



The Scope and the Content of the Sri Lankan Constitution: Perspectives of Opinion Leaders

Summary of Findings





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Design and layout: International IDEA
Copy-editor: Kelley Friel
DOI: <https://doi.org/10.31752/idea.2021.115>

ISBN: 978-91-7671-511-6 (PDF)

Created with Booktype: <https://www.booktype.pro>

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Introduction

After winning the 16 November 2019 election, Sri Lankan President Gotabaya Rajapaksa, in his first address to Parliament, promised constitutional and electoral reform to ensure a strong executive and legislature. He claimed that the Nineteenth Amendment to the Constitution, enacted in April 2015 under the previous government, was one of the main obstacles to smooth governance, national security and economic development. The significant electoral victory of the president's Sri Lanka People's Freedom Alliance in the parliamentary elections of 5 August 2020 gave the party a clear mandate to undertake constitutional reform. Accordingly, on 22 October 2020 Parliament passed the Twentieth Amendment, which rolled back most of the changes made by the Nineteenth Amendment, and re-strengthened the Office of the President while weakening Parliament and the courts. The government has also appointed a nine-member expert committee to prepare a preliminary draft of a new constitution.

This survey was conducted to assess the government's plans for further constitutional change. Its main purpose was to assess the knowledge, attitudes and perceptions of social opinion leaders in relation to the 1978 Constitution. The survey forms part of the quantitative element of a Constitutional Performance Assessment of the 1978 Constitution that will include both quantitative and qualitative sections. The forthcoming Constitutional Performance Assessment has been undertaken through a partnership between the Centre for Policy Alternatives (CPA), the International Institute for Democracy and Electoral Assistance (International IDEA) and the Edinburgh Centre for Constitutional Law (ECCL) using an International IDEA methodology that has been previously employed to assess the performance of the constitutions of South Africa and the Philippines. The assessment's objective is to generate systematic, rigorous, evidence-based, analytical and recommendatory outputs that have the potential to reframe the current constitutional reform debate as a more constructive discourse of democratic agreement (and disagreement). Its outputs will be oriented to multiple uses and users—from civil society, academia and the media, to policymakers and political actors.

This survey was conducted by Social Indicator, the CPA's survey research arm, which has been conducting public opinion polls since 1999 on a wide range of socio-political issues in Sri Lanka. The survey team was comprised of Dr Pradeep Peiris, Sakina Moinudeen and M. Krishnamoorthy.

Social Indicator would like to thank Dr Paikiasothy Saravanamuttu (CPA), Dr Asanga Welikala (ECCL), Professor Tom Ginsburg (University of Chicago) and Amanda Cats-Baril (International IDEA) for their valuable input and guidance throughout the study, and International IDEA for funding the survey.

Methodology

The survey was carried out using a semi-structured questionnaire administered through face-to-face interviews with 400 opinion leaders from the four main ethnic communities (Sinhala, Tamil, Up Country Tamil and Muslim) across all 25 districts of the country. For each ethnicity within each district, the selected sample respondents were persons over the age of 40, and comprised religious leaders, government officials, office holders of community-based organizations, teachers and school principals, who are actively involved in the community. The sample was more than four-fifths male (82.2 per cent).

Social Indicator trained the field enumerators extensively on the study, the research instrument and field techniques prior to the commencement of the fieldwork. A pre-test of the research instrument was conducted on 21 December 2020. Field briefings for the large-N study were held on 22–23 December 2020 with both Sinhala and Tamil enumerators. A total of 64 field enumerators, both male and female and from all ethnic communities, participated in this study. Fieldwork commenced on 24 December 2020 and concluded on 23 January 2021. To ensure the quality of the data collected, accompanied visits and back-checks were done during and after the fieldwork. The data set was analysed using the Statistical Package for Social Sciences (SPSS).

Executive summary

- A majority (53 per cent) of opinion leaders responded that the current Constitution should remain in force, with some changes needed.
- Sinhala opinion leaders indicated that the most important issues for a new constitution to address are economic prosperity and national security. The Tamil, Up Country Tamil and Muslim opinion leaders named economic prosperity, national security and a pluralistic society as the most important issues.
- The survey respondents offered mixed opinions about the executive presidential system. While nearly 42 per cent stated that it should be completely abolished, almost 31 per cent said it should continue, with fewer powers vested in the president.
- The respondents seemed somewhat sceptical about the functioning of democracy. While nearly 52 per cent indicated that they were satisfied, almost 48 per cent claimed to be dissatisfied with it.
- While significant proportions across all ethnic communities believe they are free to protest or attend a demonstration against social injustice, opinion leaders from the Tamil community were the most likely to claim that they are not at all free to do so.
- A majority of opinion leaders across all ethnic communities stated that they are free to practise their customs and rituals. Those who claimed that they were not at all free do so were predominantly opinion leaders from the Muslim community.
- Nearly a quarter (22.3 per cent) of opinion leaders claimed that Sri Lanka's courts and judges are not at all independent. Only 13 per cent reported that the judiciary is independent.
- A quarter of the opinion leaders reported that if an accused person is from a minority ethno-religious group, they would be unfairly dealt with in Sri Lankan legal institutions.

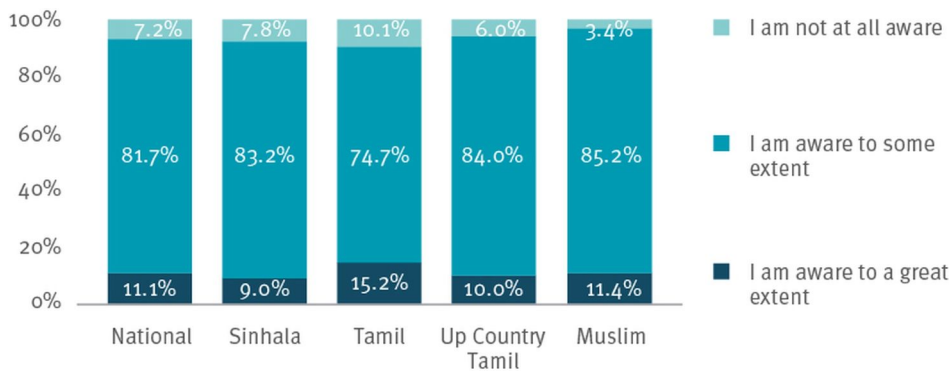
1. Current Constitution

Awareness

Perceived level of awareness on the Constitution

Only 11.1 per cent of opinion leaders stated they have a great deal of awareness of the contents of the Constitution, and an overwhelming majority responded that they are aware of it to some extent. Minorities appeared to have a slightly greater awareness of the contents of the Constitution (Figure 1).

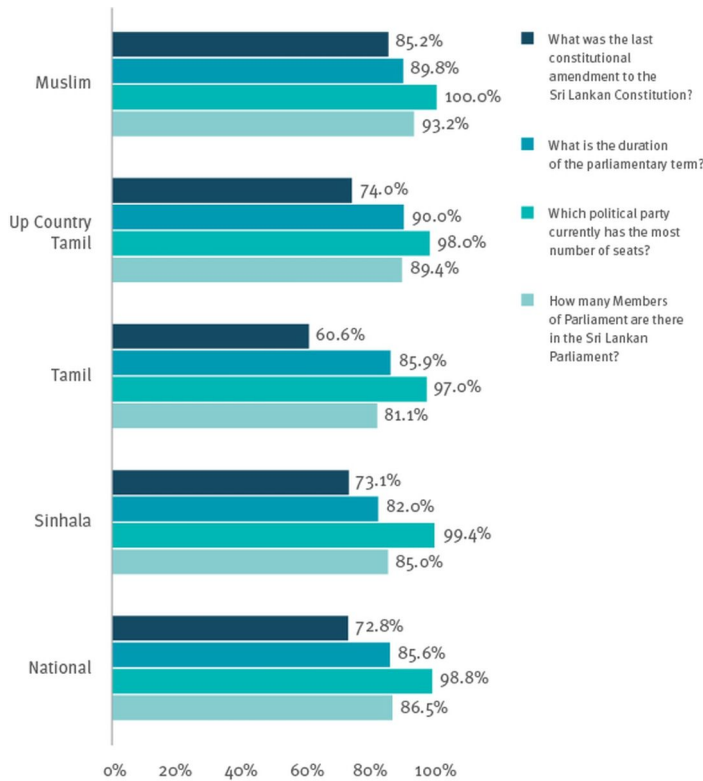
Figure 1. Perceived level of awareness on the contents of Sri Lanka's Constitution, by ethnicity



How much do people really know about politics, public affairs and the Constitution?

To assess the extent to which the respondents are aware of politics, public affairs and the Constitution, they were asked a range of questions about the number of Members of Parliament, which political party currently has the most seats in Parliament, the duration of the parliamentary term and the most recent constitutional amendment. A significant proportion of opinion leaders across all ethnic communities demonstrated a high level of awareness of these aspects (Figure 2).

Figure 2. Respondents who knew the correct answer to the indicated questions, by ethnicity

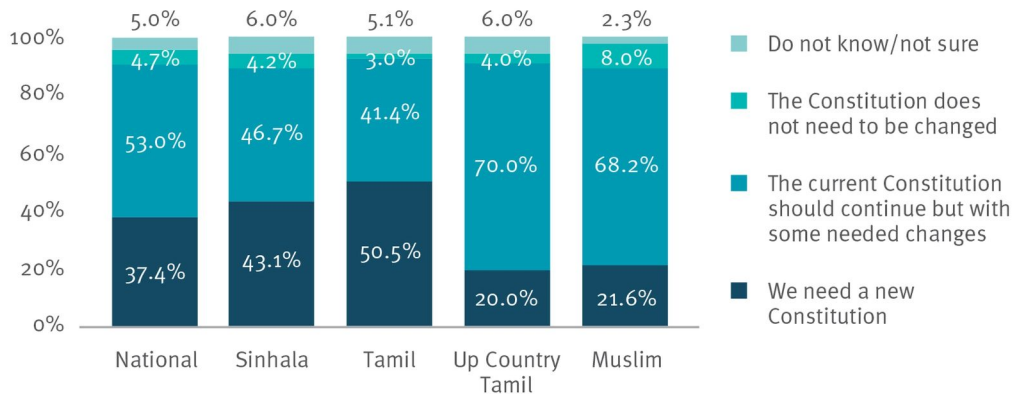


Support for change

Do we need a new constitution?

More than half of the opinion leaders who were interviewed felt that the current Constitution should continue with some needed changes, while 37 per cent said a new constitution is needed. The Tamil and Sinhala opinion leaders were more likely to stress the importance of a new constitution (Figure 3).

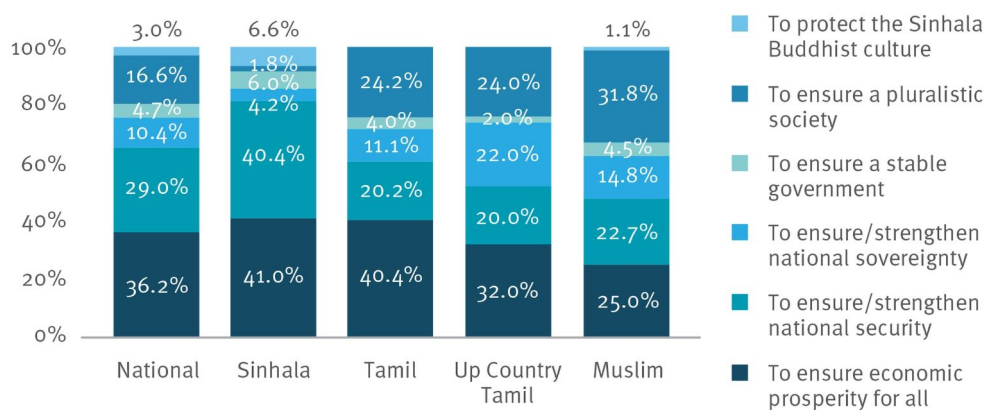
Figure 3. Nature of constitutional reform, by ethnicity



Why do we need a new constitution?

Sinhalese opinion leaders cited economic prosperity and national security as the most important issues to address in a new constitution. The Tamil, Up Country Tamil and Muslim opinion leaders said that economic prosperity and national security, as well as ensuring a pluralistic society, were the most important. Only 1.8 per cent of Sinhalese opinion leaders claimed that a new constitution was needed to ensure a pluralistic society (Figure 4).

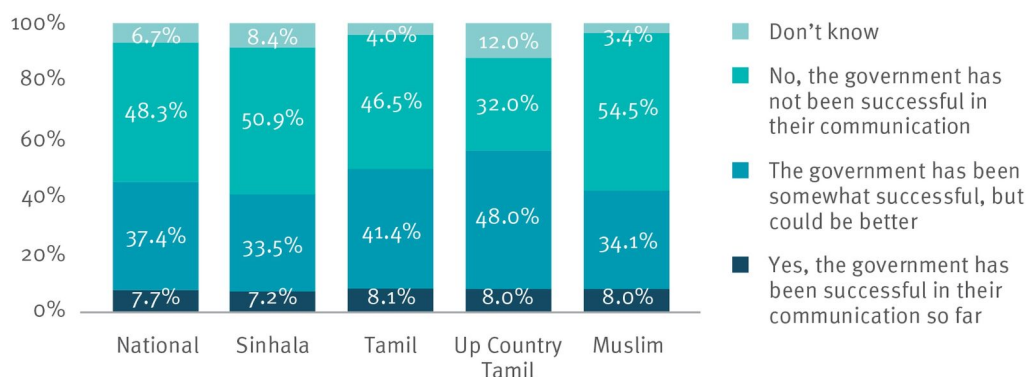
Figure 4. The purpose of a new constitution, by ethnicity



Reform

After being shown information about the government’s plans for a new constitution, nearly half (48 per cent) of the respondents indicated that the government had not been successful in communicating these plans to the public, while nearly 40 per cent stated that it had been somewhat successful, but could be better (Figure 5).

Figure 5. Perception on communicating information on the proposed new constitution, by ethnicity



TV news and debates, newspapers, and speaking with their educated friends and neighbours were the top three sources of information about a new constitution for opinion leaders (Table 1).

Table 1. Sources of information on constitutional reform, by ethnicity

| | National | Sinhala | Tamil | Up Country Tamil | Muslim |
|--|----------|---------|--------|------------------|--------|
| Talk to the elders in my family | 2.2 % | 3.6 % | 2.0 % | 2.0 % | 0.0 % |
| Talk to my educated friends and neighbours | 14.4 % | 10.8 % | 14.1 % | 6.0 % | 26.1 % |
| Listen to the opinions of the party leaders who I feel are close to my ideas | 6.4 % | 6.0 % | 4.0 % | 14.0 % | 5.7 % |
| Listen to the opinions voiced by the leaders of my religion | 1.7 % | 2.4 % | 1.0 % | 2.0 % | 1.1 % |
| Watch TV news and debates | 36.6 % | 36.5 % | 37.4 % | 34.0 % | 37.5 % |
| Read newspapers | 16.6 % | 10.8 % | 23.2 % | 26.0 % | 14.8 % |
| Read reports and other sources | 9.9 % | 16.2 % | 6.1 % | 6.0 % | 4.5 % |
| Log in to the parliamentary website | 7.7 % | 7.2 % | 8.1 % | 6.0 % | 9.1 % |
| I do not find the need to seek out information about the Constitution | 1.0 % | 0.6 % | 3.0 % | 0.0 % | 0.0 % |
| Base | 404 | 167 | 99 | 50 | 88 |

2. Nature of the political order

Leadership

The survey respondents expressed overwhelming support for the elective principle, but across all ethnic communities there was also substantial support for executive leadership that can govern unhampered by Parliament and elections. In contrast to the minorities' opinions, close to two-thirds of the Sinhalese opinion leaders surveyed were agreeable to a military-led leadership. The level of support for the religious leadership was much lower across all ethnic communities. One-third of the Sinhalese supported it, compared to a quarter of the Muslim opinion leaders (Table 2).

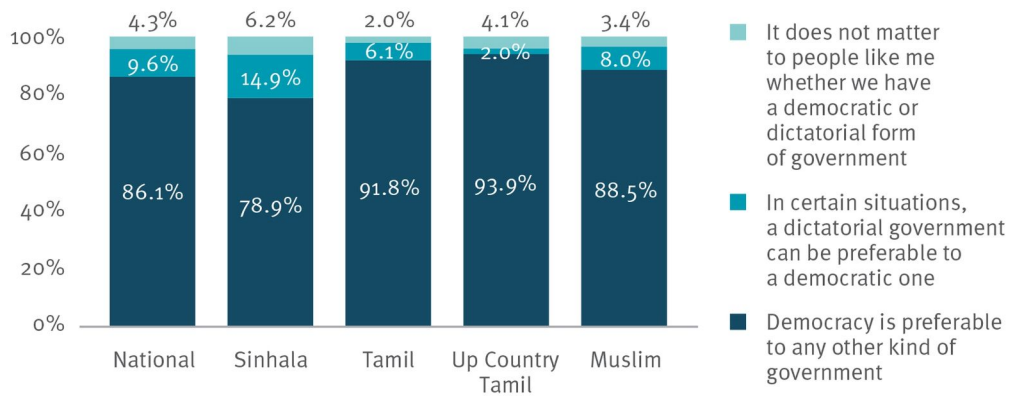
Table 2. Forms of leadership, by ethnicity

| | Agree | | | | |
|--|----------|---------|--------|------------------|--------|
| | National | Sinhala | Tamil | Up Country Tamil | Muslim |
| Having a strong leader who can make decisions without having to worry about the Parliament and elections | 59.1 % | 58.6 % | 56.1 % | 56.3 % | 64.8 % |
| Having an expert to make decisions according to what he or she believes is best for the country, without worrying about the Parliament and elections | 65.2 % | 58.1 % | 69.7 % | 79.2 % | 65.5 % |
| The military should come in to govern the country | 33.1 % | 62.4 % | 16.3 % | 10.2 % | 9.2 % |
| The country should be governed by those who are chosen by the people, in a free and fair election | 96.8 % | 93.9 % | 99.0 % | 100.0 % | 97.7 % |
| All major decisions about the country should be taken by religious leaders, rather than politicians | 24.9 % | 34.0 % | 18.4 % | 6.3 % | 25.6 % |

Democracy

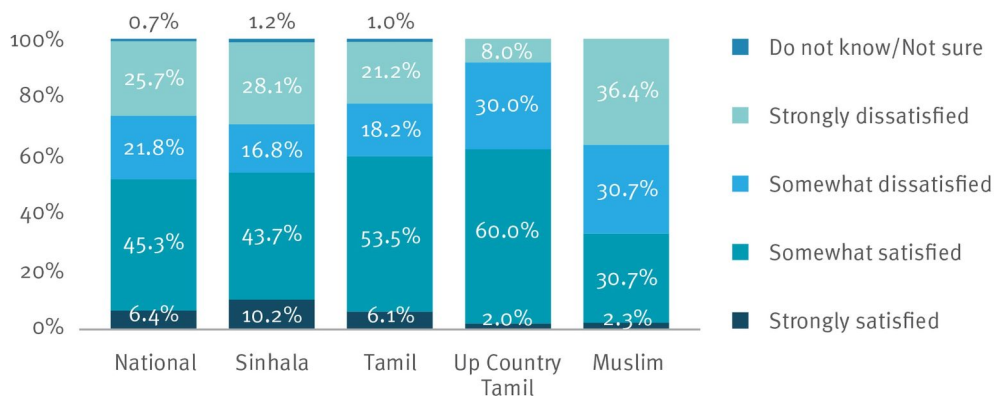
An overwhelming proportion of opinion leaders across all ethnic communities claimed that they prefer democracy over any other type of governance. This sentiment was stronger among the minority communities (Figure 6).

Figure 6. Support for democracy, by ethnicity



Respondents were somewhat sceptical of how democracy functions in the country. While nearly 52 per cent indicated that they were satisfied, nearly 48 per cent were dissatisfied. The Up Country Tamil (62 per cent), followed by the Tamil (60 per cent) and Sinhalese (54 per cent) opinion leaders, were the most satisfied. The most dissatisfied were from the Muslim community (67 per cent) (Figure 7).

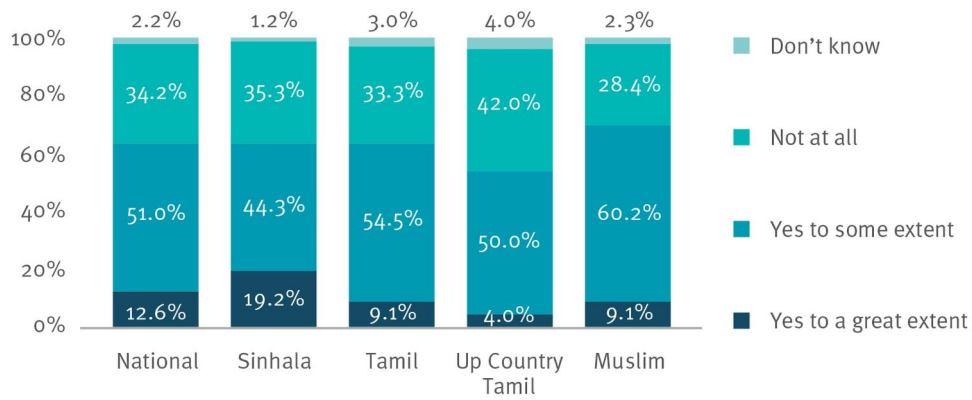
Figure 7. Satisfaction with the way democracy functions in Sri Lanka, by ethnicity



Efficacy

Although a majority (63.6 per cent) of opinion leaders stated that they have some chance of influencing how the country is governed under the current government, one-third reported that they have no influence. Opinion leaders from the Up Country Tamil (42.0 per cent) were the most likely to respond that they have no influence (Figure 8).

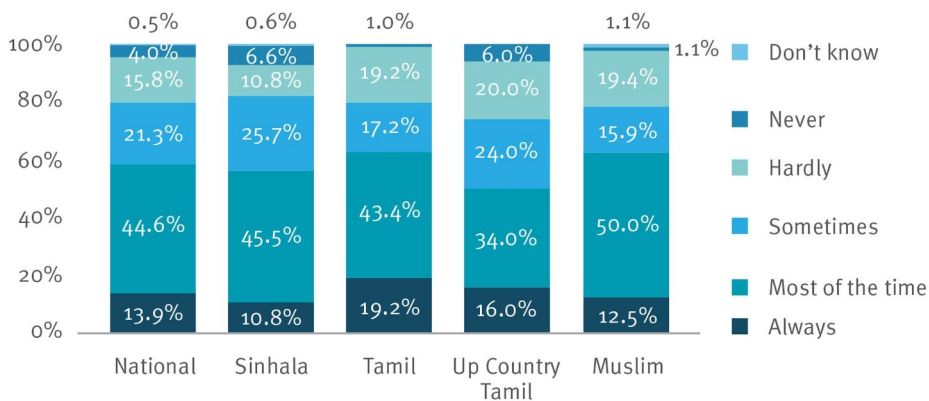
Figure 8. Political efficacy, by ethnicity



Elections

Nearly 45 per cent of opinion leaders claimed that most of the time, elections are conducted in a free and fair manner, while nearly 16 per cent indicated that elections are hardly ever free and fair (Figure 9).

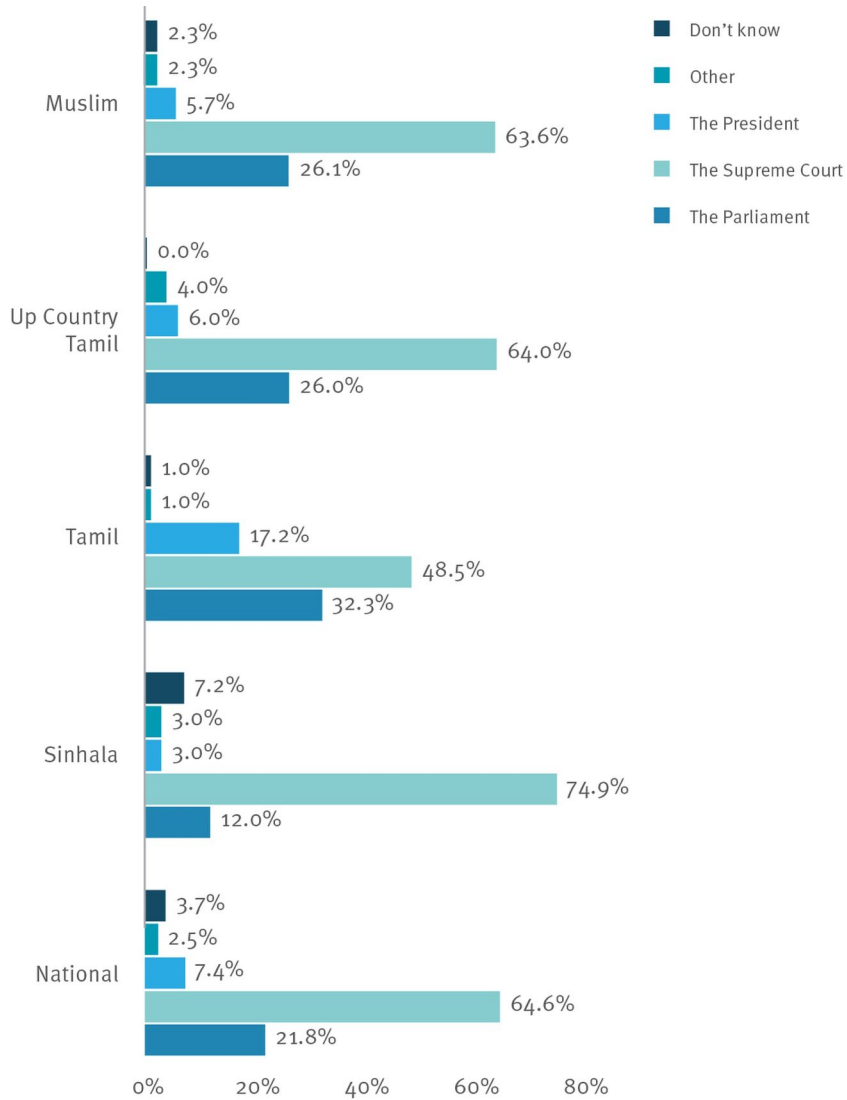
Figure 9. How often are elections conducted in a free and fair manner, by ethnicity



Interpretation of the Constitution

While nearly two-thirds of opinion leaders (64.6 per cent) indicated that the Supreme Court is responsible for interpreting the Constitution during a constitutional crisis, nearly 22 per cent reported that it is the responsibility of Parliament. Only 7.4 per cent believe it is the president's responsibility to do so (Figure 10).

Figure 10. Who is responsible for interpreting the Constitution during a constitutional crisis, by ethnicity



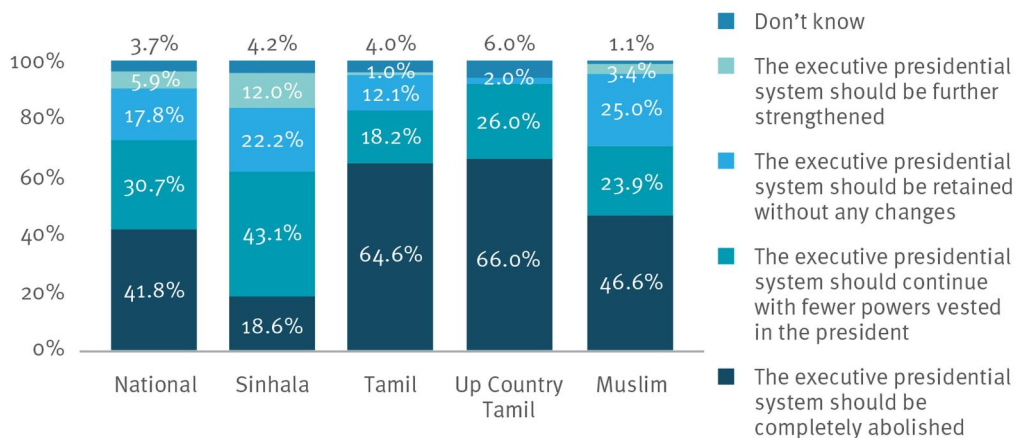
3. The presidency

Powers

Opinions on the executive presidential system were mixed. Nationally, nearly 42 per cent were of the view that it needs to be completely abolished, while nearly 31 per cent believed it should continue with fewer powers vested in the president. Only about 6 per cent stated that it should be further strengthened, and just under 18 per cent supported retaining it without any changes.

Opinions on the presidential system varied significantly among ethnic groups. According to one analysis, a significant majority of Sinhalese opinion leaders believe the executive presidential system should be retained with a few needed changes, retained as is or be further strengthened. Yet based on a different analysis, a clear majority of Sinhalese are dissatisfied with the current system: 18.6 per cent advocated its complete abolition and 43.1 per cent suggested reforms are needed to reduce the president’s powers. Only the Tamil and Up Country Tamil opinion leaders would clearly prefer to abolish the executive presidential system (Figure 11).

Figure 11. Executive presidential system, by ethnicity



An overwhelming majority of opinion leaders (72.0 per cent) responded that the president should not have absolute power to appoint/remove key officials in the public service and independent commissions without having to consult the prime minister or the Cabinet.

Most respondents (76.2 per cent) stated that the president should not be able to take on as many ministries as he or she wishes. A smaller majority (58.7 per cent) said the president should not have the authority to take on any ministry he or she wishes.

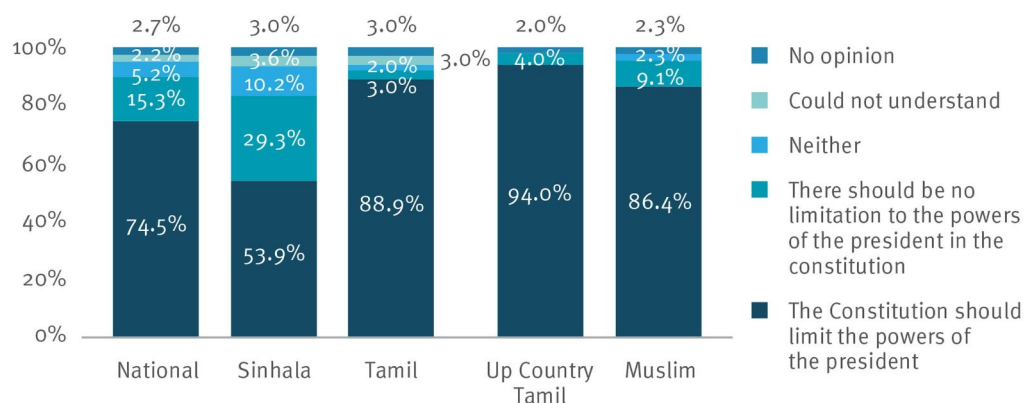
More than two-thirds (68.6 per cent) of those who were interviewed did not agree that the president should have absolute power to appoint or dismiss the prime minister or any other minister at any time. However, 43 per cent of the Sinhalese opinion leaders agreed that the president should have this authority.

Close to three-quarters of opinion leaders reported that the Constitution should limit the powers of the president; this opinion is strongly held by the minority communities (Figure 12).

Table 3. Public perception on granting specific powers to the president, by ethnicity

| | | National | Sinhala | Tamil | Up Country Tamil | Muslim |
|--|------------|----------|---------|-------|------------------|--------|
| The president should have the absolute power to appoint persons to and remove them from key positions in the public service and independent commissions without having to consult the prime minister or the Cabinet of ministers | Agree | 23.3% | 29.9% | 16.2% | 14.0% | 23.9% |
| | Disagree | 72.0% | 64.1% | 78.8% | 80.0% | 75.0% |
| | Don't know | 4.7% | 6.0% | 5.1% | 6.0% | 1.1% |
| The president should be able to take on any ministry that he or she wishes | Agree | 38.9% | 46.1% | 35.4% | 26.0% | 36.4% |
| | Disagree | 58.7% | 50.9% | 62.6% | 72.0% | 61.4% |
| | Don't know | 2.5% | 3.0% | 2.0% | 2.0% | 2.3% |
| The president should be able to take any number of ministries that he or she wishes | Agree | 19.8% | 29.3% | 14.1% | 12.0% | 12.5% |
| | Disagree | 76.2% | 65.9% | 82.8% | 84.0% | 84.1% |
| | Don't know | 4.0% | 4.8% | 3.0% | 4.0% | 3.4% |
| The president should have the absolute power to appoint and dismiss the prime minister and any other minister at any time | Agree | 28.0% | 43.1% | 16.2% | 14.0% | 20.5% |
| | Disagree | 68.6% | 51.5% | 81.8% | 82.0% | 78.4% |
| | Don't know | 3.5% | 5.4% | 2.0% | 4.0% | 1.1% |
| Base | | 404 | 167 | 99 | 50 | 88 |

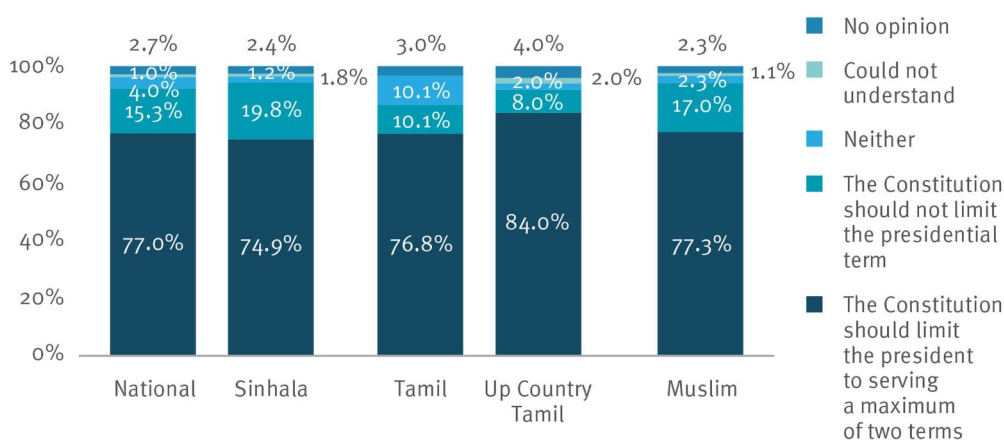
Figure 12. Perceptions of whether the Constitution should limit the president's powers, by ethnicity



Term of office

The respondents indicated a clear preference that the president should be limited to two terms of office. There was no significant ethnic variance in this response (Figure 13).

Figure 13. Opinion on the term limit of the president, by ethnicity



Legitimacy

An overwhelming majority of Sinhalese opinion leaders (73.1 per cent) stated that the president must always be a Sinhala Buddhist. Even greater proportions of the minorities reported that ethnicity should not be a prerequisite for the elected president (Figure 14).

Although a majority of opinion leaders said the president should have prior experience in Parliament, more than a quarter of the respondents did not consider it a precondition. A significant majority across all communities reported that the president is responsible for promoting reconciliation among all ethnic groups (Figures 15 and 16).

Figure 14. Prerequisite for a president to be a Sinhala Buddhist, by ethnicity

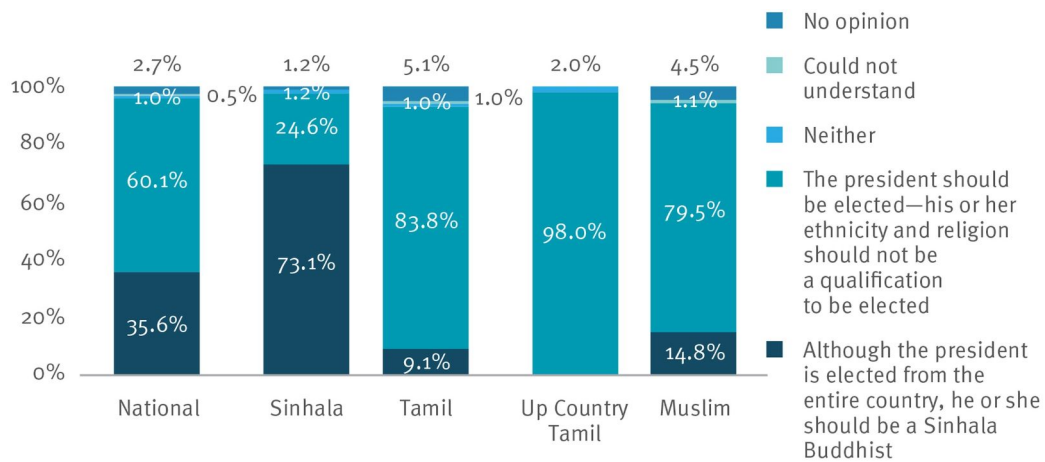


Figure 15. Expectation of prior political experience for presidents, by ethnicity

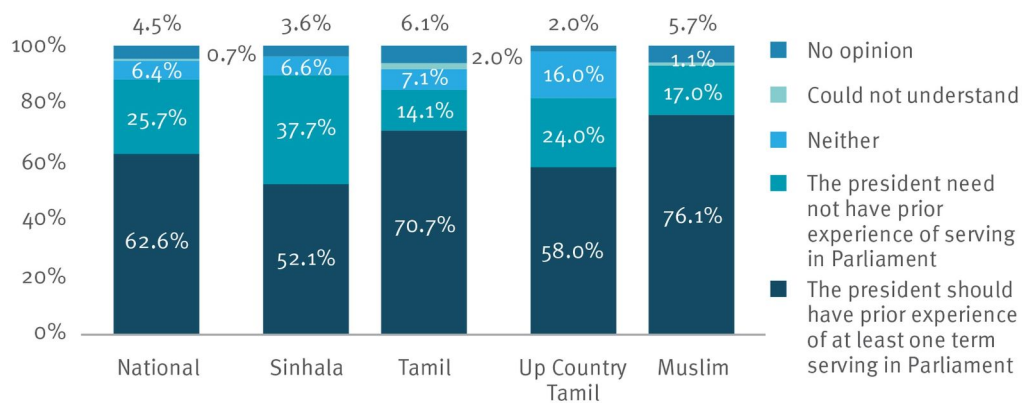
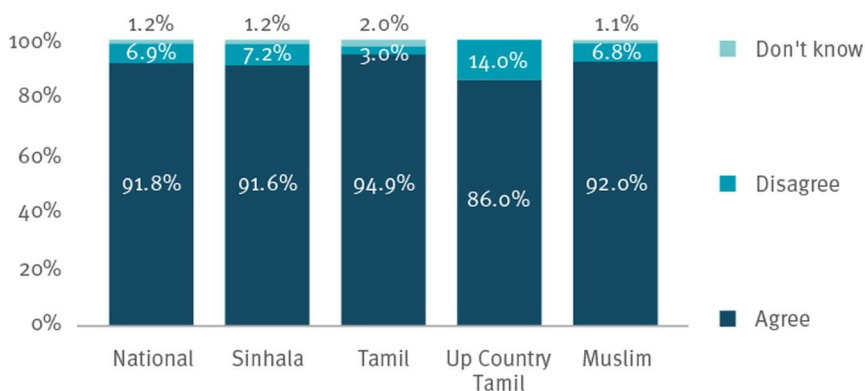


Figure 16. The president is responsible for promoting reconciliation among the country's ethnic and religious groups, by ethnicity



Immunity

A significant majority of opinion leaders (80.9 per cent) stated that the president should not enjoy immunity from civil or criminal proceedings. An even greater majority (86.9 per cent) reported that citizens should be able to file a fundamental rights application against the president in relation to acts or omissions in an official capacity (Table 4).

Table 4. Presidential immunity, by ethnicity

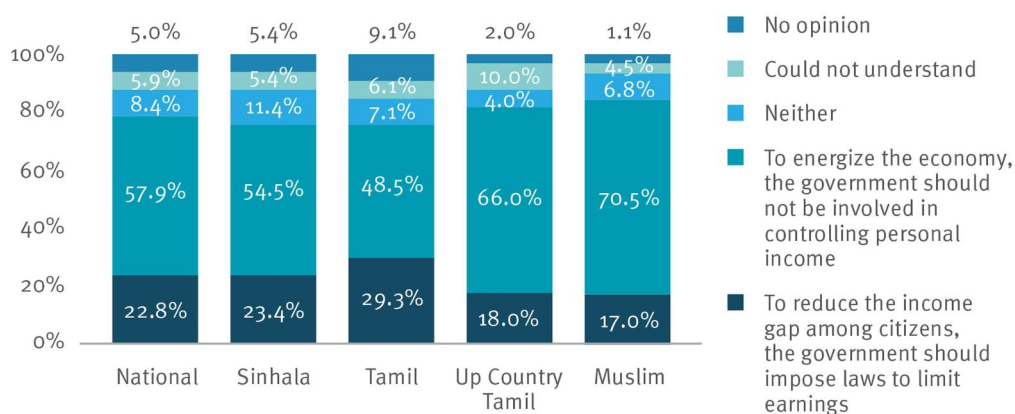
| | | National | Sinhala | Tamil | Up Country Tamil | Muslim |
|---|------------|----------|---------|-------|------------------|--------|
| The president should not face any repercussions from any civil or criminal legal proceedings | Agree | 14.9% | 9.6% | 14.1% | 12.0% | 27.3% |
| | Disagree | 80.9% | 85.0% | 81.8% | 82.0% | 71.6% |
| | Don't know | 4.2% | 5.4% | 4.0% | 6.0% | 1.1% |
| To protect their rights, citizens should be able to file a fundamental rights application against the president in relation to anything done, or omitted to be done, by the president in her or his official capacity | Agree | 86.9% | 83.8% | 87.9% | 90.0% | 89.8% |
| | Disagree | 8.9% | 9.0% | 10.1% | 8.0% | 8.0% |
| | Don't know | 4.2% | 7.2% | 2.0% | 2.0% | 2.3% |
| Base | | 404 | 167 | 99 | 50 | 88 |

4. Nature of the economy

Perceptions on economic policy

A majority of opinion leaders (nearly 58 per cent) claimed that the government should not control personal income in order to strengthen the country's economy. However, nearly 23 per cent were of the opinion that the government should enact laws to limit earnings to reduce the income gap among citizens. Opinion leaders from the Muslim community (70.5 per cent) were the most likely to argue that to strengthen the economy, the government should not be involved in controlling personal income (Figure 17).

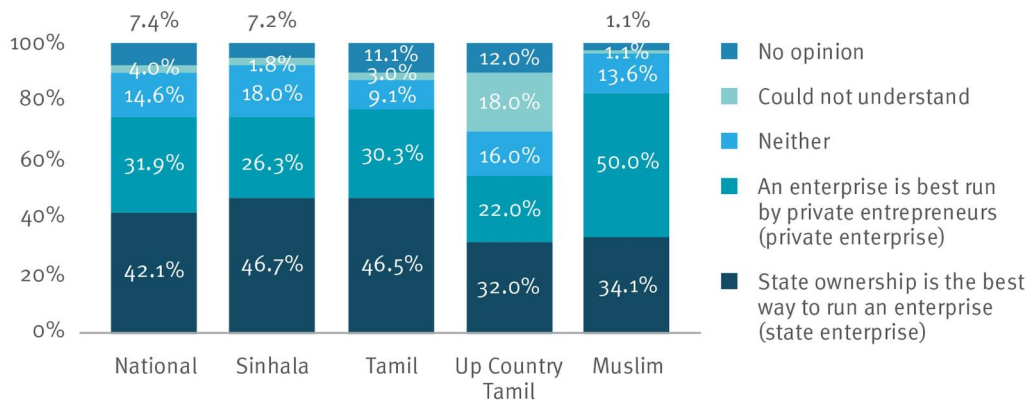
Figure 17. Opinions about controlling personal income, by ethnicity



Ownership (state vs. private)

A slightly higher proportion of opinion leaders across all ethnic communities support state-owned over private enterprises (42.1 per cent vs. 31.9 per cent). Muslim opinion leaders were the most likely to support private enterprises (Figure 18).

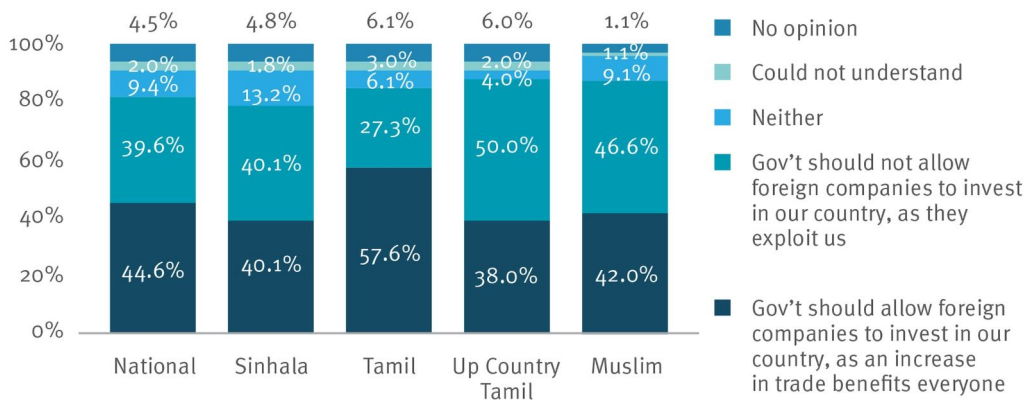
Figure 18. Opinions about enterprise ownership, by ethnicity



Economic sovereignty

Close to half (44.6 per cent) of the opinion leaders surveyed across all ethnic communities said the government should allow foreign companies to invest in the country, as trade benefits everyone. While those from the Tamil community (57.6 per cent) were the most likely to indicate that the government should allow foreign companies to invest in the country, those from the Up Country Tamil community (50 per cent) were more likely to claim that the government should not allow foreign investment (Figure 19).

Figure 19. Perception on foreign investments, by ethnicity

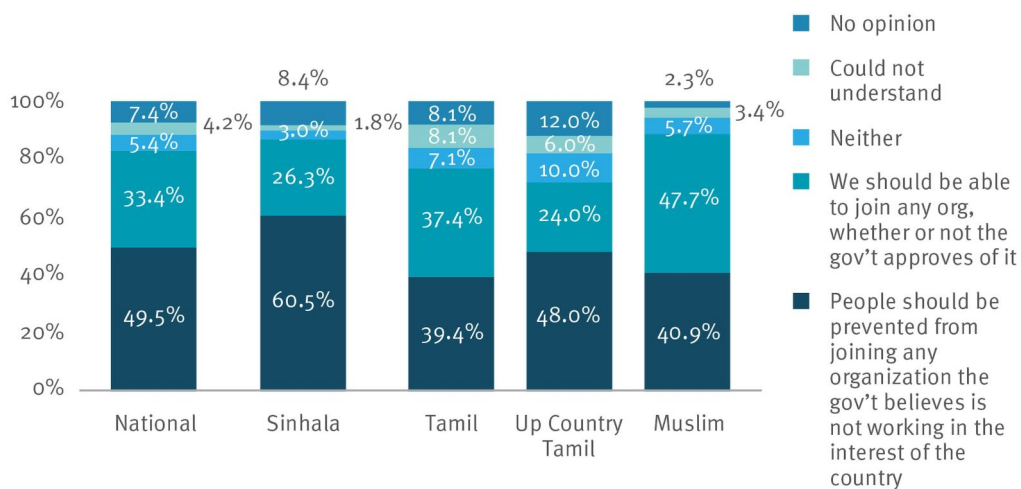


5. Human rights

Civil and political rights

Nearly half of the opinion leaders said that people should be prevented from joining any organization that the government believes is working against the country's interest. Most participants who said people should be able to join any organization they want, irrespective of whether the government approves, were from the Muslim community (Figure 20).

Figure 20. Assessment of freedom of association, by ethnicity



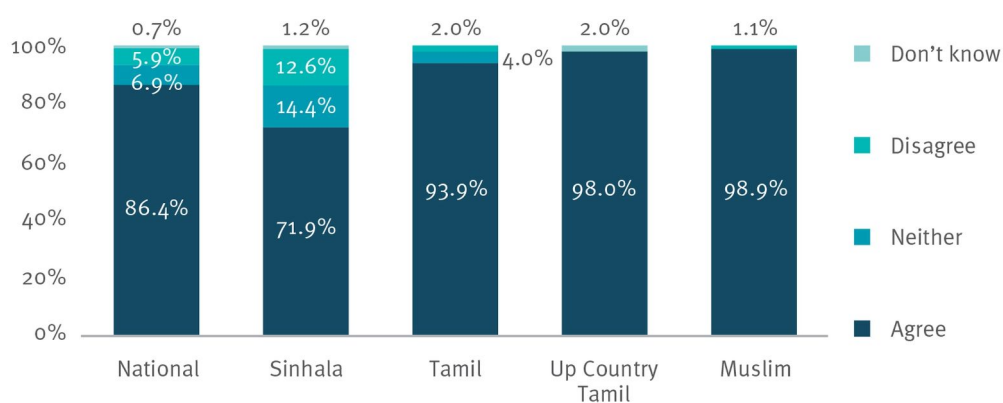
The vast majority of opinion leaders (80.9 per cent) declared that they are at least somewhat free to express their thoughts about politics, irrespective of where they are or who they are with. Tamil opinion leaders were the most likely to report that they are not at all free to do so. While significant proportions across all ethnic communities believe that they are free to protest or attend a demonstration against social injustice, it is mostly opinion leaders from the Tamil community who claim that they are not at all free to do so. Most of the opinion leaders from all ethnic communities stated that they are free to practise their customs and rituals. Respondents from the Muslim community were the most likely to state that they are not at all free to do so (43.2 per cent) (Table 5).

Table 5. Assessment of the current level of freedom of expression/participation, by ethnicity

| | | National | Sinhala | Tamil | Up Country Tamil | Muslim |
|---|-----------------|----------|---------|--------|------------------|--------|
| To express your thoughts about politics, irrespective of where you are and who you are with | Completely free | 27.2 % | 35.3 % | 11.1 % | 10.0 % | 39.8 % |
| | Somewhat free | 53.7 % | 51.5 % | 57.6 % | 66.0 % | 46.6 % |
| | Not at all free | 17.8 % | 11.4 % | 31.3 % | 22.0 % | 12.5 % |
| To protest/attend a demonstration against social injustice (rising cost of living, increase in bus fares, etc.) | Completely free | 26.7 % | 32.9 % | 21.2 % | 12.0 % | 29.5 % |
| | Somewhat free | 55.4 % | 55.1 % | 50.5 % | 72.0 % | 52.3 % |
| | Not at all free | 15.3 % | 8.4 % | 28.3 % | 16.0 % | 13.6 % |
| To practise your religion and its traditional customs/rituals | Completely free | 47.5 % | 75.4 % | 32.3 % | 50.0 % | 10.2 % |
| | Somewhat free | 36.1 % | 20.4 % | 51.5 % | 44.0 % | 44.3 % |
| | Not at all free | 15.3 % | 3.0 % | 16.2 % | 6.0 % | 43.2 % |
| Base | | 404 | 167 | 99 | 50 | 88 |

More than three-quarters of the opinion leaders (86.4 per cent) stated that minority groups' rights should be protected even if the majority in the area does not agree. Considerably more minority respondents agreed with this statement (93.9–98.9 per cent) (Figure 21).

Figure 21. The rights of minority groups should be protected even if the majority do not agree, by ethnicity



On the devolution of power, a majority of all opinion leaders (nearly 52 per cent) said that the powers of the Provincial Councils should be increased. This view was mostly expressed by Tamil (85.9 per cent) and Muslim (72.7 per cent) opinion leaders. Sinhalese opinion leaders were the most likely to oppose this notion (52.7 per cent) (Table 6).

Table 6. Devolution of powers by ethnicity

| | National | Sinhala | Tamil | Up Country Tamil | Muslim |
|---|----------|---------|--------|------------------|--------|
| Powers of the Provincial Councils should be increased | 51.7 % | 15.6 % | 85.9 % | 68.0 % | 72.7 % |
| Powers of the Provincial Councils should not be increased | 28.0 % | 52.7 % | 4.0 % | 16.0 % | 14.8 % |
| Neither | 12.6 % | 21.6 % | 5.1 % | 6.0 % | 8.0 % |
| Base | 404 | 167 | 99 | 50 | 88 |

On political representation, a majority of all opinion leaders (72.5 per cent) stated that each ethnic group should have the right to elect a certain number of Members of Parliament that is proportional to their numbers.

Opinion leaders from the Tamil (63.6 per cent) and Muslim (53.4 per cent) communities were the most likely to report that it is important for public officials to represent their ethnicity or religion.

A majority of opinion leaders across all ethnic communities (60.1 per cent) claimed that it is problematic for a country like Sri Lanka to have ethnicity- or religion-based political parties (Table 7).

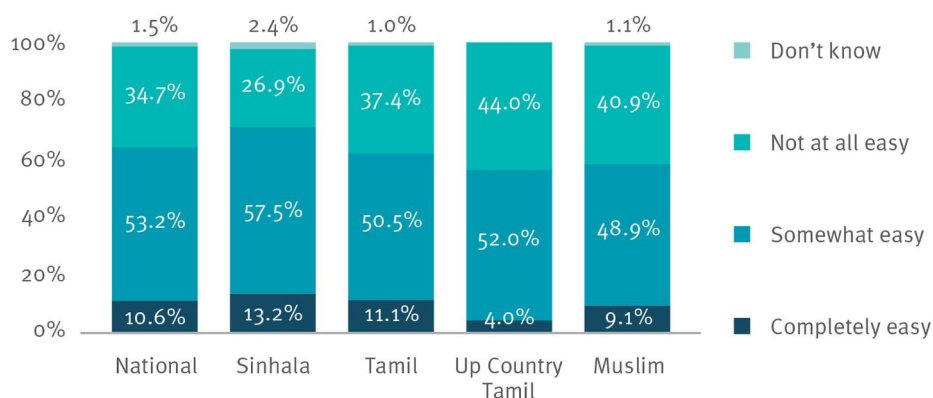
Table 7. Political representation by ethnicity

| | Agree | | | | |
|--|----------|---------|--------|------------------|--------|
| | National | Sinhala | Tamil | Up Country Tamil | Muslim |
| Each ethnic group should have the right elect a certain number of members to the Parliament proportional to the respective ethnic population | 72.5 % | 55.7 % | 89.9 % | 78.0 % | 81.8 % |
| It is important to me that public officials represent my ethnicity/religion (Note: include all elected officials Urban councils/Municipal councils/Provincial councils/Parliament) | 50.2 % | 46.1 % | 63.6 % | 32.0 % | 53.4 % |
| I think it is problematic for a country like Sri Lanka to have ethnicity-/religion-based political parties | 60.1 % | 75.4 % | 53.5 % | 50.0 % | 44.3 % |
| Base | 404 | 167 | 99 | 50 | 88 |

Socio-economic entitlements

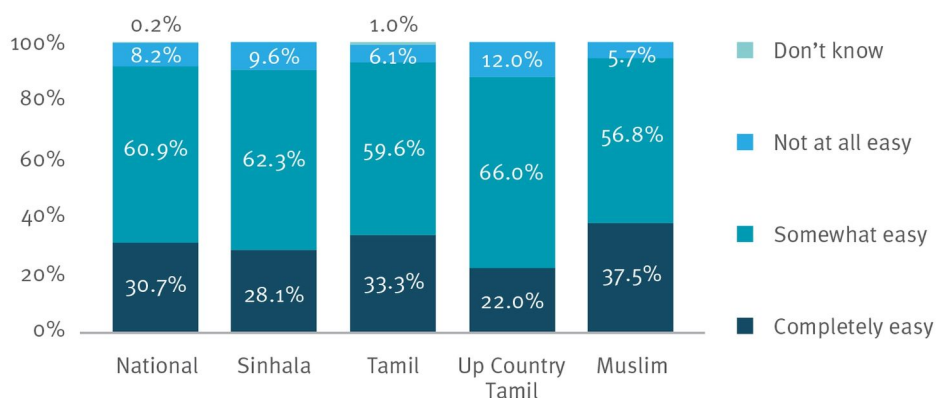
A majority of the opinion leaders stated that they have easy access to employment and/or economic activities. Respondents from the Up Country Tamil (44 per cent) and Muslim (40.9 per cent) communities were the most likely to indicate otherwise (Figure 22).

Figure 22. Access to employment/economic activities, by ethnicity



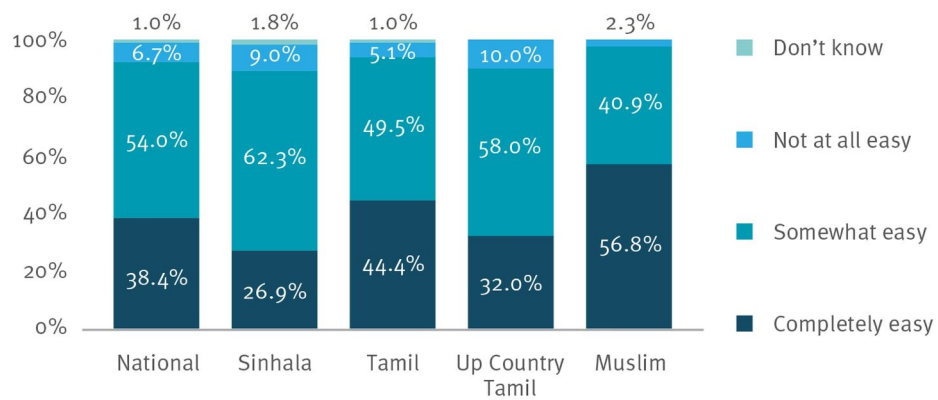
The vast majority of opinion leaders (91.6 per cent) declared that it is easy to access health services; only 8.2 per cent indicated otherwise. Respondents from the Up Country Tamil community (12 per cent) were the most likely to report that health services are not at all easy to access (Figure 23).

Figure 23. Access to health services, by ethnicity



An overwhelming majority (92.4 per cent) stated that it is easy to access education services. Up Country Tamil community representatives were the most likely to report difficulties accessing education (10 per cent) (Figure 24).

Figure 24. Access to education, by ethnicity



6. On the judiciary

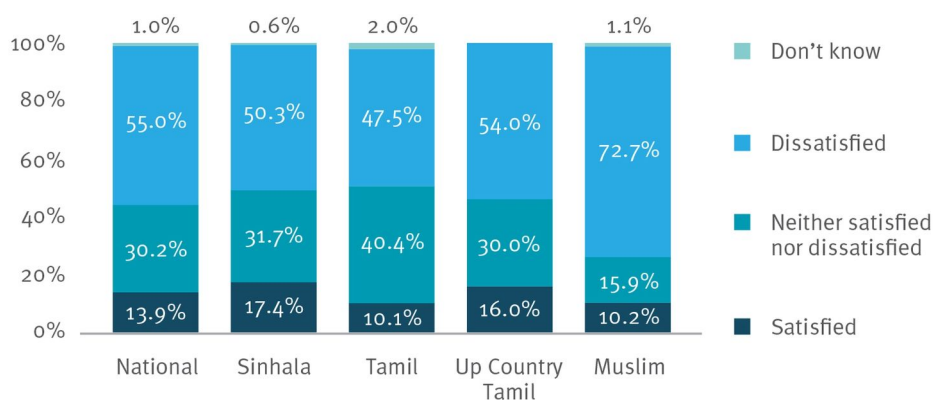
The survey assessed opinion leaders' perceptions about the general functioning and independence of the judiciary and law and order institutions.

Maintenance of law and order

A majority of opinion leaders (55 per cent) claimed to be dissatisfied with the way in which law and order is maintained in the country, while nearly 14 per cent indicated that they were satisfied. Nearly one-third (30.2 per cent) of the respondents were neither satisfied nor dissatisfied with the law and order situation.

Muslim opinion leaders were the most likely to be dissatisfied on this issue (72.7 per cent), followed by those from the Up Country Tamil (54 per cent), Sinhala (50.3 per cent) and Tamil (47.5 per cent) communities. Respondents from the Sinhala community were the most likely to express satisfaction (17.4 per cent) (Figure 25).

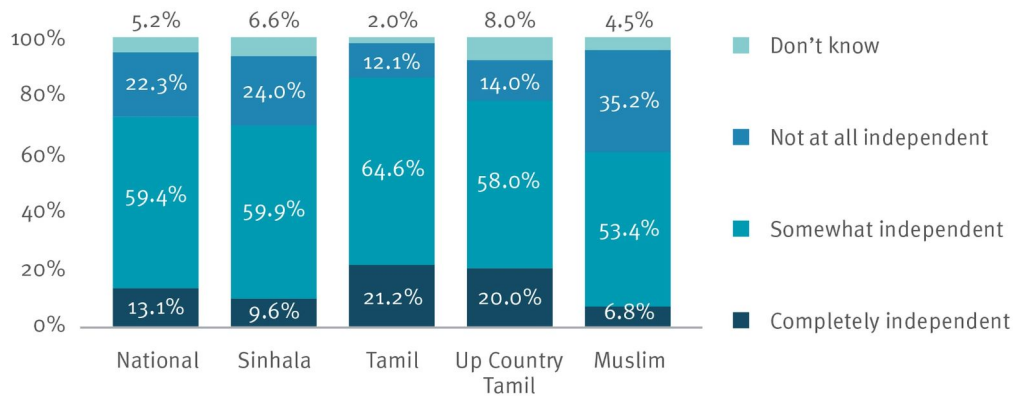
Figure 25. Satisfaction with law and order, by ethnicity



Independence

Nearly a quarter (22.3 per cent) of the opinion leaders surveyed claimed that Sri Lanka's courts and judges are not at all independent. Only 13 per cent reported that the judiciary is completely independent. A majority of all four ethnic communities stated that the country's courts and judges are somewhat independent (Figure 26).

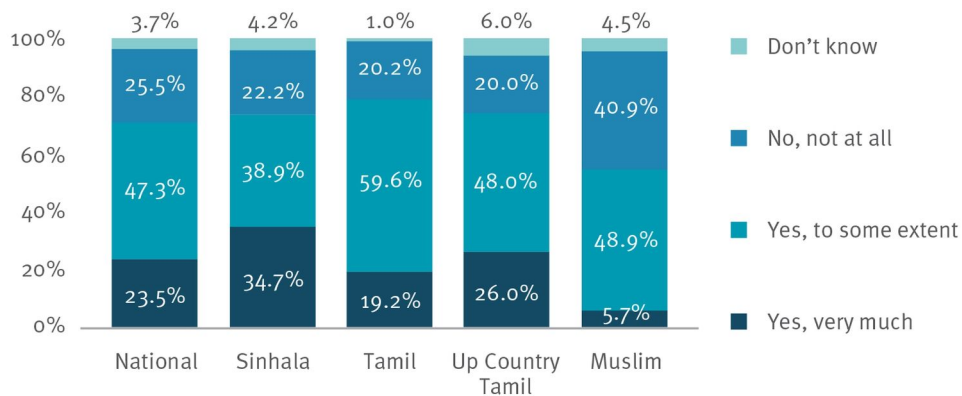
Figure 26. Independence of the judiciary, by ethnicity



Procedural justice

When the respondents were asked if they thought they would be treated fairly by Sri Lankan legal institutions irrespective of their ethnicity or religion, nearly half (47.3 per cent) indicated that they would be at least somewhat fairly treated. One quarter of the opinion leaders responded that they would not be treated at all fairly due to their ethnicity and religion (Figure 27).

Figure 27. Fair treatment irrespective of ethnicity or religion, by ethnicity



A clear majority (59.4 per cent) of respondents stated that if the accused were a member of a ruling political party they would be treated fairly, but this decreased to 30.7 per cent for an opposition party member and 27.2 per cent for an individual from an economically poor background. Slightly fewer than half of the opinion leaders (49.3 per cent) believed members of the majority ethnic community would be fairly dealt with, compared to only 32.9 per cent for members of a minority ethnic community and 33.9 per cent for religious minorities.

Figure 28. Anticipated treatment of alleged criminals, national

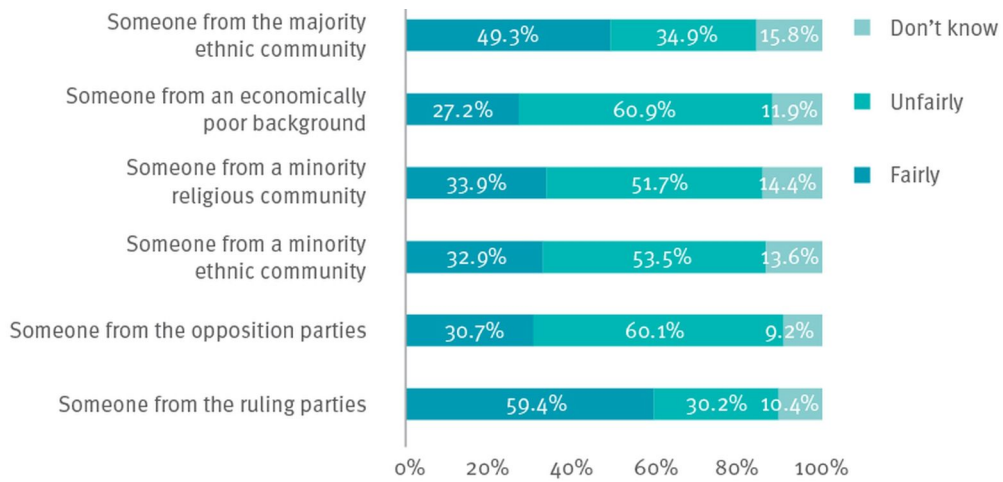


Figure 29. Anticipated treatment of alleged criminals from ruling political parties, by ethnicity

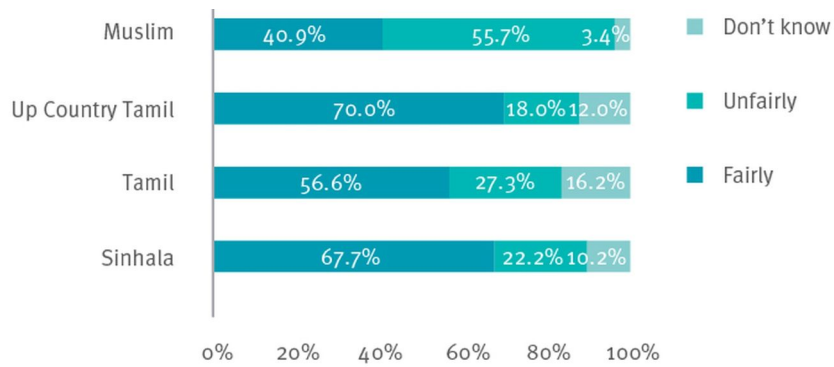


Figure 30. Anticipated treatment of alleged criminals from an opposition political party, by ethnicity

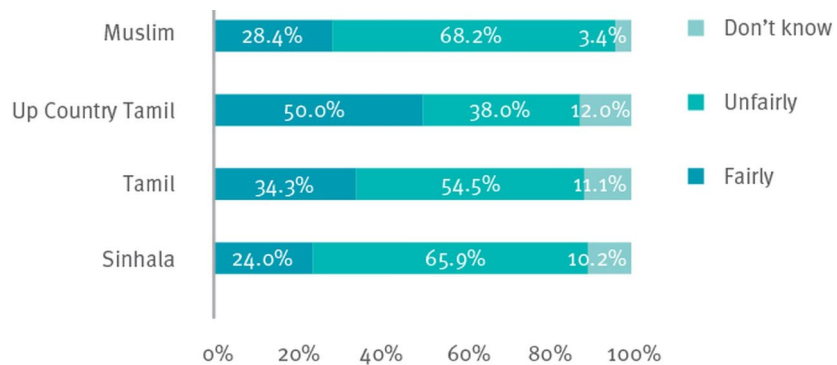


Figure 31. Anticipated treatment of alleged criminals from an ethnic minority group, by ethnicity

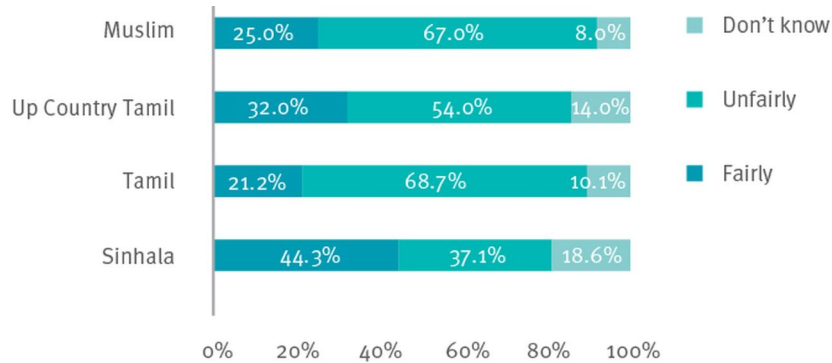


Figure 32. Anticipated treatment of alleged criminals from a minority religious group, by ethnicity



Figure 33. Anticipated treatment of alleged criminals from an economically poor background, by ethnicity

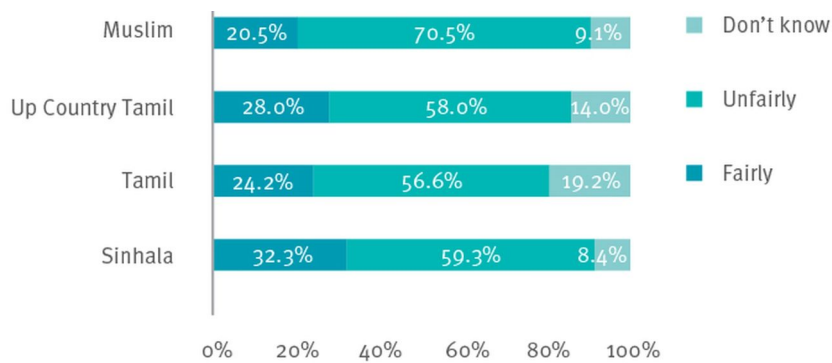
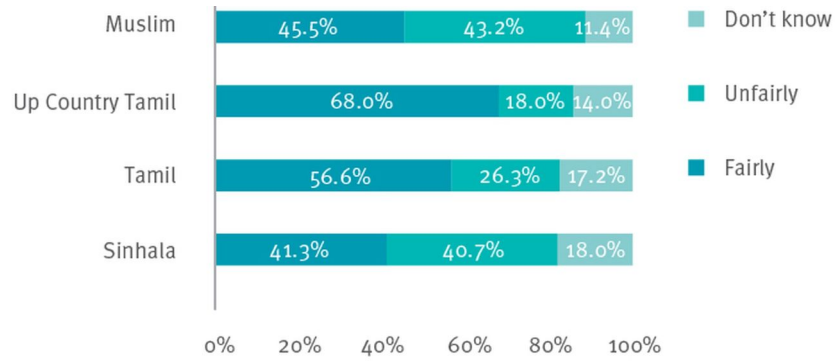


Figure 34. Anticipated treatment of alleged criminals from the majority community, by ethnicity



About the partners

International IDEA

The International Institute for Democracy and Electoral Assistance (International IDEA) is an intergovernmental organization with the mission to advance democracy worldwide, as a universal human aspiration and enabler of sustainable development. We do this by supporting the building, strengthening and safeguarding of democratic political institutions and processes at all levels. Our vision is a world in which democratic processes, actors and institutions are inclusive and accountable and deliver sustainable development to all.

The Edinburgh Centre for Constitutional Law

The Edinburgh Centre for Constitutional Law provides a focal point at the University of Edinburgh for research in UK and Scots public law, comparative constitutional law and constitutional theory. Centre members' research and advisory work addresses constitutional developments in the United Kingdom, Europe, the Commonwealth and beyond. The Centre has a broad membership including staff and students working in public law, international law and legal theory, as well as history and comparative politics.

The Centre for Policy Alternatives

The Centre for Policy Alternatives (CPA) is an independent, non-partisan organization that focuses primarily on issues of governance and conflict resolution. Formed in 1996 in the firm belief that civil society's vital contribution to the public policy debate requires strengthening, CPA is committed to programmes of research and advocacy through which public policy is critiqued, and alternatives identified and disseminated.

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Social Indicator

Social Indicator (SI) is the survey research unit of the Centre for Policy Alternatives (CPA) and was established in September 1999, filling a longstanding vacuum for a permanent, professional and independent polling facility in Sri Lanka on social and political issues. Driven by the strong belief that polling is an instrument that empowers democracy, SI has been conducting polls on a large range of socio-economic and political issues since its inception.

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The Scope and Content of the Sri Lankan Constitution: Perspectives of Opinion Leaders comprises a summary of findings that assesses the knowledge, attitudes and perceptions of leaders from the four main ethnic communities (Sinhala, Tamil, Up Country Tamil and Muslim) across the island. These leaders included religious leaders, government officials, office holders of community-based organizations, teachers and school principals. The assessment adapted and applied International IDEA's constitutional performance assessment methodology to collect these leaders' perceptions on the constitutional text and realities on current constitution, the Presidency, human rights and the nature of political and economic order. The Constitutional Performance Assessment was undertaken through a partnership between the Centre for Policy Alternatives (CPA), the International Institute for Democracy and Electoral Assistance (International IDEA) and the Edinburgh Centre for Constitutional Law (ECCL).



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