Convention without having participated in such offences, the concealment or continued retention of property when the person involved knows that such property is the result of any of the offences established in accordance with this Convention.</p> <p>(a) Summary of information relevant to reviewing the implementation of the article</p> <p>84. Sri Lanka has cited Section 3 (1) of the Money Laundering Act No 5 of 2006 referred to under article 23(a)(i) above.</p> <p>Section 3. (1) Any person, who—</p> <p>(a) engages directly or indirectly in any transaction in relation to any property which is derived or realized, Short title and date of operation. Applicability of the provisions of the Act. Offence of money laundering. directly or indirectly, from any unlawful activity or from the proceeds of any unlawful activity;</p> <p>(b) receives, possesses, conceals, disposes of, or brings into Sri Lanka, transfers out of Sri Lanka, or invests in Sri Lanka, any property which is derived or realised, directly or indirectly, from any unlawful activity or from the proceeds of any unlawful activity, knowing or having reason to believe that such property is derived or realised, directly or indirectly from any unlawful activity or from the proceeds of any unlawful activity, shall be guilty of the offence of money laundering and shall on conviction after trial before the High Court be liable to a fine not less than the value of the property in respect of which the offence is committed and not more than three times the value of the property in respect of which the offence is committed or to rigorous imprisonment for a period of not less than five years and not exceeding twenty years, or to both such fine and imprisonment.</p>
Reference	a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a> ;p65.

Indicator number	9.1
Indicator question(s)	Are the following offences clearly defined and banned by criminal law? k. Obstruction of justice, in line with Art. 25 of UNCAC
Scoring	● 1: The offence is clearly defined and banned
Response	<p>Article 25 Obstruction of Justice</p> <p>Subparagraph (a)</p> <p>Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:</p> <p>(a) The use of physical force, threats or intimidation or the promise, offering or giving of an undue advantage to induce false testimony or to interfere in the giving of testimony or the production of evidence in a proceeding in relation to the commission of offences established in accordance with this Convention;</p> <p>(a) Summary of information relevant to reviewing the implementation of the article</p> <p>86. Sri Lanka has cited Section 23 of the Commission to Investigate Allegation of Bribery or Corruption Act No 19 of 1994 and Section 73 of the Bribery Act.</p> <p>Section 23 of Commission to Investigate Allegation of Bribery or Corruption Act No 19 of 1994.</p> <p>Any person who -</p> <p>(a) makes a false statement in an affidavit furnished by him to the Commission;</p> <p>(b) willfully neglects or omits to render any assistance to the Director-General or any officer appointed to assist the Commission when requested to do so under section 7;</p> <p>(c) resists or obstructs the Director-General, any officer appointed to assist the Commission or any officer authorized by the Commission under subsection (1) of section 7, in the exercise of the powers of entry or search under section 7;</p> <p>(d) interferes with any person who is to be, or has been, examined by the Commission;</p> <p>(e) induces any such person to refrain from giving evidence in any court;</p> <p>(f) threatens any such person with injury to his body, mind or reputation in order to deter him from giving evidence in any court;</p> <p>(g) injures any such person in body, mind or reputation in order to deter him from giving evidence in any court;</p> <p>(h) compels any such person not to give evidence in any court, shall be guilty of an offence and shall on conviction after summary trial before Magistrate be liable to imprisonment for a term not exceeding seven years or to a fine not exceeding fifty thousand rupees or to both such imprisonment and fine.</p>

---

Response

Section 73 of the Bribery Act.

Interference with witnesses, & c.

(1) A person who –

(a) interferes with any witness summoned in any proceedings for bribery in or before a court or commission of inquiry, or

(b) induces any such witness to refrain from giving evidence, or

(c) threatens any such witness with injury to his body, mind or reputation in order to deter him from giving evidence, or

(d) injures any such witness in body, mind or reputation in order to deter him from giving evidence, or

(e) compels any such witness not to give evidence, shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

(2) Every court before which any person surrenders himself or is produced on arrest on an allegation that he has committed or has been concerned in committing or is suspected of having committed or to have been concerned in committing an offence under this section shall keep such person on remand until the conclusion of the trial except in exceptional circumstances where the court before which he surrenders himself or is produced may after recording its reasons therefor release him on bail.

Subparagraph (b)

Each State Party shall adopt such legislative and other measures as may be necessary to establish as criminal offences, when committed intentionally:

(b) The use of physical force, threats or intimidation to interfere with the exercise of official

duties by a justice or law enforcement official in relation to the commission of offences established in accordance with this Convention. Nothing in this subparagraph shall prejudice the right of States Parties to have legislation that protects other categories of public official.

(a) Summary of information relevant to reviewing the implementation of the article

89. Sri Lanka has cited Section 23 of the Commission to Investigate Allegation of Bribery or Corruption Act No 19 of 1994 referred in subparagraph (a) above, Section 74(1), (2) and (3) and Section 75(1) of the Bribery Act and Sections 183-187 of the Penal Code

Section 74 of the Bribery Act.

Influencing, threatening or injuring member of commission of inquiry or officer

(1) A person who directly or indirectly influences any member of a commission of inquiry, in the performance of his duty shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees.

(2) A person who directly or indirectly by words written or spoken or by any act threatens any member of a commission of inquiry with any injury to his body, mind or reputation in order to deter him from the performance of his duty shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to a fine of not less than two hundred rupees and not more than five hundred rupees and, upon a second or subsequent conviction of an offence under this subsection shall, in addition to such fine, be liable to imprisonment for a term not exceeding one year.

(3) A person who causes injury to the body, mind or reputation of a member of a commission of inquiry in order to deter him from the performance of his duty shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding twelve months and to a fine.

---

Response

Section 75 of the Bribery Act.

75. (1) A person who refuses or willfully neglects or omits to carry out an order of a commission of inquiry or willfully obstructs such commission shall be guilty of an offence and shall, upon summary trial and conviction by a Magistrate, be liable to rigorous imprisonment for a term not exceeding six months or to a fine of not less than one hundred rupees and not more than five hundred rupees.

(2) A prosecution for an offence under subsection (1) may be instituted in such Magistrate's Court as may be determined by the Attorney-General.

Section 183 of the Penal Code

Obstructing public servant in discharge of his public functions.

Whoever voluntarily obstructs any public servant or any person acting under the lawful orders of such public servant in the discharge of his public functions, shall be punished with imprisonment of either description for a term which may extend to three months, or with fine which may extend to one hundred rupees, or with both.

Section 184 of the Penal Code

Omission to assist public servant when bound by law to give assistance.

Whoever, being bound by law to render or furnish assistance to any public servant in the execution of his public duty, intentionally omits to give such assistance, shall be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both ; and if such assistance be demanded of him by a public servant legally competent to make such demand for the purposes of executing any process lawfully issued by a Court of Justice, or of preventing the commission of an offence, or of suppressing a riot, unlawful assembly, or affray, or of apprehending a person charged with or guilty of an offence or of having escaped from lawful custody, shall be punished with simple imprisonment for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Section 185 of the Penal Code

Disobedience to an order duly promulgated by a public servant.

Whoever, knowing that, by an order promulgated by a public servant lawfully empowered to promulgate such order, he is directed to abstain from a certain act, or to take certain order with certain property in his possession or under his management, disobeys such direction, shall, if such disobedience causes or tends to cause obstruction, annoyance, or injury, or risk of obstruction, annoyance, or injury, to any persons lawfully employed, be punished with simple imprisonment for a term which may extend to one month, or with fine which may extend to fifty rupees, or with both ; and if such disobedience causes or tends to cause danger to human life, health, or safety, or causes or tends to cause a riot or affray, shall be punished with imprisonment of either description for a term which may extend to six months, or with fine which may extend to one hundred rupees, or with both.

Section 186 of the Penal Code

Threat of injury to a public servant.

Whoever holds out any threat of injury to any public servant, or to any person in whom he believes that public servant to be interested, for the purpose of inducing that public servant to do any act, or to forbear or delay to do any act, connected with the exercise of the public functions of such public servant, shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

---

Response	Section 187 of the Penal Code  Threat of injury to induce any person to refrain from applying for protection to a public servant.  Whoever holds out any threat of injury to any person for the purpose of inducing that person to refrain or desist from making a legal application, for protection against any injury, to any public servant legally empowered as such to give such protection or to cause such protection to be given, shall be punished with imprisonment of either description for a term which may extend to one year, or with fine, or with both.”
Reference	a) <a href="https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf">https://www.unodc.org/documents/treaties/UNCAC/CountryVisitFinalReports/2016_04_11_Sri_Lanka_Final_Country_Report.pdf</a>

---

## 10. PRIVATE SECTOR CORRUPTION

Indicator number	10.1
Indicator question(s)	Is it a criminal offence under the country's laws to bribe a foreign public official?
Scoring	● 0: The offence is not adequately defined or not banned
Response	It is not defined by the Bribery Act of Sri Lanka and there are no provisions that address bribing a foreign public official.
Indicator number	10.2
Indicator question(s)	Does the country's legal framework prohibit collusion?
Scoring	● 0: The law does not prohibit hard core cartels or most forms of collusion
Response	The Bribery Act does not specify collusion.
Indicator number	10.3
Indicator question(s)	Is the ban on foreign bribery enforced?
Response	Sri Lanka does not have a law that addresses foreign bribery.
Indicator number	10.4
Indicator question(s)	Are anti-collusion provisions effectively enforced?
Response	Sri Lanka does not have provisions to address such cases as there's no law in place.
Indicator number	10.5
Indicator question(s)	Are there specific rules or practices related to the transparency of corporations that result in high corruption risks?
Response	<p>Companies are required to maintain accurate records and document all financial transactions. The records and documents should be available for inspections. Furthermore, companies are required to have their financial documents / accounts audited externally.</p> <p>Although it is required by law, these requirements are rarely enforced. Therefore, a high level of tax avoidance and misinformation in published accounts could be found.</p> <p>Sri Lanka has adopted best practices, Codes for Transparent and Good Governance, Codes of Ethics and Conduct for Chamber Members (Members of the Ceylon Chamber of Commerce), professionals and even in-house business Principles. However, these are often not implemented in practice. The Chamber, other entities and even professional associations fail to adhere to and enforce these codes, with rigidity and consistency.</p>

## 11. LOBBYING TRANSPARENCY

Indicator number	11.1
Indicator question(s)	Is there a law or policy that sets a framework for lobbyists and lobbying activities?
Scoring	● 0: there is no such framework
Response	No, there's no law or policy available that sets a framework for lobbyists and lobbying activities.
Indicator number	11.2
Indicator question(s)	Is the definition of (i) lobbyists, (ii) lobbying targets, and (iii) lobbying activities clear and unambiguous? Who is covered by the definition (consultant lobbyists/in-house lobbyists/anybody engaging in lobbying activities)?
Scoring	● 0: There is no legislative framework on lobbying
Response	The law of Sri Lanka has no framework on lobbying.
Indicator number	11.3
Indicator question(s)	Is there a mandatory lobbying register? Do disclosure requirements provide sufficient and relevant information on key aspects of lobbying and lobbyists, such as its objective, beneficiaries, funding sources, and targets?
Scoring	● 0: No such information is made publicly accessible through a register
Response	As there is no legal framework on lobbying, no such register is available.
Indicator number	11.4
Indicator question(s)	Are there rules and guidelines which set standards for expected behaviour for public officials and lobbyists, for example to avoid misuse of confidential information?
Response	<p>The Establishment Code (E-Code) is a document which governs the responsibilities and entitlements of Public Officers. The document is legalistic and written as a guide for employees in the public service.</p> <p>According to E-code, a provision on the releasing of information is as follows.</p> <p>“Release of Official Information to the Mass Media or Public</p> <p>A secretary or head of department may use his discretion when supplying information to the mass media. It may be advisable to go through the Director of Information or to consult the Minister concerned if in doubt. Media should not be used to criticize the government. If a media report states that information has been supplied by a member of the public service, the Head of Department should launch an inquiry into his Department. An officer shall not contribute articles, creative writing or anonymous information to the media, even under a pseudonym. No talks, books or articles should be published by public officers without the permission of the Secretary to the Ministry concerned. An officer may do so on general subjects as long as it does not embarrass the government.”</p> <p>“Patents and Inventions</p> <p>If an officer communicates information, documents, a sketch or model to an outside person after signing the controlling rights to the Secretary, this is an act of misconduct punishable by dismissal.”</p>
Reference	a) Establishment Code of Sri Lanka.

Indicator number	11.5
Indicator question(s)	Are procedures for securing compliance framed in a coherent spectrum of strategies and mechanisms, including monitoring and enforcement?
Response	Not Applicable
Indicator number	11.6
Indicator question(s)	Are there documented cases of lobbying misconduct that have been investigated in the past two years? Are there documented cases of sanctions being imposed for non-compliance?
Response	NO, there are no documented cases of lobbying misconduct
Indicator number	11.7
Indicator question(s)	Have there been noteworthy efforts to promote transparency and integrity related to lobbying in the past two years? Have there been relevant changes to the framework or its implementation?
Response	Even though there have not been specific campaigns focusing on lobbying, a number of civil society organizations and election observers have been advocating for campaign finance regulations that include disclosure mechanisms and expenditure limits. This includes the Policy Brief compiled by Transparency International Sri Lanka and the periodic statements made by the organization calling for transparency and regulation of campaign finance.
Reference	a) <a href="http://www.tisrilanka.org/disclosure-of-campaign-finance-sources-essential-tisl/">http://www.tisrilanka.org/disclosure-of-campaign-finance-sources-essential-tisl/</a> b) <a href="http://www.tisrilanka.org/tisl-breaks-ground-publishes-financial-statements-of-political-parties/">http://www.tisrilanka.org/tisl-breaks-ground-publishes-financial-statements-of-political-parties/</a>

## 12. PARTY AND ELECTION CAMPAIGN FINANCE TRANSPARENCY

Indicator number	12.1
Indicator question(s)	Is there a legal framework regulating the financing of political parties and the finances of candidates running for elected office?
Scoring	● 0: there is no such framework
Response	Party and campaign finance are not regulated. The laws establish no limits on contributions or spending, and there are no disclosure requirements.
Reference	a) EU Election Observation Mission Final Report, Democratic Socialist Republic of Sri Lanka; Parliamentary Elections 2015. <a href="http://eeas.europa.eu/archives/eueom/missions/2015/sri-lanka/pdf/eueom-srilanka-final-report_20151017_en.pdf">http://eeas.europa.eu/archives/eueom/missions/2015/sri-lanka/pdf/eueom-srilanka-final-report_20151017_en.pdf</a>
Indicator number	12.2
Indicator question(s)	Are political parties and individual candidates running for elected office required to disclose financial statements for their campaigns detailing itemized income and expenditure, as well as individual donors to their campaign finances?
Scoring	● 0.25: Political parties (and, if applicable, political candidates) are required to release income reports of political campaigns to the public and to disclose big donors of an electoral campaign, with the threshold being between 5,001 and 20,000 Euro/USD
Response	<p>According to the Parliamentary Election (Amendment) Act No.58 of 2009, political parties are bound to provide a copy of their annual statement of accounts to the Commissioner of Elections.</p> <p>Section 8(4) - "A copy of the annual statement of accounts of every recognized political party audited by a registered auditor shall be submitted to the Commission."</p> <p>While parties are required to submit an annual statement of account, these reports are not made available to the public. The reports do not really differentiate between big donors and other forms of income. The accuracy of the report also remains unchecked.</p> <p>However, Sri Lanka is drafting a new Law which would address these areas of concern. The final draft has been forwarded to the Legal draftsman and is yet to be discussed in parliament.</p>
Reference	<p>a) Annex 1 – Parliament Bill – RTI.</p> <p>b) <a href="https://data.moneypoliticaltransparency.org/countries/LK/">https://data.moneypoliticaltransparency.org/countries/LK/</a></p> <p>c) <a href="http://www.sundayobserver.lk/2018/06/10/news-features/campaign-finance-law-polls-observers-want-punitive-provisions">http://www.sundayobserver.lk/2018/06/10/news-features/campaign-finance-law-polls-observers-want-punitive-provisions</a></p>

Indicator number	12.3
Indicator question(s)	Are political parties and, if applicable, individual candidates running for elected office required to disclose annual accounts with itemized income and expenditure and individual donors?
Scoring	● 0: Parties and candidates are not required to release annual financial information, or the reporting does not require the disclosure of donors who contributed more than 20,001 Euro/USD over one year
Response	<p>The Election Commission of Sri Lanka is the constitutional authority responsible for administering and overseeing all elections in Sri Lanka, including the Presidential, Parliamentary, Provincial and Local Authority elections.</p> <p>According to the Parliamentary Election (Amendment) Act No.58 of 2009, political parties are bound to provide a copy of their annual statement of accounts to the Commissioner of Elections.</p> <p>Section 8(4) - "A copy of the annual statement of accounts of every recognized political party audited by a registered auditor shall be submitted to the Commission."</p> <p>The Law, however, does not specify what information should be provided in these reports and in practice such accounts are not monitored. It specifies only that statement should be certified by a registered auditor. Thus, the Auditors are free to decide how much information should be submitted in the annual statement based on accounting standards.</p>
Reference	a) <a href="https://data.money politicstransparency.org/countries/LK/">https://data.money politicstransparency.org/countries/LK/</a>
Indicator number	12.4
Indicator question(s)	Are parties' (and, if applicable, candidates') electoral campaign expenditures subject to independent scrutiny?
Scoring	● 0: Parties and/or candidates are not required to release financial information on their electoral campaigns, or the law does provide for a control mechanism
Response	See answer 12.3. The law does not specify what information should be included in the audit reports. Party and campaign finance are also, not regulated and no independent verification is conducted.
Indicator number	12.5
Indicator question(s)	Are the annual accounts of political parties (and, if applicable, of candidates) subject to independent scrutiny?
Scoring	● 0.5: Annual financial statements of parties and/or candidates for elected office are subject to verification, but available the legal framework fails to guarantee the political independence of the oversight body and/or does not provide the oversight body with sufficient powers and resources to effectively scrutinise the statements and accounts in an effective manner
Response	See answer 12.3

Indicator number	12.6
Indicator question(s)	* What is the score in the Money Politics and Transparency assessment produced by Global Integrity?
Response	<p>Composite – 16</p> <p>Parties are entitled to public funding in Sri Lanka. Disbursements are made, but practice suggests that they are not made in a transparent fashion. Advertising in public media is allowed, both in law and in practice, for both parties and presidential candidates. Other, non-financial state resources were regularly abused during the 2010 elections. The law does not define restrictions on contributions or expenditure, meaning that parties and candidates can receive and spend an unlimited amount of funds on campaigns. The required reporting is very limited: the only legal requirement is that parties submit annual reports to the Commissioner of Elections. In practice, filed reports are not detailed and very little political finance information is made available to the public. Third party actors are not regulated by Sri Lankan law. The Commissioner of Elections is charged with overseeing political finance, as per the index it would appear that the Commissioner has failed to fulfil this role.</p>
Reference	a) <a href="https://data.moneypoliticalstransparency.org/">https://data.moneypoliticalstransparency.org/</a>
Indicator number	12.7
Indicator question(s)	Have political parties and/or candidates been sanctioned for violating political finance rules or non-compliance with disclosure requirements in the past two years, according to publicly available evidence?
Response	There are no provisions in the law in order to report such cases.

## Target 16.6: “Develop effective, accountable and transparent institutions at all levels”

### 13. TRANSPARENCY AND INTEGRITY IN PUBLIC ADMINISTRATION

Indicator number	13.1
Indicator question(s)	Is there a law, regulation or Code of Conduct in place, covering public officials, employees and representatives of the national government, that adequately addresses the following issues: a. integrity, fairness, and impartiality; b. gifts, benefits, and hospitality; and c. conflicts of interest?
Scoring	● 1: A law, regulation or Code of Conduct is in place and addresses the aspects mentioned above
Response	The Establishment Code of Sri Lanka (1985,1999) governs the entitlements and responsibilities of Public Officials. The 33 chapters of the document serves as the main code of conduct for Public Officials covering the above mentioned aspects.
Reference	a) <a href="http://www.pubad.gov.lk/web/index.php?option=com_content&amp;view=article&amp;id=184&amp;Itemid=279&amp;lang=en">http://www.pubad.gov.lk/web/index.php?option=com_content&amp;view=article&amp;id=184&amp;Itemid=279&amp;lang=en</a>
Indicator number	13.2
Indicator question(s)	Is there a law or clear policy in place to address the ‘revolving door’ – the movement of individuals between public office and private sector, while working on the same sector or issue, which may result in conflicts of interest and in former public officials misusing the information and power they hold to benefit private interests?
Scoring	● 0: There is no law or policy addressing the ‘revolving door’
Response	There’s no law or clear policy in place to address the ‘revolving door’ concept.
Indicator number	13.3
Indicator question(s)	Does the law or policy that addresses the ‘revolving door’ cover all relevant public-sector decision-makers?
Scoring	● 0: No law or policy exists or an existing law or policy does not specify which positions are covered
Response	There’s no law or clear policy in place to address the ‘revolving door’ concept.
Indicator number	13.4
Indicator question(s)	Is there a mandatory cooling-off period – a minimum time interval restricting former officials from accepting employment in the private sector that relates to their former position – for members of the government and other relevant high-level decision-makers?
Scoring	● 0: There are no or shorter minimum post-employment restrictions
Response	There’s no law or clear policy in place to address the ‘revolving door’ concept.
Indicator number	13.5
Indicator question(s)	Is there a single public body or are there designated authorities responsible for providing advice and overseeing ‘revolving door’ regulations?
Scoring	● 0: No authority or public body is charged with overseeing the implementation of the policy
Response	There’s no law or clear policy in place to address the ‘revolving door’ concept.
Indicator number	13.6
Indicator question(s)	Are there proportionate and dissuasive sanctions for both individuals and companies that do not comply with the law or policy controlling the ‘revolving door’?
Scoring	● 0: The law (or policy) includes no sanctions
Response	There’s no law or clear policy in place to address the ‘revolving door’ concept.

Indicator number	13.7
Indicator question(s)	Are the 'revolving door' provisions implemented and enforced in practice? Have there been any developments in the past year that indicate an improvement (or deterioration) in how the 'revolving door' and related conflicts of interests are addressed?
Response	No data available regarding revolving door provisions and related aspects.
Indicator number	13.8
Indicator question(s)	Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their interests, including any paid or unpaid positions and financial interests in companies and other entities?
Scoring	● 1: The legal framework requires high-level public officials and senior civil servants to declare their interests at least once per year.
Response	Under the Declaration of Asset and Liability Act, all government employees (staff grade and above, as well as elected representatives such as Parliamentarians) are required to declare their assets and liabilities annually to the heads of the departments.
Reference	a) <a href="http://www.dailymirror.lk/article/Declaration-of-Assets-and-Liabilities-Act-Govt-officials-not-taking-it-seriously-BC-147226.html">http://www.dailymirror.lk/article/Declaration-of-Assets-and-Liabilities-Act-Govt-officials-not-taking-it-seriously-BC-147226.html</a>
Indicator number	13.9
Indicator question(s)	Do the interest disclosure requirements cover officials of all branches of government – executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?
Scoring	● 1: the interest disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
Response	Disclosure of assets and liabilities is required by Public Officials, Members of Parliament, judiciary and heads of state organisations.  According to a circular released by the Ministry of Public Administration and Management, staff grade has been defined as follows.  “11.2 The staff officer shall mean an officer recruited to a post belonging to tertiary and senior level.” - (Public Administration Circular 32/2017)
Reference	a) <a href="http://www.commonlii.org/lk/legis/consol_act/doaal63363.pdf">http://www.commonlii.org/lk/legis/consol_act/doaal63363.pdf</a>
Indicator number	13.10
Indicator question(s)	Does the legal framework require high-level public officials and senior civil servants to regularly (at least once per year) declare their income and assets?
Scoring	● 1: The legal framework requires high-level public officials and senior civil servants to declare their income and assets at least once per year.
Response	See answer 13.8
Indicator number	13.11
Indicator question(s)	Do the income and asset disclosure requirements cover officials of all branches of government – executive, the legislature, the judiciary, and civil service as well as other relevant public bodies?
Scoring	● 1: the asset and income disclosure applies to high-level officials from the executive, legislature, judiciary and civil service/other public bodies
Response	See answer 13.8

Indicator number	13.12
Indicator question(s)	Does the framework require that information contained in interest declarations and income and asset disclosures be made publicly accessible?
Scoring	● 0: No information contained in interest declarations and income and asset disclosure forms has to be made publicly accessible
Response	The information on interest declarations and income asset disclosure can be accessed by paying a nominal fee. However, the laws prevent the citizens from publicizing and sharing the information obtained.
Indicator number	13.13
Indicator question(s)	Does the legal framework establish an oversight body that is provided with sufficient political independence and legal powers to scrutinise income and asset disclosures?
Scoring	● 0.75: The legal framework provides for oversight of the income and asset declarations, but only provides the body or bodies with either sufficient independence or with adequate powers to scrutinise the submissions
Response	<p>There are three government bodies that govern income and asset disclosure.</p> <p>(a) Inland Revenue Commission.</p> <p>(b) Commission to Investigate Allegations of Bribery or Corruption (CIABOC) and</p> <p>(c) Judiciary system.</p> <p>The legal framework of the country provides sufficient independence and mandate to these institutions to scrutinise income and asset disclosures even though it is not utilized in practice.</p>
Indicator number	13.14
Indicator question(s)	Does the law or policy contain dissuasive and proportionate sanctions for failure to comply with interest and income and asset disclosure requirements?
Scoring	● 0.25: The law or policy contains sanctions covering interest and/or income and asset disclosures but they only cover some types of non-compliance (such as false or incomplete claims) while failing to address other forms of non-compliance (such as the non-submission of declarations)
Response	The law does provide sanctions. However these have now become inadequate to serve as dissuasive and proportionate sanctions.
Indicator number	13.15
Indicator question(s)	How do you evaluate the effectiveness of the disclosure mechanism for interests, assets and income? Is there a disclosure requirement for gifts and hospitality received by public officials and civil servants (if applicable)? Have there been any developments in the past two years that indicate an improvement or a deterioration of the disclosure mechanism?
Response	<p>According to Bribery Act and the Establishment Code, public servants are required to declare gifts. Statutory declaration of assets, liabilities and income (link provided below) form require information on bank accounts, bonds, stocks and shares, immovable property, moneys invested in mortgages or business ventures, particulars of vehicles, insurance policies, income, properties and liabilities of the declarant as well as the spouse and children of the declarant as well.</p> <p>Also, legislation provides CIABOC with the power to investigate into this matter. (whether a gift has been declared or not):</p> <p>Declaration of Assets and Liabilities Act, Section 6</p> <p>“The Bribery Commissioner may, at any time, call for such additional information as he may require from any person who has made a declaration of assets and liabilities under this Law, and utilize such information or the declaration made under this Law for the performance of his functions under the Bribery Act.”</p> <p>The CIABOC is currently working towards improving the disclosure mechanisms and removing the secrecy provisions in the Declaration of Assets and Liabilities Law.</p>

## 14. FISCAL TRANSPARENCY

Indicator number	14.1																		
Indicator question(s)	Is there legislation or policy in place requiring a high degree of fiscal transparency?																		
Scoring	● 0.5: The legal framework requires some degree of fiscal transparency and the release of 6 of the key budget documents																		
Response	<p>Under the Fiscal Management (Responsibility) Act, No. 3 of 2013, it is required to submit –</p> <p>Section 4, 5 and 6 - Fiscal Strategy Statement.            Section 7, 8 and 9 – The Budget, Economy and Fiscal Position Report.            Section 10, 11 and 12 – Mid-year Fiscal Position Report.            Section 13, 14, and 15 – Final Budget Position Report (Annual Report).            Section 16, 17, 18 and 19 – Pre-election Budgetary Position Report.</p> <p>While the Pre-Budget Statement and the Audit Report are produced only for internal use, Citizens Budget and Mid-Year Review Reports are not produced.</p>																		
Indicator number	14.2																		
Indicator question(s)	What is the country's score and rank in the most recent Open Budget Survey, conducted by the International Budget Partnership ()?																		
Response	Sri Lanka scores 44 (out of 100) in the Open Budget Index 2017 and is classified as only making "limited information available".																		
Reference	a) <a href="https://www.internationalbudget.org/open-budget-survey/">https://www.internationalbudget.org/open-budget-survey/</a>																		
Indicator number	14.3																		
Indicator question(s)	Are key budget-related documents published in practice?																		
Response	<p>According to the Open Budget Control criteria (2017), there are 6 budget related documents that are being published in practice:</p> <table border="1"> <thead> <tr> <th>Type of Document</th> <th>Name of the Document</th> </tr> </thead> <tbody> <tr> <td>c) Pre Budget Statement</td> <td>N/A</td> </tr> <tr> <td>d) Executive Budget Proposal and Supporting Documents</td> <td>e) Appropriation Bill f) Budget Estimates (Drafts) g) Budget Speech</td> </tr> <tr> <td>h) Enacted Budget and Supporting Document</td> <td>• Appropriation Act and Appropriation Act (Amendment) • Budget Estimates (Final)</td> </tr> <tr> <td>i) Citizen's Budget</td> <td>• Budget at a Glance 2018</td> </tr> <tr> <td>j) In Year Report</td> <td>• Data and statistics published by MOF</td> </tr> <tr> <td>k) Mid Year Report</td> <td>• No document that qualifies as a MYR</td> </tr> <tr> <td>l) Year End Report</td> <td>• Annual Report of the Ministry of Finance</td> </tr> <tr> <td>m) Audit Report</td> <td>• Audit Report</td> </tr> </tbody> </table>	Type of Document	Name of the Document	c) Pre Budget Statement	N/A	d) Executive Budget Proposal and Supporting Documents	e) Appropriation Bill f) Budget Estimates (Drafts) g) Budget Speech	h) Enacted Budget and Supporting Document	• Appropriation Act and Appropriation Act (Amendment) • Budget Estimates (Final)	i) Citizen's Budget	• Budget at a Glance 2018	j) In Year Report	• Data and statistics published by MOF	k) Mid Year Report	• No document that qualifies as a MYR	l) Year End Report	• Annual Report of the Ministry of Finance	m) Audit Report	• Audit Report
Type of Document	Name of the Document																		
c) Pre Budget Statement	N/A																		
d) Executive Budget Proposal and Supporting Documents	e) Appropriation Bill f) Budget Estimates (Drafts) g) Budget Speech																		
h) Enacted Budget and Supporting Document	• Appropriation Act and Appropriation Act (Amendment) • Budget Estimates (Final)																		
i) Citizen's Budget	• Budget at a Glance 2018																		
j) In Year Report	• Data and statistics published by MOF																		
k) Mid Year Report	• No document that qualifies as a MYR																		
l) Year End Report	• Annual Report of the Ministry of Finance																		
m) Audit Report	• Audit Report																		
Reference	a) <a href="https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=lk">https://www.internationalbudget.org/open-budget-survey/results-by-country/country-info/?country=lk</a>																		

## 15. PUBLIC PROCUREMENT

Indicator number	15.1
Indicator question(s)	Does the law clearly define up to what threshold(s) single-sourced purchases of goods, services and public works are allowed?
Scoring	● 0.75: Thresholds concerning the single-sourcing of goods, services and public works are clearly defined by a decree (or a similar administrative standard)
Response	<ul style="list-style-type: none"> <li>Although there are no legislative measures, it is governed by the Procurement Guidelines, Procurement Manual and Supplement 31 &amp; 33 to the Procurement Manual. Which is a legally binding document.</li> <li>Procurement Guidelines - Section 2.14 Limits of Authority for Contract Awards</li> <li>To make recommendation/determination of contract award and thresholds shall be decided from time to time, and shall be communicated by circulars issued under these Guidelines by the National Procurement Agency (NPA).</li> <li><a href="http://www.treasury.gov.lk/documents/10181/329538/ProcuManSupple33B/f3ef204b-1b71-43fb-87f5-cf390f2634ac">http://www.treasury.gov.lk/documents/10181/329538/ProcuManSupple33B/f3ef204b-1b71-43fb-87f5-cf390f2634ac</a> - Threshold for goods, services and public Works. (Supplement 33 to the Procurement Manual)</li> </ul>
Indicator number	15.2
Indicator question(s)	What are exceptions in the legal framework for public procurement that allow for single-sourced contracting above these thresholds?
Scoring	● 0.5: The law provides exceptions that may be vulnerable to misuse.
Response	<p>Thresholds</p> <p>When it becomes necessary to deviate from tender procedures in very urgent and exceptional circumstances with regard to procurements under funds of the Government of Sri Lanka, the following competent authorities may authorize such deviations within the limits prescribed, provided that, the reasons are explicitly recorded in writing and a copy is forwarded to the Auditor General.</p> <ul style="list-style-type: none"> <li>Head of Department – Up to Rs. 250,000</li> <li>Department Procurement Committee – Up to Rs. 5 Mn</li> <li>Ministry Procurement Committee - Up to Rs. 10 Mn</li> <li>Cabinet Ministers – Above Rs. 10 Mn</li> </ul>
Reference	<p>a) National Procurement Committee Guidelines</p> <p>b) Procurement Manual – Supplement 33</p>
Indicator number	15.3
Indicator question(s)	Does the legal framework require that information on public procurement above certain thresholds be published?
Scoring	● 0.5: The legal framework requires tender announcements and contract award information (including information on the procuring entity, the supplier, the number of bidders, the good/service procured, the value of the contract) to be released
Response	<p>Yes, the framework requires information on public procurement above a certain threshold be published on Procuring Entity (PE), National Procurement Agency (Now National Procurement Commission) website and/or any other relevant means. Also, tender announcements are required to be publicly announced.</p> <p>Procurement Guidelines - 8.10 Publication of Contract Award</p> <p>“Section 8.10.1 The PE should publish promptly on its website (if available), the NPA website and/or any other appropriate media, the following particulars in regard to contracts on which awards have been made:</p> <ol style="list-style-type: none"> <li>description of the items/Works for which bids were invited;</li> <li>total number of bids received;</li> <li>name of the successful bidder;</li> <li>amount at which the contract was awarded;</li> <li>in the case of a contract awarded to a foreign principal who has a local agent, the name of the local agent.”</li> </ol>

Indicator number	15.4
Indicator question(s)	Are bidders required to disclose their beneficial owners?
Scoring	● 1: Bidders have to disclose beneficial owners, and this information is made public for successful bidders
Response	According to the guidelines bidders are required to disclose their beneficial owners.
Indicator number	15.5
Indicator question(s)	Are there legal provisions, regulations or policies in place for bidders to file complaints in case they suspect irregularities at any stage of the procurement process?
Response	<p>Yes, the guideline has provisions to file complaints through an Appeal Board.</p> <p>Appeals against Contract Awards recommended by the CAPC (Cabinet Appointed Procurement Committee)</p> <p>Procurement Guidelines -</p> <p>“Section 8.3.1  (a) The Secretary to the Line Ministry shall within one week of being informed of the recommendation of the CAPC inform the unsuccessful bidders in writing, to make their representations, (if any) against the recommendation of the CAPC/intention to award the contract to the successful bidder, to the Procurement Appeal Board at the Presidential Secretariat.  (b) Such representation of the bidders shall:  (i) be submitted within one week of the bidder being informed by the Secretary to the Line Ministry, of the intention to award the contract to the successful bidder;  (ii) be self-contained to enable the Appeal Board to arrive at a conclusion.”</p> <p>Procurement Guidelines – Stand Still Period</p> <p>“To give bidders time to examine the notification of intention to award and to assess whether it is appropriate to submit a complain /appeal, a standstill period shall apply, except in the following situations: Only one bid is submitted in an open competitive method; Direct selection and emergency situations announced by Government of Sri Lanka GOSL</p> <p>The submission of the procurement entity’s notification of intention to award begins the Stand Still Period. The stand still period shall last 10 working days after origination of such transmission date, unless otherwise extended due to appeal process. The contract shall not be awarded either before or during the stand still period in which PE should accommodate request for debriefing and the same should be completed within the first 06 working days of the 10 days the bidder shall allowed to make his appeal within the next 04 working days.</p> <p>According to the guidelines, if the bidder disagrees with the decision of an Institution, the relevant party may file a case through the Appeal Board.”</p>
Reference	a) Procurement Guidelines 2006 – National Procurement Agency Sri Lanka

Indicator number	15.6
Indicator question(s)	Which information and documents related to public procurement and other relevant government contracts (such as privatizations, licenses etc.) are published proactively and are available in full text? Are any of these documents published online through a central website or database?
Response	<p>The domains of the respective institutions are required by the procurement guidelines to have sufficient information published and available to the public.</p> <p>Procurement Entity (PE) should publish promptly on its website (if available), the NPA (National Procurement Agency) website and/or any other appropriate media, the following particulars in regard to contracts on which awards have been made:</p> <p>(a) description of the items/Works for which bids were invited;  (b) total number of bids received;  (c) name of the successful bidder;  (d) amount at which the contract was awarded;  (e) in the case of a contract awarded to a foreign principal who has a local agent, the name of the local agent.</p> <p>In the occasion of unavailability of data, one could use RTI to access the same.</p>
Reference	a) E-Government Procurement - 2017
Indicator number	15.7
Indicator question(s)	* To what extent does the country use electronic procurement that is open, provides the public with access to procurement information and opportunities to engage in the procurement process?
Response	Electronic Government Procurement is not yet fully established in Sri Lanka. However, institutions such as ICTA (Information and Communication Technology Agency of Sri Lanka) have started to use the e-procurement service.
Reference	<p>a) <a href="http://www.sundayobserver.lk/2017/03/12/public-procurement-process-needs-complete-overhaul">http://www.sundayobserver.lk/2017/03/12/public-procurement-process-needs-complete-overhaul</a></p> <p>b) <a href="https://srilankamirror.com/news/1985-sri-lanka-to-introduce-e-government-procurement-system-soon">https://srilankamirror.com/news/1985-sri-lanka-to-introduce-e-government-procurement-system-soon</a></p> <p>c) <a href="https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20170305/282711931818079">https://www.pressreader.com/sri-lanka/sunday-times-sri-lanka/20170305/282711931818079</a></p> <p>d) <a href="http://www.lankabusinessonline.com/verite-makes-recommendations-for-e-gp-implementation-in-sri-lanka/">http://www.lankabusinessonline.com/verite-makes-recommendations-for-e-gp-implementation-in-sri-lanka/</a></p> <p>e) <a href="http://www.sundayobserver.lk/2017/11/26/news/independent-commissions-get-more-teeth">http://www.sundayobserver.lk/2017/11/26/news/independent-commissions-get-more-teeth</a></p>

## 16. WHISTLE-BLOWING AND REPORTING MECHANISMS

Indicator number	16.1
Indicator question(s)	Is there a legal framework to protect whistleblowers from the public and the private sector who report reasonable belief of wrongdoing?
Scoring	● 0: There is no protection for whistleblowers guaranteed by law
Response	Sri Lanka does not have a law to protect whistleblowers yet. However, according to the State Minister of Finance legislation to protect whistleblowers will soon be introduced.
Reference	a) Legislations to Protect Whistleblowers' – Sunday Observer <a href="http://www.sundayobserver.lk/2017/06/18/legislation-protect-whistleblowers">http://www.sundayobserver.lk/2017/06/18/legislation-protect-whistleblowers</a> b) <a href="https://www.whistleblowers.org/resources/international-whistleblowers/fcpa-translations/595-sri-lanka-democratic-socialist-republic-of-sri-lanka">https://www.whistleblowers.org/resources/international-whistleblowers/fcpa-translations/595-sri-lanka-democratic-socialist-republic-of-sri-lanka</a> c) <a href="https://roar.media/english/life/reports/sri-lanka-finally-drafting-policy-protect-whistleblowers/">https://roar.media/english/life/reports/sri-lanka-finally-drafting-policy-protect-whistleblowers/</a>
Indicator number	16.2
Indicator question(s)	* Does the law provide for broad definitions of whistleblowing and whistleblower?
Scoring	● 0: The law does not contain a definition of whistleblowing or whistleblower, or the definition is very narrow
Response	As there's no law in place, a definition is not available in the framework.
Indicator number	16.3
Indicator question(s)	* Does the law provide sufficient protection for whistleblowers?
Scoring	● 0: The law provides no or insufficient protection for whistleblowers
Response	No, there is no law in place.
Indicator number	16.4
Indicator question(s)	* Does the law provide for adequate and diverse disclosure procedures?
Scoring	● 0: The law provides no or inadequate disclosure procedures
Response	No, there is no law in place. Hence, there is no provision on adequate and diverse disclosure procedures.
Indicator number	16.5
Indicator question(s)	Does the law provide for adequate remedies for whistleblowers?
Scoring	● 0: The law provides no or inadequate remedies
Indicator number	16.6
Indicator question(s)	Is there an independent authority responsible for the oversight and enforcement of whistleblowing legislation?
Scoring	● 0: There is no independent authority to oversee and enforce whistleblowing legislation
Response	As there's no legal frame
Indicator number	16.7
Indicator question(s)	* Where an independent authority to oversee and enforce whistleblowing legislation exists, does it have sufficient powers and resources to operate effectively?
Indicator number	16.8
Indicator question(s)	Is there a law/policy that establishes a dedicated reporting mechanism for witnesses and victims of corruption (such as a hotline or a secure and anonymous electronic post box)? Does the law provide the body charged with operating it with sufficient independence and powers to investigate the reports it receives?
Scoring	● 0: There is no law or policy mandating that a dedicated reporting mechanism for witnesses and victims of corruption be established

Indicator number	16.9
Indicator question(s)	Does such a dedicated reporting mechanism for witnesses and victims of corruption exist in practice?
Response	No such mechanism exists in practice yet.
Indicator number	16.10
Indicator question(s)	Is data and information regarding the operation and performance of such reporting mechanisms (in compliance with relevant privacy and data protection laws) published?
Response	No, such data is available.
Indicator number	16.11
Indicator question(s)	Is there evidence that relevant state bodies have taken active steps to promote public awareness of this reporting mechanism?
Response	It is noted that though there's a Victims of Crime and Witness Act, there are no publicly known recent cases of victims and witnesses using this mechanism for their protection due to a lack of awareness and faith in the system.
Indicator number	16.12
Indicator question(s)	Have there been prominent cases in the past two years where wrongdoing and corruption were unveiled by a whistleblower or through a reporting mechanism?
Scoring	● 0: The law provides no or inadequate disclosure procedures
Response	No, data is available.

## Target 16.10: “Ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements”.

### 17. PROTECTION OF FUNDAMENTAL FREEDOMS

Indicator number	17.1
Indicator question(s)	What is the country’s score and rating in Freedom House’s Freedom in the World Rating?
Response	Sri Lanka has scored 3.5 out of 7 in 2018 Freedom House’s Freedom in the World rating. Hence Sri Lanka has categorized as a ‘Partly Free’ country.  Aggregate Score – 55/100 (2018)
Reference	a) <a href="https://freedomhouse.org/report-types/freedom-world">https://freedomhouse.org/report-types/freedom-world</a>
Indicator number	17.2
Indicator question(s)	What is the country’s rank and score in the most recent World Press Freedom Index, issued by Reporters Without Borders ?
Response	Rank 131 (2018), 141 in 2017  Global Score – 41.37 (2018) , (44.34 in 2017)
Reference	a) <a href="https://rsf.org/en/ranking">https://rsf.org/en/ranking</a>
Indicator number	17.3
Indicator question(s)	Does the legal framework contain any provisions that threaten or undermine the ability of journalists, bloggers researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?
Response	No, the legal framework in the country does not contain anything of the sort per-se, except that the Penal Code has offences which prevent defaming religions. However, the real issues do not arise from legal provisions. The issue lies in the non-adherence to the already prevailing laws. Freedom of Expression is a guaranteed Fundamental Right in the Constitution. However, that Right is often not protected – and the Judicial System is such that it is at best a very tedious and slow process to complain against any violation. If you broaden the scope, the fact that all media outlets are functioning in an oligopoly with no market regulation can be a factor which hampers journalists. The media houses which are controlled by a few wealthy businessmen pay a pittance to journalists resulting in their freedoms being restricted.
Indicator number	17.4
Indicator question(s)	Are any policies or practices in place that undermine the ability of journalists, bloggers researchers, human rights advocates and other civil society actors to exercise their fundamental rights, to uncover and report on all forms of corruption, and to hold leaders accountable?
Response	Sri Lanka is not a country which has such negative laws or established policies and regulations which undermine such freedoms. Rather, it is the lack of adherence to the existing laws that result in the threat to Journalists and others. The issues are political. The rise in nationalist far-right sentiments on many sides of the divide gives rise to intimidation, threat, and physical and psychological assaults. The lack of resources, the lack of will, the lack of access to information remain major challenges – the Right to Information Act which is in its early stages is really not as effective as it should be because the Public Authorities lack the capacity to hold, manage and disseminate data. For example, - you ask the Ministry of Justice as to how many cases are currently being heard in the Supreme Court: they would not know. How many cases for which a judgment has been reserved? They will not have aggregated data. However, this differs based which public institution is approached.

Indicator number	17.5
Indicator question(s)	Have there been documented cases of killings, kidnappings, enforced disappearances, arbitrary detentions, torture or attacks against journalists, associated media personnel, trade unionists, human rights and civil society advocates or other people who investigated, uncovered and advocated against corruption in the previous two years?
Response	<p>Arbitrary arrests and detentions</p> <p>The authorities continued to detain Tamils suspected of links to the LTTE under the PTA, which permitted extended administrative detention and shifted the burden of proof to a detainee alleging torture or other ill-treatment. The UN Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism stated that over 100 unconvicted prisoners (pre- and post-indictment) remained in detention under the PTA, some of whom had been held for over a decade. Sri Lanka failed to follow through on its 2015 commitment to repeal the PTA and replace it with legislation that complied with international standards.</p> <p>Torture and Ill-treatment</p> <p>Sri Lanka's human rights record was examined under the UPR process and the Human Rights Commission of Sri Lanka has mentioned that it had continued to document incidents torture and other ill-treatment, which has been described as "routine", mainly by police. The Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism found that 80% of those arrested under the PTA in late 2016 had complained of torture and other ill treatment.</p> <p>However, there have not been killings or attacks against journalists or media personnel been reported or documented.</p>
Reference	<p>a) <a href="https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/">https://www.amnesty.org/en/countries/asia-and-the-pacific/sri-lanka/report-sri-lanka/</a></p> <p>b) <a href="https://www.hrw.org/world-report/2018/country-chapters/sri-lanka#899ef4">https://www.hrw.org/world-report/2018/country-chapters/sri-lanka#899ef4</a></p> <p>c) <a href="https://rsf.org/en/sri-lanka">https://rsf.org/en/sri-lanka</a></p>
Indicator number	17.6
Indicator question(s)	Have there been cases of attacks against NGOs, journalists, and others advocating or reporting on corruption adequately investigated and resolved in the past two years? Were perpetrators identified and held accountable?
Response	No such incident has been reported in the past two years.
Indicator number	17.7
Indicator question(s)	Have there been documented cases of government censorship, including of online communication, or of undue political interference that limits people's ability to inform and express themselves online in the past two years?
Response	Yes. Infolanka.com was blocked for a short period. Lankaenews remains blocked.
Reference	a) <a href="http://groundviews.org/2017/12/08/blocked-rti-requests-reveal-process-behind-blocking-of-websites-in-sri-lanka">http://groundviews.org/2017/12/08/blocked-rti-requests-reveal-process-behind-blocking-of-websites-in-sri-lanka</a>

## 18. ACCESS TO INFORMATION

Indicator number	18.1
Indicator question(s)	Does the legal framework (including jurisprudence) recognize a fundamental right of access to information?
Scoring	● 1: There is a full constitutional recognition of a public right of access to information
Response	<p>The 19th Amendment to the Constitution of Sri Lanka recognized the Right to Information as a fundamental right. Following this the Right to Information Act was passed in 2016.</p> <p>Article 14A of The Constitution</p> <p>Article 14A. (1) Every citizen shall have the right of access to any information as provided for by law, being information that is required for the exercise or protection of a citizen's right held by:-</p> <p>(a) the State, a Ministry or any Government Department or any statutory body established or created by or under any law;</p> <p>(b) any Ministry of a Minister of the Board of Ministers of a Province or any Department or any statutory body established or created by a statute of a Provincial Council;</p> <p>(c) any local authority; and</p> <p>(d) any other person, who is in possession of such information relating to any institution referred to in sub-paragraphs (a) (b) or (c) of this paragraph.</p> <p>(2) No restrictions shall be placed on the right declared and recognized by this Article, other than such restrictions prescribed by law as are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals and of the reputation or the rights of others, privacy, prevention of contempt of court, protection of parliamentary privilege, for preventing the disclosure of information communicated in confidence, or for maintaining the authority and impartiality of the judiciary.</p> <p>(3) In this Article, "citizen" includes a body whether incorporated or unincorporated, if not less than three-fourths of the members of such body are citizens.</p>
Reference	a) RTI-rating ( <a href="http://www.rti-rating.org/country-data/by-indicator/">http://www.rti-rating.org/country-data/by-indicator/</a> ), indicator 1.
Indicator number	18.2
Indicator question(s)	Does the right of access to information apply to all materials held by or on behalf of public authorities in any format, regardless of who produced it?
Scoring	● 1: The right applies to all materials held by or on behalf of public authorities, with no exceptions
Response	<p>Section 3 (1) of RTI Act &amp; Section 43, definition of 'information'</p> <p>Section 3 (1) Subject to the provisions of section 5 of this Act, every citizen shall have a right of access to information which is in the possession, custody or control of a public authority. (2) The provisions of this Act, shall not be in derogation of the powers, privileges and practices of Parliament</p> <p>'Information' under the RTI Act Section 43 means, "any material recorded in any form including records, documents, memos, emails, opinions, advice, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, correspondence, memorandum, draft legislation, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, computer records and other documentary material, regardless of its physical form or character and any copy of them."</p>

Indicator number	18.3
Indicator question(s)	To which branches and bodies does the right of access apply?
Scoring	● 0.75: The right of access applies to at least five of the above-mentioned sectors, with no particular bodies excluded
Response	<p>According to the Law the right of access applies to the following bodies.</p> <p>“public authority” means –</p> <p>(j) a Ministry of the Government;</p> <p>(k) anybody or office created or established by or under the Constitution, any written law, other than the Companies Act No. 7 of 2007, except to the extent specified in paragraph (e), or a statute of a Provincial Council;</p> <p>(l) a Government Department;</p> <p>(m) a public corporation;</p> <p>(n) a company incorporated under the Companies Act, No. 7 of 2007, in which the State, or a public corporation or the State and a public corporation together hold twenty five per centum or more of the shares or otherwise has a controlling interest;</p> <p>(o) a local authority;</p> <p>(p) a private entity or organisation which is carrying out a statutory or public function or service, under a contract, a partnership, an agreement or a license from the government or its agencies or from a local body, but only to the extent of activities covered by that statutory or public function or service;</p> <p>(q) any department or other authority or institution established or created by a Provincial Council;</p> <p>(r) non-governmental organisations that are substantially funded by the government or any department or other authority established or created by a Provincial Council or by a foreign government or international organisation, rendering a service to the public in so far as the information sought relates to the service that is rendered to the public;</p> <p>(s) higher educational institutions including private universities and professional institutions which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;</p> <p>(t) private educational institutions including institutions offering vocational or technical education which are established, recognised or licensed under any written law or funded, wholly or partly, by the State or a public corporation or any statutory body established or created by a statute of a Provincial Council;</p> <p>(u) all courts, tribunals and institutions created and established for the administration of justice; Section 3(2) reads: The provisions of this Act, shall not be in derogation of the powers, privileges and practices of Parliament</p> <p>However, the Attorney General has not been included</p>
Reference	a) <a href="http://www.rti-rating.org/country-data/by-indicator/">http://www.rti-rating.org/country-data/by-indicator/</a>

Indicator number	18.4
Indicator question(s)	Are there clear and reasonable maximum timelines for responding to a request, regardless of the manner of satisfying the request?
Scoring	● 0.25: Timeframe is more than 20 working days (or 30 days, four weeks or one month)
Response	<p>(i) Submit application No. RTI1, letter or make a verbal request to the Information Officer requesting the necessary information and obtain an acknowledgement</p> <p>(ii) The requestor will be informed as expeditiously as possible and in any case within fourteen working days whether the information requested can/ cannot be provided</p> <p>(iii) When it is decided to issue the information requested, the requestor will be informed of the fees payable, if such fee should be paid. Upon payment of the fee, the information must be provided within fourteen days of the payment if it is necessary or free of charge</p> <p>(iv) In cases where it is difficult to provide the information requested within fourteen days after paying the prescribed charges, the Information Officer may obtain additional time to issue the information, and must provide the information requested within the additional period which shall not exceed 21 days. The information officer must inform the requester of the reasons for the extension of the time frame.</p> <p>(v) Where the request for information concerns the life and personal liberty of the citizen, the response to it shall be made within forty-eight hours of the receipt of the request</p> <p>(vi) If dis-satisfied with the responses received from the Information Officer, the requestor may submit an appeal to the Designated Officer within fourteen days. The appeal may be made on the following grounds:</p> <p>(vii) refusing a request made for information</p> <p>(viii) refusing access to the information on the ground that such information is exempted from being granted under section 5</p> <p>(ix) non-compliance with time frames specified by this Act</p> <p>(x) granting of incomplete, misleading or false information</p> <p>(xi) charging excessive fees</p> <p>(xii) the refusal of the information officer to provide information in the form requested</p> <p>(xiii) the citizen requesting having reasonable grounds to believe that information has been deformed, destroyed or misplaced to prevent such citizen from having access to the information</p>

Indicator number	18.5
Indicator question(s)	Are exceptions to the right of access consistent with international standards?
Scoring	● 0.75: 7 or 8 points
Response	<p>The exceptions are section 5. (1) Subject to the provisions of subsection (2) a request under this Act for access to information shall be refused, where– ...</p> <p>(a) the information relates to personal information the disclosure of which has no relationship to any public activity or interest, or which would cause unwarranted invasion of the privacy of the individual unless the larger public interest justifies the disclosure of such information or the person concerned has consented in writing to such disclosure;</p> <p>(b) disclosure of such information–  (i) would undermine the defence of the State or its territorial integrity or national security;  (ii) would be or is likely to be seriously prejudicial to Sri Lanka’s relations with any State, or in relation to international agreements or obligations under international law, where such information was given by or obtained in confidence;</p> <p>(c) the disclosure of such information would cause serious prejudice to the economy of Sri Lanka by disclosing prematurely decisions to change or continue government economic or financial policies relating to–  (i) exchange rates or the control of overseas exchange transactions;  (ii) the regulation of banking or credit;  (iii) taxation;  (iv) the stability, control and adjustment of prices of goods and services, rents and other costs and rates of wages, salaries and other income; or  (v) the entering into of overseas trade agreements;</p> <p>(d) information, including commercial confidence, trade secrets or intellectual property, protected under the Intellectual Property Act, No. 36 of 2003, the disclosure of which would harm the competitive position of a third party, unless the public authority is satisfied that larger public interest warrants the disclosure of such information;</p> <p>(e) the information could lead to the disclosure of any medical records relating to any person, unless such person has consented in writing to such disclosure;</p> <p>(f) the information consists of any communication, between a professional and a public authority to whom such professional provides services, which is not permitted to be disclosed under any written law, including any communication between the Attorney General or any officer assisting the Attorney General in the performance of his duties and a public authority;</p> <p>(g) the information is required to be kept confidential by reason of the existence of a fiduciary relationship;</p> <p>(h) the disclosure of such information would–  (i) cause grave prejudice to the prevention or detection of any crime or the apprehension or prosecution of offenders; or (ii) expose the identity of a confidential source of information in relation to law enforcement or national security, to be ascertained;</p>

Response	<p>(j) the disclosure of such information would be in contempt of court or prejudicial to the maintenance of the authority and impartiality of the judiciary;</p> <p>(k) the disclosure of such information would infringe the privileges of Parliament or of a Provincial Council as provided by Law;</p> <p>(l) disclosure of the information would harm the integrity of an examination being conducted by the Department of Examination or a Higher Educational Institution;</p> <p>(m) the information is of a cabinet memorandum in relation to which a decision has not been taken; or</p> <p>(n) the information relates to an election conducted by the Commissioner of Elections which is required by the relevant election laws to be kept confidential.</p>
Reference	a) RTI-rating ( <a href="http://www.rti-rating.org/country-data/by-indicator/">http://www.rti-rating.org/country-data/by-indicator/</a> ), indicator 29.
Indicator number	18.6
Indicator question(s)	Is a harm test applied to all exceptions, so that disclosure may only be refused when it poses a risk of actual harm to a protected interest?
Scoring	● 0: Harm test is applied to all but 3 exceptions
Response	<p>All exceptions provided for in Section 5(1) are subject to the harm test as articulated. Section 5 (4) of the Act, which reads as follows:</p> <p>Notwithstanding the provisions of subsection (1) a request for information shall not be refused where the public interest in disclosing the information outweighs the harm that would result from its disclosure. However, one section – Section 3 (2) is not subject to the test and reads as follows: The provisions of this Act, shall not be in derogation of the powers, privileges and practices of Parliament.</p> <p>According to RTI Rating, there are 3 exceptions which are not harm tested (party information, contempt of court and cabinet memos)</p>
Indicator number	18.7
Indicator question(s)	Is there a mandatory public interest override so that information must be disclosed where this is in the overall public interest, even if this may harm a protected interest? Are there 'hard' overrides (which apply absolutely), for example for information about human rights, corruption or crimes against humanity.
Scoring	● 1: There is a mandatory public interest override that applies to all exceptions and is not subject to overreaching limitations
Response	<p>Section 5. (4) - Notwithstanding the provisions of subsection (1), a request for information shall not be refused where the public interest in disclosing the information outweighs the harm that would result from its disclosure. And section 29. (1) Where a request made to an information officer by any citizen to disclose information which relates to, or has been supplied by a third party and such information has been treated as confidential at the time the information was supplied, the information officer shall, within one week of the receipt of such request, invite such third party by notice issued in writing, to make representation for or against such disclosure, within seven days of the receipt of the notice.</p> <p>Section 29</p> <p>(2) An information officer shall be required in making his decision on any request made for the disclosure of information which relates to or has been supplied by a third party, to take into consideration the representations made by such third party under subsection (1), and shall, where the third party- ... (c) responds to the notice and refuses to the disclosure of the information requested for, deny access to the information requested for: Provided however, the Commission may on the application made in that behalf by the citizen making the request, direct the disclosure of the information in question notwithstanding any objections raised by such third party against its disclosure, where the release of the information concerned demonstrably outweighs the private interest in non-disclosure.</p>

Indicator number	18.8
Indicator question(s)	Is there an independent Information Commission, or a similar oversight body, with whom requestors have the right to lodge an external appeal?
Scoring	● 0.5: An Information Commission or a similar oversight body exists, but either lacks the power to review classified documents or lacks inspection power
Response	<p>Indicator 37 – Requesters have the right to lodge an (external) appeal with an independent administrative oversight body (e.g. an information commission or ombudsman).</p> <p>Section 32. (1) Any citizen aggrieved by:– (a) the decision made in respect of an appeal under section 31(1), may within two months of the communication of such decision; ... may appeal against that decision or the failure, to the Commission and the Commission may within thirty days of the receipt of such appeal affirm, vary or reverse the decision appealed against and forward the request back to the information officer concerned for necessary action.</p> <hr/> <p>Indicator 38 – The member(s) of the oversight body are appointed in a manner that is protected against political interference and have security of tenure so they are protected against arbitrary dismissal (procedurally/substantively) once appointed.</p> <p>Section 12. (1) The Commission shall consist of five persons appointed by the President upon the recommendation of the Constitutional Council. In making such recommendations, the Constitutional Council shall recommend one person nominated by each of the following organisations or categories of organisations:- (a) Bar Association of Sri Lanka which shall nominate an Attorney-at-Law of eminence or a Legal Academic in consultation with Attorneys -at-Law and Legal Academia; (b) organizations of publishers, editors and media persons; (c) other civil society organizations ... (6) The members of the Commission shall hold office for a period of five years. Schedule, clause (2) The President may on the recommendation of the Constitutional Council remove from office a member of the Commission, where:- (a) such member has become permanently incapable of performing his or her duties owing to any physical disability or unsoundness of mind; (b) such member is unfit to perform his or her duties on the basis of moral turpitude; or (c) such member is convicted of an offence by a competent court of law.</p> <hr/> <p>Indicator 39 – The oversight body reports to and has its budget approved by the parliament, or other effective mechanisms are in place to protect its financial independence.</p> <p>Section 16. (1) The Commission shall have its own Fund into which shall be credited- (a) all such sums of money as may be voted upon from time to time by Parliament for the use of the Commission; and (b) donations, gifts or grants from any source whatsoever, whether in or outside Sri Lanka. (2) Where any money is received by way of donations, gifts or grants under subsection (1)(b), the sources and purpose for which such donation, grant or gift was made available shall be made public. See also sections 17, 18 and 20.</p> <hr/> <p>Indicator 40 – There are prohibitions on individuals with strong political connections from being appointed to this body and requirements of professional expertise.</p> <p>Section (2) (a) In making recommendations under subsection (1), the Constitutional Council shall ensure that the persons who are being recommended are persons who- (i) have distinguished themselves in public life with proven knowledge, experience and eminence in the fields of law, governance, public administration, social services, journalism, science and technology or management; (ii) are not Members of Parliament, any Provincial Council or a local authority; (iii) do not hold any public or judicial office or any other office of profit; (iv) are not connected with any political party; or (v) are not carrying on any business or pursuing any profession.</p>

Response	<p data-bbox="483 237 632 259">Indicator 41 –</p> <p data-bbox="483 297 1378 383">The independent oversight body has the necessary mandate and power to perform its functions; including reviewing classified documents and inspecting the premises of public bodies.</p> <p data-bbox="483 416 1378 651">Section 15. For the purpose of performing its duties and discharging of its functions under this Act, the Commission shall have the power- (a) to hold inquiries and require any person to appear before it; (b) to examine such person under oath or affirmation and require such person where necessary to produce any information which is in that person’s possession, provided that the information which is exempted from disclosure under section 5 shall be examined in confidence; (c) to inspect any information held by a public authority, including any information denied by a public authority under the provisions of this Act;</p> <p data-bbox="483 685 983 707">The body however, has no power of inspection</p>
Reference	a) RTI-rating ( <a href="http://www.rti-rating.org/country-data/by-indicator/">http://www.rti-rating.org/country-data/by-indicator/</a> ),

Indicator number	18.9
Indicator question(s)	* Does the law/policy on access to information contain minimum standards on mandatory proactive (automatic, without having to be requested) publication of information?
Scoring	● 1: if the law on access to information (or another relevant law) contains requirements on the mandatory automatic publication of certain information
Response	<p>Proactive disclosure is the act of releasing information before it is requested. Sri Lankan Law encourage proactive disclosure through Regulation 20 (gazetted in February 2017) and Sections 8, 9, and 10 of the RTI Act.</p> <p>Section 8.</p> <p>(1) It shall be the duty of every Minister to whom any subject has been assigned to publish biannually before the thirtieth of June and thirty first of December respectively of each year, a report in such form as shall be determined by the Commission as would enable a citizen to exercise the right of access to information granted under section 3 of this Act.</p> <p>(2) The report referred to in subsection (1) shall contain-</p> <p>(a) the particulars relating to the organisation, functions, activities and duties of the Ministry of such Minister and of all the public authorities falling within the functions so assigned;</p> <p>(b) the following particulars pertaining to the Ministry and the public authorities referred to in paragraph (a):-</p> <p>(i) the powers, duties and functions of officers and employees and the respective procedures followed by them in their decision making process;</p> <p>(ii) the norms set for the discharge of their functions, performance of their duties and exercise of their powers;</p> <p>(iii) rules, regulations, instructions, manuals and any other categories of records, which are used by its officers and employees in the discharge of their functions, performance of their duties and exercise of their powers;</p> <p>(iv) the details of facilities available to citizens for obtaining information;</p> <p>(v) the budget allocated, indicating the particulars of all plans, proposed expenditures and reports on disbursements made;</p> <p>(vi) the name, designation and other particulars of the information officer or officers appointed.</p> <p>(3) Notwithstanding the provisions of subsection (1), it shall be the duty of every Minister, within six months of the date of coming into operation of this Act, to publish in such form as may be determined by such Minister, a report containing the information referred to in paragraphs (a) and (b) of subsection (2).</p> <p>(4) The reports referred to in subsections (1), (2) and (3) shall be-</p> <p>(a) published in the official languages and be made available in electronic form; and</p> <p>(b) made available for public inspection and copies of the same may be issued to a citizen, on the payment of such fee as shall be determined by the Commission.</p> <p>For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIIIA of the Constitution</p>

Response	<p>Section 9</p> <p>(1) (a) It shall be the duty of the Minister, to whom the subject pertaining to any project has been assigned, to communicate, three months prior to the commencement of such project, to the public generally, and to any particular persons who are likely to be affected by such project all information relating to the project that is available with the Minister, as on the date of such communication:</p> <p>Provided however, in the event of an urgent project, information shall be provided one week prior to the commencement of such project and reasons for such urgency shall be communicated to the Commission.</p> <p>(b)The Commission shall issue guidelines specifying the manner in which the communication referred to in paragraph (a) shall be made.</p> <p>(2) (a)The Minister shall, on a written request made in that behalf by a citizen, make available updated information about a project referred to in subsection (1), throughout the period of its development and implementation.</p> <p>(b)The information shall be made available on the payment of such fee, as shall be prescribed by the Commission for that purpose.</p> <p>(3) For the purposes of this section, “project” means any project the value of which exceeds-</p> <p>(a) in the case of foreign funded projects, one hundred thousand United States dollars; and</p> <p>(b)in the case of locally funded projects, five hundred thousand rupees.</p> <p>For the avoidance of doubt it is hereby declared that any reference to the Minister shall also include a reference to a Minister of a Provincial Council established under Chapter XVIIA of the Constitution.</p> <p>Section 10</p> <p>Every public authority shall submit annual reports to the Commission before the thirty first day of December immediately succeeding the year to which the report relates which shall be made available to the public in its office and on its official website, furnishing information such as-</p> <p>(a) the total number of requests received during the year and information provided and rejected;</p> <p>(b) the amount of fees collected during the year;</p> <p>(c) the number of requests rejected under section 5;</p> <p>(d) the number of times information was provided at the direction of the Commission;</p> <p>(e) any suggestions for improving the effectiveness of the regime of transparency;</p> <p>(f) the number of appeals from refusal to communicate information;</p> <p>(g) practices relating to the maintenance, management and destruction of records; and</p> <p>(h) its activities under section 8.</p>
References	<p>a) <a href="http://www.rticommission.lk/web/index.php?option=com_content&amp;view=article&amp;id=8&amp;Itemid=111&amp;lang=en">http://www.rticommission.lk/web/index.php?option=com_content&amp;view=article&amp;id=8&amp;Itemid=111&amp;lang=en</a></p> <p>b) <a href="http://www.rticommission.lk/web/images/pdf/RTI_Act_Sri_Lanka_E.pdf">http://www.rticommission.lk/web/images/pdf/RTI_Act_Sri_Lanka_E.pdf</a></p> <p>c) <a href="http://www.pmooffice.gov.lk/RIT/Regulations_Rules/Rules%20-%20RTI%20-%20English.pdf">http://www.pmooffice.gov.lk/RIT/Regulations_Rules/Rules%20-%20RTI%20-%20English.pdf</a></p>
Indicator number	18.10
Indicator question(s)	What is the country’s score in the Right-To-Information Rating? ( <a href="http://www.rti-rating.org/country-data/">http://www.rti-rating.org/country-data/</a> )
Response	Ranked 3rd out of 110 Countries
Reference	a) <a href="http://www.rti-rating.org/country-data/">http://www.rti-rating.org/country-data/</a>

Indicator number	18.11
Indicator question(s)	* What are shortcomings of the access to information regime?
Response	<p>Does the law...</p> <ul style="list-style-type: none"> <li>• create a specific presumption in favour of access to all information held by public authorities, subject only to limited exceptions, consistent with international standards?</li> </ul> <p>Yes, Section 3 (1) of RTI Act –</p> <p>Subject to the provisions of section 5 of this Act, every citizen shall have a right of access to information which is in the possession, custody or control of a public authority.</p> <hr/> <ul style="list-style-type: none"> <li>• grant everyone (including non-citizens, non-residents and legal entities) the right to request information?</li> </ul> <p>No, Section 3 (1) of RTI Act –</p> <p>Subject to the provisions of section 5 of this Act, every citizen shall have a right of access to information which is in the possession, custody or control of a public authority.</p> <p>Hence the law can only be availed of if the requester is a citizen of Sri Lanka, including incorporated and unincorporated bodies that have a Sri Lankan membership of over 75%.</p> <hr/> <ul style="list-style-type: none"> <li>• provide a right to both information and access to records/documents?</li> </ul> <p>Yes, Section 43 of RTI Act –</p> <p>“information” includes any material which is recorded in, in any form including records, documents, memos, emails, opinions, advices, press releases, circulars, orders, log books, contracts, reports, papers, samples, models, correspondence, memorandum, draft legislation, book, plan, map, drawing, diagram, pictorial or graphic work, photograph, film, microfilm, sound recording, video tape, machine readable record, computer records and other documentary material, regardless of its physical form or character and any copy thereafter.</p> <hr/> <ul style="list-style-type: none"> <li>• allow for partial access (a document can be redacted and then be partially released)?</li> </ul> <p>Section 6 of RTI Act –</p> <p>Where a request for information is refused on any of the grounds referred to in section 5, access shall nevertheless be given to that part of any record or document which contains any information that is not exempted from being disclosed under that section, and which can reasonably be severed from any part that contains information exempted from being disclosed.</p> <hr/> <ul style="list-style-type: none"> <li>• establish an effective appeals mechanism?</li> </ul> <p>- Yes, Section 31 of RTI Act ;</p> <p>(1) Any citizen who is aggrieved as a result of–</p> <p>(a ) refusing a request made for information;</p> <p>(b ) refusing access to the information on the ground that such information is exempted from being granted under section 5;</p> <p>(c ) non- compliance with time frames specified by this Act;</p> <p>(d ) granting of incomplete, misleading or false information;</p> <p>(e ) charging an excessive fees;</p> <p>(f ) the refusal of the information officer to provide information in the form requested;</p> <p>or</p> <p>(g ) the citizen requesting having reasonable grounds to believe that information has been deformed, destroyed or misplaced to prevent such citizen from having access to the information</p>
Reference	a) <a href="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</a>

Indicator number	18.12
Indicator question(s)	* Are there any factors that, in practice, make it unnecessarily burdensome and difficult to request or gain access to information?
Response	<ul style="list-style-type: none"> <li>• Threats and intimidation of requesters.</li> <li>• Conflicting legislations in spite of the S.4 override.</li> <li>• Trend of new legislation ousting the jurisdiction of the RTI regime, such as the National Audit Bill and OMP Act.</li> <li>• A mind set of secrecy that has been inculcated in public officials</li> </ul>
Indicator number	18.13
Indicator question(s)	* How many requests for information were made to public authorities each year in the previous two years?
Indicator number	18.14
Indicator question(s)	Have there been any developments in the past two years that suggest an improvement or deterioration in the framework for public access to information and/or its implementation?
Response	<ul style="list-style-type: none"> <li>• Introduction of RTI Act in August 2016.</li> <li>• Rules and regulations gazetted in February 2017.</li> <li>• RTI implemented – Government/Public Official training.</li> </ul>

---

# RECOMMENDATIONS

## Recommendations under Target 16.4

- In order to prevent financial crime, enact laws that would ensure adequate, accurate and timely information on beneficial ownership such as establishing a beneficial ownership register.
- Finalize the draft Bill on Proceeds of Crime in consultation with civil society and subject experts to ensure its adherence to international standards. The Bill should be prioritized and enacted swiftly.
- The relevant authorities should actively pursue the investigation and prosecution of money laundering and grand corruption cases using the provisions of the Judicature Act<sup>11</sup>. The Judicature Act was amended in 2018 to set up a permanent High Court at Bar to try, hear and determine the trials of offences such as misappropriation of property, criminal breach of trust by public servants in respect of money, money laundering, conspiracy and abetment to commit the offences under the prevention of Money Laundering Act, bribery of Judicial Officers and Members of Parliament, acceptance of gratification by Members of Parliament for interviewing public officer etc.

## Recommendations under Target 16.5

- It is essential that the Department of Census and Statistics (DCS) together with the CIABOC develop indicators to measure progress against corruption and gather data on bribery and other forms of corruption. The DCS is also encouraged to use existing data sources on bribery and corruption such as the Global Corruption Barometer, which is a survey conducted by Transparency International.
- While civil society organizations are invited to participate in the UNCAC review cycles, measures should be taken to ensure wider participation and due notice to ensure meaningful contribution. Furthermore, the feedback of civil society organizations should be sufficiently acknowledged in the reports submitted to the review committee.
- Amendments should be made to the Bribery Act and the CIABOC Act to include private sector bribery in compliance with the UNCAC.
- Laws should be introduced to regulate lobbyists and campaign and political party finances that includes disclosure and expenditure limits.

## Recommendations under Target 16.6

- Finalize the National Procurement Guidelines that will strengthen the function of the National Procurement Commission and procurement practices at both a national and local level.
- Enact a standalone law to protect whistleblowers that adheres international standards.

## Recommendations under Target 16.10

- Right to Information Commission and the Media Ministry should ensure that Public Authorities comply with the proactive disclosure mechanisms outlined in the Right to Information Act.
- The government should ensure that civil society and media has the freedom and space to actively speak against corruption without reprisals. Furthermore, investigations should be completed and prosecutions initiated into the murders, disappearances and other attacks targeting media personnel to create an enabling environment for freedom of expression.

---

<http://srilankalaw.lk/Volume-IV/judicature-act.html> accessed on 5th July 2018



Transparency International Sri Lanka  
5/1  
Elibank Road  
Colombo 05  
Sri Lanka

Phone: +94 0114369781  
Fax: +94 011 2 501 707

[tisl@tisrilanka.org](mailto:tisl@tisrilanka.org)  
[www.tisrilanka.org](http://www.tisrilanka.org)

[facebook.com/tisrilanka](https://facebook.com/tisrilanka)  
[twitter.com/tisrilanka](https://twitter.com/tisrilanka)

