Civic and Political Education

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INTRODUCTION

This module was prepared for the ISD's field staff who engage with the community members to enhance their knowledge on prevailing political system of Sri Lanka and good governance.

The module covered the area of legislative, executives, judiciary and the role of youth in politics. This module was prepared by the Senior Lecturer Dr. R. Ramesh, Department of Political Science, University of Peradeniya.

The module was prepared based on the capacity building workshops conducted by ISD for the staff and community leaders. Following the preparation of the module a validation workshop was conducted with the participation of the ISD staff and community leaders.

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Aims and Objectives of Civic, Social and Political Education Curriculum

This curriculum is part of the Institute of Social Development's capacity building of local communities on governance, politics and citizenship. This will be used to train both ISD staff members and local community members to make them more active citizens to enjoy their rights and entitlements. We believe that through active exploration and study of citizenship at all levels (personal, local, national, global) in the context of contemporary social and political issues, this curriculum aims to make pupils aware of the civic, social and political dimensions of their lives and the importance of active, participative citizens to the life of the state and all people.

Also the curriculum aims to encourage and develop the practical skills which enable pupils to engage in active, participatory social interaction, and to adopt responsible roles as individual, family member, citizen, worker, consumer, and member of various communities within a democratic society.

It helps to develop the autonomous potential of citizens as socially literate, independent and self-confident young people.

It aims to enable citizens to develop social responsibilities.

It helps to develop knowledge and understanding of processes taking place at all levels of society which lead to social, political and economic decision - making.

Knowledge Building Through this Curriculum

This curriculum will provide basic knowledge on the rights and responsibilities of every person as a citizen; the structure, function and workings of selected civic and political organisations, institutions and systems- how they interact and how individuals can participate in them; - selected issues of personal, social and political development at all levels- personal, local, national, global; - how decisions at all levels are made and applied, particularly within the context of a democratic political system. The central concept of this course in Civic, Social and Political Education is that of Citizenship. The realisation of the civic, social and political dimensions in the life of the individual person through active participation in society.

The curriculum also aims to build commitment to the values of human rights, social responsibilities and democracy; an appreciation of critical awareness and independence of thought based on the knowledge and skills; an appreciation of, and respect for, differing viewpoints, ideas and cultures and an ability to empathise with the situation of other individuals and groups; awareness of, and respect for, the rights and responsibilities of all individuals and groups in society; a respect for critical thought processes and non-violent ways of resolving conflict and achieving change in society; a commitment to oppose prejudice, discrimination and social injustice at all levels of society.

The following lists provide some examples of the knowledge, skills and values that citizens in a democracy are likely to need before they can effectively and continually participate in political processes.

- **Knowledge of:** Fundamental democratic principles (e.g., individual rights, freedom, equality, majority rule, limited government, etc.) Rule of law Government structure and function the constitution, and alternative forms of participation.

- **Values of**: Respect for equality and justice Tolerance Self-respect Belief in participation Willingness to cooperate Fairness

- **Skills in**: Listening Discussing Collective decision-making Problem-solving Information gathering Information analysis

Methods can be used for civic and political education program at the community level

- Discussions

- Paired interviews

- Breakout groups

- Games

- Simulations

- Role plays

- Debates

- Audio/video

- Documentaries

- Flip charts

- Visual aid presentation

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MODULE ONE:
POLITICAL SYSTEM OF SRI LANKA

Sri Lanka is a unitary democratic republic with three levels of government: national, provincial and local. Local government is enshrined in the 13th amendment to the constitution. The second-tier provincial authorities are governed by the Provincial Councils Act 1987. The main Acts relating to third-tier local authorities are the Urban Councils Ordinance 1939, the Municipal Councils Ordinance 1947 and the Pradeshiya Sabhas Act (No. 15 of 1987).

The Ministry of Local Government and Provincial Councils is responsible for policy and legislation at the national level, while the provincial ministers of local government are responsible for the day to day administration and supervision at local level. There are nine second-tier provinces and 341 third-level local government: 24 municipal councils, 41 urban councils and 276 Pradeshiya Sabhas (village councils). A revision in local government legislation introduced a reserved quota of council seats for women, and after the 2018 local elections, 29.1% of councillors were female, up from 1.9% in 2011. Grants are provided from national government through provincial councils, and local authorities are responsible for the collection of taxes which are delegated and user fees as well as property rates and rents. Provincial councils' responsibilities include development planning, education, and health and social welfare. Local authorities have responsibility for public health, utility services and rural roads. Pradeshiya sabhas have some additional developmental responsibilities.

NATIONAL GOVERNMENT

Sri Lanka is a unitary democratic republic with a unicameral parliament. The head of state and head of government is the president, who is directly elected and must secure over 50% of the vote. The president may serve a maximum of two five-year terms. Executive power is accorded to the president, who may summon, suspend or prorogue a legislative session. The president appoints the prime minister, the leader of the majority party in the parliament. On the advice of the prime minister the president is responsible for the appointment of the cabinet from members of parliament. The parliament consists of 225 members elected under a modified system of proportional representation to serve a six-year term. Of these 196 are elected from multi-member constituencies, with the remaining 29 seats apportioned on the basis of the proportion recieved of the national vote and filled by nominees of the political parties or independant groups. To qualify for a seat a party must secure 5% of the vote.

LOCAL GOVERNMENT

Constitutional provisions Local government enshrined in and recognised as subordinate level of government under the direct purview of provincial councils, the 13th amendment to the constitution, which states: 'Local authorities will have the powers vested in them under existing

law, the Municipal Councils Ordinance and the Urban Councils Ordinance. Pradeshiya sabhas will have the powers vested in them under existing law. It will be open to the provincial council to confer additional powers on local authorities but not to take away their powers.'

The principle laws relating to local authorities are the Urban Councils Ordinance 1939, the Municipal Councils Ordinance 1947 and the Pradeshiya Sabhas Act (No. 15 of 1987). The following six amendment Acts passed in 2016/17:

- Local Authorities Elections (Amendment) Act (No. 31 of 2017)

- Local Authorities Filling of Vacancies (Special Provisions) (Amendment) Acts (Nos. 34, 35, 36 and 37 of 2014)

- Municipal Council (Amendment) Act (No. 34 of 2014)

- Urban Council (Amendment) Act (No. 35 of 2014)

- Pradeshiya Sabha (Amendment) Act (No. 36 of 2014).

Recent legislative changes

Key interventions under taken by the government include:

- Revision of archaic Municipal, Urban Councils and Pradeshiya Sabas laws enabling them to respond effectively to emerging challenges.

- Reverting to a ward–based, first past the post/ mixed proportional system coupled with a 25% mandatory quota for women.

- Introduction of a rationalised criteria to create and /or upgrade local authorities, requiring the approval of the Cabinet of Ministers

- Introduction of a new accounting system for local authorities based on internationally accepted standards,

- An Local Government Programme to streamline accounting and managerial decision-making processes within local authorities.

- Incorporation of scientific solid waste management technologies.

Distribution of councils and population - Table 01

| Provincial Councils | Districts | Local authorities | | | Total | Population | Population | % rural, including tea Municipal estates (2010) |
		Municipal Councils	Urban Councils	Pradheshiya Sabha				
Central	3	4	6	38	48	2571557	2722000	89.4
North Western	2	1	3	29	34	2380861	2508000	95.9
North Central	2	2	0	25	27	1266663	1349000	94.5
Uva	2	2	1	25	28	1,266,463	1,349,000	94.5

Sabaragamuwa	2	1	3	25	29	1928655	2028000	94.0
Western	3	7	14	27	48	5851130	6081000	61.2
Southern	3	3	4	42	49	2477285	2611000	89.4
Northern	5	1	5	28	34	1061315	1119000	83.3
Eastern	3	3	5	37	45	1555510	1677000	74.9
Total	25	24	41	276	342	20359439	21444000	91.8

Structure of Local Government

Local government within the state Sri Lanka has three levels of government: national, provincial and local. Devolution of power is made under three lists in the ninth schedule of the constitution. List I identifies the powers of provincial councils, while List II, the reserved list, specifies the powers reserved to national government. List III, the concurrent list, outlines the powers that may be exercised by the national government or the provincial councils in concurrence with each other. Third tier local authorities are vested with the power to create by-laws passed with the approval of the minister and the parliament/provincial councils. This power-sharing initiative was undertaken primarily as an alternative to demands for a separate state by the Tamil political parties and militant separatist groups.

It was also seen as a measure to enhance democratic participation in the process of government by communities and groups. Local authorities derive their powers from the respective ordinances (see above chapter on legislation). Local Governments are "charged with the regulation, control and administration of all matters relating to public health, public utility services and public thoroughfares and generally with the protection and promotion of the comfort, convenience and welfare of the people and all amenities" within their areas of jurisdiction (Municipal Councils Ordinance, Section 4; Urban Councils Ordinance, Section 4; Pradeshiya Sabhas Act, Section 3).

Provincial councils were established by the 13th amendment to the constitution, which mandated the following elements: the appointment and powers of the governor and a board of ministers; the council membership, tenure and legislative power of the councils; and alternative arrangements in the event of a failure in the administrative machinery. The provincial minister for local government has oversight responsibility, with authority being delegated to the provincial commissioner of local government. The power to dissolve a council is also exercised at the provincial level and there have been cases of mayors/ chairpersons being suspended due to charges of mismanagement and malpractice. Each province has a governor appointed by the president for a five year term, exercising provincial executive power and responsible for executing the policies of the provincial council through a board of ministers headed by a chief minister and comprising no more than four other ministers. In addition, each provincial council has a chairman and a vice-chairman elected from among its members. In the event of dissolution of the provincial council, the chairperson continues to hold office until the new council is constituted. The chief secretary, appointed by the president, is the senior most public official in the provincial public service.

The five provincial ministries in NEP are:

- Agriculture, Lands, Livestock Development, Irrigation and Fisheries
- Education, Cultural Affaires, Sports and Youth Affaires
- Health and Indigenous Medicine

- Rehabilitation, Reconstruction, Social Welfare and Buildings
- Provincial Public Administration, Local Government, Co-operative Development, Road Development, Rural Development, Industries, and Management Development & Training
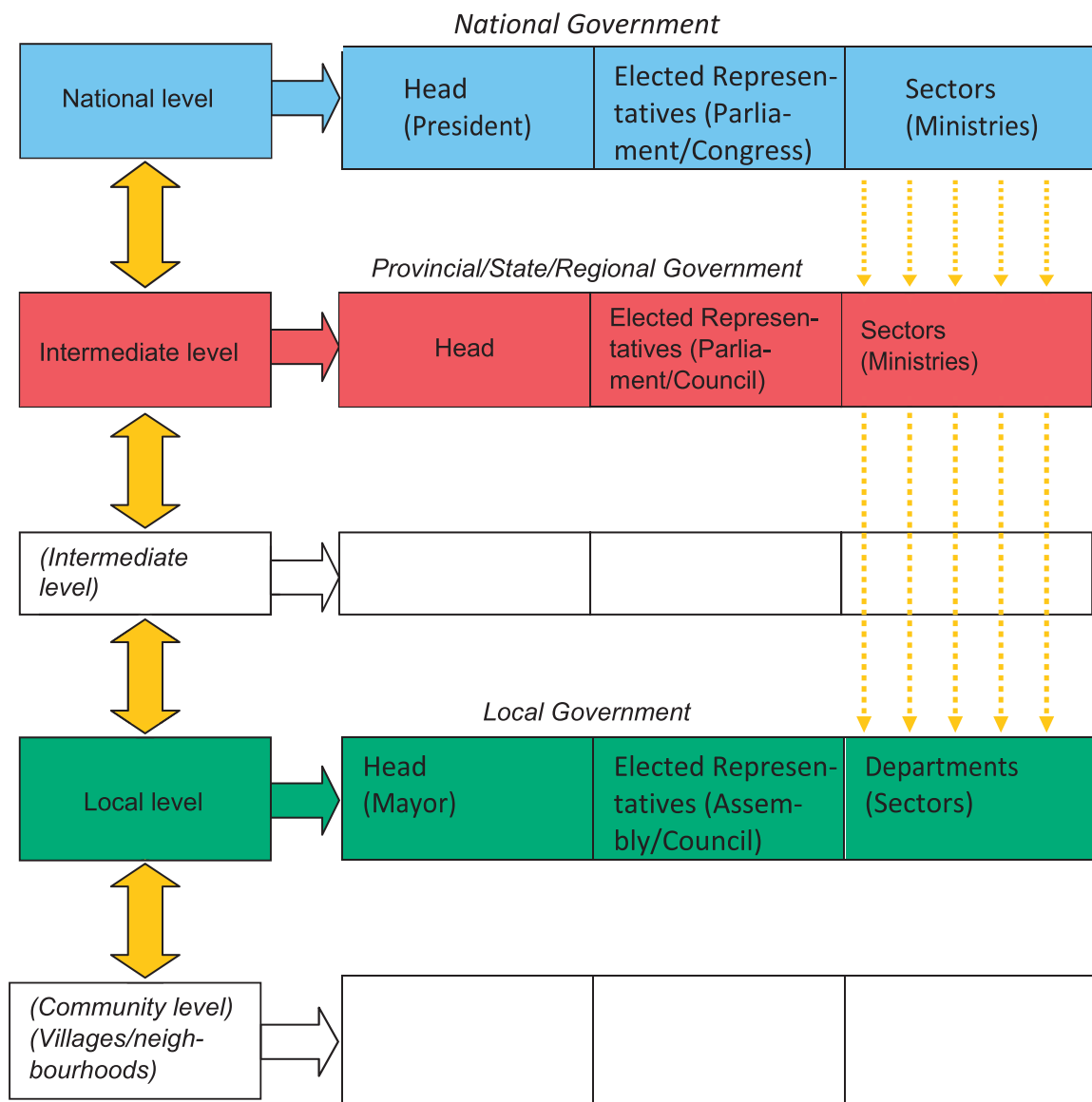
Municipal councils are led by a full-time mayor, nominated by the majority party or group, who holds office for four years. There are no executive committees or cabinets. The Municipal Councils Ordinance stipulates that standing committees must be appointed for finance and policy planning, housing and community development, technical services, and environment and amenities. Presentation of matters to the council must be directed through the standing committees. There is discretion to appoint special committees.

Urban councils are led by a full-time chairperson, nominated by the majority party or group, who holds office for four years. Urban councils do not have a legal requirement to establish committees; however, the proposed legislative amendments of the principal ordinance have mandatory provision to establish committees and to invite knowledgeable citizens onto them.
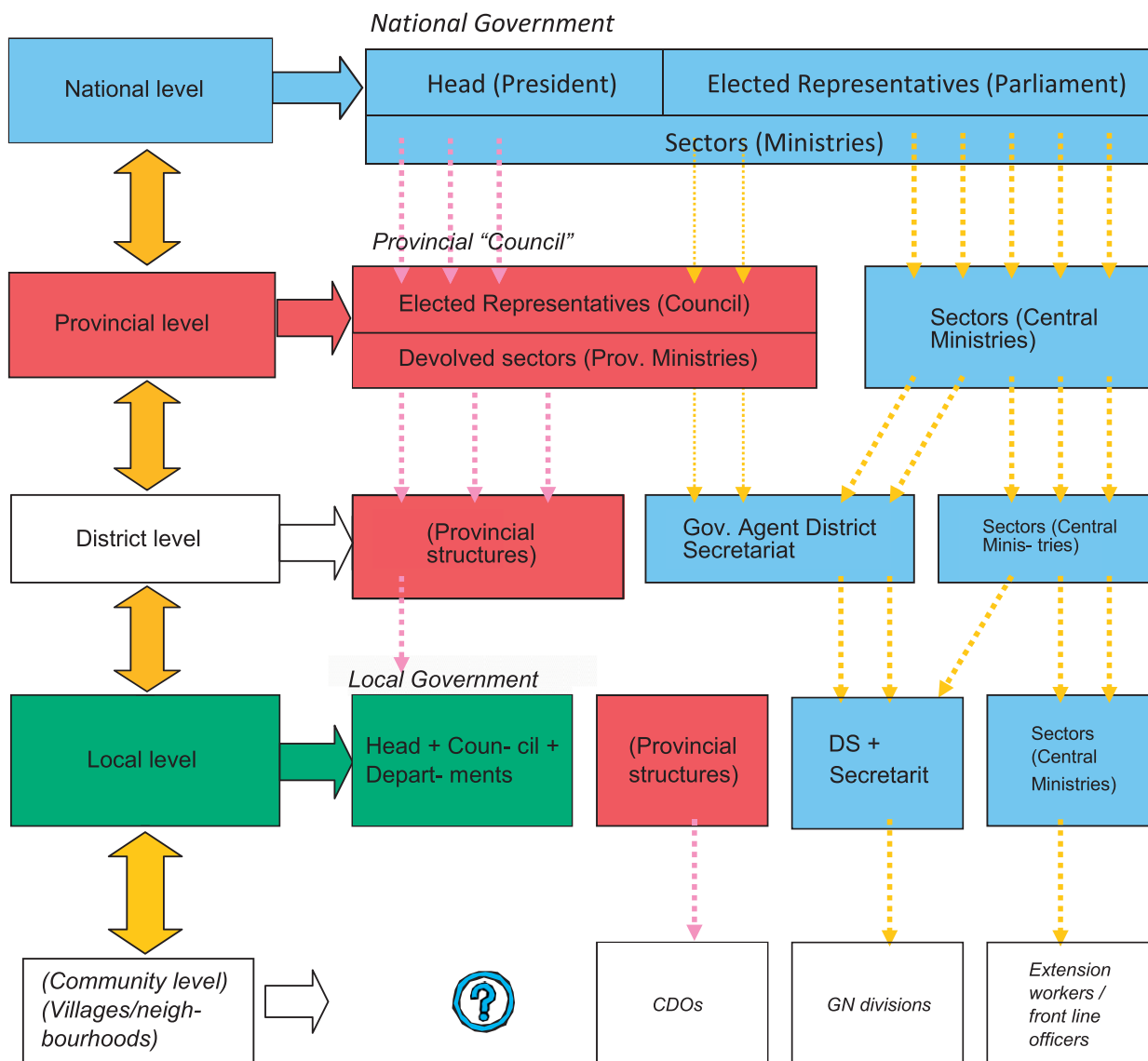
Pradeshiya Sabhas are led by a full-time chairperson, nominated by the majority party or group, who holds office for four years. The proposed ammendments to the principal ordinance will empower Pradeshiya Sabhas to appoint committees in a similar manner to urban councils.

- Fire protection
- Pre-school (kindergarten and nursery)
- Primary care
- Housing
- Town planning
- Roads
- Water and sanitation
- Refuse collection and disposal
- Cemeteries and crematoria
- Slaughter-houses
- Environmental protection
- Theatres and concerts
- Museums and libraries
- Parks and open spaces
- Sports and leisure
- Religious facilities
- Water supply
- Local economic development/promotion
- Trade and industry
- Tourism

Standard Levels of state - Figure 01

National Government

| National level | Head (President) | Elected Representatives (Parliament/Congress) | Sectors (Ministries) |

Provincial/State/Regional Government

| Intermediate level | Head | Elected Representatives (Parliament/Council) | Sectors (Ministries) |

| (Intermediate level) | | | |

Local Government

| Local level | Head (Mayor) | Elected Representatives (Assembly/Council) | Departments (Sectors) |

| (Community level) (Villages/neighbourhoods) | | | |

Levels of state in Sri Lanka - Figure 02

National Government

National level	Head (President)	Elected Representatives (Parliament)
	Sectors (Ministries)	

Provincial "Council"

Provincial level	Elected Representatives (Council)	Sectors (Central Ministries)
	Devolved sectors (Prov. Ministries)	

District level	(Provincial structures)	Gov. Agent District Secretariat	Sectors (Central Minis- tries)

Local Government

Local level	Head + Coun- cil + Depart- ments	(Provincial structures)	DS + Secretarit	Sectors (Central Ministries)

(Community level) (Villages/neigh- bourhoods)	CDOs	GN divisions	Extension workers / front line officers

Voting system

The new election system was introduced by Local Government Authorities Elections (Amendment) Act No. 16 of 2017 and the total number of local authority members at the ward level was determined by the National Delimitation Commission (NDC). The elections under the mixed electoral system, whereby 60 percent of members represent single member or multi-member wards and 40 percent are returned from a list called 'additional persons' list' with no affiliation to a specific ward.

Two nomination papers must be submitted by each party. One comprises the number of candidates equivalent to 60 percent of the total number of members of the local authority and the other comprises the number equivalent to 40 percent of the total number of members of

the local authority plus three additional names. Candidates under the first nomination paper will contest, and are entitled to be elected as members of the local authority; and persons under the second nomination paper are entitled to return as members of that LGA based on the proportion of seats their party wins.

Women's representation The Local Authorities Elections (amendments) Act 2017 requires a minimum 25% women's representation in each council. Section 27F of the amendment, states that 10 percent of the members assigned to a ward must be women and 50 percent of members on the additional persons list must be women. At the end of the election mandatory 25% women seats are to be made up of a mixture of ward winners and from the additional persons list.

The only exception is when a party receives three or less seats. Following the 2018 election, 29.1% of councillors were women, 6.2% (535/8,690) were directly elected, with the proportion being raised through the appointment of a further 1,991 from party lists to ensure the minimum requirement. 15 councils in the North and North East were not able to fulfil the 25% requirement due to the number of parties contesting not winning more than three seats. This is a significant rise from 2011 when approximately 1.8% (85/4,600) were women, and 1.8% (64/3,622) following the 2008 elections. For council leaders (mayors and chairpersons), the number following the 2018 election is not yet known, however following the 2011 election, women formed 1.9% of the total (6/311), down from 2.7% following the 2008 election. See table 43.1b.

District administration

The Central Government structure of the district and Grama Niladhari system is a carry-over from British colonial times into the modern Sri Lankan State. The divisional level was integrated in this structure only after independence. The District Secretary represents smaller line departments with non-devolved responsibilities in the district. The District Secretariat has therefore limited responsibilities, which not only exclude devolved functions but also some of the central functions. In reality, however, the power of the head of the district administration (District Secretary / Government Agent) goes far beyond this legal responsibility. The districts comprise an intermediate level in the Sri Lankan administrative system. Administration at this level performs reserved subjects and coordinates national programmes and projects. A powerful District Secretary, commonly still referred to as Government Agent, heads the District Secretariat – also called Kachcheri. District Secretaries thus derive their power directly from the Central Government.

Administration at local level

A major turnaround of the decentralization efforts was the establishment of Divisional Secretariat office throughout Sri Lanka and these were created with the process of diluting some of the powers held onto the government agent who is the head of that particular district and these powers were legally transferred based on the Transfer of powers (Divisional Secretary) Act no. 58 of 1992. The Divisional Secretary, being an officer of the central government, becomes core administrator in the periphery by fulfilling dual roles – central and provincial. He/she reports to the Chief Secretary at the Province on devolved responsibilities but maintains the role of Assistant Government Agent, representing the GA for non-devolved subjects. This office facilitates almost all the public services to local people; for example, issuance of birth, marriage and death

certificates, licenses, and provision of social services." Hence on the contrary this institution can be described as a general or a basic public service delivery entity in a given geographical area which is established to accomplish the purpose of fulfilling majority of the general needs of citizens.

A dual administration is the salient feature at the local level. On the one hand there is the Divisional Secretariat under the Central Government, and on the other hand the Local Government under the Provincial Government. The latter comprise Municipal Councils, Urban Councils and Pradeshiya Sabhas. They are under supervision of the Department of Local Government, as one of the devolved subjects specified in the 13th Amendment to the Constitution. Following the Amendment, Pradeshiya Sabhas were created at the level of the former AGA divisions (Divisional Secretariats), directly under the control of the Provincial Councils. However, most power at local level still rests with the Central Government. Even though the Pradeshiya Sabhas were established to carry out devolved functions of the Provincial Councils, the bureaucratic/administrative machinery that facilitates such functions is in the office of the Divisional Secretary (DS). The DS was initially envisaged to function as the secretary of the Pradeshiya Sabha. But they refused to carry out functions under an elected local body, which they considered was not on par with the professional standard of the Divisional Secretariat, which employs officers of the Sri Lanka Administrative Service.

What are the main ten roles of citizens in a democratic setting? Are we accomplishing these duties?

- First, a citizen in a democracy should have the duty to vote.

- Second, a citizen in a democracy should have an obligation to understand the powers and duties of the government, generally set forth in a constitution.

- Third, a citizen in a democracy should have the responsibility of knowing his or her rights, which are also generally set forth in a constitution

- Fourth, a citizen in a democracy should always know who his or her representatives are

- Fifth, a citizen in a democracy should assume the responsibility of being informed about the issues that affect the country as a whole, for example, the economy, environmental policy, and social welfare policy.

- Sixth, a citizen in a democracy is also a citizen of the world and as such, should be informed about the major issues that affect other countries.

- Seventh, a citizen should be concerned and informed about local conditions, those that affect him or her most directly, what a city is doing about urban blight or homeless people

- Eighth, a citizen should be willing to pay taxes, since without taxes to provide a democratic government, there would be no democracy

- Ninth, a citizen must have a duty to obey the law. A democracy cannot exist in a lawless society, and without the willingness of citizens to obey the law, which is really a social contract

- Tenth, a citizen must support civic education in every way possible -it is the foundation of democracy and to become responsible and knowledgeable citizens in the democratic process. Civic education is our power to perpetuate the democracy.

2 MODULE TWO: LEGISLATURE

Meaning, Functions and Types of Legislature

Of the three organs of the government, the place of primacy belongs to the Legislature. The function of government begins by law-making and is followed up by law-enforcement and adjudication functions. As such, the legislature is the first organ of the government.

Legislature: Meaning

The term 'legislature' is a generic term meaning a body which legislates. Another term, which is used as a synonym of Legislature, is 'Parliament. In this way, we can say 'Parliament' means the place where deliberations are held. Combining the two views, we can say Legislature or Parliament is that branch of government which performs the function of lawmaking through deliberations.

The legislature is that organ of the government which passes the laws of the government. It is the agency which has the responsibility to formulate the will of the state and vest it with legal authority and force. In simple words, the legislature is that organ of the government which formulates laws. Legislature enjoys a very special and important in every democratic state. It is the assembly of the elected representatives of the people and represents national public opinion and power of the people.

Functions of a Legislature:

Legislative or Law-making Functions:

The first and foremost function of a legislature is to legislate i.e. to make laws. In ancient times, laws used to be either derived from customs, traditions and religious scriptures, or were issued by the kings as their commands. However, in the contemporary era of democracy, legislature is the chief source of law. It is the legislature which formulates the will of the state into laws and gives it a legal character. Legislature transforms the demands of the people into authoritative laws/statutes.

Deliberative Functions:

To deliberate upon matters of national importance, public issues, problems and needs is an important function of a modern legislature. Through this function, the legislature reflects the public opinion over various issues. The debates held in the legislature have a great educative value for the people.

Custodian of Public Finances:

A near universal rule is that "the legislature of the state is the custodian of national purse." It holds the purse of the nation and controls the finances. No money can be raised or spent by the executive without the approval of the legislature. Each year the executive has to prepare and get passed from the legislature the budget for the coming financial year. In the budget, the executive has to place the account of the actual income and expenditure of the previous year and estimated income and expenditure for the New Year. Not only the legislature passes the budget but also it alone can approve the imposition, or repeal or collection of any tax whatsoever. Further, the legislature maintains a control over all financial transactions and expenditures incurred by the executive.

Control over the Executive:

A modern legislature has the power to exercise control over the executive. In a parliamentary system of government, like the one which is at work in India, for all its actions, decisions, and policies, the executive is collectively responsible before the legislature. It is accountable before the legislature. The legislature has the power to remove the executive by passing a vote of no-confidence or by rejecting a policy or budget or law of the executive.

The Prime Minister and all other ministers are essentially the members of the legislature. They are bound by the rules and procedures of the Parliament.

Constituent Functions:

In almost every state, it is the legislature which has the power to amend the constitution. For this purpose legislature has to pass special laws, called amendments, in accordance with the procedure laid down in the Constitution. In some states the requirement is that the legislature must pass the amendment with 2/3rd or 3/4th or an absolute majority of votes.

Electoral Functions:

A legislature usually performs some electoral functions.

Judicial Functions:

Ventilation of Grievances:

A legislature acts as the highest forum for ventilation of public grievances against the executive. Besides representing every interest and shade of opinion, the legislature acts as the national forum for expressing public opinion, public grievances and public aspirations. Parliamentary debates and discussions throw a flood light over various issues of public importance.

Types of Legislature: Bicameral and Unicameral Legislatures:

A modern legislature is either Bicameral or Unicameral. Bicameralism means a legislature with two houses/chambers while uni-cameralism means a legislature with a single house/chamber. A large number of modern legislatures, particularly of big states, are bicameral i.e. legislatures with two houses (Bi = Two, Cameral = House). However several states, mostly the small states and provinces of a federal system, have unicameral legislatures, i.e. legislatures with single houses. Where the legislature is bicameral, "the first house is usually called the lower house, and the second house is called the upper house.

MODULE THREE: EXECUTIVE

Definition

The second but most powerful organ of the government is the Executive. It is that organ which implements the laws passed by the legislature and the policies of the government. The rise of welfare state has tremendously increased the functions of the state, and in reality of the executive. In common usage people tend to identify the executive with the government. In contemporary times, there has taken place a big increase in the power and role of the executive in every state.

What is Executive?

The term 'Executive' has been defined both in its broad and narrow forms. In its broad form, it is taken to mean all the functionaries, political power-holders (Political Executive) and permanent civil servants who undertake the execution of laws and policies and run the administration of state.

In its narrow form, it is taken to mean only the executive heads (ministers i.e. the political Executive), who head the government departments, formulate the policies and supervise the implementation of the laws and policies of the government. In the narrow form, the civil service and its administrative functions are not included in the realm of the Executive. Traditionally, only the narrow meaning used to be accepted by the political scientists. However, in modern times, the executive is defined in its broader form and it covers both the Political Executive as well as the Civil Service.

Two Parts of Executive: Political Executive & Permanent Executive: Distinction:

(i) The Political Executive (Ministers):

It consists of the executive head of the state and other heads of the executive departments is ministers. Ministers are political leaders. They are mostly elected representative of the people and responsible for all their decisions and policies before the public. Political Executive work for a fixed tenure of about 5 years.

It acts as a temporary executive in the sense that it changes after every election. After completing one tenure, ministers have to again contest elections. They can again become ministers only when the party to which they belong returns to power as the majority party.

The ministers are amateurs, non-experts and non-professionals. Their function is to formulate policies and get these policies and laws approved from the Legislature. Thereafter these policies

and laws of the State are implemented by the civil servants, who work under the control of Political Executive. The political executive heads the government. Each minister is head of a department or some of the government.

II. The Non-political Permanent Executive (Civil Servants):

It consists of the civil servants (Bureaucracy) from the lowest to the highest levels. It carries out the day to day administration by working in the government departments. The civil servants are politically neutral. They do not owe allegiance to any political party.

Their job is to carry out the laws and policies of the government without any political consideration. They are specially educated and trained persons. They are experts and professionals. They give expert advice and opinion as well as collect, classify and present data to the political executive on the basis of which the latter takes all decisions.

Once appointed, the civil servants remain in office till the attainment of the retirement age, usually up to the age of 55 or 60 years. They get regular and fixed salaries and are hierarchically organised into higher and lower relationships.

Functions of the Executive:

Enforcement of Laws:

The primary function of executive is to enforce laws and to maintain law and order in the state. Whenever a breach of law takes place, it is the responsibility of the executive to plug the breach and bring the offenders to book. Each government department is responsible for the implementation of the laws and policies concerning its work. For maintaining law and order in the state, the executive organises and maintains the police force.

Appointment-making Functions:

All major appointments are made by the chief executive. As for example, the President of Sri Lanka appoints the Chief Justice and other Judges of the Supreme Court and High Courts. Ambassadors, members of independent commissions, secretaries to the ministries, and so forth.

Treaty-making Functions:

It is the responsibility of the executive to decide as to which treaties are to be signed with which other countries. The executive negotiates the treaties in accordance with the procedure defined by international law and also in accordance with the provisions the constitution of the state. Each treaty is signed by a member of the executive. Most of the treaties also require ratification by the legislature of the State. It is again the responsibility of the executive to secure legislative approval for the treaties signed by it.

Defence, War and Peace Functions:

One of the key functions of the state is to defend and preserve the unity and integrity of the country and protect it in the event of an external aggression or war. It is the responsibility of the executive to undertake this work. To organise military for the defence of the state, to prepare for

and fight the war, if it becomes necessary, and to negotiate and sign peace settlement after every war, are the functions performed by the executive.

The executive is the final judge of the nature of the threat to the security of the country. It has the prime responsibility to take all such steps as are needed in the interest of the security and integrity of the state. The chief executive of the state is also the supreme commander of the armed forces of the state.

Foreign Policy-making and the Conduct of Foreign Relations:

In this age of ever-increasing global interdependence, it has become one of the most important functions of a government to formulate the foreign policy of the state and to conduct foreign relations. This function is also performed by the executive.

The executive formulates the goals of national interest and fixes the priorities. It first formulates the foreign policy of the nation and then implements it for securing the defined goals of national interest. The executive appoints the ambassadors of the state to other states.

Policy-making:

Modern welfare state has to carry out a large number of functions for securing the socio-economic-cultural development of its people. It has to formulate policies, prepare short-term and long-term plans and implement these. All actions of the state are guided by definite policies and plans.

It is the executive which undertakes the task of policy-making and developmental planning. These are the two most important functions of the executive, because by these the state carries out its objective of promoting the welfare of its people.

Functions relating to Law-making:

Law-making is primarily the function of the legislature. However, the executive also plays a role in law-making. In this sphere too the role of the executive has been increasing by leaps and bounds. In a parliamentary system, the ministers are also members of the legislature and they play a leading role in law-making.

Most of the bills for legislation are introduced and piloted by them in the legislature. Most of the time of the legislature is spent in passing the governmental bills. The bills passed by the legislature become laws only after these are signed by the Head of the State. This is not the case in Sri Lanka – here Bill are singed by the Speaker of the Parliament.

Financial Functions:

It is the legislature which is the custodian of all finances. It has the power to impose, or reduce or eliminate a tax. However, in actual practice, the executive exercises a number of financial functions. It has the responsibility to prepare the budget. It proposes the levy of new taxes or changes in tax structure and administration. It collects and spends the money as sanctioned by the legislature.

The executive decides the ways and means through which the money is to be collected and spent. It formulates all economic policies and plans. It takes suitable measures for regulating the

production and distribution of goods, money supply, prices and exports and imports. It contracts foreign loans, negotiates foreign aid and maintains the financial credibility of the state.

Some Semi-Judicial Functions:

The appointment of judges by the executive is regarded as the best method for ensuring the independence of judiciary. In almost all democratic systems, the chief executive has the power to appoint judges. Further, he has the right to grant pardon, reprieve and amnesty to criminals. Under the system of administrative adjudication, the executive agencies have the power to hear and decide cases involving particular fields of administrative activity.

4 MODULE FOUR: JUDICIARY

What is Judiciary

The Judiciary is the third organ of the government. It has the responsibility to apply the laws to specific cases and settle all disputes. The real 'meaning of law' is what the judges decide during the course of giving their judgements in various cases. From the citizen's point of view, Judiciary is the most important organ of the government because it acts as their protector against the possible excesses of legislative and executive organs. Role of Judiciary as the guardian-protector of the constitution and the fundamental rights of the people makes it more respectable than other two organs.

Functions of Judiciary and Its Importance:

To Give Justice to the people:

The first and foremost function of the judiciary is to give justice to the people, whenever they may approach it. It awards punishment to those who after trial are found guilty of violating the laws of the state or the rights of the people.

The aggrieved citizens can go to the courts for seeking redress and compensation. They can do so either when they fear any harm to their rights or after they have suffered any loss. The judiciary fixes the quantity and quality of punishment to be given to the criminals. It decides all cases involving grant of compensations to the citizens.

Interpretation and Application of Laws:

One of the major functions of the judiciary is to interpret and apply laws to specific cases. In the course of deciding the disputes that come before it, the judges interpret and apply laws. Every law needs a proper interpretation for getting applied to every specific case. This function is performed by the judges. The law means what the judges interpret it to mean.

Role in Law-making:

The judiciary also plays a role in law-making. The decisions given by the courts really determine the meaning, nature and scope of the laws passed by the legislature. The interpretation of laws by the judiciary amounts to law-making as it is these interpretations which really define the laws.

Moreover, 'the judgements delivered by the higher courts, which are the Courts of Records, are binding upon lower courts. The latter can decide the cases before them on the basis of the decisions made by the higher courts. Judicial decisions constitute a source of law.

Equity Legislation:

Where a law is silent or ambiguous, or appears to be inconsistent with some other law of the land, the judges depend upon their sense of justice, fairness, impartiality, honesty and wisdom for deciding the cases. Such decisions always involve law-making. It is usually termed as equity legislation.

Protection of Rights:

The judiciary has the supreme responsibility to safeguard the rights of the people. A citizen has the right to seek the protection of the judiciary in case his rights are violated or threatened to be violated by the government or by private organisations or fellow citizens. In all such cases, it becomes the responsibility of the judiciary to protect his rights of the people.

Guardian of the Constitution:

The judiciary acts as the guardian of the Constitution. The Constitution is the supreme law of the land and it is the responsibility of the judiciary to interpret and protect it. For this purpose the judiciary can conduct judicial review over any law for determining as to whether or not it is in accordance with the letter and spirit of the constitution. In case any law is found ultra vires (unconstitutional), it is rejected by the judiciary and it becomes invalid for future. This power of the court is called the power of judicial review.

Power to get its Decisions and Judgments enforced:

The judiciary has the power not only to deliver judgements and decide disputes, but also to get these enforced. It can direct the executive to carry out its decisions. It can summon any person and directly know the truth from him.

Advisory Functions:

Very often the courts are given the responsibility to give advisory opinions to the rulers on any legal matter. For example, the President of Sri Lanka has the power to refer to the Supreme Court any question of law or fact which is of public importance.

Importance of Independent Judiciary:

In the life of the citizens of a state, Judiciary is a source of confidence and fearlessness. The common man depends upon judiciary for getting justice. Without a security of rights and freedom guaranteed by the judiciary, they cannot really hope to carry out their jobs and enjoy their living. They are more dependent upon judiciary than the legislature and the executive. Without judicial protection, their lives can become miserable. From citizens point of view Judiciary is the most important organ of the government.

Garner highlights this view when he observes, "A society without legislature is conceivable, and indeed, legislative organs did not make their appearance in the state until modern times, but a civilised state without a judicial organ and machinery is hardly conceivable."

Judiciary enjoys a big importance in the eyes of the people because it acts as:

- The dispenser of Justice.

- Protector of the rights of the people.

- Guardian protector of the Constitution of the State.

- Arbiter of center-state disputes.

- Safeguard against Legislative and executive excesses.

- Check against arbitrary exercise of powers by the power-holders.

- Guardian of Rule of Law and Justice.

An independent judiciary is always considered to be the most essential part of every democratic government worth its name. A government without judiciary is almost inconceivable. A government without independent judiciary is always held to be an authoritarian government.

Independence of Judiciary: An Essential Quality:

The chief quality which helps the judiciary to faithfully administer justice and to perform its functions efficiently is judicial independence. It is only when the judiciary works independently without any interference of the other two organs of the government that it can carry out its high responsibilities.

Organisation of Judiciary must be based on the following features:

1. Appointment of only highly qualified and experienced judges.

2. The Judiciary must have prevented the executive and legislature from committing excesses.

3. The ability of the judiciary to maintain and independently run the judicial administration.

4. The Judiciary must be made the guardian protector of the Constitution,

5. The Judiciary must ensure full, fair and less- expensive opportunities to the people for defending their rights and getting justice.

6. The method of appointment of judges must be fair, systematic, effective and transparent.

7. Method of removal of judges should be difficult and no single should have the power to remove the judges.

8. Judges must be paid high salaries, necessary allowances, good service conditions, and appropriate retirement benefits.

By incorporating all these features in the judicial system, a well organised and independent judiciary can be secured.

"We will strive for our common goal of promoting democracy at the highest quality, nationally, regionally and locally for all our citizens".

5 MODULE FIVE: DEMOCRACY

Introduction

"Democracy" can be simply defined by the following terms: Government of the People or Government of the Majority. Democracy, as a State form, is to be distinguished from monarchy, aristocracy and dictatorship. You may have already heard about the most common definition of democracy: 'the government of the people, by the people and for the people' (Abraham Lincoln). To put it another way we can say that a government comes from the people; it is exercised by the people, and for the purpose of the people's own interests. Democracy is not the law of the majority, but the protection of the minority.

Some quotes on democracy

- "The right to vote is not a privilege, it is a fundamental right and duty."

- "Any departure from the principle of universal suffrage risks undermining the democratic validity of the legislature thus elected and the laws which it promulgates."

- "Democracy doesn't recognize east or west; democracy is simply people's will."

- "Democracy doesn't mean much if you are hungry or homeless, or have no health care or your children can't go to school; even if you have a vote, democracy is not effective."

- "A minority may be right, and a majority is always wrong - Democracy is best conceived as a process of democratization."

The Origin of Democracy in Ancient Times

Although democracy is newly resurgent, it is an old idea. More than 2,500 years ago in Athens and other cities of Greece, there was rule by the people (demos). Democracy (demokratia), or rule by the people, was an alternative to such traditional governments as monarchy, rule by one, and oligarchy, rule by the few. In the first democracies, citizens made and enforced the laws for their small republic, the polis or community of the city. There was majority rule by the citizens, the people of the community who participated directly in their assembly, the lawmaking body. The status of citizen, however, was restricted to free males of Greek descent, a minority of the population. Women and slaves could not be citizens, and only a small number of non-Greek males ever were granted the privilege of citizenship.

Ancient Greek democracy afforded citizens equal rights to participate directly in governance for the common good of their community. The claims of the community upon the person, however, were primary and superior to the claims of the person upon the community. A good citizen was expected to serve unconditionally the interests of the city-community, especially to defend its freedom and independence against the threat of foreign domination.

There was no sense of personal and private rights of individuals in the democracies of ancient Greece. The decisions made by a majority vote of citizens often disregarded the interests of those in the minority, and sometimes the citizen majority formed a tyranny that abused and oppressed individuals with unpopular opinions.

Democracy: Basic principles

In Abraham Lincoln's famous quotation (1863), democracy is "government of the people, by the people, for the people"; the three definitions can be understood as follows: – "of": power comes from the people – the people are the sovereign power that exercises power or gives the mandate to do so, and whoever is part of authority may be held responsible by the people; – "by": power is exercised either through elected representatives or direct rule by the citizens; – "for": power is exercised to serve the interests of the people, that is, the common good.

In every country, democracy and the basic understanding of human rights have to be permanently developed to meet the challenges that every generation faces. Every generation has to be educated in democracy and human rights.

Democracy as a political system Core elements of modern constitutional democracies include:

- A constitution, usually in written form, that sets the institutional framework for democracy protected in some countries by an independent, high court; human rights, usually not all, are protected as civil rights; – human rights are referred to in the constitution and then relegated to civil rights as guaranteed constitutionally.

- Governments that have signed human rights conventions are obligated to uphold the range of rights they have ratified, regardless of whether they are specifically referred to in the constitution; – the equal legal status of all citizens: all citizens are equally protected by the law through the principle of non-discrimination and are to fulfil their duties as defined by the law. – universal suffrage: this gives adult citizens, men and women, the right to vote for parties and/ or candidates in parliamentary elections.

- In addition, some systems include a referendum, that is, the right for citizens to make decisions on a certain issue by direct vote; – citizens enjoy human rights that give access to a wide range of ways to participate. This includes the freedom of the media from censorship and state control, the freedom of thought, expression and peaceful assembly, and the right of minorities and the political opposition to act freely; – pluralism and competition of interests and political objectives: individual citizens and groups may form or join parties or interest groups (lobbies), non-governmental organisations, etc. to promote their interests or political objectives.

- There is competition in promoting interests and unequal distribution of power and

opportunities in realising them; – parliament: the body of elected representatives has the power of legislation, that is, to pass laws that are generally binding.

- The authority of parliament rests on the will of the majority of voters. If the majority in a parliamentary system shifts from one election to the next, a new government takes office. In presidential systems the head of government, the president, is elected separately by direct vote;

- Majority rule: the majority decides, the minority must accept the decision. Constitutions define limits for majority rule that protect the rights and interests of minorities. The quorum for the majority may vary, depending on the issue – for example, two-thirds for amendments to the constitution.

- Checks and balances: democracies combine two principles: the authority to exercise force rests with the state, amounting to a "disarmament of citizens". However, to prevent power of force to turn into autocratic or dictatorial rule, all democratic systems include checks and balances. The classic model divides state powers into legislation, executive powers, and jurisdiction

- Temporary authority: a further means of controlling power is by bestowing authority for a fixed period of time only. Every election has this effect, and in some cases, the total period of office may be limited, who must step down after two four-year terms of office.

Different types of democracies share some strengths and weaknesses including the following.

Strengths of democracies

- Democracy provides a framework and means for civilised, non-violent conflict resolution; the dynamics of conflict and pluralism support the solution of problems.

- Democracies are "strong peacekeepers" – both in their societies and in international politics. –

- Democracy is the only system that facilitates an exchange of political leadership without changing the system of government.

- Democracies are learning communities that can accommodate human errors. The common good is defined by negotiation, not imposed by an autocratic authority. –

- Human rights reinforce democracies by providing a normative framework for political processes that is based on human dignity. Through ratification of human rights treaties, a government can extend to its citizens "promises" that maintain personal liberties and other rights.

Problems of democracy

- Parties and politicians tend to sacrifice long-term objectives for success in elections.

- Democracies create incentives for short-sighted policy making, for example at the expense of the environment or later generations ("muddling through").

- Government for a people is government within the confines of a nation state. Increasing global interdependence, such as in economic and environmental developments, limits the scope of influence of democratic decision making in a nation state.

How to Distinguish Democracy from Non-Democracy

Elections: There is broad international agreement today about the minimal criteria a country must meet in order to cross the threshold of democracy. In an authentic democracy, the citizens or people choose representatives in government by means of free, fair, contested, and regularly scheduled elections in which practically all adults have the right to vote and otherwise participate in the electoral process. Between elections, all persons living in a genuine democracy can participate freely to influence the decisions of their government. And members of minority parties are able to criticize and otherwise oppose the ruling party or parties without obstruction in their pursuit of victory in the next electoral contest to control the government. Popular sovereignty prevails; the government rules by consent of the people to whom it is accountable.

Constitution: An authentic democracy of our time is anchored in a constitution, a framework for limited government that guarantees the rule of law to protect the political rights of individuals to freedom of speech, press, petition, assembly, and association. Thus, citizens can participate freely to elect their representatives in government and to hold them accountable during the period between elections. And they can freely associate and express their individuality and diversity in civil society, the private domain of life that exists independently of control by government. A legitimate constitution functions effectively in the daily lives of individuals to prevent the government from acting arbitrarily to impose either a tyranny of an elite group over the majority or a tyranny of the majority over unpopular minorities.

The primary characteristics of democracy today, which distinguish it from non-democracy, are

- Constitutionalism,

- Representation in government

- Individuals' rights to liberty

- Constitutionalism provides limited government and the rule of law based in a constitution.

- Representation of the people in government comes by way of free, fair, competitive, and periodic elections conducted in accordance with a constitution that protects individuals' rights to participate. And the ultimate desirable consequence of constitutionalism and representative government through elections is the guarantee of rights to liberty for each person in the nation, majorities and minorities alike. Thus, liberty in an indirect or representative democracy depends upon constitutionalism, which limits and regulates the power of government in order to guard against tyranny of any kind.

- Constitutionalism in a democracy especially protects against the pitfall of majority tyranny, which has afflicted popular governments of times past and present. Only by constitutionally restraining the majority to protect the rights of minorities can there be the inclusion of all the people in the polity, a necessary condition for justice in a democracy today.

Arguments for Democracy

- Enhance the individual's sense of dignity and self worth

- Encourage individuals to promote the well-being of their community

- Provide equal opportunities for individuals' self fulfillment

- Draw upon the collective wisdom of the people in making decisions

- Treat individuals as political and civic equals

- Protect the equal rights of all persons to life, liberty, and property

- Encourage economic productivity and a high quality of life by distributing rewards based on merit rather than inherited status

- Promote international peace, order, and stability, because democracies tend not to fight against each other

- Bring about orderly resolution of conflict within a country

- Make rulers accountable to the people they rule

- Justify the legitimacy of government by basing it on popular consent

Democracy and Human Rights

The values of freedom, respect for human rights and the principle of holding periodic and genuine elections by universal suffrage are essential elements of democracy. In turn, democracy provides an environment for the protection and effective realization of human rights.

The connection between human rights and democracy is deep, and goes both ways: each is in some way dependent on the other, and incomplete without the other. However, a "democracy" is also incomplete without a thorough-going respect for human rights. Taking part in government, in a genuine way, is almost impossible to do without people having other basic rights respected

Following are essential elements of democracy to protect human rights:

- Respect for human rights and fundamental freedoms

- Freedom of association

- Freedom of expression and opinion

- Access to power and its exercise in accordance with the rule of law

- The holding of periodic free and fair elections by universal suffrage and by secret ballot as the expression of the will of the people

- A pluralistic system of political parties and organizations

- The separation of powers

- The independence of the judiciary

- Transparency and accountability in public administration

- Free, independent and pluralistic media

Democracy uniquely possesses a number of features that most people, whatever their basic political beliefs, would consider desirable:

- Democracy helps to prevent rule by cruel and vicious autocrats;

- Modern representative democracies do not fight wars with one another;

- Countries with democratic governments tend to be more prosperous than countries with nondemocratic governments; and

- Democracy tends to foster human development—as measured by health, education, personal income, and other indicators

- Democracy helps people to protect their fundamental interests;

- Democracy guarantees its citizens fundamental rights that nondemocratic systems do not, and cannot, grant; and

- Democracy ensures its citizens a broader range of personal freedoms than other forms of government do.

- Only democracy provides people with a maximum opportunity to live under laws of their own choosing;

- Only democracy provides people with a maximum opportunity to take moral responsibility for their choices and decisions about government policies; and

- Only in a democracy can there be a relatively high level of political equality.

- Effective participation: Before a policy is adopted or rejected, members of the political community have the opportunity to make their views about the policy known to other members.

- **Equality in voting**: Members of the political community have the opportunity to vote for or against the policy, and all votes are counted as equal.

- **Informed electorate**: Members of the political community have the opportunity, within a reasonable amount of time, to learn about the policy and about possible alternative policies and their likely consequences.

- **Fundamental rights:** Each of the necessary features of ideal democracy prescribes a right that is itself a necessary feature of ideal democracy: thus every member of the country has a right to communicate with others, a right to have his voted counted equally with the votes of others, a right to gather information, a right to participate on an equal footing with other members, and a right, with other members, to exercise control of the agenda. Democracy, therefore, consists of more than just political processes; it is also necessarily a system of fundamental rights.

- **Freedom of expression**: Citizens may express themselves publicly on a broad range of politically relevant subjects without fear of punishment.

- **Independent sources of information**: There exist sources of political information that are not under the control of the government or any single group and whose right to publish or otherwise disseminate information is protected by law; moreover, all citizens are entitled to seek out and use such sources of information.

- **Freedom of association**: Citizens have the right to form and to participate in independent political organizations, including parties and interest groups.

Why Citizens Need to Know About Democracy

The establishment and maintenance of a democracy depend greatly upon effectively educating the people about the differences between constitutional democracy and various other types of government. If there would be "government of the people, by the people, for the people" — Abraham Lincoln's pithy phrase about the meaning of democracy — then there must be education of the people about what it is, how to do it, and why it is good, or at least better than the alternatives to it.

In some countries, there were constitutions without constitutional governments and guarantees of human rights without the practical protection of them. These wrongful uses of the vocabulary and trappings of democracy demonstrated dramatically the importance of teaching citizens the concepts by which genuine democracy can be distinguished from its bogus imitators and rivals.

The great 19th-century French philosopher Alexis de Tocqueville feared that flawed definitions of democracy would confuse people's understanding of it and threaten its very existence. So, he bequeathed a wise warning about definitions and uses of words to the defenders of democracy against despotism. If more and more people are able to identify an authentic democracy, then democracy in our time might be more faithfully practiced and its blessings more extensively enjoyed.

Democratic Pluralism

In a democracy, pluralism is considered and applied as a form of social order and policy. This can be of political, economic, religious, ethnic or of any other nature. A plural society is characterized by respect, acceptation and recognition of all points of view; no matter how different or diverging they can be; and their dissemination, as well as their enforcement should not be faced with any obstacle. Pluralism is based on controversial discussions whose results are often built on compromises which eventually satisfy all the involved groups, or at the very least, are acceptable as a whole. In pluralism, either dialogues, points of view exchanges or discussions, as well as ideas and opinions that are debated there have a constructive feature within the framework of social processes of expression of ideas and political will of citizens, even if they are either contrary to or opposed to the regime in place or even closer to the opposition.

Democratic governance

Governance is the exercise of a power or of an authority with the objective of managing the affairs of a State, an organization or a society. Democratic governance, or 'good governance", is based on the enforcement of the fundamental values of democracy in the power exercise. But what are in fact these fundamental values of democracy? Given the fact that democracy constitutes a conviction, its orientation concerns fundamental values that help human beings to apply democratic transformations and to try to live this democracy. Those fundamental values, among others: justice, equality, solidarity, tolerance, pluralism, the taking into account of the minorities, non-violence, dialogue and negotiations, free community life. Democracy then respects and takes into consideration, as much as possible, the interests of the minorities in the framework of the adoption of majority decisions. The most important principles of good governance that can be drawn from the fundamental values of democracy are: participation, efficiency, efficacy, sense

of responsibility and responsibility, the act of reporting, adaptation capacity, transparency, rule of law and participation

Young People and Democracy

In fact, many young people are politically very active long before they get the vote, and in some ways, the impact of such activity can be stronger than the single vote they receive later on – and may or may not decide to use – once every 4 or 5 years. Politicians are often anxious to appeal to the youth vote, so they may be more likely to listen to the concerns of young people. Perhaps one of the most important ways that young people can begin to be engaged in community life and political activity is at a local level: here they will be more aware of the particular issues that are of concern to them and those with whom they come into contact, and they will be better able to have a direct impact. Democracy does not only deal with national or international issues: it needs to begin in our own neighborhoods. Youth organizations are one of the ways through which young people experience and practice democracy and, therefore, have an important role in democracy.

CURRICULUM FOR CIVIC AND POLITICAL EDUCATION

6

MODULE SIX:
GOOD GOVERNANCE

Introduction

Good governance is an ideal which is difficult to achieve and there are very few countries, societies or organizations which have even come close to fulfill it in total. However, to ensure sustainable human development, peace and social cohesion, action must be taken to make this ideal work. Thus, this manual is designed to provide trainings on good governance for TRF members those who involved in building peace, reconciliation and social cohesion and fraternity in 25 district of Sri Lanka. The increased participation and influence in planning, reporting and decision making enhances the capacity of local community and make them feel heard and proud.

This module covers the following areas;

- **Explain briefly the concept of governance and good governance**

- **the principles underlying good governance**

- **Reflect on the strengths of good governance**

- **Explain the link between gender and good governance, and leadership and good governance**

- **Discuss the relationship between decentralization and good governance**

- **Explain the link between good governance and human rights**

At the end of the training, participants will be to discuss and have dialogs at the local level on what is governance (Is it good or bad)? Why is good governance important? how to apply the concept of governance in different areas of society and how to promote the good governance for peace, sustainable development and reconciliation. The participants will also be also to link good governance with human rights, gender and equality.

What is governance (Is it good or bad)?

In general the concept of governance is not new and governance is defined as the process of decision-making and the process by which decisions are implemented (or not implemented).

Governance describes a set of values, policies, and the institutions by which a society manages its social, political and economic processes through interactions among the government, civil society and private sectors. Since governance is the process of decision-making and the process by which the decisions are implemented, an analysis of governance focuses on the formal and informal actors involved in decision-making and implementing, the decisions made and the formal and informal structures that have been set in place to implement the decisions. The government is just one of the actors in governance – civil society and market are another two powerful elements of governance.

What is good governance?

Governance refers to all processes of governing, the institutions, processes and practices through which issues of common concern are decided upon and regulated. Good governance adds a normative or evaluative attribute to the process of governing. From a human rights perspective it refers primarily to the process whereby public institutions conduct public affairs, manage public resources and guarantee the realisation of human rights.

While there is no internationally agreed definition of 'good governance', it may span the following topics: full respect of human rights, the rule of law, effective participation, multi-actor partnerships, political pluralism, transparent and accountable processes and institutions, an efficient and effective public sector, legitimacy, access to knowledge, information and education, political empowerment of people, equity, sustainability, and attitudes and values that foster responsibility, solidarity and tolerance.

In summary, good governance relates to the political and institutional processes and outcomes that are necessary to achieve the goals of development. The true test of 'good' governance is the degree to which it delivers on the promise of human rights: civil, cultural, economic, political and social rights. The key question is: are the institutions of governance effectively guaranteeing the right to health, adequate housing, sufficient food, quality education, fair justice and personal security?

Principles of good governance

- Participatory
- Follows the rule of law
- Transparent
- Responsive
- Consensus-oriented
- Equitable and inclusive, benefit sharing
- Effective and efficient
- Accountability

It assures that corruption is minimized, the views of minorities and marginalized groups are taken into account and that the voices of the most vulnerable in society are heard in decision-making. It is also responsive to the present and the future of the society.

Participation

Participation by both men and women is a key cornerstone of good governance. Participation could be either direct or through legitimate intermediate institutions or representatives. It is important to point out that representative democracy does not necessarily mean that the concerns of the most vulnerable in society would be taken into consideration in decision making. Participation needs to be ensured and organized. This means freedom of association and expression on the one hand and an organized civil society on the other hand. Ideally participation means that individuals, marginalized, minorities and/or organizations are involved in decision making and not just informed about decisions already made. Thus participation creates trust among involved stakeholders along with solidarity and co-existence and mutual understanding.

Rule of law

Good governance requires fair legal frameworks that are enforced impartially. It also requires full protection of human rights, particularly those of minorities. Impartial enforcement of laws requires an independent judiciary and an impartial and incorruptible police force. Equality before law is a key principle important to ensure equal access to justice, fair trial or hearing, equal access to resources, services and to feel as rightful citizens of a country where she/he lives.

Transparency

Transparency means that decisions taken and their enforcement are done in a manner that follows rules and regulations. It also means that information is freely available and directly accessible to those who will be affected by such decisions and their enforcement. It also means that enough information is provided and that it is provided in easily understandable forms and media. It also refers that decisions are taken and enforced in accordance with rules and regulations. There is public access to all information which is not classified for well-specified reasons as provided for by law (such as the protection of privacy or ensuring the fairness of procurement procedures). Information on decisions, implementation of policies and results is made available to the public in such a way as to enable it to effectively follow and contribute to the work of the government.

Responsiveness

Good governance requires that institutions (e.g. central, provincial and local) and processes try to serve all stakeholders equally within a reasonable timeframe. Citizens should feel that the government is responsive to their needs and their voices are heard. This is particularly important for ethnic minorities, marginalized and vulnerable groups.

Consensus oriented

There are several actors and as many viewpoints in a given society. Good governance requires mediation of the different interests in society to reach a broad consensus on what is in the best interest of the whole community and how this can be achieved. It also requires a broad and long-

term perspective on what is needed for sustainable human development and how to achieve the goals of such development. This can only result from an understanding of the historical, cultural and social contexts of a given society or community.

Equity and inclusiveness:

A society's well-being depends on ensuring that all its members feel that they have a stake in it and do not feel excluded from the mainstream of society. This requires that all groups, but particularly the most vulnerable, have opportunities to improve or maintain their well-being. This also includes within the sphere of government, human rights are respected, protected and implemented, and discrimination on any grounds is combated. Cultural diversity is treated as an asset, and continuous efforts are made to ensure that all have a stake in the local community, identify with it and do not feel excluded. Social cohesion and the integration of disadvantaged areas are promoted. Access to essential services is preserved, in particular for the most disadvantaged sections of the population. There is always an honest attempt to mediate between various legitimate interests and to reach a broad consensus on what is in the best interest of the whole community and on how this can be achieved. Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected.

Effectiveness and efficiency

Good governance means that processes and institutions produce results that meet the needs of society while it is making the best use of resources at their disposal. The concept of efficiency in the context of good governance also covers the sustainable use of natural resources and the protection of the environment.

Accountability

Accountability is a key requirement of good governance. Not only governmental institutions, but also the private sector and civil society organizations, must be accountable to the public and to their institutional stakeholders. Who is accountable to whom varies depending on whether decisions or actions taken are internal or external to an organization or an institution. In general an organization or an institution is accountable to those who will be affected by its decisions or actions. Accountability cannot be enforced without transparency and following the rules of law.

Free, Fair elections and participation

Local elections are conducted freely and fairly, according to international standards and national legislation, and without any fraud. Citizens are at the centre of public activity and they are involved in clearly defined ways in public life at local level. All men and women can have a voice in decision-making, either directly or through legitimate intermediate bodies that represent their interests. Such broad participation is built on the freedoms of expression, assembly and association. All voices, including those of the less privileged and most vulnerable, are heard and taken into account in decision-making, including over the allocation of resources.

Leadership and Good Governance

Define Leadership: State some of the qualities of a good leader while identifying the different types of leadership and significance of leadership for good governance. There remains close link between leadership and good governance.

A good leader must be: Respectful, Visionary, Tolerant, Open and Accommodating, Transparent, Responsible in behavior, Consultative, Supportive, Able to delegate, Fair/impartial, Empathetic and Sympathetic, Accept faults, Flexible but firm, Decisive etc. Our country deserves leaders with these qualities. You need to demand all these attributes from your communities' leaders so they can effectively manage the affairs of your community. However, in real life situations, there exist two different types/kinds of leadership with related unique characteristics:

Autocratic Leadership: is very direct, dominating, impatient, hot-tempered unapproachable, impolite, harsh.

Democratic Leadership: is participatory, consultative, considerate, approachable, responsive, respectful, polite, delegating.

Gender and Good Governance

A Story

A government officer visits a village and she/he summons a meeting of the entire community and expresses her/his intention to assist them with the construction of a community library, which she/he observed is the main community problem. She/he then selects a development committee and assigns tasks to people, giving them a deadline for the accomplishment of their tasks. Having done so, she/he leaves and comes back after one month to check on the progress of activities. To her/his greatest shock and disappointment, nothing has happened.

Think about this story, and try to answer the following questions:

- What is participation?

- Why is participation important?

- How can people's participation be improved in governance?

- What are the common factors that hinder people participation in governance process?

Participation is a process of joint dialogue, sharing and learning about situations to obtain consensus towards action and change. Participation is an active process by which community people influence the direction and implementation of a development project/activity. Participation includes the involvement of people in decision-making processes, implementation, sharing of benefits and costs, and taking part in the project/activity evaluation.

Some of the factors that hinder community participation are: members of the community are not involved at all stages of the activity; socio-cultural conflicts in the community; poor leadership; political interference; ignorance coupled with illiteracy; lack of commitment; stereotypes about women, youth, disabled people.

Think about your community

- To what level are women, youths and physically challenged represented in your program?

- To what extent do these groups participate in decisionmaking in local initiatives?

- How can you involve these groups of people in the activities of your organization?

- Why is it important to include these groups?

Inclusion is important for practicing good governance:

- To promote democracy and involvement

- To contribute to good decision-making

- To reinforce accountability and transparency

- To involve and empower beneficiaries

- To create consistent sense of equity among community members

- Law enforcement

Building relationships with different stakeholders:

You need to develop relationships with your community/target groups and with local stakeholders. Better relationship will improve the reputation and impact of your work at the community level. A CSOs can establish credibility by:

- Keeping your demands/speaking moderate.

- Rather than attacking stakeholders in your community, employ variety of non-confrontational advocacy strategies.

- Bringing together all different groups across their community and hearing all views.

- Understanding its role in community.

- Fulfilling their role, being dedicated to your beneficiaries, promote accountability and transparency by meeting at least once a month, keeping record of the meeting, making it public, providing feedback/information to the community and stakeholders, making your financial record open to the public.

Decentralization and Good Governance

Decentralization has been considered as a tool for good governance thorough the world and it enables people participation in governance process. Importantly, it helps local communities to easily access government institutions and variety of services and benefits. Under the centralized system, the heads of government departments at district and provincial level are the extension of the central government. They do not have power and authority to act independently without

consulting the central government office. Citizens may hardly participate in decision-making processes, and there is usually little consultation on issues that affect their lives.

Problems associated with centralized power often include: -

- Poor service delivery (corruption and mismanagement, marginalization) –
- lack of transparency (e.g. not knowing what happens with tax money)
- lack of accountability (e.g. not knowing who is accountable when resources are mismanaged or services are not provided)
- Lack of participation (e.g. people are not involved in decision-making about development in their communities)

Advantages associated with decentralized power include: -

- To improve efficiency of resource allocation
- To foster accountability and reduce corruption
- To facilitate cost recovery through mobilization of resources
- To manage resources controlled by local communities
- To increase local participation in governance and decision-making
- To increase mobilization of the local resources
- To increase individual identification and understanding of the project activities

How are good governance and human rights linked?

Good governance and human rights are mutually reinforcing. Human rights standards and principles provide a set of values to guide the work of governments and other political and social actors. They also provide a set of performance standards against which these actors can be held accountable. Moreover, human rights principles inform the content of good governance efforts: they may inform the development of legislative frameworks, policies, programmes, budgetary allocations and other measures.

On the other hand, without good governance, human rights cannot be respected and protected in a sustainable manner. The implementation of human rights relies on a conducive and enabling environment. This includes appropriate legal frameworks and institutions as well as political, managerial and administrative processes responsible for responding to the rights and needs of the population.

The links between good governance and human rights can be organised around four areas:

1. Democratic institutions

When led by human rights values, good governance reforms of democratic institutions create avenues for the public to participate in policymaking either through formal institutions or informal consultations. They also establish mechanisms for the inclusion of multiple social groups in decision-making processes, especially locally. Finally, they may encourage civil society and local communities to formulate and express their positions on issues of importance to them.

2. Public service delivery

In the realm of delivering state services to the public, good governance reforms advance human rights when they improve the state's capacity to fulfil its responsibility to provide public goods which are essential for the protection of a number of human rights, such as the right to education, health and food. Reform initiatives may include mechanisms of accountability and transparency, culturally sensitive policy tools to ensure that services are accessible and acceptable to all, and paths for public participation in decision-making.

3. Rule of law

When it comes to the rule of law, human rights-sensitive good governance initiatives reform legislation and assist institutions ranging from penal systems to courts and parliaments to better implement that legislation. Good governance initiatives may include advocacy for legal reform, public awareness-raising on the national and international legal framework, and capacity-building or reform of institutions.

4. Anti-corruption

In fighting corruption, good governance efforts rely on principles such as accountability, transparency and participation to shape anti-corruption measures. Initiatives may include establishing institutions such as anti-corruption commissions, creating mechanisms of information sharing, and monitoring governments' use of public funds and implementation of policies.

7 MODULE SEVEN: GENDER AND GOVERNANCE

Introduction

The module aims to explain the link between gender and governance and at the end of the training, participants will be able to understand the importance of fostering gender in governance process in all levels including community. The participation of women and men in formal and informal decision-making structures varies greatly between countries, but is generally in favour of men. Institutional as well as cultural, economic and societal factors limit women's opportunities and abilities to participate in decision-making and governance.

Women's low political representation and representation in governance institutions are therefore often used as an indicator of gender inequality. Women are underrepresented not only in the political sphere but also in decision-making within the private sector, at the village level and in civil society. At the local level, men usually dominate positions of power, including as religious and traditional leaders, local politicians and village elders.

Women's representation and leadership tend to be confined to areas that are traditionally 'feminine' such as social welfare. Women's representation in informal decision-making processes is often more common than their representation in formal positions and structures, but it tends to be hidden and therefore not as highly valued as it should be. In order to deepen democracy at the local, national and international level, it is important to ensure that women and men are able to participate on equal terms in both formal and informal decision-making structures, especially in governance institutions to make them empowered in all aspects of their life. Poor levels of participation and representation in decision-making bodies is exacerbated, for both men and women, by intersecting discriminations relating to ethnic group, socioeconomic status, religion, disability and sexual orientation.

Governance and Gender

Governance does not refer only to political participation but is defined as "the exercise of political, economic and administrative authority in managing a country's affairs". It comprises the mechanisms, processes and institutions through which citizens and groups articulate their interests; exercise their legal rights, meet their obligations and mediate their differences." This

definition stresses the need to look at formal as well as informal participation and involvement in political and economic processes that is looking at the role of the state as well as those of civil society, Non-Governmental Organization and other institutions.

Governance does not belong only to the public realm, however, it has consequences for the private sphere since policies that protect individuals' health and legal rights, or promotes welfare policy favourable to women's empowerment; for example, ensure that these individuals can take an active role in the public sphere. Governance therefore crosses both public and private spheres. Given the Sustainable Development Goals into account, government should pay much attention to include women in governance, from local, subnational and national levels. Gender equality cannot be achieved without creating equal space for women in governance institutions.

Gender Inequality and Governance

Gender Equality depends on democratic, and gender-sensitive governance since typically women, who are or feel marginalised from the public sphere and administration do not feel empowered to take action or participate in governance. More importantly, they do not take steps to make changes to ensure that governance is gender-sensitive. As a result, laws, policies and government institutions do not reflect the needs of all citizens, nor may they be conducive to encouraging progress, and protecting women's rights. Therefore, civil society has to play a huge role through advocacy and collective actions to ensure gender equality in governance.

Civil society participation to ensure gender equality in governance

Civil society is often forgotten as a gendered domain. This can be partly attributed to failure to incorporate the household as a unit of analysis, and consequently forgetting to acknowledge the domestic responsibilities of women which impact on their time and energy to engage outside of the household. To understand participation in civil society it is important to look beyond a simple gender analysis and to incorporate an analysis of intersecting inequalities. Understanding which women and men are participating might reveal certain groups of men as being able to participate less than other groups of women. Actions can then be taken to particularly consult these hard-to-reach groups for programme interventions. The importance of gender in governance should be first educated at the civil society level to mobilize public support for this cause. Deepening this idea at the community level would help advocacy policy and institutional changes.

Gender-responsive budgeting

This topic has become a matter of serious concern in the world – but, in the case of Sri Lanka, there is no much debate on this important topic. Therefore, CSOs will have to play a big role to demand gender –budgeting which will help address numerous problems faced by women across the country. Interest in gender-responsive budgeting grew in the 1990s, alongside a more general interest in budget work within civil society. It is driven by the premise that government policies, expenditure and revenue have different outcomes for women and men, girls and boys (and different groups of women and men, girls and boys). Such groups are distinct and have different needs and interests. Gender-responsive budget initiatives provide for assessment of the

differing outcomes for different groups. The aim is not to establish separate budgets to address gender concerns, but to ensure that government budgets are allocated in an equitable way that satisfies the most pressing needs of individuals and groups.

Gender-responsive budgeting is not an isolated event, but an important aspect of gender mainstreaming and more effective public financial management. It focuses not only on the content of budgets, but also on the underlying policy process, in particular inclusiveness, transparency and accountability. Participatory budgeting initiatives have become a relevant aid instrument for gender-responsive budgeting and for the more general participation of civil society in budgetary processes. Gender-responsive budgeting requires a significant shift in thinking and practice in the way that budgets are designed and implemented. It involves ambitious initiatives such as opening up the budget process to a wider group of stakeholders, prioritising equality, community consultation, and so forth.

Gender-responsive revenue generation

In most cases, gender-responsive budgeting focuses on the expenditure side (in particular, assessing the gender-specific effects of general government expenditure). The application of gender budgeting on the revenue side has been less defined. In order to get a full understanding of the income and gender impacts of government fiscal policy, however, government revenue must be analysed alongside expenditure to reveal and address gender biases. The goal of gender revenue analysis is to: 'identify and monitor the flow of sufficient financial resources so that gender equity is achieved in revenue generation and women and men, and girls and boys, benefit equally from programmes and services'.

Involvement of non-state actors

The involvement of actors from outside the government executive in gender-responsive budgeting is important in supporting such work and in sustaining momentum for fiscal policy transformation and implementation. Gender budget work carried out within parliament and civil society can include research and efforts to influence the allocations of government money. This contributes to broader objectives of transparency, accountability and civic participation. Collaboration between civil society and parliament can also be effective in promoting support for and implementation of gender responsive budgeting initiatives. Further, gender-responsive budgeting can be adopted not only by government, but also by nongovernmental organizations, foundations, and other private sector organizations.

Why does governance matter for delivering gender equality?

The government should have effective approach to closing remaining gender gaps in public life, scaling up inclusive approaches to policy making and public service delivery, and monitoring continuous progress in gender equality. For this, following are significant:

1. Good governance and accountability for gender equality;

2. Closing gender gaps in leadership in all branches of power; and

3. Gender equality in public employment.

There is growing global awareness that gender equality is the cornerstone of inclusive growth. Providing equal access to public and economic opportunities to both men and women is vital to accomplishing a more sustainable economy and improving national well-being. Failing to do so means losing the human capital of approximately half the citizenry, thus heavily compromising countries' full potential for growth and national development. Governance is key to delivering gender equality results. Meaningful changes on the ground require a coordinated, competent and powerful whole-of-government commitment, and clear and effective mechanisms in place within and across government institutions to be able to translate public policies, programmes, services and budgets into concrete benefits for men and women

All institutions and policy areas count for gender equality as they all impact men and women, and yet in a different way due to their different circumstances. This is why mainstreaming gender considerations throughout government is a fundamental commitment of countries that aspire to eliminate gender-based discrimination across the board and realise a fully inclusive society. For this following are important in a country and CSOs should make some intervention to achieve this;

- Fair representation and participation of women and men in public life, including in leadership positions, is crucial to realising gender equality.

- The composition of public institutions must reflect society if it is to be perceived as legitimate, capable of delivering just policies and upholding equality before the law.

- Ensuring gender balance in public decision making as a key governance issue related to fairness, transparency and inclusive policy outcomes. Only gender balanced and different policy-makers can have the know-how to tackle the different needs of citizens.

Sound governance for gender equality remains a distant goal: what challenges remain?

Many developed countries have made important progress in closing the gender divide in public life. However, much still needs to be done to equally include men and women in policy making and public governance, and to fully equip governments to effectively deliver gender fair policy outcomes. Women still lag behind men in access to decision-making and leadership positions. Therefore, during the training session, the following questions should be discussed in detail to provide participants with better understanding on fundamental barriers, challenges and issues in bringing gender equality in governance.

How can men and women equally participate in decision making and access political and public careers?

How can governments be better equipped to deliver meaningful social welfare, security and rights?

How can governments measure the gender-differentiated impact of their policy efforts on men and women?

How can national statistics systematically inform gender sensitive reforms?

These are some of the crucial questions to be discussed in trainings to internalize gender issues in governance.

The following are some avenues for interventions to promote gender equality in governance where CSOs can make an impact;

- Establish legal frameworks for gender equality;

- Strengthen institutions for adopting gender sensitive policies;

- Develop policy tools and guidelines for gender equality;

- Implement policies to promote equal representation of women in the Civil Service;

- Implement policies for improved work-life balance; and

- Foster women's access to leadership in politics, judiciary and the civil service.

Why an effective institutional framework is important for gendered governance

To effectively implement a government vision and strategic plan for gender equality and mainstreaming, various institutions need to promote, produce knowledge on, implement, monitor and evaluate gender equality.

This institutional framework generally consists of:

- Central gender equality institutions, which promote gender equality and facilitate the implementation of gender equality and mainstreaming programmes at all levels

- Central Government (e.g. Cabinet and the Ministry of Finance), which is responsible for promoting gender mainstreaming in government policies and ensuring that ministries comply with gender mainstreaming requirements

- Line ministries and agencies, which are responsible should pursue gendered governance at all levels

- What kind of actions or activities can be carried out to promote gender equality in governance? Role of CSOs

- Make sure that gender equality policies are shared across the government and involve the highest possible level of government

- Clearly define and widely disseminate requirements indicating the actors in charge of implementing gender equality-related tasks and mainstreaming policies, and which resources will be allocated for this purpose

- Ensure the central government is willing, tasked and equipped to promote gender mainstreaming across government and provide a challenge function to ministries who do not comply

- Advocacy to establish gender support mechanisms in line ministries and agencies to administer specific laws or regulations on gender equality, collect data, and develop sector specific plans, training and gender-sensitive personnel policies

- Ensure that decisions on the implementation of gender equality and mainstreaming strategies are made on the basis of gender-disaggregated evidence and data

- Ensure leadership of coordination efforts and that an effective coordination mechanism for gender mainstreaming is in place

- Introduce gender focal points and/or delivery units within line ministries can provide information on how laws or regulations are administered, data are collected, sectorial plans are developed and personnel are trained on gender-sensitive policies.

- Support data-collection in different institutions which ensure that high-quality gender-disaggregated evidence is available to support decision-making

- Fight for accountability and oversight structures that encourage compliance with gender equality policies, pinpoint deficiencies and redress remaining inequalities.

- Maintain robust co-ordination to ensure policy implementation to achieve above objectives

There are at least four major areas of governance programming with important gender dimensions

Gender and public sector reform (or public administrative reform):

Service delivery is a critical area of interface between women and the state, and often it is not a happy one. Women may be outright excluded, or bribes may be demanded of them for services which are theirs as of right, or services may be delivered in ways that reinforce gender stereotyped roles. The following are important questions to address this problem.

- How do women communicate their needs and demand to public service providers?

- How do they hold them accountable?

- How do accountability systems promote responsiveness to women clients, or punish failure to comply with national gender equality goals?

Discuss the following during the training and have detail discussion on these questions with practical examples.

- Do accountability institutions enable public authorities to answer more effectively to women?

- For this purpose, we should promote oversight institutions such as equal opportunities boards, human rights commissions, gender equality commissions, gender budgets.

- Also, discuss do these measures effectively include women or gender equality concerns?

- Are women's experiences of corruption addressed in anti-corruption interventions?

- Do women experience corruption differently than men? Arguably in some contexts women experience 'retail corruption' to a greater degree – having to pay small bribes for basic services.

- Arguably there are 'currencies' of corruption that are gendered – where sexual favors, not money, are demanded of women. Is this problem addressed in anti-corruption drives?

Rule of law:

This critical area of governance reform has tremendous implications for women. This is at a number of levels: where basic legal systems are re-built after conflict, it is critical to ensure that abuses of women's rights are addressed and that judicial reform includes law reform to criminalize the abuses women experience, and training of legal personnel to prosecute these crimes more effectively.

Decentralization: This is the area where we do see considerable focused investment and programming to amplify women's voice in local decision-making and to bolster their skills for budget analysis, lobbying, etc. The effectiveness of governance reforms at a local level from a gender perspective ought to be tested by tracking local spending – is more money flowing into services that women need, such as ante-natal care, water and sanitation, street lighting?

Gender and good governance

We found that the meaning of women taking political office signified not only the creation of mechanisms for their entry into public office but also establishing women as legitimate political actors (as opposed to private persons who do not have a place in politics and the public sphere). Engendering governance institutions meant building accountability of governance institutions to women as citizens, changing rules, procedures and priorities that exclude the participation of poor women and the incorporation of their interests in the development agenda, and the mobilization and organization of women's voice in civil society.

What does citizenship mean for poor women? First, it meant the right to participate and to be agents. The meaning of citizenship for those groups who are on the margins of society is centrally about acquiring the power to define the problem of lack of rights and the solutions that would ameliorate this condition. Second, it meant aspiring for realizing substantive equality as opposed to formal equality. The case studies highlight how important it is to insist on the honest representation of the lived experience of specific categories of women (the most marginalized or those who are most affected by the specific lack of rights) in constructing substantive citizenship as against citizenship as formal rights.

The practice of good governance

Constructing voice Women's voice and women's organization as a political constituency within civil society are crucial in order to break through the barriers that restrict their participation in politics, within governance institutions and their claims to citizenship. In order to give 'voice' to women's demands an immense amount of work has to take place to organize and mobilize constituencies that grow into an awareness of the right to have a right, and the right to participate in decisions affecting their life.

Evidence shows the importance of citizen voice and constituting women as a political force, in order to shift and reshape institutional agendas, rules and practices. The task is twofold: on the one hand getting women more aware of their rights and more aware of how to hold institutions to account, and on the other intervening in organizational processes to reshape how organizations function. Looking at institutions from the perspective of poor, marginalized women raised issues

of broader institutional accountability, that institutions are not accountable to poor men also, and that there is often a lack of transparency. Hence redressing these imbalances from the point of poor women will result in better institutional accountability to all.

MODULE EIGHT: ACCOUNTABILITY

8

Introduction

Accountability has been described as "the hallmark of modern democratic governance". This is not a new idea. Benjamin Disraeli, a 19th century British politician, wrote "... that all power is a trust; that we are accountable for its exercise. In politics and administration, responsibility was the technical term that was preferred to indicate the duty that persons in public authority had to "respond" in their conduct and actions as public officials.

Accountability, is a principle according to which a person or institution is responsible for a set of duties and can be required to give an account of their fulfilment to an authority that is in a position to issue rewards or punishment.

The phrase "accountability" is originally derived from the Latin word "accomptare" which means "to account" for something. It has often been used synonymously with other concepts such as "answerability", "enforcement", "responsibility", "blameworthiness", and "liability". However, the duplicity notwithstanding, all the terms used in connection with the concept of accountability are associated with one common meaning which is the "obligation and expectation of account-giving" about what one has done. It has to do with responsiveness and being answerable to somebody or the people.

According to Robert Behn, individuals exercise accountability in four ways:

- For finance, when we establish detailed expectations about how public officials will handle public resources;

- For fairness or equity, when we create values, principles, and ethical standards to ensure that government and its employees treat its citizens fairly; for use (or abuse) of power, when we create rules to limit the discretion of public officials and to prevent those officials from abusing their power and discretion in finances or fairness; and finally,

- For performance, when we define the expectations for the actual outcomes that public officials will achieve using public resources and their invested power.

Accountability in Politics and Administration

Normally, accountability is said to apply to positions of public office. These comprise both political positions, where representatives or people covering other institutional roles deal with public affairs in the name and interest of the citizens, and administrative positions, where the link with the citizens is mediated by the government. The chain of accountability is different in the two cases, and so is the form that accountability takes.

Political accountability: In democracies, it depends, on the one hand, on the form and mechanisms of political representation, linking citizens to their legislators, and, on the other hand, on the formalized relationship between executive and legislative powers.

Administrative accountability: is apparently more straightforward because it operates within a more definite hierarchical structure where there is a certain division of labour and competencies and where both the content and the process of public decision making and, hence, the role played by individuals can be examined in more detail. There is another area of political and administrative accountability that is concerned less with how well (or badly) public officials operate in the public interest and more with whether they abuse their position of authority.

Accountability is here concerned with reducing the opportunities for corruption, maladministration, or legal impropriety that come to people in positions of power. Political and administrative institutions have a series of mechanisms and internal instruments for policing abuses of power, but, ultimately, accountability relies on more traditional legal instruments and the operations of the legal system and the courts at large.

A similar problem arises when one considers accountability from the reverse perspective of the identification of the people "to whom" officials (particularly in the public administration) should be accountable. It would seem that, in the most immediate sense, public servants are directly accountable to politicians and the government of the day. Yet, public servants' accountability to their political "masters," or to their superiors in the bureaucratic hierarchy, can only be justified as part of a longer chain, making them ultimately accountable to the citizens and the public at large.

Types of accountability

Ethical Accountability

Respecting your coworkers and clients, not blaming others for your mistakes and apologizing when you're in the wrong is part of ethical accountability. Organizations and their employees have to be accountable for each other. For instance, if an employee does something wrong, the organization may have to issue an official apology on their behalf.

Financial Accountability

In an organization, financial accountability is concerned with creating a sound budget and ensuring minimal waste. Allocating resources efficiently would ensure that there's no excess expenditure. This is critical when you're in the planning stages of a new project where there are higher chances of exceeding your budget. This is crucial to build public trust and confidence on government institutions and CSOs. Lack of financial accountability is more likely to distort core values good governance, legitimacy, public support and transparency – it also will create wrong perception on government institutions and CSOs.
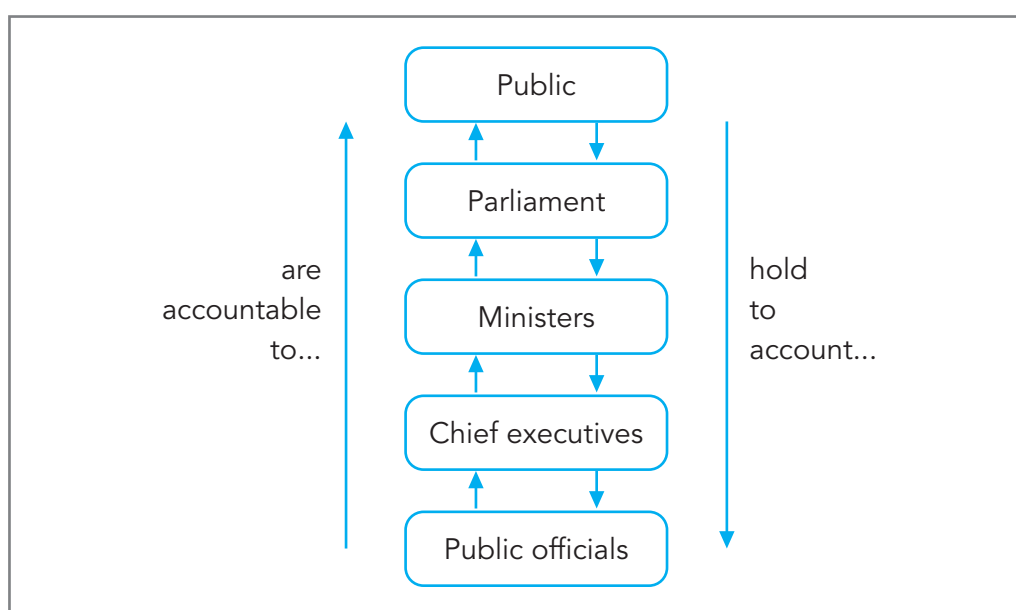
Personal Accountability

Personal accountability is whenever you make a conscious choice to take accountability for your actions. In the workplace, this can mean being accountable for your decisions and how it affects your coworkers. When you do something wrong, you could apologize instead of deflecting

blame. Being productive at work and reflecting on your actions fall within the scope of personal accountability.

Public Accountability

The obligations of agencies and public enterprises who have been trusted with the public resources, to be answerable to the fiscal and the social responsibilities that have been assigned to them. These companies and agencies need to be accountable to the public at large and carry out the duties asked of them responsibly. Public accountability is an important pillar of any parliamentary democracy. Any public body that uses and manages public funds and resources is accountable to Parliament and public – this is applicable to CSOs as well. It is important that they understand and support the processes and systems that ensure public accountability.

Public Accountability: Figure-03

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Social Accountability

Social accountability refers to the broad range of actions and mechanisms beyond voting that citizens can use to hold the state to account and make it responsive to their needs, as well as actions on the part of government, civil society, media and other societal actors that promote or facilitate these efforts.

Social accountability increases transparency and quality of government, policy development and implementation processes, and thus becomes the principal method for solving governance issues that hinder improvement of quality of life of citizens. In doing so, the government receives the propositions from their citizens and defines critical issues, explores their root causes and implements possible solutions (Word Bank). Thus, CSOs should advocate for social accountability at the community level for issues related to peace, reconciliation, SDGs, social cohesion, development, corruption and preserving natural resources etc.

Other commonly used definitions of social accountability:

Social accountability emerges through actions by citizens and civil society organization aimed at holding the state to account, as well as efforts by government and other actors (media, private sector, donors) to support these actions. It provides extra sets of checks and balances on the state in the interest of the public (UNDP).

Social Accountability is a process of constructive engagement between citizens and government to check the conduct and performance of public officials, politicians, and service providers as they use public resources to deliver services, improve community welfare, and protect people's rights.

The concept of "Social accountability" has been translated and widely used as

- Social Responsibility

- Accountable Reporting

- Community/Citizens Oversight

- Social Auditing

Common elements of social accountability practice

- Constructive engagement between stakeholders, marked by a spirit of collaboration and not opposition. In social accountability, there is equal emphasis on recognizing and sustaining good practices, and on identifying problem areas for further improvement.

- Partnerships among different stakeholders, commonly between government institutions and the people who represent them and citizens or the groups (e.g., civil society) that represent their interests. There is a widespread hypothesis that involving other types of stakeholders - such as the private sector, industry experts, public service providers, and the media - increases the impact of social accountability initiatives.

- The use of evidence and tools as a basis for joint action. Tools and the methodologies for carrying them out are typically agreed on by all involved, and can deal with perception or satisfaction data (e.g., citizen feedback on public services) to the more technical aspects of service delivery (e.g., monitoring expenditure on welfare).

- It is ideal that SA actions are embedded in naturally-occurring processes, especially when used as a tool for problem-solving. For this reason, the natural actors in a specific service delivery issue are those who benefit from or receive the service. In the case of schools, this can be the parent-teacher associations and students; in the case of local hospital, it is likely to be the immediate community around each hospital.

Democracy and Public Accountability

Demands for more effective accountability have therefore tended to expand the instruments of political accountability, looking for ways in which political control can be exercised procedurally and in the course of decision making and not simply ex post facto. One can observe three

tendencies in such a process of expansion.

- The first is the importance given to both administrative transparency and citizens' right of information. By opening up the process of decision making to public scrutiny, it is hoped that representatives and public officials will be forced to act in the public interest.

- The second is the introduction of various forms of more direct control or input from the citizens. Institutions such as the ombudsman, who can act as the direct voice of the individual citizen vis-à-vis the public administration, or the recall of public officials, which approximates to a form of imperative mandate, or the more frequent use of referenda on controversial issues are all ways in which public officials and public decision making in general are supposed to be brought into more immediate contact with the wishes of the citizens.

- The third avenue taken in the expansion of accountability, particularly as a way of curbing corruption and regulating private interest in public affairs, has been the introduction of stricter standards of conduct and the development of various registers of interests.

Citizens Voice Action – CVA

Citizen Voice and Action is a local level advocacy methodology that transforms the dialogue between communities and government in order to improve services, like health care and education, which impact the daily lives of children and their families. The goal of Citizen Voice and Action is to improve the accessibility and quality of public services. Through collaborative, non-confrontational dialogue between service users, government and providers, users are empowered to monitor and seek accountability for service delivery and to take collective responsibility for services. CVA is based on the view that each citizen has the right to hold to account his or her government for fulfilling its commitments.

Three phases of CVA

- Enabling citizen engagement
- Engagement via community gathering
- Improving services and influencing policies

Community Score card /Citizens Score Card

The Community Score Card (CSC) is a participatory, community based monitoring and evaluation tool that enables citizens to assess the quality of public services such as a health centre, school, public transport, water, waste disposal systems and so on. It is used to inform community members about available services and their entitlements and to solicit their opinions about the accessibility and quality of these services. By providing an opportunity for direct dialogue between service providers and the community, the CSC process empowers the public to voice their opinion and demand improved service delivery.

Social Auditing

Social audits can take different forms and cover a range of actors and practices. They can be undertaken independently by CSOs/Community based organizations or jointly with the government. They often begin as civil society initiatives and at times evolve into collaborative and institutionalized efforts. When a community undertakes a social audit for the first time it is usually supported and assisted by an intermediary CSO in terms of training on the social audit process; help access the information required to conduct the social audit: assist in collating and disseminating information to the community; document the social audit findings; and follow up with public officials regarding the proposed changes or remedial actions. Owing to a growing realization that transparency and demonstration of trust contribute significantly to the success of a programme/project, even commercial firms, and international donor agencies and NGOs are using social audits as a means of assessing and improving their programmes and overall performance.

Principles of social audit

Transparency: Complete transparency in the process of administration and decision making, with an obligation on the govt to proactively give the people full access to all relevant information.

- **Participation**: A right based entitlement of all the affected persons and not just their representatives to participate in the process of decision making and validation

- **Representative Participation**: In those cases where options are pre determined out of necessity, the right of the affected persons to give informed consent, as a group or as individuals, as appropriate

- **Accountability:** Immediate and public answerability of elected representatives and government functionaries, to all the concerned and affected people, on relevant actions or inactions.

Role of NGOs in Enhancing Accountability

The "circle of accountability" in which nonmajoritarian institutions are caught is also relevant to the role that nongovernmental organizations (NGOs) are playing in the new accountability regimes. The so-called third sector, particularly in the form of international NGOs and advocacy organizations, has increasingly taken on itself the task of monitoring the operation of both governments and intergovernmental institutions in relation to a number of fields where the rights of individuals and groups are concerned or where international public goods, such as environmental sustainability, are at stake. But as the role of NGOs has become more prominent as an instrument of accountability, they themselves have been made the object of new demands of accountability, which, however, involve the complex operation of identifying who are the "accountees"—those who finance them, their membership, the professional workers running them, or the people whose interests are the object of the NGOs' activities.

In developing countries, a very basic meaning of accountability for public officials is compliance with rules and regulations, but this legal obligation is just a basic foundation for the taking of further steps. The next level might be emphasizing an ethical character for public officials in

carrying out public service. Up to these levels, penalties for wrong doing and or failure typically reflect the image of accountability system in many developing countries.

When a society becomes mature and democratic, more sophisticated levels of accountability are required. Simply being legal is not sufficient for public officials. Public officials should perform much more than what is legally and ethically required. Moreover accountability is not a fixed concept. Public officials should follow more advanced levels of public policies and procedure related to public accountability such as promoting answerability, responsiveness. Accountability should be embedded in organizational culture.

There are major constraints in promoting public accountability. In most cases, "public sector is responsible for promoting public accountability, but it faces many challenges and constraints in doing so. The most serious challenges are the lack of transformational leadership and political will in many developing countries.

Responsibility and Accountability

Responsibility is an ethical concept that refers to the fact that individuals and groups have morally based obligations and duties to others and to larger ethical and moral codes, standards and traditions. The roles taken on by decision-makers imply a responsibility to perform certain functions associated with those roles. To be more specific, responsibility refers to more than just the primary function of a role; it refers to the multiple facets of that function, which includes both processes and outcomes, and the consequences of the acts performed as part of that set of obligations. A responsible actor may be seen as one whose job involves a predetermined set of obligations that need to be met in order for the job to be accomplished.

Accountability is the readiness or preparedness to give an explanation or justification to stakeholders for one's judgments, intentions and actions. "It is a readiness to have one's actions judged by others and, where appropriate, accept responsibility for errors, misjudgments and negligence and recognition for competence, conscientiousness, excellence and wisdom." While responsibility is defined as a bundle of obligations associated with a role, accountability could be defined as "blaming or crediting someone for an action"—normally associated with a recognized responsibility. The accountable actor is "held to external oversight, regulation, and mechanisms of punishment aimed to externally motivate responsive adjustment in order to maintain adherence with appropriate moral standards of action."

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MODULE NINE: POLITICAL PARTICIPATION OF WOMEN IN SRI LANKA

Introduction

Sri Lankan women were enfranchised in 1931, but they did not contest for the first State Council. Adline Molamure contests a by-election in 1931 and became the first women in the State Council, Naysam Saravanamutthu, too was elected at a later by election in 1931. Sri Lanka has set a record by electing the world's first woman Prime Minister, Sirimavo Bandaranaike, in 1960. She was reelected as the prime minister in 1970. Chandrika Kumaratunga, her daughter

was elected to the prime minister post in August 1994. She was elected Executive President in November 1994 and her mother became the prime minister again. Thus women have occupied the most important political positions in Sri Lanka. Despite these high achievements Sri Lanka does conform to a worldwide pattern of limited political representation by women. There will be a discussion on how many women entered politics using family background and influence and how many entered on their own efforts through grassroots level encountering enormous challenges, hardships and struggles.

Why Equal Political Representation?

- Both men and women have been given equal political rights

- Women cover 51.9% of the Sri Lankan population and without their representation we can't achieve democracy

- Women have specific interests and needs (for ex. related to reproduction, child care, preventing domestic violence etc.)

- Women have some different experiences and therefore valuable contributions and ideas to provide to society

- To achieve sustainable development and good governance women and men both actively participate in all types of social activities.

- Women around the world are too can be very effective role models to younger women and motivate/ mentor them.

- Summarize the discussion on equality argument, interest argument, experience argument, and role model argument
- Not only women other marginalized groups also should represent their needs, interests and experiences – also they can set records

Women's Political Participation in Sri Lanka

- 1931 voting rights, increasing voter turnout of women, 53% of women voters
- Members of political parties, varied, but nearly 25 – 28% women members
- But at the working committee level only 7%, Electorate organizers 5%, very few women party leaders – as widows
- Campaigning – very active as fund raisers, demonstrators, at meetings, organizers of pocket meeting, religious and welfare activities, preparing food, distributing pamphlets, and accompanying candidates in villages
- Nominations – less than 4% at general & provincial elections – in 2020 only 54 from major parties, just women's names by smaller parties and independent groups to fill the list, some names are included in the national list but later appoint a man without even informing the female candidate
- **Sri Lankan Govt. structure** – Executive president, Cabinet and Prime minister, Legislature -225, Provincial Councils – 9, Local Govt.s – MC – 24, UC -41; *Pradesheeya Sabha* – 276 = Total 342
- Representation in the parliament – less than 5% until 1977, after that 5.3 to 5.8% always the women number was 11 – 13 women for 225 members in the parliament
- Provincial Councils – it was 1.9 until 1989 – after that 4.2% but no chief minister, one minister and two women governors
- Marginalized groups are excluded from formal politics – no mechanism to represent in decision making
- They are not included in political, social and economic governance
- No facilities for voting – mainly for disabled, migrant workers, internally displaced persons, *Bikkunis* and LGBT persons
- Even data on representation of elected bodies on representation of such categories not available in Sri Lanka

Quota Policy for Women's Local Govt. Representation

- Local level – until 2015 25% Quota policy introduction 1.8% women in local governments
- 2012 Local Authorities (Amendment) Act12; 16 – 2017 Aug. – Hybrid electoral system
- 60% first-past-the post (SMP) system – 40 Proportional Rep. system –Two nominations lists – 1st list – 10% and 2nd list -50% women
- Total 8356 – 25% quota for (2206) women

- Act 27 F – Not less than 25% women members should be in every local govt. inst.

- **2018 experience:** simple voting system, easy to vote, less spoiled votes, 70% voter turner out, better relationship with the candidate of small size seats, more than 17,000 women candidates (30.4% – total around 56,000)

- Nomination and selection depended on the electorate organiser, hard to calculate the number of women due to a winning of one party – in certain LG's total seats

- Many Nominated women – not politically active but close associates/relatives of party leaders

- Many women in the list – were given responsibilities in the campaign, spent resources but if the seats were defeated they were peanalised, selected women have no assigned seats and less relations with voters but more responsibilities

- In 10 LGs – no 25% quota for women – the rest has 25%

- It will be an experiment –but women have to work seriously to change the structure and the political culture

- **Lessons** – many women addressed political meetings for the first time, organised campaigns, able to meet/interact with political leaders, addressed issues of women/ children, learned how to challenge the parties, prepared their own leaflets/posters, obtained some resources

- 2018 – women representation in local govt. increased – 1989 -24%

- Elected women 535 – around 6.5% - 1454 nominated

- - Anuradhapura – all women contested -31- won

- Rathnapura – 31 women won

- - Kurunegala – highest women – 45 elected and nominated

- But still - Women – second class citizens – equal rights not fully practiced, gendered citizenship, they are exploited by men to increase their vote base, women's wings are not to empower women. (that even though there is a quota and women may be voted in, that doesn't mean that they are participating in a meaningful way. Just being invited to the table is not enough, they must be able to effectively voice their concerns and be respected by other elected officials)

Women Candidates Nominated for General Elections in Sri Lanka: Table 02

Candidates	1947	1952	1956	1960 (Mar)	1960 (July)	1965	1970	1977	1989	1994	2001	2004	2015
Total	360	305	249	899	393	493	437	756	672	692	738	624	6151
Women	3	10	7	11	7	16	13	20	13	20	20	17	556
Women -%	0.8	3.3	2.8	1.2	1.8	3.2	2.9	2.6	1.9	2.9	2.7	2.7	9.3

Source: Calculated by the author from data related to general elections 1947 – 2004 –*with independent groups

Elected Women According to Political Parties 1947 - 2020 General Elections: Table 03

Political parties	1947	1952	1956	1960 Mar.	1960 July	1965	1970	1977	1989	1994	2001	2004	2010	2015
LSSP	1	1	1	1	1+1*		2+2*							
CP		1												
UNP				1		1	1	3+1* +5*	3+1**	4	4	3	4+1**	6+1**
SLFP/PA UPFA	1*					2+2*	1	1	7+1**	5	5	8	6+2**	5
MEP	1*		2											
Jathika Vimukthi Peramuna			1*	1	1	1								
TNA														1**
JVP										1	2			
Total	3	2	4	3	3	6	6	10	12	10	11	11	13	13

Source: Calculated by the Author – from the General Election Results 1947-2015. *Elected at By elections ** Appointed from the National List

How to Improve Women's Political Participation?

Commitment of women – work more on social issues and demonstrate leadership – participate more on informal politics at community level

- to get experiences

- to demonstrate women's leadership qualities

- to get the social and political recognition/popularity for nomination

- to learn more on political activities (campaigning, fund raising, communication etc.) and strategies

- to work on behalf of voters when they are in difficult situations - to get more votes

- to learn more on lobbying and advocacy and net working

Influence from the civil society – strengthen grass roots CBOs – common forum and encouraging civil society networks with different organizations/focuses coming together to advocate with one voice

- Mentoring the new/young women by experienced political women to increase their empowerment and awareness of rights and responsibilities to be active citizens

- Elected women as role models – take steps to change the present political culture

CURRICULUM FOR CIVIC AND POLITICAL EDUCATION

- Raise awareness of the society on importance of women representation

- Lobby the government to change affirmative actions

- Lobby for changing the educational curriculum, media, etc. to be sensitive to issues related to women and under-representation

- **Quota policies** – constitutional quota – reserved seats for women and underrepresented groups and measures in place that once elected, there is meaningful participation

- Electoral quota – electoral policies to nominate more women/under represented candidates

- Multi member constituencies

- Rotation system among men/women/ under represented members

- Voluntary party quota – party policies to have more women/under-represented groups in decision making levels of parties

- Sig sag system or twin system – for nomination lists

- The Indian Gender quota would be a better system – to have 33% seats rotation

- **Effective Quota policy for Sri Lanka -** Amend the LG act, Reservation policies should be implemented genuinely – Gender quotas for PC and National elections – party internal democracy, party structural changes, more awareness for politicians and voters on importance of women's representation, more efficient and committed Independent election commission, further training and funds for women.

- Encourage multi-stakeholder collaboration so political leaders are meeting with civil society groups and local authorities to engage in dialogue and working towards sustainable change together

Equal Human Rights & Freedom: Women & other Marginalized Groups

Equal rights to Men, Women and all marginalized groups:

Although human rights were in existence in the western as well as the eastern countries of the world since the beginning of the human civilizations and declarations on human rights had also been made, it was after the Second World War of 1945 that a common consensus was built up on them and expanded internationally. Many countries stressed that atrocities such as the annihilation of the Jews in Germany during the Second World War and the genocide in Japan committed by America by the bombing of Hiroshima and Nagasaki should never be repeated in the world. It was also stressed that the responsibility of protecting human dignity and existence as well as establishing peace is cast upon all countries of the world. The alliance of nations too who were engaged in finding solutions to the problems inherited as a result of the war during the post-war period stressed the fact that more attention should be paid on human rights internationally. It was re-iterated that the way a particular country treats its people is not considered as a matter that affects that country alone but as a matter that should draw the attention of the international society. Based on these objects and many others the United Nations Organization was established in 1945.

The UN promulgated the Universal Declaration on Human Rights in 1948. This Declaration clarifies the legal responsibility entrusted to the UN to protect human rights internationally. The first Article of the Declaration states that despite the fact that people live in different countries, regions and areas and belong to different nations, human groups, families, castes or any other human groups and speak different languages, they are all equally entitled to human rights because men and women are equal in status. Article Two states that "All rights and all forms of freedom are devolved upon every person irrespective of race, color, sex, language, religion, political or other opinions, national or social origin, property , birth etc.". Civil, political, economic, social and cultural rights have been internationally protected by the thirty (30) Articles of this Universal Declaration.

In addition to the Universal Declaration, in 1966 the UN passed an International Convention on Economic, Social and Cultural Rights. The ability to enjoy the relevant rights with no discriminations on grounds of race, color, sex, religion, ethnic or social origin has been ensured through these Conventions as well. The International Human Rights Commission consisting of 18 members has been established by the Convention on Civil and Political Rights.

A collection of 94 such International Conventions passed by the UN was compiled in 1993. Those Conventions can be classified into two categories as general and special Conventions. The aforementioned 5 Declarations, the American Declaration of 1948, European Social Charter of 1961, African Charter on Human Rights of 1969 etc. fall into the general category of rights. Among the conventions on rights entitled to by different groups, Conventions such as the 1948 Convention on the Prevention of Genocide and Punishments, 1948; Convention on Refugee Rights of 1951; the Convention on Prevention of Discrimination against Nations of 1966; the Convention on the Elimination of all forms of Discrimination Against Women of 1979; the Convention of Child Rights of 1984; and the Convention on the Protection of Rights of Migrant Workers and their Family Members of 1990 are considered most important.

By all these Declarations and Conventions it has been ensured that human rights relating to the respective fields should be possessed by all persons irrespective of gender or any other physical or social differences.

In order to protect and promote these rights, a structure of institutes has been established by the UN. The General Assembly, Economic and Social Council, Human Rights Commission and the Sub Commission, Security Council, International Court of Justice and Trusteeship Council are prominent among such institutions. The UN High Commissioner for Refugees, the International Labour Organization and the Commission on the Status of Women too function with regard to the protection and promotion of human rights relating to the respective areas.

However, in practice, most of these human rights are not enjoyed by many individuals and groups, mainly due to their social exclusion, poverty, minority status, different religion & language, gender, caste, physical inability or distance from mainstream society, sexual orientation /relations, etc. The UN has guaranteed human rights of such marginalized groups by issuing some conventions including specific rights relevant to those groups.

Sri Lanka has ratified the following Conventions:

- Convention on protection of Discrimination on the Basis of Race, Religion or Belief and Protection of Minorities -1982

- Convention on the Elimination of All Forms of Racial Discrimination – 1982

- Child Rights – Convention on the rights of Child -1990

- Convention on the Protection of the Rights of all Migrant Workers and Members of their Families - 1991

- Equal Remuneration Convention -1993

- Convention against Discrimination in Employment and Occupation – 1998

- Convention on the Prohibition and Immediate action for the Elimination of the Worst Forms of Child labor - 2001

- Sri Lanka has been signatory to UN Convention on the Rights of Persons with Disabilities – since 2016 (Act No. 26 – 1996, protection of the rights of persons with disabilities – only protected rights to education, employment and access to public places – In 2020 Sri Lanka planned to enact the Disability Rights Billed – based on the UN Convention – and to implement it in 2021)

When a state ratifies a human rights convention, it assumes a legal obligation to implement the rights recognized by that treaty. By ratifying a convention a state commits to undertake all appropriate legislation, administrative and other measures for the full realization of the rights of the convention. A signing of a convention does not express the consent to be legally bound. It means the expression of the willingness of signatory state to continue the treaty making process. The signature qualifies to proceed to ratification or acceptance of the convention.

Women's Rights

Human rights are those that should be devolved upon every man and woman based on essential human needs in order to maintain humanity and to develop it fully. Rights are essential for any human being for the maintenance of life, personal development, protection of identity and freedom. They are common entitlements of men and women by birth and therefore universal.

Do all men and women need equal rights?

All men and women are born equally as human beings they all need equal basic rights such as food, shelter, clothes, health facilities, suitable environment etc. for their existence. Therefore the rights to ensure the existence of all women and men should be received by them equally. All men and women wish to enjoy self-development and thereby to live as content citizens. To live freely is the aspiration of all human beings. All men and women possess rights to maintain and protect their identity.

In today's society both parties contribute equally to economic development without any gender difference. Woman makes a great contribution for the maintenance of the family and the nation. When all these facts are considered, it is clear that the possession of equal rights by men and women alike is an essential factor. Since the function of reproduction has been assigned to woman by nature itself owing to biological differences, she has been given entitlement to special rights relating to that role played by her. Similarly, on account of the place given to woman by society for long periods of time and the attitudes and values that have been developed towards her and also her sexuality, many are the instances where her freedom is restricted and she is subjected

to suppression and exploitation compared with men. Therefore, in order to free her from acts of discrimination such as abuse, sexual harassment, exploitation, domestic violence etc., she should be granted special rights. Such rights are essential to avoid women being reduced to a more inferior position in the household as well as the common spheres of activities relative to men and to protect them by providing such special rights becomes essential.

The CEDAW Convention

The CEDAW Convention became operative in 1981 and 169 countries have signed it. By Articles 1-17 of that Convention, the rights to vote, engage in election activities, representation and engagement in NGO and community activities, right to stand against being exploited in prostitution and exploitation, representation of one's country at international level, nationality, education, training, sports, receiving knowledge and services relating to family planning, employment, equal wages, maternity leave and other allowances, health and sanitary services dues, assistance, loans, equal right within the family for cultural and recreation activities etc. have been ensured to women.

Legal Rights entitled to by the Sri Lankan Woman

All the above-mentioned international declarations and Conventions have been ratified by Sri Lanka as well. Article 12(2) of the 1978 Sri Lankan Constitution states that all persons shall be entitled to fundamental rights without any gender discrimination. In 1993 the Women's Charter was presented as a Cabinet Statement and steps that have to be followed for the advancement of woman in policy making too have been articulated. Moreover, the common laws, personal laws, acts passed by the Sri Lankan parliament and orders issued by the courts protect women's rights. The amendment to laws against sexual violence in 1995, and the Act Against Domestic Violence in 2005 protect women as well as men from sexual and gender based violence and harassment.

What is the Women's Charter?

It is the main policy statement of the State regarding the rights of women. It expresses the commitment of the State to remove all forms of discrimination against women and addresses crucial issues relevant to them. The Women's Charter is also called the 'Bill of Rights for Women.

When was it adopted?

The Sri Lanka Women's Charter was adopted on the 3rd of March 1993.

What does it aim to achieve?

The Charter aims at eradicating sex-based discrimination and at achieving gender equality.

What are the broad issues covered in the Charter?

- political and civil rights

- rights within the family

- the right to education and training

- the right to economic activity and benefits

- the right to healthcare and nutrition

- the right to protection from social discrimination

- the right to protection from gender based violence

Is it a law?

No, it is only a policy document and does not have the standing of a law. A Women's Rights Bill, which intended to give legal status to the rights enshrined in the Charter, was been submitted to the Parliament of Sri Lanka, but was rejected. Subsequently a Bill to establish a Women's Commission as intended by the Charter which would have given legal recognition to the Charter was also rejected by Cabinet.

What is the relevance of the Charter?

Even though the Charter itself cannot be implemented as law, it could be used as a guide to interpret existing laws, and as an ultimate goal to achieve in the laws relating to rights of women.

The steps that should be taken by the government to protect the rights of women; such as political and civil rights, equal rights within the family, right to education, employment, health and sanitation, right to be free from violence, rights relating to the function of reproduction etc. and the rights of rural women too are mentioned there.

Apart from that, the laws that existed in Sri Lanka against sexual abuses too were amended in 1995 and in 2005 Acts were passed against domestic violence against women. Concessions like the extension of maternity leave, providing the facility of feeding hour for breast feeding, permission being given for night shift work etc. have also been protected by law for the benefit of women.

The Legal Protection Mechanism:

Complaints against violation of fundamental rights (explained at the first session) or other by public officials can be made to the Ombudsmen, Human rights Commission or Supreme Court of Sri Lanka.

The establishment of the Women's Bureau and the Ministry of Women's Affairs in 1978, establishment of the National Women Committee and the Women and Child Police Units in police stations can be considered as efforts taken for the protection and promotion of the rights of Sri Lanka women.

Women's Political Participation in Sri Lanka

What is Politics?

There is no overall agreement on definitions of politics. However, to simply, one may say that there are at present two main and contrasting views. One, the more traditional, sees politics as an activity. It is conscious, deliberate participation in the process by which resources are allocated amongst people. The alternative view, which has become influential more recently , tends to equate politics with the articulation, or working out of relationships within the already give 'power structure'.

A more practical definition of politics can be: 'any persistent pattern of human relationship involving power, rule, authority, or something involving the power to decide'.

Common Perceptions:

Participation of politics, commonly defined as the dynamics of the relationships among various players or stakeholders to influence the process and product of policy making, is the key to changing the life of men as well as women'. To many people, including women, politics refers only to formal activities related to government, to figures of authority in the village, town, province or country and to political parties or candidates, none of who seem to have anything to do with the daily lives and concerns of ordinary citizens. Politics is commonly perceived as a male-dominated power game that serves only the vested interest of those in power and not those of the general citizens. Politics is also seen as synonymous with graft and corruption, and as an instrument used to control and abuse the marginalized the disadvantaged and powerless.

Many of these perceptions have bases that could serve as real psychological barriers that might deter women from recognizing the need to understand politics and to get involved in it. It is thus extremely important not only to redefine politics but to identify and overcome barriers to women's participation in political decision making at all levels of governance.

Political participation is recognized and guaranteed as a human right by international covenants, such as the Universal Declaration of Human Rights (UDHR) – 1948, the International Covenant on Civil and Political Rights (ICCPR) -1996 and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) -1979.

Realities of Politics:

Women activists in various parts of the world have developed programs that show how politics if related to women's daily lives –clean water, food, safety at home and in public places, livelihood opportunities, access to health and educational opportunities etc. It is important that women's interests and perspectives are articulated in making decision in these policy areas, whether they are made by *Pradessheeya Sabhas* Municipal Councils, Provincial Councils or Parliaments. As members of civil society, women's citizenships exercised through advocacy of the women's cause in policy making either as activists or as holders of formal positions of political; power and authority. However, in reality, women have been historically excluded from most of the important decision making in every sphere.

Viewed in transformational sense, politics is the crosscutting means to address through public action, certain critical areas of concern for women, from poverty in protection against all forms of violence. Therefore, women much actively participate in national, provincial, local and community

politics if they wish to change politics as well as their own lives. When the shape of politics is changed it will transform women's lives, as it will allow women to participate in the formation social, economic and political decisions affecting their lives.

The Realities of Sri Lankan Women's Political Participation:

Sri Lankan women were enfranchised in 1931, but they did not contest for the first State Council. Adlene Molamure contested a by election in 1931 and became the first woman in the State Council.

In, Sri Lanka, though gender break down of voters is not available, the number of total voters has increased from 55.9% in 1947 to 86.7% in 1977. It has been reckoned that the ratio of voters has been similar to the sex ratio of the population (women's population - 51.9%) or even the women's ratio has been higher to that of men.

Sri Lanka has set a record by electing the world's first woman Prime Minister in 1960. She was reelected in 1970. In August, 1994 Chandrika Kumarathunga was elected as the Pri9me Minister and in Nov, as the Executive President of the country. Despite these high achievements Sri Lanka does conform to a worldwide pattern of limited political representation of women. From 1947 to 94, the percentage of women candidates for general election was under 3.7%. After the 1980s it has been increasing slowly. But at the 2020 general elections only 24 women were nominated by the main political parties. Since the independence, until 1989, women's percentage in the parliament was below 4%. It rose to 5.3% in 1989 and it has gone down in 2000 to 4.8%. It was 5.7% at the 2015 parliament and in 2020 it is 4.8%.

The first female cabinet minister was Wimala Wijewardena (Minister of Health -1956). Although the 1960 cabinet headed by Sirimavo Bandaranaike no woman was given a ministerial position. Until 1994, at least one woman was in the cabinet and the percentage of women was around 7%. But in 1994 it increased up to 13.1%. However, most of these women were given so called feminine fields such as local government, rural development, health, women and children affairs and welfare as their portfolios.

Percentage of women candidates for the provincial council elections and the percentage of women members in the provincial councils are smaller than the percentage of parliamentary women. The percentages of women candidates as well as women councilors have not gone beyond 3.5%. Within the provincial councils women percentage was 4.1% before their dissolution. The percentage of women in the local governments was 1.8% before the quota policy was implemented in 2017. The quota policy introduced a Hybrid electoral system to Sri Lanka. According to this, there are two nominations lists – 1st list – 10% and 2nd list -50% women. When electing women 60% has to be elected by the first-past-the post (SMP) system and 40% has to be elected by the Proportional Representative system. According to the local government amendment act, 8,356 (total) councilors have to be elected and 25% (2206) quota was allocated for women. The Article 27 F says "Not less than 25% women members should be in every local government institution.

At the 2018 local government elections, more than 17,000 women were given nomination (30.4% – total around 56,000). However, it was difficult to select 25% women members from some local governments, since the total number of councilors has filled by elected men. In 10 local governments, men of the winning party have won all the seats; women could not be selected on the basis or quota policy. But the rest of the local governments were able to fill the 25% quota for

women from the party which was at the second rank. As a result, in 2018, women's representation in local government increased from 81 (1.8%) to 1989 (24%). Out of this 535 (6.5%) women were elected and 1454 were nominated by political parties or independent groups.

In the Sri Lankan political arena, kinship ties can be seen to serve successful parliamentary women. Most of parliamentary women came from political families and they have replaced their father, brother or husband who died unexpectedly.

Barriers to the participation of women in politics:

Social, cultural and religious factors:

- Patriarchal society and its values, attitudes and knowledge

- Women's socialization process

- Subordinate position of women in the family as well as in the society

- Multiple traditional roles of women (productive and reproductive)

- Social prejudices, stereotypes, myths, and traditional notions of femininity

Economic factors:

- Lack of access to the kind of money and patronage that are increasingly crucial factors in candidates' ability to win elections.

- Emphasis by family for females to contribute to household income so no time for political participation

Political factors:

- Political violence and character assassination

- Male domination in party organization and lack of internal democracy in parties

- Aggressive poster and other campaign strategies mainly used by men and their supporters

- Large electorates to cover campaigns

- Relatively short historical traditions of women's political participation and lack of experience in campaigning, debates and exposure to media

- Inactive women's wing in parties

- Lack of awareness of voters on importance of women's representation

- Violence towards and smear campaigns towards female representatives and candidates

Psychological barriers:

- Lack of confidence due to lack of exposure

- Reluctance to enter politics due to its 'dirty' nature

- Priority given to family responsibilities.

- Access to education and therefore qualifications. 2. Physical access to public places 3. Access to information (in accessible formats but also withheld by powerful family members and etc.

Strategies to improve the situation:

- Commitment of women – work more on social issues, community works and demonstrate eldership

- Influence from the civil society – strengthen grass roots CBOs – common forum

- Mentoring the new/young women by experienced political women

- Elected women as role models – take steps to change the present political culture

- Raise awareness of the society on importance of women representation

- Lobby the government to change affirmative actions

- Lobby for changing the educational curriculum, media, etc. to be sensitive to issues related to women and under-representation

- **Quota policies** – constitutional quota – reserved seats for women and underrepresented groups

- Electoral quota – electoral policies to nominate more women/under represented candidates

- Multi member constituencies

- Rotation system among men/women/ under represented members

- Voluntary party quota – party policies to have more women/under-represented groups in decision making levels of parties

- Sig sag system or twin system – for nomination lists

- The Indian Gender quota would be a better system – to have 33% seats rotation

- **Effective Quota policy for Sri Lanka -** Amend the LG act, Reservation policies should be implemented genuinely – Gender quotas for PC and National elections – party internal democracy, party structural changes, more awareness for politicians and voters on importance of women's representation, more efficient and committed Independent election commission, further training and funds for women.

MODULE TEN: HUMAN RIGHTS

What is Human Rights?

Human rights have been promoted since 1946 by the United Nations as part of its mandate. But since the human rights standard setting has been continuously developing, new concepts have also been adopted by the international community and made part of human rights obligations of the states.

Every individual has dignity. The principles of human rights were drawn up by human beings as a way of ensuring that the dignity of everyone is properly and equally respected, that is, to ensure that a human being will be able to fully develop and use human qualities such as intelligence, talent and conscience and satisfy his or her spiritual and other needs. Dignity gives an individual a sense of value and worth. The existence of human rights demonstrates that human beings are aware of each other's worth. Human dignity is not an individual, exclusive and isolated sense. It is a part of our common humanity. Importantly, everyone in the society irrespective of gender, disability, politics, ethnicity, religion, language, birth place and race are entitled to enjoy human rights and fundamental freedoms. To align with the project objectives, the discussion on human rights will also focus on **gender dimension of human rights**.

Human rights enable us to respect each other and live with each other. In other words, they are not only rights to be requested or demanded but rights to be respected and be responsible for. The rights that apply to you also apply to others. The denial of human rights and fundamental freedoms not only is an individual violation of rights, but also creates conditions of social and political unrest, sowing the seeds of violence and conflict within and between societies and nations.

Human Rights Principles

Human rights are universal and inalienable; indivisible; interdependent and interrelated. They are universal because everyone is born with and possesses the same rights, regardless of where they live, their gender or race, or their religious, cultural or ethnic background. Inalienable because people's rights can never be taken away. Indivisible and interdependent because all rights - political, civil, social, cultural and economic - are equal in importance and none can be fully enjoyed without the others. They apply to all equally, and all have the right to participate in decisions that affect their lives. They are upheld by the rule of law and strengthened through legitimate claims for duty-bearers to be accountable to international standards.

Universality and Inalienability: Human rights are *universal* and *inalienable*. *All people everywhere in the world are entitled to them.* The universality of human rights is encompassed in the words of Article 1 of the *Universal Declaration of Human Rights*: "All human beings are born free and equal in dignity and rights."

Indivisibility: Human rights are *indivisible*. Whether they relate to civil, cultural, economic, political or social issues, human rights are inherent to the dignity of every human person. Consequently, all human rights have equal status, and cannot be positioned in a hierarchical order. Denial of one right invariably impedes enjoyment of other rights. Thus, the right of everyone to an adequate standard of living cannot be compromised at the expense of other rights, such as the right to health or the right to education. This is especially true for women and persons with disabilities, who often experience compromised rights compared to non-marginalized groups.

Interdependence and Interrelatedness*: Human rights are *interdependent* and *interrelated*. Each one contributes to the realization of a person's human dignity through the satisfaction of his or her developmental, physical, psychological and spiritual needs. The fulfilment of one right often depends, wholly or in part, upon the fulfilment of others. For instance, fulfilment of the right to health may depend, in certain circumstances, on fulfilment of the right to development, to education or to information.

Equality and Non-discrimination*: All individuals are equal as human beings and by virtue of the inherent dignity of each human person. No one, therefore, should suffer discrimination on the basis of race, colour, ethnicity, gender, age, language, sexual orientation, religion, political or other opinion, national, social or geographical origin, disability, property, birth or other status as established by human rights standards. How far disable people enjoy equality and non-discrimination is critical question that we need to find answers and take measures to ensure their rights.

Participation and Inclusion*: All people have the right to participate in and access information relating to the decision-making processes that affect their lives and well-being. Rights-based approaches require a high degree of participation by communities, civil society, minorities, women, young people, indigenous peoples and other identified groups. Convention on the Rights of Persons with Disability (CRPD), Declaration on Right to Development, International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) all remain much relevant to discuss the participation and inclusion of women, disable people and youth in public life, politics, development, economy, and in other spheres. Are we really enjoying rights that are ensured in these instruments – participants will be allowed to discuss some pressing issues that violates these conventions from local contexts. Article 29 of CRPD highlights the importance of participation in political and public life and state's responsibility of ensuring those rights. The CRPD will be discussed in third module in detail.

Accountability and Rule of Law: States and other duty-bearers are answerable for the observance of human rights. In this regard, they have to comply with the legal norms and standards enshrined in international human rights instruments. Where they fail to do so, aggrieved rights-holders are entitled to institute proceedings for appropriate redress before a competent court or other adjudicator in accordance with the rules and procedures provided by law. Individuals, the media, civil society and the international community play important roles inholding governments accountable for their obligation to uphold human rights.

List of Rights Human Beings Can Claim and Enjoy

Since 1948, the United Nations has been engaged in defining the international human rights standards particularly in relation to specific issues. Examples of these human rights, freedoms, rights and prohibitions related to human rights, are the following

In the area of civil and political rights – discussion with examples, taking from local and national contexts.

- Right to life
- Freedom from torture and cruel, inhuman or degrading treatment or punishment
- Freedom from slavery, servitude and forced labour
- Right to liberty and security of person
- Right of detained persons to be treated with humanity
- Freedom of movement
- Right to a fair trial
- Prohibition of retroactive criminal laws
- Right to recognition as a person before the law
- Right to privacy
- Freedom of thought, conscience and religion
- Freedom of opinion and expression
- Prohibition of propaganda for war and of incitement to national, racial or religious hatred
- Freedom of assembly
- Freedom of association
- Right to marry and found a family
- Right to take part in the conduct of public affairs, vote, be elected and have access to public office
- Right to equality before the law and non-discrimination.

In the area of economic, social and cultural rights - discussion with examples, taking from local and national contexts.

- Right to work
- Right to just and favourable conditions of work
- Right to form and join trade unions
- Right to social security
- Protection of the family
- Right to an adequate standard of living, including adequate food, clothing and housing
- Right to health
- Right to education

In the area of collective rights, Right of peoples to: discussion with examples, taking from local and national contexts.

- Self-determination
- Development
- Free use of their wealth and natural resources
- Peace
- A healthy environment

Other collective rights: discussion with examples, taking from local and national contexts.

- Rights of national, ethnic, religious and linguistic minorities
- Rights of indigenous peoples.

Human Body Human Rights (this technique/tool can be applied based on the nature of the participants, for instance, if there someone without eyes or without hands (physical disability) this section can be omitted.

Listen to an overview of human rights using the human body as a reference.

Civil and Political Rights:

Brain - Freedom to have your opinion

Eyes - Freedom to see everything and have access to information

Mouth - Freedom to expression

Ears - Freedom to access information, any news

Hands - Freedom to act

Legs - Freedom to move Economic, Social and Cultural Rights

Heart and Body - Enough food, education, health, social security

Declaration on Right to Development and Fundamental Freedoms

Article 6 and 8 insists fundamental freedom for all human beings in the development process

Article 6

1. All States should co-operate with a view to promoting, encouraging and strengthening universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

2. All human rights and fundamental freedoms are indivisible and interdependent; equal attention and urgent consideration should be given to the implementation, promotion and protection of civil, political, economic, social and cultural rights.

Article 8

1. States should undertake, at the national level, all necessary measures for the realization of the right to development and shall ensure, inter alia, equality of opportunity for all in their access to basic resources, education, health services, food, housing, employment and the fair distribution of income. Effective measures should be undertaken to ensure that women have an active role in the development process. Appropriate economic and social reforms should be carried out with a view to eradicating all social injustices.

2. States should encourage popular participation in all spheres as an important factor in development and in the full realization of all human rights.

State Obligation on Human Rights

They are considered to be the three levels of obligation: these obligations should be discussed with real life examples. Namely, role of state institutions, law enforcing agencies, rights protection mechanism, civil society organization in protecting and fostering fundamental freedoms and rights can be discussed under this section. Participants might have different experience with all these institutions – those can be shared with others.

To *respect* a right means refraining from interfering with the enjoyment of the right.

To *protect* the right means enacting laws that create mechanisms to prevent violation of the right by state authorities or by non-state actors. This protection is to be granted equally to all.

To *fulfil* the right means to take active steps to put in place institutions and procedures, including the allocation of resources to enable people to enjoy the right. A rights-based approach develops the capacity of duty-bearers to meet their obligations and encourages rights holders to claim their rights.

Resource implications of the obligations to *respect* and *protect* are generally less significant than those of implementing the obligations to *fulfil*, for which more proactive and resource-intensive measures may be required. Consequently, resource constraints may not affect a State's ability to respect and protect human rights to the same extent as its ability to fulfil human rights.

Fundamental Rights and Human Rights

This section aims to give participants with an understanding on the key differences between fundamental rights and human rights. The rights which are fundamental to the life of the citizens of a country are known as **fundamental rights**. On the other hand, **human rights** imply the rights that belong to all the human beings irrespective of their nationality, race, caste, creed, gender, etc. The main difference between fundamental rights and human rights is that the fundamental rights are specific to a particular country, whereas human rights has worldwide acceptance.

The difference between fundamental rights and human rights:

1. The elemental rights of the citizens of a country, which are mentioned in the constitution and enforceable under the law is known as fundamental rights. On the other extreme, human rights are the rights that a human being needs to survive with respect and freedom.

2. Fundamental rights includes only those rights which are basic to a normal life. On the contrary, human rights include those rights which are basic to a real life and are absolute, i.e. it cannot be taken away.

3. While fundamental rights are country specific, i.e. these rights may vary from country to country, human rights have a global acceptance, meaning that all the human beings enjoy these rights.

4. The fundamental rights rely on the basic principle of the right of freedom. As against, the human rights are based on the right of life with dignity.

5. Fundamental rights are guaranteed under the constitution of the country, whereas the human rights are recognised at international level.

6. Both fundamental and human rights are enforceable in nature, but the former is enforced by the law court, and the latter is enforced by the United Nation Organization.

7. Fundamental rights are derived from the views of a democratic society. Conversely, human rights emerge from the ideas of civilised nations.

Fundamental Rights and Human Rights are vital for the existence and development of individuals. It helps to create a better environment and better living conditions for people, as well as they, preserve their dignity.

Human Rights Instruments

The Universal Declaration of Human Rights, adopted by the United Nations General Assembly in 1948, was the first step towards achieving this objective. It is seen as the authoritative interpretation of the term "human rights" in the Charter of the United Nations. The Universal Declaration together with the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, both adopted in 1966, constitute what has become known as the International Bill of Human Rights. Since 1948, human rights and fundamental freedoms have indeed been codified in hundreds of universal and regional, binding and non-binding instruments, touching almost every aspect of human life and covering a broad range of civil, political, economic, social and cultural rights.

Thus, the codification of human rights has largely been completed. Conceived as "a common standard of achievement for all peoples and all nations", the Universal Declaration of Human Rights has become just that: a yardstick by which to measure the degree of respect for, and compliance with, international human rights standards. Since 1948 it has been and rightly continues to be the most important and far-reaching of all United Nations declarations, and a fundamental source of inspiration for national and international efforts to promote and protect human rights and fundamental freedoms. It has set the direction for all subsequent work in the field of human rights and has provided the basic philosophy for many legally binding international instruments designed to protect the rights and freedoms which it proclaims.

Human rights are set out as principles in the Universal Declaration of Human Rights. A declaration is not legally binding. It lays out principles and objectives and carries moral weight. However, a large number of laws and legal documents are based on the principles set forth by the Universal Declaration. Many countries have cited the Declaration or included its provisions in their basic

laws or constitutions. And many human rights covenants, conventions and treaties concluded since 1948have been built on its principles. A covenant, convention or treaty, unlike a declaration, has the force of law. Those who sign the document, called the signatories, have not only a moral obligation but a legal obligation to respect its terms.

A covenant, convention or treaty is signed between states. Once it is signed, it must be ratified by the signatories. This means, that the treaty must be accepted by the country's own parliament or equivalent legislative body. Then it becomes law and the state is legally bound to implement and uphold the treaty. One of the greatest achievements of the United Nations is the creation of a comprehensive body of human rights legislation. For the first time in history, there exists a universal code of human rights one to which all nations can subscribe and to which all people can aspire. The broadest legally binding human rights agreements negotiated under United Nations auspices are the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights.

The International Bill of Rights

The international human rights standards are defined by a number of human rights documents that have been adopted by member-states of the United Nations. The main human rights documents have been known as the international bill of rights and composed of the following;

- Universal Declaration of Human Rights (1948)
- International Covenant on Economic, Social and Cultural Rights (1966)
- International Covenant on Civil and Political Rights (1966)
- Optional Protocol to the International Covenant on Civil and Political Rights (1966)
- Second Optional Protocol to the International Covenant on Civil and Political Rights, aiming at the abolition of the death penalty (1989).

There are nine core international human rights treaties. Each of these treaties has established a committee of experts to monitor implementation of the treaty provisions by its States parties. Some of the treaties are supplemented by optional protocols dealing with specific concerns.

- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- International Covenant on Civil and Political Rights (ICCPR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- Convention on the Elimination of All Forms of Discrimination against Women (CEDAW)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- Convention on the Rights of the Child (CRC)
- International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (ICRMW)
- International Convention for the Protection of All Persons from Enforced Disappearance (CPED)
- Convention on the Rights of Persons with Disabilities (CRPD).

There are treaty bodies for each conventions to monitor the implementation of conventions by State parties. And the State parties are held accountable to these treaty bodies and they need to submit progress report periodically. A brief discussion will take place in the training on the monitoring process to give them an idea that how these conventions are followed up by UN human rights system once the State ratify them.

Role of Civil Society in Protecting and Promoting Fundamental Freedoms and Rights

Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, (General Assembly Resolution 53/144), commonly referred to as the Declaration on Human Rights Defenders states that "Everyone has the right, individually and in association with others, to promote and to strive for the protection and realization of human rights and fundamental freedoms at the national and international levels."

For example, civil society actors include

- Human rights organizations (NGOs, associations, victim-support groups);
- Coalitions and networks (on e.g. women's rights, children's rights, or environmental issues, land rights, LGBTi, etc.);
- Persons with disabilities and their representative organizations;
- Community-based groups (indigenous peoples, minorities, rural communities);
- Faith-based groups (churches, religious groups);
- Unions (trade unions as well as professional associations such as journalists' associations, student unions);
- Social movements (peace movements, student movements, prodemocracy movements);

Civil society actors are active in trying to resolve problems and address issues that are important to society, such as:

- combatting poverty,
- corruption and economic inequality
- responding to humanitarian crises, including armed conflict
- promoting the rule of law and accountability
- promoting public freedoms
- advocating for transparency of government budgets
- protecting the environment
- realizing the right to development
- empowering persons belonging to minorities and other groups at risk
- combating any form of discrimination
- supporting crime prevention

- promoting corporate social responsibility and accountability

- combating human trafficking

- empowering women

- combating hate speech

- empowering youth

- advancing social justice and consumer protection

- provision of social services

Civil Society Organizations (NGOs) have been playing a crucial role in monitoring and reporting UN conventions mentioned above. They are closely working with human rights treaty bodies and it has proved to be a very effective way for civil society to contribute to the implementation of human rights and the development of concrete human rights guidelines. At the national level, civil society plays a critical role through monitoring, promotional and follow-up activities relevant to the work of treaty bodies. The work of the human rights treaty bodies has benefited from the active participation of civil society actors in the various stages of the reporting cycle and in processes such as petitions, inquiries and early warning.

NGOs have traditionally been the main civil society actors engaging with the human rights treaty bodies, in particular at treaty body sessions. Other civil society actors, such as individual experts and human rights defenders, representatives of academic and research institutions, and members of professional groups, also frequently contribute to the treaty reporting process. Their involvement, in particular with regard to submitting information to a committee or attending a session, is often facilitated by NGOs familiar with and active in the reporting system of the human rights treaty bodies. All treaty bodies provide general information/guidelines for civil society organizations on participation in the work of the Committee, as well as specific information on participation for upcoming sessions of the treaty bodies.

Fundamental freedoms in the 1978 constitution of Sri Lanka

This sections aims to give a details knowledge and understanding fundamental rights and freedoms that are guaranteed in the Sri Lanka's present constitution. This section remains an important part to achieve project goals – therefore, much attention will paid to make sure whether participants have gained better understating on this section. The fundamental rights declared and recognized by the Constitution of Democratic Socialist Republic of Sri Lanka "shall be respected, secured and advanced by all the organs of government, and shall not be abridged, restricted or denied. These rights are set out in Chapter III of the Constitution and may be summarized as follows:

- Freedom of thought, conscience and religion

- Freedom from torture or cruel, inhuman or degrading treatment

- Right to equality before the law and the equal protection of the law

- Right to non-discrimination on grounds of race, religion, language, caste, sex, political opinion or place of birth

- Right not to be arrested excepted according to procedure established by law, and to be

informed of the reason for the arrest

- Right not to be kept in custody without a judicial order for longer than the period prescribed by law.

- Right of a person charged with an offence to be heard in person or through an Attorney-at-Law at a fair trial by a competent court

- Right not to be punished with death or imprisonment except by order of a competent court made in accordance with procedure established by law

- Right to be presumed innocent until proved guilty

- Right not to be punished retrospectively, i.e. for something that was not an offence at the time it was committed

- Freedom of speech and expression including publication

- Freedom of peaceful assembly.

- Freedom of association.

- Freedom to form and join a trade union

- Freedom to manifest one's religion by observance, practice and teaching.

- Freedom, by oneself or in association with others, to promote one's own culture and use one's own language

- Freedom to engage in any lawful occupation, profession, trade, business or enterprise.

- Freedom of movement and of choosing one's residence within Sri Lanka.

- Freedom to return to Sri Lanka

- If the Court finds that there is an infringement or imminent infringement of any of the petitioner's fundamental rights set out in the Constitution, it is empowered to "grant such relief or make such directions as it may deem just and equitable in the circumstances".

11 MODULE ELEVEN: RIGHT TO INFORMATION

The Universal Declaration of Human Rights recognizes that freedom of expression includes the 'right to seek, receive and impart information'. Right to information is therefore a fundamental right and an essential component of a democratic society. The right to information is vital for preventing corruption. When citizens can access key facts and data from governments, it is more difficult to hide abuses of power and other illegal activities - governments can be held accountable. The right to information is vital for preventing corruption. When citizens can access key facts and data from governments, it is more difficult to hide abuses of power and other illegal activities - governments can be held accountable. The value of access to information is recognised around the world and there are many countries where, both on paper and in practice, the right to information is a reality. Nearly 120 countries have laws to enable it, however this doesn't necessarily mean that citizens can get important government data in all of these countries. Improvements in RTI systems only make a difference if people can freely use the information they obtain, including sharing it publically.
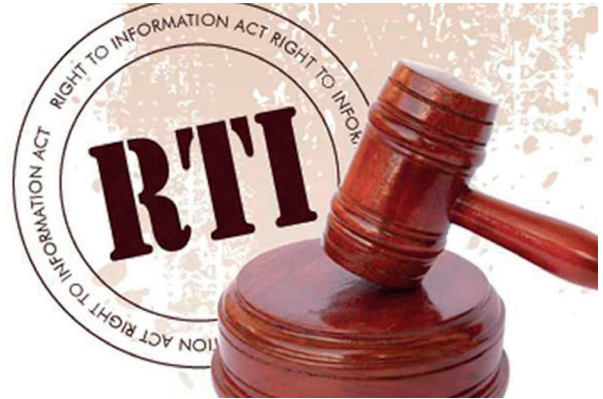
In Sri Lanka, the right to seek and receive information is a constitutional right guaranteed under Article 14A of Sri Lanka's Constitution. The Right to Information (RTI) Act which came into full effect by 2017, provides the legal framework within which this fundamental right can be exercised. Unlike other laws that seek to increase the coercive or regulatory power of the State, the Right to Information Act seeks to empower people. Its primary purpose is to shift the paradigm of governance from secrecy to transparency. Hence, the Act provides a key entry point for strengthening transparency and accountability within the Government to address corruption and improve public participation in policy making. The components of a democracy – such as representation, accountability, and participatory decision-making – are facilitated by the introduction of a dynamic RTI framework.

Appeal procedure

1st step: submission of application to Information Officer and the law compel the officer to disclose information in 14 or 21 days.

2nd step: If one did not receive any information from IO within the stipulated time period, the person can make an appeal to designated officer

3rd step: If you are unsatisfied with the response of the Information Officer you can appeal to

the Designated Officer within 14 days of becoming aware of such response.

4th Step: If you are unsatisfied with the response/ non- response of the Designated Officer you can appeal to the Commission within 2 months of the response/non-response.

5th step: If you are unsatisfied or failure to obtain information or refused your application, then you can appeal at the Court of Appeal.

12 | MODULE TWELVE: POLITICAL PARTIES

Introduction to Political Party

A political party basically, is a group of people. These people come together to contest elections in order to hold power in the government. It is a way to mobilize voters to support common sets of interests, concerns, and goals. The primary role of the political party is to fix the political agenda and policies. So, each party tries to persuade people by claiming their policies are better than those of other parties.

Sri Lanka Podujana Peramuna

United National Party

Samagi Jana Balawegaya

Jathika Jana Balawegaya

In a broader perspective, a political party is a means via which the people can speak to the government and have a say in the governance of any country. So, every political party must have three key components:

- Leaders
- Active Members
- Followers

Functions of a Political Party

Every political party has a number of functions to perform. Here we have listed some of them.

- A political party contests elections by putting up candidates.
- In countries like the Sri Lanka, the candidates are selected by members and supporters of a party.
- Every party has different policies and programmes. Voters make a choice in accordance with the policies and programmes liked by them.
- In a democratic country, a large group of people that has certain similar opinions group together and form a party. Then then, give a direction to the policies adopted by the government.
- Those parties which lose elections form the opposition. They voice different views and criticise the government for their failures and mobilize opposition to the government.

- Political parties shape public opinion. With the help of the pressure groups, the parties launch movements for solving problems faced by the people.
- Parties even offer access to government machinery and welfare schemes. The local party leader serves as a link between the citizen and the government officer.

Importance of Political Parties

A democracy cannot exist without the presence of a political party. This is clear from the function performed by the political parties. In case, there are no political parties then:

Every candidate in the election would be an independent candidate. Any individual candidate does not have the efficiency to promise any major policy change to the people. In such a scenario, no one will be responsible for how the country is run.

In the long run, only a representative democracy can survive. Political parties are the agencies that gather different views on various issues and present them to the government.

Party System

There are three types of party systems:
- One-Party System
- Two-Party System
- Multi-Party System

One-Party System

In a one-party system, there is no competition in this system. Here, the lone party nominates the candidates and the voters have only two choices i.e.

Not to vote at all or

write 'yes' or 'no' against the name of the candidates nominated by the party

Such a political system has been prominent in authoritarian regimes and communist countries such as China, North Korea, and Cuba. Before the collapse of communism, this system was also prevalent in USSR.

Two-Party System

In a two-party system, the power shifts between two major, dominant parties. So, for winning the elections, the winner will have to get the maximum number of votes. However, please know that maximum number of votes is not equivalent to a majority of votes.

So, the smaller parties tend to merge with the bigger parties or they drop out of elections. Such a parliamentary system prevails in Canada and Great Britain, in which there are two parties holding the maximum numbers of seats.

Multi-Party System

The third and the most common form of government is the multi-party system. In such a system, there are three or more parties which have the capacity to gain control of the government separately or in a coalition.

In case, no party achieves a clear majority of the legislative seats, then several parties join forces and form a coalition government. Countries like India, follow a multi-party system. Some people are of the view, that a multi-party system often leads to political instability in a country.

Cadre parties - parties dominated by politically elite groups of activists. A cadre party, or elite party, is a type of political party that was dominant in the nineteenth century before the introduction of universal suffrage and that was made up of a collection of individuals or political elites. The French political scientist Maurice Duverger first distinguished between "cadre" and "mass" parties, founding his distinction on the differences within the organisational structures of these two types. Cadre parties are characterized by minimal and loose organisation, and are financed by fewer larger monetary contributions typically originating from outside the party. Cadre parties give little priority to expanding the party's membership base, and its leaders are its only members.

Mass parties

A mass party is a type of political party that developed around cleavages in society and mobilized the ordinary citizens or 'masses' in the political process. In Europe, the introduction of universal suffrage resulted in the creation of worker's parties that later evolved into mass parties; an example is the German Social Democratic Party. These parties represented large groups of citizens who had previously not been represented in political processes, articulating the interests of different groups in society. In contrast to cadre parties, mass parties are funded by their members, and rely on and maintain a large membership base. Further, mass parties prioritize the mobilization of voters and are more centralized than cadre parties.

13

MODULE THIRTEEN:
ELECTORAL SYSTEMS AND TYPES

The Importance of Electoral Systems

Political institutions shape the rules of the game under which democracy is practised, and it is often argued that the easiest political institution to manipulate, for good or for bad, is the electoral system. In translating the votes cast in a general election into seats in the legislature, the choice of electoral system can effectively determine who is elected and which party gains power. While many aspects of a country's political framework are often specified in the constitution and can thus be difficult to amend, electoral system change often only involves new legislation and can thus be subject to manipulation by unscrupulous majority.

Even with each voter casting exactly the same vote and with exactly the same number of votes for each party, one electoral system may lead to a coalition government or a minority government while another may allow a single party to assume majority control.

Key Principles of an Electoral System

When an electoral system is chosen there are a number of things this system can be asked to accomplish or at least be conducive to – a stable and efficient government, coherent coalitions and strong parties are only a few. These goals – and their order of priority – are likely to differ between the different stakeholders.

In addition to this, there are general principles that can be used to guide the design of electoral system, as well as the process of choice itself. Some of the more important principles are:

Representation

The basic task for an electoral system is to translate votes into seats; to transform the expressed will of the voters into people who will represent it. There are many views of what fair representation is – geographic representation, descriptive representation, ideological or party political representation – but regardless of the view that is taken in each country, representation as a principle is a key guide when designing the most suitable electoral system.

Transparency

It is important that the mechanisms of the electoral system be as transparent as possible and known to both voters and political parties and candidates well in advance in order to avoid confusion and distrust in the results they produce at elections. In addition to this, the process through which the choice of electoral system is arrived at also benefits from transparency for the same reasons. If stakeholders' arguments and influence over the process of review, reform or adoption are presented in an open way, the process and the electoral system arrived at will have a greater chance of being seen as legitimate.

Inclusiveness

The electoral system will have a greater chance of being accepted as fair and legitimate if it is considered to work in an inclusive manner. This means not only that the electoral law allows as many as possible citizens to vote (including inclusive *suffrage*, making sure that the system is easily understandable, and assuring access for all to the polling station), but also that the mechanisms of the electoral system do not overtly discriminate against any one group in society, minority or otherwise. Also, if the process through which the electoral system is arrived at is as inclusive as possible, both the process and the system may benefit as legitimacy and ownership increase, and as more stakeholders are able to bring suggestions and participate in the process of finding the most appropriate system for the society in question.

Criteria for electoral systems

- Providing Representation
- Making Elections Accessible and Meaningful
- Providing Incentives for Conciliation
- Facilitating Stable and Efficient Government
- Holding the Government Accountable
- Holding Individual Representatives Accountable
- Encouraging Political Parties
- Promoting Legislative Opposition and Oversight
- Making the Election Process Workable and Sustainable
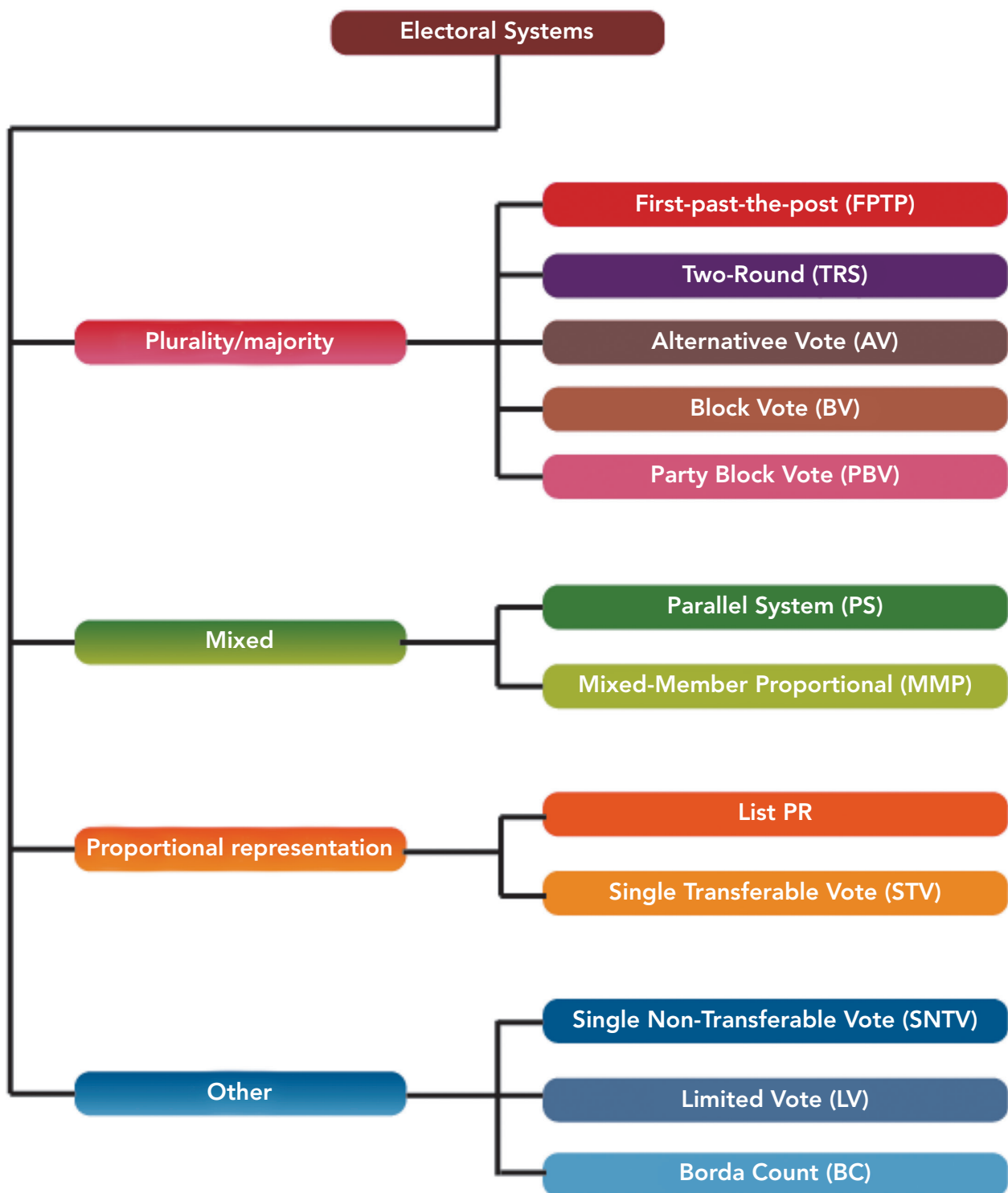- Taking into Account 'International Standards'

Types of Electoral Systems

There are countless electoral system variations, but essentially they can be divided into 12 main systems, the majority of which fall into three broad families. *The most common way to look at electoral systems is to group them according to how closely they translate national votes won into legislative seats won, that is, how proportional they are*. To do this, one needs to look at both the votes-to-seats relationship and the level of wasted votes.

Electoral System Families number of countries and territories: Figure 04

Legend:
- PLURALITY/MAJORITY
- PROPORTIONAL REPRESENTATION
- MIXED
- OTHER

92, 73, 29, 6
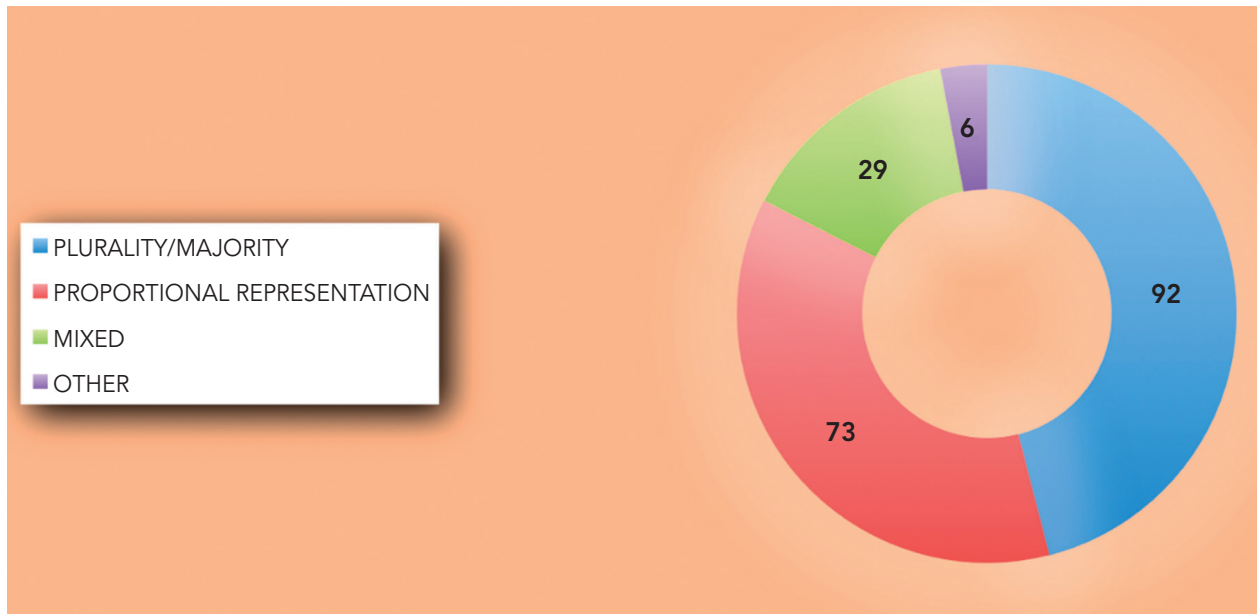
The Electoral Systems Families: Figure 05

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                        Electoral Systems

Plurality/majority ─── First-past-the-post (FPTP)
                       Two-Round (TRS)
                       Alternativee Vote (AV)
                       Block Vote (BV)
                       Party Block Vote (PBV)

Mixed ─────────────── Parallel System (PS)
                       Mixed-Member Proportional (MMP)

Proportional ──────── List PR
representation         Single Transferable Vote (STV)

Other ─────────────── Single Non-Transferable Vote (SNTV)
                       Limited Vote (LV)
                       Borda Count (BC)
```

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Plurality or Majority System

The principle of plurality/majority systems is simple. *After votes have been cast and totalled, those candidates or parties with the most votes are declared the winners (there may also be additional conditions)*. However, the way this is achieved in practice varies widely.

Five varieties of plurality/majority systems can be identified:

- First Past The Post (FPTP),
- Block Vote (BV),
- Party Block Vote(PBV),
- Alternative Vote (AV), and
- The Two-Round System (TRS).

In an *FPTP system (sometimes known as a plurality single-member district system)* the winner is the candidate with the most votes but not necessarily an absolute majority of the votes. When this system is used in multi-member districts, it becomes the *Block Vote*. Voters have as many votes as there are seats to be filled, and the highest-polling candidates fill the positions regardless of the percentage of the vote they achieve. This system - with the change that voters vote for party lists instead of individual candidates - becomes the Party Block Vote.

Majoritarian systems, such as the *Alternative Vote* and the *Two-Round System*, try to ensure that the winning candidate receives an absolute majority (i.e. over 50 per cent). Each system in essence makes use of voters' *second preferences* to produce a winner with an absolute majority if one does not emerge from the first round of voting.

Proportional Representative System (PR)

The rationale underpinning all PR systems is *to consciously reduce the disparity between a party's share of the national vote and its share of the parliamentary seats*; if a major party wins 40 per cent of the votes, it should win approximately 40 per cent of the seats, and a minor party with 10 per cent of the votes should also gain 10 per cent of the legislative seats. This congruity between a party's share of the vote and its share of the seats provides an incentive for all parties to support and participate in the system.

PR requires the use of electoral districts with more than one member: it is not possible to divide a single seat elected on a single occasion proportionally. There are two major types of PR system - List PR and Single Transferable Vote (STV). Proportionality is often seen as being best achieved by the use of party lists, where political parties present lists of candidates to the voters on a national or regional basis, but preferential voting can work equally well: the Single Transferable Vote, where voters rank-order candidates in multi-member districts, is another well-established proportional system.

There are many important issues which can have a major impact on how a PR system works in practice. The greater the number of representatives to be elected from a district, the more proportional the electoral system will be. PR systems also differ in the range of choice given to the voter - whether the voter can choose between political parties, individual candidates, or both.

Mixed Systems

Mixed electoral systems attempt to *combine the positive attributes of both plurality/majority (or other) and PR electoral systems.* In a mixed system, there are two electoral systems using different formulae running alongside each other. The votes are cast by the same voters and contribute to the election of representatives under both systems. One of those systems is a plurality/majority system (or occasionally an 'other' system), usually a single-member district system, and the other a List PR system.

There are *two forms of mixed system.* When the results of the two types of election are linked, with seat allocations at the PR level being dependent on what happens in the plurality/majority (or other) district seats and compensating for any disproportionality that arises there, the system is called a Mixed Member Proportional (MMP) system. Where the two sets of elections are detached and distinct and are not dependent on each other for seat allocations, the system is called a Parallel system. While an MMP system generally results in proportional outcomes, a Parallel system is likely to give results the proportionality of which falls somewhere between that of a plurality/majority and that of a PR system.

Mixed Member Proportional System

Under MMP systems, the *PR seats are awarded to compensate for any disproportionality produced by the district seat results.* For example, if one party wins 10 per cent of the vote nationally but no district seats, then it will be awarded enough seats from the PR lists to bring its representation up to 10 per cent of the seats in the legislature. Voters may get two separate choices, as in Germany and New Zealand. Alternatively, voters may make only one choice, with the party totals being derived from the totals for the individual district candidates.

The proportion of seats allocated according to the two elements of the system vary from country to country. Lesotho's post-conflict electoral system, adopted in 2002, contains 80 FPTP seats and 40 compensatory ones while Germany elects 299 candidates under each system.

Although MMP is designed to produce proportional results, it is possible that the disproportionality in the single-member district results is so great that the list seats cannot fully compensate for it. This is more likely when the PR electoral districts are defined not at national level but at regional or provincial level. A party can then win more plurality/majority seats in a region or province than its party vote in the region would entitle it to. To deal with this, proportionality can be closely approached if the size of the legislature is slightly increased: the extra seats are called overhang mandates. This has occurred in most elections in Germany and is also possible in New Zealand. In Lesotho, by contrast, the size of the legislature is fixed, and the results of the first MMP election in 2002 were not fully proportional.

Countries using MMP Systems: Table 04

Country	No. of PR Seats	No. of Plurality/ Majority (or other) Seats	Plurality/ Majority (or other) System	Total No. of Seats
Bolivia	60 (46%)	70* (54%)	FPTP	130
Germany	299 (50%)	299 (50%)	FPTP	598
Hungary	93 (47%)	106 (53%)	FPTP	199
Lesotho	40 (33%)	80 (67%)	FPTP	120
Mexico	200 (40%)	300 (60%)	FPTP	500
New Zealand	50 (42%)	70 (58%)	FPTP	120
Venezuela	52 (32%)	113* (68%)	FPTP	165

Minority Representation

There are also many ways to enhance the representation of minorities and communal groups. Again, electoral systems which use reasonably large district magnitudes encourage parties to nominate candidates from minorities on the grounds that balanced tickets will increase their electoral chances. A *very low threshold, or the complete elimination of a formal threshold*, in PR systems can also facilitate the representation of hitherto under-represented or unrepresented groups by encouraging the formation of parties specifically representing them. In plurality/ majority systems in particular, seats are sometimes set aside in the legislature for minorities and communal groups.

Reserved seats can be used to ensure the representation of specific minority groups in the legislature. Seats are reserved for identifiable ethnic or religious minorities in countries as diverse as Colombia ('black communities'), Croatia (the Hungarian, Italian, Czech, Slovak, Ruthenian, Ukrainian, German, and Austrian minorities), India (the scheduled tribes and castes), Jordan (Christians and Circassians), Niger (Tuareg), New Zealand (Maori), Pakistan (non-Muslim minorities), Palestine (Christians and Samaritans), Samoa (non-indigenous minorities), Slovenia (Hungarians and Italians), Taiwan (the 'aboriginal' community) and Iraq (Christians, Sabeans, Shabaks and Yizidis). Representatives from these reserved seats are usually elected in much the same manner as other representatives, but are sometimes elected only by members of the particular minority community designated in the electoral law. This requires a communal roll (a roll of those voters who, by belonging to that particular community, are eligible to vote in that election). While it is often deemed to be a normative good to represent small communities of interest, it has also been argued that it is a better strategy to design structures which give rise to a representative legislature without overt manipulation of the electoral law or legal obligation, and that quota seats may breed resentment on the part of majority populations and exacerbate mistrust between various cultural groups.

Instead of formally reserved seats, *regions can be over-represented to facilitate the increased representation of geographically concentrated groups.* In the UK, Scotland and Wales have more MPs in the British House of Commons than they would be entitled to if population size alone were the only criterion. The same is true in the mountainous regions of Nepal.

Another possibility is the *best loser system* used in Mauritius, whereby some of the highest-polling losing candidates from a particular ethnic group are awarded seats in the legislature in order to balance overall ethnic representation.

Electoral boundaries can also be manipulated to promote the representation of particular groups. The Voting Rights Act in the United States has in the past allowed the government to draw weirdly shaped districts with the sole purpose of creating majority Black, Latino, or Asian-American districts; this might be called 'affirmative gerrymandering'. However, the manipulation of any electoral system to promote or protect minority representation is rarely uncontroversial.

MODULE FOURTEEN: CIVIL SOCIETY

Introduction

Civil society refers to the space for collective action around shared interests, purposes and values, generally distinct from government and commercial for-profit actors. Civil society includes charities, development NGOs, community groups, women's organizations, faith-based organizations, professional associations, trade unions, social movements, coalitions and advocacy groups. However civil society is not homogeneous and the boundaries between civil society and government or civil society and commercial actors can be blurred. There is certainly no one 'civil society' view, and civil society actors need to contend with similar issues of representativeness and legitimacy as those of other representatives and advocates.

In a democracy, civil society groups have respect for the law, for the rights of individuals, and for the rights of other groups to express their interests and opinions. Part of what the word "civil" implies is tolerance and the accommodation of pluralism and diversity. Civil society groups may establish ties to political parties and the state, but they must retain their independence, and they do not seek political power for themselves.

Importance of Civil Society

The first and most basic role of civil society is to **limit and control the power of the state**. Of course, any democracy needs a well-functioning and authoritative state. But when a country is emerging from decades of dictatorship, it also needs to find ways to check, monitor, and restrain the power of political leaders and state officials. Civil society actors should watch how state officials use their powers. They should raise public concern about any abuse of power. They should lobby for access to information, including freedom of information laws, and rules and institutions to control corruption.

This constitutes a second important function of civil society: to expose the corrupt conduct of public officials and lobby for good governance reforms. Even where anti-corruption laws and bodies exist, they cannot function effectively without the active support and participation of civil society.

A third function of civil society is to **promote political participation**. NGOs can do this by educating people about their rights and obligations as democratic citizens, and encouraging them to listen to election campaigns and vote in elections. NGOs can also help develop citizens' skills to work with one another to solve common problems, to debate public issues, and express their views.

Fourth, civil society organizations can help to **develop the other values of democratic life:** tolerance, moderation, compromise, and respect for opposing points of view. Without this deeper culture of accommodation, democracy cannot be stable. These values cannot simply be taught; they must also be experienced through practice. We have outstanding examples from other countries of NGOs—especially women's groups—that have cultivated these values in young people and adults through various programs that practice participation and debate.

Fifth, civil society also can help to **develop programs for democratic civic education** in the schools as well. After dictatorship, comprehensive reforms are needed to revise the curricula, rewrite the textbooks, and retrain teachers in order to educate young people about the crimes of the past and teach them the principles and values of democracy. This is too important a task to leave only to officials in the education ministry. Civil society must be involved as a constructive partner and advocate for democracy and human rights training.

Sixth, civil society is an arena for the **expression of diverse interests**, and one role for civil society organizations is to lobby for the needs and concerns of their members, as women, students, farmers, environmentalists, trade unionists, lawyers, doctors, and so on. NGOs and interest groups can present their views to parliament and provincial councils, by contacting individual members and testifying before parliamentary committees. They can also establish a dialogue with relevant government ministries and agencies to lobby for their interests and concerns. And it is not only the resourceful and well organized who can have their voices heard. Over time, groups that have historically been oppressed and confined to the margins of society can organize to assert their rights and defend their interests as well.

A seventh way civil society can **strengthen democracy** is to provide new forms of interest and solidarity that cut across old forms of tribal, linguistic, religious, and other identity ties. Democracy cannot be stable if people only associate with others of the same religion or identity. When people of different religions and ethnic identities come together on the basis of their common interests as women, artists, doctors, students, workers, farmers, lawyers, human rights activists, environmentalists, and so on, civic life becomes richer, more complex, and more tolerant.

Eighth, civil society can provide a **training ground for future political leaders**. NGOs and other groups can help to identify and train new types of leaders who have dealt with important public issues and can be recruited to run for political office at all levels and to serve in provincial and national cabinets. Experience from other countries shows that civil society is a particularly important arena from which to recruit and train future women leaders.

Ninth, civil society can help to **inform the public about important public issues**. This is not only the role of the mass media, but of NGOs which can provide forums for debating public policies and disseminating information about issues before parliament that affect the interests of different groups, or of society at large.

Tenth, civil society organizations can play an important role in **mediating and helping to resolve conflict**. In other countries, NGOs have developed formal programs and training of trainers to relieve political and ethnic conflict and teach groups to solve their disputes through bargaining

and accommodation.

Eleventh, civil society organizations have a vital role to play in **monitoring the conduct of elections.** This requires a broad coalition of organizations, unconnected to political parties or candidates, that deploys neutral monitors at all the different polling stations to ensure that the voting and vote counting is entirely free, fair, peaceful, and transparent. It is very hard to have credible and fair elections in a new democracy unless civil society groups play this role.

Finally, I want to stress that civil society is not simply in tension with the state. Because**civil society is independent of the state** doesn't mean that it must always criticize and oppose the state. In fact, by making the state at all levels more accountable, responsive, inclusive, effective—and hence more legitimate—a vigorous civil society strengthens citizens' respect for the state and promotes their positive engagement with it.

A democratic state cannot be stable unless it is effective and legitimate, with the respect and support of its citizens. Civil society is a check, a monitor, but also a vital partner in the quest for this kind of positive relationship between the democratic state and its citizens.

15 MODULE FIFTEEN: YOUTH IN POLITICS

Introduction

Young men and women participate in political processes in multiple ways. However, the representation of young people in formal political processes remains limited. Participation of all citizens in formal political processes is important for democracy; furthermore, young people themselves are calling for better integration into these processes. A consensus is emerging that increasing the participation of young people has both instrumental and intrinsic value for both the young men and women themselves and for the wider society. Increasing the participation of youth requires EMBs and other electoral stakeholders to understand the obstacles that hinder youth participation in formal political processes. It also requires them to challenge persistent negative assumptions about young people and appreciate the active roles young men and women are already playing, particularly in regard to addressing different forms of violence.

The core principle for meaningful and effective youth political participation is "*nothing about us without us.*"

Any strategies to enhance meaningful and effective youth political participation should be grounded in a rights-based approach and avoid tokenistic activities.

Exemplary engagement with youth to foster meaningful and effective youth participation is:

Genuine: Ensure that you are engaging with young people for the right reasons and that you are approached as partners focusing on an adherence to the values and contributions of young people. This requires recognizing young peoples' right to participate and valuing the contributions of young people.

Respectful and rights-based: Applying a rights–based approach, which recognizes young people as agents of change and strengthens avenues for youth participation in governance processes. Youth should be approached as active agents who have the right to participate and be heard. Engagement should enable young people's ownership and leadership in governance processes

Transparent: This means being clear about the purpose of youth engagement, whether youth-led or when organizations collaborate with youth on processes.

Accountable: In order for participation not to be a one-off event, mechanisms need to be in place to ensure follow-up, implementation of youth decisions, and accountability to youth constituencies. This requires the development of standards of practice and accountability for youth engagement/development work, including responsibility for reporting back to youth and a framework for monitoring and evaluation as appropriate. It also requires that young people take an active role in monitoring and accountability by establishing channels whereby youth participation can have a visible impact on outcomes.

Youth friendly, relevant and purposeful: Activities to enhance youth political participation should be as youth-driven as possible. Young people themselves can decide on their priorities, methods, and tactics. The environment and working methods can be adapted to youth capacities and needs – meeting youth where they're at. Depending on the target age group and context, activities might focus on, among other options: informal, results-oriented projects; low access barriers; easy language; being issue-driven; being competitive with a game element; or technology if educated youth are targeted. It means young people take on valued roles, addressing issues that are relevant to them, and influencing real outcomes. To be relevant, they can link to specific concerns of youth such as unemployment, the environment or HIV and AIDS.

Inclusive: Ensuring all young people are able to participate, regardless of age, background, religion, gender, race/ethnicity, sexual orientation, ability, geography, and mental health. This requires an acceptance and embracing of diversity, and efforts to build upon young people's diversity and experiences. Appropriate methods can be applied to give marginalized groups of youth equal chances to participate. This also requires being sensitive to gender dynamics and power relationships. Being inclusive requires the removal of barriers, including economic barriers, to enable youth engagement.

Flexible and open to innovation: Commitment of youth and adults working with youth to be open to new ideas and have a willingness to take risks and challenge existing established processes and structures.

Capacity-developing: Strengthen youth agency by supporting capacity development for young people, youth organizations, networks, and movements, to enhance mutual responsiveness, trust, and collaboration.

Sustainable: Sustainability of financial resources for best-practice youth engagement initiatives can help to ensure these are not limited or one-off events or processes. Apart from financial sustainability, youth engagement should be supported by older adults who are the decision-makers and who value and prioritize youth. Intergenerational collaboration reduces the risk of increasing youth voice without establishing a receptive environment. Youth may need to be continually recruited for engagement processes, since they out-grow their membership of the "youth" category quickly. Successful youth engagement leads to decision makers seeking youth involvement and leadership in addressing challenges and designing solutions.

Voluntary and safe: The safety of all persons in any process, program or organization is paramount. Further, if engaging with young people under the age of majority (i.e. 18 years old), then the engagement would need to comply with legislation specific to working with children. This might involve an organization working with minors to have codes of ethics and standards of practice for working with children, and/or complying with 'Working With Children' legislation, if it exists, and putting other measures in place to ensure it is a child-safe environment. Above all, the principles of "In the Best Interest of the Child" and "Do No Harm" should govern engagement by adults with minors. (The above is adapted from United Nations Development Programme (UNDP), *Enhancing Youth Political Participation through the Electoral Cycle* (2013), and from Restless Development and PLAN International UK, "Principles Guiding for Decision Makers" (2018), http://restlessdevelopment.org/file/guiding-principles-pdf.)

Youth as agents of change

Never before have so many young people been involved in movements for change worldwide. They are taking to the streets and using online social networks and communities to connect, express their voices, and campaign for change. They are protesting against authoritarian regimes, corruption, and inequalities. They are fighting for sustainable development and a better future for current and new generations.

However, the political representation of young women and men remains limited. They are increasingly demanding more meaningful participation in decision-making processes, so they can have more control over how their lives and futures are shaped. Although young people are involved in activism in the digital space, protesting, volunteering to improve their communities and innovating for social good, their participation in and influence on formal politics is limited. Voter turnout is in decline in all democracies and is concentrated among youth. Young people are underrepresented in political decision-making positions and their involvement in political parties is dwindling.

Importance of youth Political Participation

For political systems to be representative, all parts of society must be included. When young people are disenfranchised or disengaged from political processes, a significant portion of the population has little or no voice or influence in decisions that affect group members' lives. A key consequence is the undermining of political systems' representativeness.

To make a difference in the longer term, it is essential that young people are engaged in formal political processes and have a say in formulating today's and tomorrow's politics. Inclusive political participation is not only a fundamental political and democratic right but also is crucial to building stable and peaceful societies and developing policies that respond to the specific needs of younger generations. For young people to be adequately represented in political institutions, processes, and decision-making, and in particular in elections, they must know their rights and be given the necessary knowledge and capacity to participate in a meaningful way at all levels.

When there are obstacles to participating in formal, institutionalized political processes, young people can rapidly feel disempowered. Many tend to believe that their voices are not going to be heard or that they will not be taken seriously even if they are heard. The problem becomes circular as politicians may lose interest in responding to the aspirations of young people if they cannot win their votes. This in turn leads to young people being increasingly excluded from taking part in decision-making, or in debates about key socio-economic and political issues, despite their sensitivity to the demands for social equity and justice, environmental protection and cultural diversity.

In new and emerging democracies, the inclusion of young people in formal political processes is important from the start. See Annex: A Spotlight on Countries in Transition. Young people's active contributions can bring democratic values to life, leading to the overturning of authoritarian

practices. In countries where young people have led protests that have forced authoritarian regimes from power, they are likely to feel significant frustration if they are not included in new formal decision-making procedures. This can destabilize democratization and accelerate conflict dynamics.

Electoral Management Bodies (EMBs) and other electoral stakeholders have a role to play in promoting young people's participation in formal decision-making processes. For this role to be effective, it is necessary to understand the interconnected nature of the obstacles to participation in these processes that young people encounter.

Characteristics of Meaningful Youth Participation

Effective and meaningful youth political participation has one of three attributes. First, it can be consultative, where young people's voices are heard in an adult-assigned consultation process, where they have capacities, a mandate and information to fully perform their roles, or through a youth-led advocacy initiative. Second, it can entail youth-led participation, where young people have a direct impact on decision-making within their own youth communities, such as through youth-led NGOs, student councils, and youth parliaments with competencies and budgets. Third, it can involve youth collaborative participation, where young people effectively take part in regular political decision-making processes, including as voters, or as members of parliament, political parties, or advocacy groups.

Strategies to enhance meaningful and effective youth political participation can:

1. Be grounded in a rights-based approach to youth political participation and avoid tokenistic and pseudo-participatory activities.

2. Include direct components of consultative, youth-led, and/or collaborative participation, and emphasize learning-by doing and practice-what-you-preach approaches.

3. Meet minimum standards for youth political participation by being transparent, respectful, accountable, youth-friendly, and relevant, inclusive, voluntary, and safe.

4. Include capacity development on the individual and the organizational level, and foster enabling environments, preferably in a reciprocal fashion (such as by developing skills for a reformed structural setting).

5. Be grounded in an accurate understanding of the current state of youth in a given context.

Following a rights-based approach entails considering youth as potential agents of change – as part of the solution, not a problem to be resolved by others. Further, young people are not a homogenous block and other social aspects (such as gender, rural/urban dwelling, ethnicity, language, among others) need to be taken into consideration when designing interventions. An emerging challenge for EMBs and other electoral stakeholders is to find a way to facilitate youth engagement through formal institutionalized processes and simultaneously integrate less traditional forms of political engagement.

Youth Quota

Although young people between the ages of 15 and 24 constitute about one fifth of the world's population, their participation and influence in formal politics remain limited. The rights to participate in a country's political and electoral processes are recognized as basic human rights, yet youth are grossly underrepresented in parliaments and governments across the globe. Several countries have responded by implementing quotas for youth to increase their participation. Kenya, Kyrgyzstan, Rwanda, Sri Lanka, Tunisia and Uganda, among other countries, have adopted some kind of quota to bolster the representation of youth. These quotas take various forms, but most fall into the following categories:

- Reserved seats (constitutional and/or legislative)

- Legal candidate quotas (constitutional and/or legislative)

- Voluntary political party quotas.

Barriers for Youth Political Participation

The following issues are hindering young people's participation at the structural level:

- **Age requirements to vote or run for office**. The first barrier for youth participation is the minimum voting age requirement set for national elections at 18 in most countries, which disenfranchises younger citizens. The second barrier for youth participation is the minimum age for eligibility to run for office, which is often set higher than the age to vote.

- **Age restriction in campaigning in some of the countries.** As youth (15-35) encompasses "minors without voting rights', "minors with voting rights' and "young adults with voting rights' some electoral laws penalize political parties who use minors for campaigning. It can be a challenge to both protect youth and encourage their participation at the same time.

- **Increased costs** for candidate nomination and campaigning and the lack of political finance regulations make it even more difficult for youth to start a political career. Similarly, if parties are not giving financial support to young candidates at the same rates as for older candidates, they are disadvantaged.

- **Social and cultural traditions**. In most societies, politics has been for centuries a domain of older, often male and wealthy citizens, a situation that has resulted in the systematic exclusion of young people from political debates and decision-making and thus contributed to the under representation of youth. Despite a broad consensus that young people have an important role to play in political processes, the participation of youth in politics remains a sensitive issue in some regions. While participation of all citizens at the local level is the cornerstone to build healthy democracies, it is often at the local level that young people are not given the opportunity to participate in decision-making processes.

- **Young women are in many countries subject to "double discrimination"** based on their age and gender. They also often experience additional obstacles compared with men. Because of social conventions and/or insecure or unsafe environments, women still face serious barriers to get registered as voters and to cast their votes. Some age eligibility for

candidacy (such as between 25-30 years old) can negatively affect women's decision to run for the office, as this age bracket is sometimes the age where women "are expected" to get married or have children. They are also underrepresented as staff in EMBs, particularly in senior positions.

The following obstacles hinder young people's participation at the individual level:

- **Distrust in political institutions**. A growing number of citizens (including young people) have little trust in formal political processes, political institutions and leaders, perhaps because they feel they are not representative of their interests.

- **Lack of confidence and trust in electoral management bodies (EMB)**. The composition of EMB leadership is in many countries a controversial issue. If stakeholders, political parties, do not agree with the composition of an EMB, there is an increased risk that they will boycott the elections and demotivate citizens from participating, which can lead to a low voter turnout.

- **Lack of access to/knowledge about political processes**. Young people are grappling with understanding the complexities of democratic societies and formal political processes. The UN 2016 Global Youth Report shows that nearly 53 percent of young college graduates say they always vote in national elections, in comparison with about 44 percent of all 18–29-year-olds. Other groups that are likely to lack the required knowledge to participate are marginalized youth such as minorities, unemployed youth, and those living in isolation and/or poverty. A weak understanding of democratic principles and electoral processes makes it more difficult for youth to perceive elections as routes to express their grievances, demand change, and hold governments accountable.

- **Social and economic exclusion/marginalization.** Finding a sustainable job has become a daily struggle for many young people in all parts of the world. They have to cope with precarious working conditions such as part-time, short-term, temporary, and low-paid employment situations, all of which make it hard to find a work–family balance, rent a house and access health care services (among other important priorities). Living conditions are even harder for young women, youth growing up in poverty and conflicts, youth without education certificates, and unemployed youth.