

Independent Reporting Mechanism (IRM): Sri Lanka End-of-Term Report 2016–2018

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Overview: Sri Lanka

Independent Reporting Mechanism (IRM) End-of-Term Report 2016–2018

Sri Lanka's first action plan covered a broad range of thematic areas including gender, anti-corruption, and access to information. While implementation saw no significant progress made from the midterm assessment, enacting Right to Information (RTI) legislation had a major effect in opening government. Regular meetings by the multistakeholder forum during implementation may elicit more substantial results.

The Open Government Partnership (OGP) is a voluntary international initiative that aims to secure commitments from governments to their citizenry to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. The Independent Reporting Mechanism (IRM) carries out a review of the activities of each OGP-participating country. This report summarises the results of the second year of implementation from July 2017 to July 2018, and includes some relevant developments through August 2018.

Originally positioned within the Ministry of Justice, the Ministry of Foreign Affairs (MFA) took over primary responsibility for leading and coordinating the OGP initiative in April 2016 through establishment of a dedicated OGP Unit. The MFA collaborated with civil society during development of the action plan in conducting 10 countrywide public consultations on topics to be included.

The Cabinet of Ministers established and appointed the National Steering Committee (NSC) in October 2016 to expand the number of government agencies involved in the OGP process. The president of Sri Lanka chaired the NSC, which comprised of other key government and civil society stakeholders. The NSC was tasked with overseeing implementation of the commitments in the action plan. However, the MFA recognised that regularly convening such a high-profile group would be challenging.

Therefore, the lead government institutions identified in the action plan assumed primary responsibility for ensuring implementation of their respective commitments. Representatives from these institutions, the MFA's OGP Unit, and civil society together formed the multistakeholder forum to monitor implementation of the action plan. However, this forum also did not meet regularly and there was no citizen participation. While the MFA confirmed that the forum proceedings were not confidential, the minutes were not made public, nor were there any open invitations for wider participation beyond the main implementing stakeholders.¹ The presidential secretariat took over leadership and coordination of the OGP initiative from the MFA in April 2018.

Table 1: At a Glance

	Mid-term	End-of-term
Number of Commitments	23	
Level of Completion		
Completed	0	0
Substantial	1	2
Limited	18	17
Not Started	4	4
Number of Commitments with...		
Clear Relevance to OGP Values	22	22
Transformative Potential Impact	1	1
Substantial or Complete Implementation	1	2
All Three (☑)	0	1
Did It Open government?		
Major	1	
Outstanding	0	
Moving Forward		
Number of Commitments Carried Over to Next Action Plan	N/A	

Sri Lanka's first national action plan included commitments in a variety of areas, ranging from health and environment, to corruption and the right to information. While the government passed legislation on the right to information, most commitments had only limited completion. As of September 2018, the government had not published a midterm or end-of-term self-assessment report. This is despite the MFA confirming that information had been collected for this purpose at the end of the first year of implementation.²

At the time of writing this report, Sri Lanka had not yet presented or published a new action plan for the next cycle, 2018–2020. However, the presidential secretariat, in partnership with civil society, has conducted nine public consultations, and held several subsequent multistakeholder meetings and workshops, toward identifying and translating issues to be included as commitments in the next action plan. These consultations took place across all nine provinces.³

¹ Harim Peiris (Former OGP Point of Contact) and Asoka Obeyesekere (Executive Director - Transparency International Sri Lanka), interview by IRM researcher, 9 August 2017.

² Prashanthi Krishnamoorthy (Ministry of Foreign Affairs), interview by IRM researcher, 1 December 2017.

³ Chandima Wickramasinghe (Presidential Secretariat), interview by IRM researcher, 12 September 2018.

Consultation with Civil Society during Implementation

Countries participating in OGP follow a process for consultation during both development and implementation of their action plan. While the following section discusses consultation with civil society during implementation of the action plan, consultation during its development is discussed in greater detail in the 2016-2017 IRM Progress Report.

In Sri Lanka, consultation during implementation was a centralized process, coordinated by the Ministry of Foreign Affairs (MFA). Early in 2017, the MFA established a multistakeholder Working Group, chaired by the deputy minister of foreign affairs, to monitor implementation of commitments. The Working Group included representatives from government institutions responsible for commitment implementation, civil society, and the MFA's OGP Unit. The composition of the working group limited participation to stakeholders directly involved in the implementation of commitments. The group met twice at the MFA, once in April 2017 and once in August 2017. This falls short of regular frequency, i.e., a minimum of quarterly meetings.

At these consultations, the lead government institution reported progress on each commitment through a brief presentation. The civil society organisation (CSO) counterparts were then provided an opportunity to respond to the presentation and raise questions and concerns regarding the reported progress. Apart from this protocol, the forum did not have other formal rules of engagement or participation. While the MFA confirmed that proceedings were not confidential, the minutes were not made public, nor were there any open invitations for wider public participation.¹

According to a civil society representative, the working group forum served as a unique and useful platform for ensuring accountability.² The forum also afforded space for discussion and cross-fertilisation of ideas between, and among, government and civil society participants.³ Despite this, the platform still did not facilitate the full implementation of commitments. The presidential secretariat assumed leadership of the OGP initiative from the MFA in April 2018. As this transfer happened at the final stages of the action plan period, no further formal consultations took place.

Civil society also created an informal forum to monitor commitment implementation. This forum first convened in early 2016 and comprised representatives of the OGP CSO Steering Committee. It met on a quarterly basis to discuss progress on commitments, share new ideas and innovations, and explore how other CSOs can be supported to promote open government. Although functionally similar in terms of monitoring the implementation of commitments, unlike the Working Group, there was no government representation in this forum.⁴ In the context of wider citizen engagement, the forum welcomed the participation of other interested CSOs, but existing representatives did not proactively pursue expansion.⁵ The meeting minutes were also not made public.⁶

Table 2: Consultation during Implementation

Regular Multistakeholder Forum	Midterm	End-of-Term
1. Did a forum exist?	Yes	Yes
2. Did it meet regularly?	No	No

Table 3: Level of Public Influence during Implementation

The IRM has adapted the International Association for Public Participation (IAP2) “Spectrum of Participation” to apply to OGP.⁷ This spectrum shows the potential level of public influence on the contents of the action plan. In the spirit of OGP, most countries should aspire for “collaborative.”

Level of Public Influence during Implementation of Action Plan		Midterm	End-of-Term
Empower	The government handed decision-making power to members of the public.		
Collaborate	There was iterative dialogue AND the public helped set the agenda.		
Involve	The government gave feedback on how public inputs were considered.		
Consult	The public could give inputs.	✓	✓
Inform	The government provided the public with information on the action plan.		
No Consultation	No consultation		

About the Assessment

The indicators and method used in the IRM research can be found in the IRM Procedures Manual.⁸ One measure, the “starred commitment” (★), deserves further explanation due to its particular interest to readers and usefulness for encouraging a race to the top among OGP-participating countries. Starred commitments are considered exemplary OGP commitments. To receive a star, a commitment must meet several criteria:

- Starred commitments will have “medium” or “high” specificity. A commitment must lay out clearly defined activities and steps to make a judgment about its potential impact.
- The commitment’s language should make clear its relevance to opening government. Specifically, it must relate to at least one of the OGP values of Access to Information, Civic Participation, or Public Accountability.
- The commitment would have a “transformative” potential impact if completely implemented.⁹
- The government must make significant progress on this commitment during the action plan implementation period, receiving an assessment of “substantial” or “complete” implementation.

Starred commitments can lose their starred status if their completion falls short of substantial or full completion at the end of the action plan implementation period.

In the midterm report, the Sri Lanka action plan contained one starred commitment. At the end of term, based on the changes in the level of completion, Sri Lanka’s action plan contained one starred commitment.

Finally, the tables in this section present an excerpt of the wealth of data the IRM collects during its reporting process. For the full dataset for Sri Lanka, see the OGP Explorer at www.opengovpartnership.org/explorer.

About “Did It Open Government?”

To capture changes in government practice the IRM introduced a new variable “Did It Open Government?” in end-of-term reports. This variable attempts to move beyond measuring outputs and deliverables to looking at how the government practice has changed as a result of the commitment’s implementation.

As written, some OGP commitments are vague and/or not clearly relevant to OGP values but achieve significant policy reforms. In other cases, commitments as written appear relevant and ambitious, but fail to open government as implemented. The “Did It Open Government” variable attempts to capture these subtleties.

The “Did It Open Government?” variable assesses changes in government practice using the following spectrum:

- **Worsened:** Government openness worsens as a result of the commitment.
- **Did not change:** No changes in government practice.
- **Marginal:** Some change, but minor in terms of its effect on level of openness.
- **Major:** A step forward for government openness in the relevant policy area, but remains limited in scope or scale.
- **Outstanding:** A reform that has transformed “business as usual” in the relevant policy area by opening government.

To assess this variable, researchers establish the status quo at the outset of the action plan. They then assess outcomes *as implemented* for changes in government openness.

Readers should keep in mind limitations. IRM end-of-term reports are prepared only a few months after the implementation cycle is completed. The variable focuses on outcomes that can be observed in government openness practices at the end of the two-year implementation period. The report and the variable do not intend to assess impact because of the complex methodological implications and the time frame of the report.

¹ Harim Peiris (Former OGP Point of Contact) and Asoka Obeyesekere (Executive Director - Transparency International Sri Lanka), interviews by IRM researcher, 9 August 2017.

² Mr. Asoka Obeyesekere, interview by IRM researcher.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ *Id.*

⁷ See: http://c.ymcdn.com/sites/www.iap2.org/resource/resmgr/foundations_course/IAP2_P2_Spectrum_FINAL.pdf.

⁸ IRM Procedures Manual, <http://www.opengovpartnership.org/about/about-irm>.

⁹ The International Experts Panel changed this criterion in 2015. For more information, visit <http://www.opengovpartnership.org/node/5919>.

Commitment Implementation

General Overview of Commitments

As part of OGP, countries are required to make commitments in a two-year action plan. The tables below summarise the completion level at the end of term and progress on the “Did It Open Government?” metric. For commitments that were complete at the midterm, the report will provide a summary of the progress report findings but focus on analysis of the ‘Did It Open Government?’ variable. For further details on these commitments, please see the Sri Lanka IRM progress report 2016–2017.

Sri Lanka’s first action plan comprises 12 commitments categorised under nine thematic areas. These areas include corruption, education, environment, women, health, information and communication technology, and the right to information. As in the IRM progress report, this end-of-term report divides the 12 commitments into 23 smaller ones for greater clarity and accessibility. This is reflected in Table 4 below.

Table 4: Assessment of Progress by Commitment

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
1. Strategies to combat CKD				✓	✓	✓						✓		✓						✓	
2. Affordable Medicines				✓	✓	✓						✓		✓						✓	
3. Nat’l Health Performance				✓	✓	✓		✓				✓		✓						✓	
4. Teacher Transfer Policy				✓	✓	✓						✓		✓						✓	
5. Gov. Info. Centre				✓	✓			✓		✓				✓					✓		
6. Open Data				✓	✓	✓		✓		✓				✓						✓	
7. NEA				✓	✓	✓						✓		✓					✓		
8. CCCRMA				✓	✓	✓						✓		✓					✓		
9. FFPO & NWPEA				✓	✓	✓				✓			✓	✓					✓		

10. Local Gov. Procurement			✓	✓	✓		✓		✓			✓	✓					✓		
11. Implement Procurement		✓				✓	✓	✓			✓	✓						✓		
12. Personal Law Reform			✓		✓	✓					✓		✓		✓				✓	
13. Gender & State Land			✓			✓					✓		✓		✓				✓	
14. Women in Employment		✓			✓	✓					✓				✓				✓	
15. Women in Local Politics		✓			✓	✓					✓				✓				✓	
16. Anti-Corruption			✓		✓	✓					✓		✓		✓				✓	
17. UNCAC Obligations			✓			✓					✓		✓		✓				✓	
18. Agency Coordination			✓		✓	✓					✓		✓		✓				✓	
19. Money Laundering			✓		✓						✓				✓				✓	
20. Campaign Finance			✓		Unclear						✓				✓				✓	
21. Asset Declarations				✓	✓						✓				✓				✓	
22. Enact and Implement RTI				✓	✓			✓				✓				✓				✓
23. Proactive Disclosure				✓	✓						✓				✓				✓	

THEME I: HEALTH

I. Public Access to Strategies to Combat Chronic Kidney Disease

Commitment Text:

Improving Public Access to Preventive and Curative Strategies to Combat Chronic Kidney Disease (CKD)

[...]

Main Objective:

Increase public understanding on prevention, mitigation and coping with CKD, and engage civil society in developing the prevention strategic plan.

Milestones:

- I.1 Establish a multi-stakeholder forum to draft prevention strategic plan and recommend changes to health policy.
- I.2 Publish key information related to government's measures to combat CKD, including list of medical facilities and services being offered, budget allocated for CKD and key policies in ministry website and through media.
- I.3 Conduct island wide public consultations and campaigns to disseminate key information (I.2 above).
- I.4 Institutionalize feedback mechanisms in medical facilities offering treatment for CKD to elicit responses on access to, quality of and reliability of facilities and services.
- I.5 Publish semi-annual reports of citizen/user feedback on access, quality and reliability of facilities and services offered on CKD.

Responsible institution: Ministry of Health, Nutrition and Indigenous Medicine

Supporting institutions: Chronic Kidney Disease Unit; Health Education Bureau; Presidential Task Force on CKDu

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
I. Public access to strategies to combat CKD				✓	✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to increase public awareness of, and access to, formal preventive and curative strategies, and facilities, relating to chronic kidney disease (CKD).¹ The Ministry of Health and related stakeholders envisioned that the commitment would encourage the public to a) avoid spurious or unscientific methods of dealing with CKD, b) adopt timely and appropriate preventive measures, and c) present themselves for regular clinical screening. In turn, stakeholders hoped that this would reduce related morbidity or mortality.

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. Many stakeholders took steps toward publishing information on combating chronic kidney disease (CKD) (Milestone 1.2). The Presidential Task Force on CKD, for instance, published limited information on the prevention of CKD on its website.²

Concurrently, the Ministry of Health took measures to improve transmission of public health messages, including information on CKD (Milestone 1.3). These measures, encouraged by the OGP commitment to disseminate key information on CKD, included references to CKD in epidemiological reports,³ media seminars, and training on communication for behavioural modification for medical officers.⁴

The Ministry of Health had not, however, established a multistakeholder forum (Milestone 1.1) to draft the strategic plan for CKD prevention, published a budget and inventory pertaining to CKD services and facilities, or institutionalised public feedback mechanisms (Milestone 1.4) at medical facilities offering CKD treatment.

End of term: Limited

Commitment implementation continued to be limited at the end of term.

Milestone 1.1: According to the Ministry of Health, a multistakeholder forum was established comprising representatives from government, civil society, and research institutes.⁵ As confirmed by civil society, this forum met twice with discussions primarily focusing on better understanding the issue of CKD.⁶ Although no consensus was reached on the direct cause of CKD or a single, preventative course of action, both civil society and government noted that stakeholders participating

in the forum agreed on the need for more research on diet-induced causes.⁷ Civil society noticed, however, that the discussions did not lead to the development of a strategic prevention plan.⁸

Milestone 1.2: The Ministry of Health published no further information on CKD by the end of term. The ministry did, however, pursue a few related initiatives, including participation in television interviews and hosting an event to disseminate information on CKD in June 2018.⁹ At the time of this report, the National Health Accounts of 2013 was the only budget report found on the ministry website.¹⁰

Milestone 1.3: Sarvodaya, the Ministry of Health's civil society counterpart advocating for more information on CKD, noted that the ministry conducted some media and social media campaigns, but did not regularly publish key information on CKD.¹¹ This information includes government measures to combat CKD, such as lists of medical facilities and services being offered, budget allocated for CKD, and key policies. The ministry also conceded that it had not conducted any public consultations.¹²

Milestones 1.4–1.5: According to the ministry, feedback mechanisms were operational through the hospital network and hospital development committees (HDCs). However, Sarvodaya noted that these mechanisms were not explicitly linked to CKD.¹³ The ministry added that although service users had the opportunity to provide feedback, they may not have been sufficiently empowered to do so.¹⁴ The ministry did not, therefore, publish reports of user-feedback on access, quality, and reliability of CKD services and facilities.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

This commitment had limited effect on access to information and civic participation, and thus only led to a marginal improvement in open government.

At the outset of the action plan, CKD was a serious public health issue in Sri Lanka. Since 2010, an increasing number of cases had no identifiable cause. Thus, the public was left with little access to conclusive information on preventive or curative measures, or on the availability of critical medical interventions.¹⁵ In turn, the lack of coherent, accessible information fuelled confusion and led many to seek extreme measures.¹⁶ There was also a disproportionate number of facilities to provide adequate or effective treatment, and efforts were severely hampered by a lack of coordination among the different stakeholders.¹⁷

Key government and civil society stakeholders noted that the implementation of this commitment was limited.¹⁸ The ministry and related stakeholders, such as the Presidential Task Force on CKD, published and disseminated some government-held information pertaining to CKD through websites, leaflets, and wallcharts (see Milestone 1.2). However, this disclosure contained few, if any, conclusive details and did not inform sustainable solutions.¹⁹ Therefore, these initiatives did not contribute to a significant improvement in access to information. Similarly, although established, the multistakeholder forum did not work toward, or result in, the preparation of the strategic prevention plan anticipated by stakeholders.²⁰ This meant that multistakeholder forum was unable to recommend changes to health policy. However, the Ministry of Health recognized that previously conflicting parties were now coming together to discuss the issue, and this represented a notable, albeit marginal, improvement in itself.²¹

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report. However, given the importance of citizens being made aware of preventive strategies and facilities on CKD, the IRM researcher recommends this commitment be carried forward to the next action plan.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended a few additional measures that could be taken to further enhance the impact of this commitment. These include publishing bi-annual reports on CKD research initiatives; appointing a focal point to coordinate initiatives to improve public access to preventive strategies; using diverse communication portals to share authentic information on CKD; and following-up on reports of user-feedback on access to, and the quality and reliability of, CKD facilities and services.

¹ The medical community has often presented CKD as a complication of diabetes or hypertension. However, since 2010, an increasing number of reported cases have had no identifiable cause (i.e., chronic kidney disease of unknown aetiology, CKDu). This is also sometimes referred to as Chronic Kidney Disease of non-Traditional causes (CKDnT).

² “Presidential Task Force on Chronic Kidney Disease Prevention” (Presidential Task Force, 2017)

<http://www.kidney.presidentialtaskforce.gov.lk/?lang=en>.

³ Ministry of Health, Nutrition, and Indigenous Medicine, Weekly Epidemiological Report, 11–17 February 2017, <https://bit.ly/2GoboBc>

⁴ Dr. Susie Perera (Ministry of Health, Nutrition, and Indigenous Medicine), Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), and Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 26 October 2017.

⁵ Dr. Susie Perera (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 28 September 2018; Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 14 September 2018.

⁶ Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 27 September 2018.

⁷ Perera, interview, 28 September 2018; Chandrasiri, interview, 14 September 2018; Ariyaratne, interview 27 September 2018.

⁸ Ariyaratne, interview, 27 September 2018.

⁹ Perera, interview, 28 September 2018; Chandrasiri, interview, 14 September 2018.

¹⁰ Ministry of Health, Nutrition & Indigenous Medicine, Sri Lanka National Health Accounts 2013 (2018) <https://bit.ly/2QA9r8e>.

¹¹ Ariyaratne, interview, 27 September 2018.

¹² Perera, interview, 28 September 2018; and Chandrasiri, interview, 14 September 2018.

¹³ Ariyaratne, interview, 27 September 2018.

¹⁴ Perera, interview, 28 September 2018; Chandrasiri, interview, 14 September 2018.

¹⁵ “Medical Mystery: Kidney Disease Killing Farm Workers in Sri Lanka” (CBS News, 19 January 2015) <https://www.cbsnews.com/news/medical-mystery-rare-kidney-disease-killing-sri-lanka-farmers/>.

¹⁶ For instance, upon the onset of a symptom of any basic illness, people in affected areas fear the contraction of CKD and rely on unsubstantiated information to drink as little water from their wells as possible. This action then leads to chronic dehydration and further deterioration of their health condition — “Medical Mystery: Kidney Disease Killing Farm Workers in Sri Lanka,” CBS News, 19 January 2015, <https://www.cbsnews.com/news/medical-mystery-rare-kidney-disease-killing-sri-lanka-farmers/>.

¹⁷ Ariyaratne, interview, 26 October 2017.

¹⁸ Perera, interview, 28 September 2018; Chandrasiri, interview, 14 September 2018; Ariyaratne, interview, 27 September 2018.

¹⁹ Dr. Susie Perera and Dr. Amila Chandrasiri, interview by IRM researcher.

²⁰ Ariyaratne, interview, 27 September 2018.

²¹ Perera, interview, 28 September 2018.

2. Safe and Affordable Medicines

Commitment Text:

Transparent Policy to Provide Safe and Affordable Medicines for All

Essential medical drugs play an important role in preventive, promotive, curative and rehabilitative health care. Sri Lanka is proud to sustain a free and universal healthcare system, which has helped it score high on health indicators for the country (such as life expectancy and utilisation of health services). However, there still exist disparities in implementation of this system. Even if medical care is free, if safe and affordable medical drugs are not available to the general public, it will affect people's health in a significantly negative way.

In Sri Lanka, non-availability and shortage of drugs in government hospitals and clinics are having disastrous consequences. The quality and cost of drugs is also a serious problem for the people. This commitment aims to improve national health standards and ensure safe and affordable medicines will be available to all. The appointment of an advisory board to the National Medicinal Drug Regulatory Authority (NMRA) and collaboration in assessing implementation will also increase government accountability and transparency.

Milestones:

- 2.1 Appointment of the advisory board to the National Medicinal Drug Regulatory Authority (NMDRA) with representation from CSOs/Health Activists.
- 2.2 Establish an institutionalized monitoring system to ensure essential drug availability (RMSD, Institution level) with provision for public feedback.
- 2.3 All government hospitals and clinics ensure provision of quality essential medicines at all times and ensure public dissemination of the information through display boards.
- 2.4 Establish a rating system for private pharmacies that will be based on availability of essential medicines at affordable pricing and make that information public through a web portal.
- 2.5 Public awareness on the rating system for private pharmacies based on availability of essential medicines at an affordable price.

Responsible institution: Ministry of Health, Nutrition and Indigenous Medicine

Supporting institutions: National Medicines Regulatory Authority; Medical Supplies Division, Sarvodaya, Patient's Rights Movement, People's Health Movement (civil society)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
2. Safe and Affordable Medicines			✓		✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to increase the availability and affordability of quality essential medicine across Sri Lanka. The Ministry of Health and other associated stakeholders anticipated that this will lead to improvements in health indicators and national health standards. Although the milestones indicate a commitment to greater transparency in the availability of safe and affordable medicines, the commitment does not explicitly propose to establish a ‘transparent policy’ to ensure the same.

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. The National Medicines Regulatory Authority (NMRA) nominated a list of candidates to comprise the advisory board, but noted that it was the responsibility of the Minister of Health to convert these nominations into formal appointments (Milestone 2.1).¹ The nominations included members of civil society, in line with guidelines on the board’s composition and representation.²

There was no fully operational, institutionalised monitoring mechanism, with provision for public feedback, on the availability of essential medicine (Milestone 2.2). This was confirmed by Sarvodaya, a civil society organisation advocating better health service delivery.³ However, the NMRA stated that the Medical Supplies Division (MSD) under the Ministry of Health was developing basic online infrastructure to track stocks of medicine and supplies at the national, regional, and local level.⁴

The ministry noted that a number of health clinics and hospitals had started presenting information about the availability of quality essential medicines at public-facing locations (Milestone 2.3). However, this was not taking place in a uniform or systematic manner.⁵ The pharmacy rating system was also not in place by the midterm (Milestone 2.4). A representative from the NMRA reported that they developed guidelines that could eventually inform such a rating system.⁶ A civil society representative from Sarvodaya added that no specific lobbying had been undertaken by civil society in this regard.⁷

End of term: Limited

The commitment’s end-of-term completion remained limited.

Milestone 2.1: The Minister of Health had not finalized the appointment of the advisory board to the NMRA at the time of writing. The Ministry of Health speculated that key decision-makers were

buoyed by the consistent reduction of prices of essential medicines.⁸ Thus, they did not consider the appointment of an advisory board a matter of urgent concern.

Milestone 2.2: The MSD implemented a monitoring mechanism⁹ to ensure the availability of medicine up to the level of Regional Medical Supply Divisions (RMSDs). The decentralized RMSDs distribute medicine, purchased centrally by the MSD, to 960 primary health care institutions across the country. There is, however, no monitoring of drug availability at the more granular institutional level.¹⁰ Although a positive start, the RMSD monitoring mechanism¹¹ is currently not open for public feedback.¹² The ministry confirmed that it was soliciting external support to introduce a system to effectively monitor medicine stocks at all levels.¹³

Milestone 2.3: Civil society anticipated that this commitment would lead to health institutions proactively, and publicly, displaying the availability of medicine.¹⁴ Although only a marginal increase from the midterm, civil society confirmed that such publication, though not thorough or systematic, had commenced at a small number of health clinics and hospitals.¹⁵ However, as neither civil society nor government could provide a precise, verifiable figure, there is no change in the completion of this commitment.

The Ministry of Health explained that doctors only prescribed medicines that were available at the hospital dispensary. These medicines were available free-of-charge. If an essential medicine was unavailable on a particular day, the doctor would prescribe a suitable alternative. Given this protocol and the availability of essential medicines, the ministry suggested that the public display of available medicines was not of utmost concern.¹⁶

The milestone also refers to essential medicines being of adequate quality. The Ministry of Health confirmed that several measures are consistently taken to ensure that medicines of adequate quality are circulated through the system.¹⁷ These include: good manufacturing practices at the time of procurement; formal recommendations from regulatory agencies; registration with the NMRA; and sample-testing by the State Pharmaceuticals Corporation.¹⁸ Sarvodaya confirmed that these were standard measures in the context of quality assurance.¹⁹

Milestones 2.4–2.5: All stakeholders confirmed that no progress was made in introducing a rating system for private pharmacies.²⁰

Did It Open Government?

Access to Information: Marginal

Civic Participation: Did not Change

This commitment did not lead to a change in civic participation, but did lead to a limited increase in access to information and thus, a marginal improvement in open government overall.

At the outset of the action plan, the inadequate availability and affordability of essential medicines were a major concern among key stakeholders in the health sector.²¹ High costs, tedious drug registration processes, inadequate clinical testing capacities, and strong pharmaceutical lobbying all contributed to concerns about steady access to safe and affordable drugs.²² This, in turn, led to noncompliance with prescribed drug regimens, and the development of additional health complications, which further burdened public healthcare services.²³

Although a precise number was not provided, civil society confirmed that a few public health institutions had commenced displaying information on the availability of essential medicines.²⁴ However, as this was not fully completed—and there was no progress in setting up a pharmacy rating system—the commitment only contributed to a marginal increase in access to information.

The introduction of an online monitoring mechanism at the RMSD level helped inform citizens of the availability of medicines, a marginal achievement in improving access to information. Although there are no statistics on the number of citizens accessing this information, the Department of Census and

Statistics reported that only around 25 per cent of the total population used the internet in the first six months of 2018.²⁵ This statistic points to limitations involved in government attempts to facilitate inclusive access to information through online channels alone. Additionally, the online mechanism did not allow public feedback and, therefore, did not contribute to an improvement in civic participation. The failure to appoint the nominees to the advisory board of the National Medicines Regulatory Authority (NMRA) limited this further.²⁶

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report. Given the importance of ensuring the availability of safe and affordable essential medicines, the IRM researcher recommends that this commitment is carried forward to the next action plan.

However, cognizant of the limited progress achieved, the IRM researcher recommends adapting this commitment to enhance potential impact by better leveraging the principles of open government. A number of such measures were proposed in the 2016–2017 IRM midterm progress report. These include: publishing a trilingual report on measures taken to ensure availability of safe and affordable medicines; introducing grievance redress mechanisms to engage service providers in guaranteeing the availability of safe and affordable medicines; and conducting awareness programs on the availability of such mechanisms.

¹ Dr. Kamal Jayasinghe (National Medicines Regulatory Authority), interview by IRM researcher, 20 October 2017.

² National Medicines Regulatory Authority Act, No. 5 of 2015.

³ Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 26 October 2017.

⁴ "Item List," Web Portal, Medical Supplies Division (Ministry of Health – Sri Lanka, 2017) <https://www.msd.gov.lk/index.php/web-portals/item-list>.

⁵ Dr. Susie Perera (Ministry of Health, Nutrition, and Indigenous Medicine) and Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 6 October 2017.

⁶ Jayasinghe, interview.

⁷ Ariyaratne, interview.

⁸ Dr. Susie Perera, interview by IRM researcher, 28 September 2018.

⁹ "Item List" (Ministry of Health – Sri Lanka, 2018).

¹⁰ Perera, interview, 28 September 2018.

¹¹ "Item List" (Ministry of Health – Sri Lanka, 2018).

¹² Perera, interview.

¹³ *Id.*

¹⁴ Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 27 September 2018.

¹⁵ *Id.*

¹⁶ Perera, interview, 28 September 2018.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ Ariyaratne, interview.

²⁰ Perera and Chandrasiri, interview, 6 October 2017; Ariyaratne, interview, 27 September 2018.

²¹ C. Aloysius, "Drug Price Reduction: A Promise in Waiting" (Sunday Observer, 23 October 2016)

<http://www.sundayobserver.lk/2016/10/23/wellness/drug-price-reduction-promise-waiting>.

²² G. D. Dayaratne, "Medicinal Drug Policy of Sri Lanka: Some Challenges" (The Island, 6 April 2015) <http://bit.ly/2CizcXo>.

²³ Perera, interview.

²⁴ Ariyaratne, interview.

²⁵ "Computer Literacy Statistics – 2018" (Department of Census and Statistics, January–June 2018), <https://bit.ly/2H7ikVg>.

²⁶ Ariyaratne, interview.

3. National Health Performance

Commitment Text:

National Health Performance

[...] the public health sector has inadequate capacity, limited access to specialist treatment and inconsistent service standards.¹

To mitigate some of these challenges, the Health Strategic Master Plan developed by the Government of Sri Lanka has framed a National Health Performance Framework to provide citizens with information regarding health sector effectiveness, efficiency and equity, and empower civil society to play an active role in ensuring that these goals for national health are met at a grassroots level.

Citizens would make use of health performance information in different ways to create a healthy dialogue and voice their interest in health development. Performance information will also be useful to create more awareness on the need for supporting change in health behavior/ supportive policies from other sectors. The availability of such information will be a positive trigger to create this dialogue.

Milestones:

- 3.1. Ministry of Health to publish detailed health budget and spending information.
- 3.2. Raise awareness on the National Health Performance Framework (NHPF) through public consultations.
- 3.3. Popularise the NHPF through the Ministry of Health website, newspapers, radio, television, public campaigns and the internet.
- 3.4. Citizens will be actively involved in monitoring the implementation of the framework through a public forum on a quarterly basis.
- 3.5. Findings and deliberations from the forum to be systematically discussed with government counterparts to ensure follow up actions.

Responsible institution: Ministry of Health, Nutrition and Indigenous Medicine

Supporting institutions: Sarvodaya, Patient's Rights Movement, People's Health Movement

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
3. National Health Performance			✓		✓	✓	✓			✓				✓					✓		

Commitment Aim:

This commitment aimed to establish a National Health Performance Framework (NHPF) and thus, enhance public access to information on health performance in Sri Lanka. The Ministry of Health anticipated that the public will use this information to proactively participate in—and promote—constructive, evidence-based dialogue on health policy.² This, in turn, was expected to improve the quality of decision-making and mitigate the broader challenges faced by the public health sector.

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. In April 2016, the Ministry of Health published consolidated *National Health Accounts* for 2013 on its website (Milestone 3.1).³ However, the ministry had not made more recent budget records available.

As the National Health Performance Framework (NHPF) was not finalised by the midterm, no progress was made in raising awareness, through public consultations or otherwise. There was also no public forum to monitor implementation of the framework (Milestone 3.2–3.5).⁴

End of term: Limited

Although the commitment saw positive incremental improvements, implementation remained limited by the end of term.

Milestone 3.1: The Ministry of Health published further budgetary data and spending information through the 2017 *Annual Performance Report*.⁵ This report was available in all three languages.⁶

Milestones 3.2–3.5: The ministry developed the NHPF and published it on its website in April 2018.⁷ The framework contains over 80 indicators that may be analysed to assess the state of healthcare in the country.⁸ According to the ministry, data is available for nearly 50 of these indicators; however, work is needed to extract useful information from the datasets and compile it in an easily accessible format.⁹ According to civil society, the ministry has not oriented staff or conducted any public-awareness campaigns.¹⁰ Also, as highlighted by civil society and verified by the IRM researcher, the ministry has not yet translated the framework into Sinhala and Tamil.

The ministry conceded that more is needed to be done to institutionalise the NHPF, including the appointment of dedicated personnel to drive and oversee implementation of the framework.¹¹ The monitoring forum, with citizen participation, was also not established by the end of term.

Did It Open Government?

Access to Information: Marginal Civic Participation: Did Not Change

This commitment marginally improved access to information and open government overall. It did not, however, contribute to a noticeable improvement in civic participation.

At the outset of the action plan, government and civil society efforts to address growing challenges in the healthcare system were stymied by a lack of useful or quality health information.¹² In the absence of a health performance framework, stakeholders were unable to set clear targets, benchmark progress, or adopt evidence-based policies to improve healthcare in Sri Lanka.

The ministry published budgetary data and spending information through the trilingual *Annual Performance Report*, uploaded on the ministry website.¹³ According to civil society, this improved access to fundamental information on health expenditure.¹⁴ Prior to this, the Ministry of Health had published consolidated *National Health Accounts* from 2013,¹⁵ as well as annual health bulletins¹⁶ which contained limited financial information. Similarly, the ministry also developed and published the National Health Performance Framework (NHPF)¹⁷ which provides a framework to measure the performance of the health system through specific indicators. If effectively implemented, stakeholders agree that the framework would facilitate access to a range of hitherto unavailable information on the effectiveness, efficiency, and equity of health services.¹⁸

However, civil society noted that some of the data intended to be collected through the NHPF was not available or easily accessible.¹⁹ The NHPF itself was also unavailable in Sinhala and Tamil, and has not been introduced to the public through awareness campaigns.²⁰ Therefore, the commitment only contributed to a marginal improvement in access to information.

As the ministry has not yet set up the multistakeholder forum to monitor implementation of the NHPF, this commitment did not improve civic participation.

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report. However, the IRM researcher recommends that this commitment is carried forward into the next action plan. The effective use of the NHPF can significantly improve access to important health service information and may, thus, contribute to constructive discourse toward improved healthcare.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended a few additional measures to address the lack of information on health and enhance the impact of this commitment. These include: prioritising the introduction of efficient data collection mechanisms; introducing budgetary allocations for collecting data; and publishing key, easily-accessible information gleaned from the NHPF.

¹ "Sri Lanka's healthcare Challenges," Economist Intelligence Unit, 24 November 2014,

<http://country.eiu.com/article.aspx?articleid=1502512534&Country=Sri%20Lanka&topic=Economy&subtopic=Forecast>.

² Dr. Susie Perera (Ministry of Health, Nutrition, and Indigenous Medicine) and Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine), interview by IRM researcher, 6 October 2017.

³ Sri Lanka National Health Accounts 2013, Health Economics Cell (Ministry of Health, Nutrition, and Indigenous Medicine, April 2016)

http://www.health.gov.lk/moh_final/english/public/elfinder/files/publications/NHA/Sri%20Lanka%20National%20Health%20Accounts%202013.pdf.

⁴ Perera and Chandrasiri, interview; and Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 26 October 2017.

⁵ Annual Performance Report 2017 (Ministry of Health, Nutrition, and Indigenous Medicine, 2018) <https://bit.ly/2NtepkR>.

⁶ List of Publications (Ministry of Health, 2018) <https://bit.ly/2y5Bkya>.

⁷ National Health Performance Framework 2018 (Ministry of Health, 2018) <https://bit.ly/2y7zhJN>.

⁸ Dr. Susie Perera (Ministry of Health, Nutrition and Indigenous Medicine), interview by IRM researcher, 28 September 2018.

⁹ *Id.*

¹⁰ Dr. Vinya Ariyaratne (Sarvodaya), interview by IRM researcher, 27 September 2018.

¹¹ Perera, interview.

¹² “Upgraded Record Keeping Helps Save Lives in Sri Lanka” (The World Bank, 17 April 2014) <http://www.worldbank.org/en/news/feature/2014/04/17/upgraded-record-keeping-helps-save-lives>.

¹³ Annual Performance Report 2017 (Ministry of Health, Nutrition, and Indigenous Medicine, 2018) <https://bit.ly/2NtepkR>.

¹⁴ Ariyaratne, interview.

¹⁵ Sri Lanka National Health Accounts 2013, Health Economics Cell (Ministry of Health, Nutrition, and Indigenous Medicine, April 2016)

http://www.health.gov.lk/moh_final/english/public/elfinder/files/publications/NHA/Sri%20Lanka%20National%20Health%20Accounts%202013.pdf.

¹⁶ Annual Health Bulletin (Ministry of Health, Nutrition, and Indigenous Medicine, 2016) <https://bit.ly/2tGOjn9>.

¹⁷ National Health Performance Framework 2018 (Ministry of Health, 2018).

¹⁸ Dr. Susie Perera (Ministry of Health, Nutrition, and Indigenous Medicine), Dr. Amila Chandrasiri (Ministry of Health, Nutrition, and Indigenous Medicine) and Dr. Vinya Ariyaratne (Sarvodaya), interviews by IRM researcher, 27 September 2018.

¹⁹ Ariyaratne, interview.

²⁰ *Id.*

THEME 2: EDUCATION

4. Transparent Teacher Recruitment Policy

Commitment Text:

4. Ensuring transparency and impartiality in teacher recruitment policy and process in Sri Lanka

[...]

Main Objective:

Increase transparency in the recruitment, appointment, promotion and transfer of teachers.

Milestones:

- 4.1 Ministry of Education to publish and make transparent criteria and data about teacher selection, appointment, transfers, and subject selection, on Ministry website, newspaper (in all languages) and regular circulars. The datasets will be made available in open data format and hosted in the open data portal of government of Sri Lanka.
- 4.2 Ministry of Education to appoint an independent review committee consisting of government (including teachers) and civil society stakeholders (including parents) to review the process of appointments and subject allocation, enhance information sharing and publish review recommendations in the public domain.
- 4.3 Report of the independent review committee will be widely disseminated in the public domain through ministry website, print and visual media and consultations with sector CSOs.

Responsible institution: Ministry of Education

Supporting institution(s): N/A

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
4. Transparent Teacher Policies				✓	✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to increase transparency in the recruitment, appointment, promotion, and transfer of schoolteachers in the public education system. Greater transparency in these processes may contribute to greater consistency in the quality of teachers being recruited, obviate instances of politically motivated or ad-hoc appointments, and increase equity in teacher transfer and promotion.

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. The Ministry of Education uploaded basic information containing criteria and protocol on teacher recruitment and transfer to its website (Milestone 4.1). This included the teacher transfer policy and trilingual government circulars.¹ However, there continued to be gaps in information pertaining to the appointment and promotion of teachers, inconsistent availability of translations, and a failure to broadcast material through multiple platforms. The published data was not available in open data format.

By the midterm, the Ministry of Education had also not appointed a multistakeholder independent review committee to review and present recommendations on processes related to teacher transfer and appointment (Milestones 4.2–4.3).

End of term: Limited

Despite repeated attempts via telephone and email, the Ministry of Education could not be reached for comment throughout the period of the action plan. However, according to a representative from Viluthu—a civil society organisation promoting transparency in public education—there has been no progress on this commitment since the midterm.

Milestones 4.1–4.3: Although the Ministry of Education had translated and uploaded the teacher transfer policy to its website, consolidated data and information on teacher recruitment, appointment, and promotion remained yet unavailable. The Ministry of Education had also still not appointed the independent multistakeholder review committee.

Did It Open Government?

Access to Information: Marginal

Civic Participation: Did Not Change

This commitment marginally improved access to information and open government overall. It did not, however, contribute to any noticeable improvement in civic participation.

At the outset of the action plan, the inaccessibility, or lack of, clear policies and guidelines on teacher recruitment, appointment, promotion, and transfer, meant that related decisions were ad-hoc, rarely impartial, and/or often politically motivated.² Stakeholders felt this contributed to poor teacher quality and, thereby, weak educational outcomes.³ Compounding this further, education is a devolved subject under the constitution; therefore, the nine different provinces may create different policies through their provincial councils.⁴ The lack of a unifying, cohesive policy has led to inconsistent standards and confusion among teachers.⁵

However, as the commitment was not fully implemented, Viluthu confirmed only marginal improvement regarding access to information.⁶ The Ministry of Education published the teacher transfer policy in all three languages on its website, but other data and criteria pertaining to recruitment, appointment, and promotion remains unavailable. The ministry did not transmit the information across multiple platforms, or make the information available in open data format.

The commitment did not contribute to any change in relation to civic participation. The Ministry of Education did not appoint a multistakeholder forum to review processes on teacher management and, therefore, did not provide an opportunity for the public to inform related decision making.

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. As this commitment achieved only limited completion by the end of term, the IRM researcher recommends that this commitment is carried forward into the next action plan. Specifically, the Ministry of Education is recommended to adopt immediate measures to expedite publication of criteria and data on teacher recruitment, appointment, and promotion. The criteria and data should be published on multiple platforms and in open data format. Concurrently, the Ministry should conduct inclusive multistakeholder consultations, with representatives from civil society and provincial councils, to review processes relating to teacher management.

Thereafter, in order to move this commitment forward, the IRM researcher reiterates broad recommendations included in 2016–2017 IRM Progress Report. These include: developing a decentralised mechanism to evaluate the performance of school teachers; and introducing grievance-redress mechanisms at the provincial and central level, to receive and respond to complaints in relation to recruitment, appointment, promotion, and transfer of public school teachers.

¹ See "Circulars – Teacher Transfer Unit" (Ministry of Education)

http://www.moe.gov.lk/english/index.php?option=com_circular&view=circulars&Itemid=920.

² Sarojini Kanendran (Viluthu, Centre for Human Resource Development) and Nandhini Wijayaratham (Viluthu, Sri Lanka National Association of Counsellors), interview by IRM researcher, 26 September 2017.

³ N. Arunatillake, "Quality of Teachers Does Matter in Sri Lanka: Lessons from the Best Education Systems," Talking Economics – Institute for Policy Studies (17 November 2014) <http://www.ips.lk/talkingeconomics/2014/11/17/quality-of-teachers-do-matter-in-sri-lanka-lessons-from-the-best-education-systems/>.

⁴ Viluthu conducted independent consultations in three districts toward consolidating the provincial policies and positions. Viluthu presented these findings to the Ministry of Education, but they were not taken up for further consideration. Maithreyi Rajasingam, Viluthu, interview by IRM researcher, 5 September 2018.

⁵ *Id.*

⁶ *Id.*

THEME 3: INFORMATION AND COMMUNICATION TECHNOLOGY

5. Government Information Centre

Commitment Text:

Enhance the services of Government Information Centre (GIC- 1919) for Inclusive, Transparent, accountable and Efficient Governance, using ICT as enabler

[...]

Main Objective:

Improve services and increase awareness of the Government Information Centre (GIC), and leverage ICT as a key enabler in enhancing access to government information.

Milestones:

- 5.1 Engage the Divisional Secretariats, Nenasala/Telecentre network to make citizens aware of GIC services and assess their key needs (eg.by “IT Yahamaga” of Sarvodaya Fusion and ICTA’s “Smart Social Circles”). Produce One Survey report for every 6 months, and will be made publicly available.
- 5.2 Training of the Chief Innovative Officers (CIOs) of government agencies to develop institutional knowledge bases related to public services 5 sessions, 50 CIOs to be trained in each session, covering all key government organizations (Ministries, Departments, District Secretariats, Provincial Councils and Key Statutory bodies. If required, training could be expanded to Divisional Secretariats and Local Authorities too).
- 5.3 Increase the number of institutions covered under the Government Information Centre (GIC – 1919) Call Centre facility from 194 to 250, also diversifying the services offered through the facility – E.g. Tracking status of requests, personalized email feedback, text messages and social media upon subscription (by 2017, at least 2 additional service per institutions to be introduced with the assistance of ICTA.)
- 5.4 Enhance the service platform of the GIC (www.gic.gov.lk) along with updating Citizens’ Service Charter Information (produced by each organization in consultation with their internal and external stakeholders to reflect the changes in standard of services) for 10 key services (identified by ICTA using GIC call registries) and SMS facility for citizens.
- 5.5 Stocktaking of the improved project with key partners of the Government (MTDI/ICTA/SLT), Trade Union representatives and civil society organizations.

Responsible institution: Ministry of Telecommunication and Digital Infrastructure (MTDI)

Supporting institutions: Information and Telecommunication Agency of Sri Lanka (ICTA); Sarvodaya Fusion

Start date: July 2016

End date: December 2017

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?					
															End of Term							
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding	
			✓		✓			✓		✓				✓					✓			
	5. Government Information Centre														✓							

Commitment Aim:

This commitment aimed to leverage ICT to improve services and increase public awareness of the call centre and website that constitute the Government Information Centre (GIC).¹ Key stakeholders anticipated that, through this commitment, more citizens will have improved access to useful information on a wide range of government activities and services.²

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. Led primarily by the Ministry of Telecommunications and Digital Infrastructure (MTDI), notable achievements at the midterm included:

- Re-establishing the Government Information Centre (GIC) National Steering Committee (Milestone: 5.1);
- Conducting a training workshop for CIOs at 30 key government institutions (Milestone: 5.2);
- Increasing coverage of the GIC call centre to 320 institutions (Milestone: 5.3);
- Enhancing services and facilities available via the GIC, including linkages to social media (Milestone 5.3); and,
- Soliciting tenders to revamp and improve the GIC website (Milestone: 5.4).³

Despite these achievements, all milestones under this commitment were not fully implemented. For instance, the ministry had not conducted a survey to assess citizen needs in terms of GIC services (Milestone 5.1); service upgrades were limited (Milestone 5.3); the service platform had not been revamped (Milestone 5.4); citizens' service charter information were not updated (Milestone 5.4); and stocktaking of the improved project had not taken place (Milestone 5.5).

For more information, please see the 2016–2017 IRM midterm progress report.

End of term: Limited

Completion of this commitment remained limited by the end of term.

Milestone 5.1: According to the MTDI, the re-established national steering committee served to promote greater citizen awareness of the GIC. Although exact numbers were unsubstantiated, the ministry claimed that training on accessing e-government services through the GIC now reached over 9,000 rural citizens.⁴ The Information and Communication Technology Agency (ICTA) further expanded its 'Smart Social Circle' network,⁵ through which awareness on GIC was further increased.⁶ The MTDI did not produce survey reports citing a lack of adequate manpower.⁷

Milestone 5.2: As confirmed by civil society, the MTDI conducted two additional training workshops for CIOs at the national level.⁸ This was, however, two short of the targeted five programs proposed under the action plan.

Milestone 5.3: As of May 2018, GIC coverage stood at 320 institutions⁹ – indicating no further additions since the midterm.

Milestone 5.4: The government also made limited, but notable, progress in enhancing the GIC service platform. In addition to basic improvements to the GIC website¹⁰ and Facebook page,¹¹ the MTDI noted that the website now contains information of over 290 government institutions—most of which were introduced since this commitment. The MTDI representative interviewed could not confirm the exact number.¹² Despite these reported improvements, the IRM researcher observes that access to the website was unpredictable, with the site occasionally being 'down' or unavailable.

The MTDI conceded that it had not updated Citizens' Service Charter information on the website.¹³

Milestone 5.5: Although the MTDI conducted regular feedback sessions with the GIC call centre management and the ICTA, these stocktaking sessions did not include participation with trade unions and/or civil society. This was confirmed by a representative of Sarvodaya Fusion, a civil society organisation supporting progress under this commitment.¹⁴

Did It Open Government?

Access to Information: Did Not Change

As written, this commitment primarily functions as an e-government initiative with limited relevance to the values of OGP or open government.

The only component of this commitment that may have contributed to improving access to information was the survey on citizen needs vis-à-vis government information. This was, however, not conducted or published. As a result, this commitment did not improve access to information, or open government in general.

However, key stakeholders in government and civil society involved in implementation of the commitment noted that—though of limited relevance to open government—the commitment had broadly contributed to an improvement in governance in general, particularly through an enhanced government information centre.¹⁵

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. As this commitment bears limited relevance to the values of OGP or open government, the IRM researcher recommends that it is not carried forward into the next action plan.

However, in the 2016–2017 IRM midterm progress report, the IRM researcher proposed refining existing milestones. The implementation and publishing of the survey report on citizen needs relative to GIC services stood to enhance access to government-held information. In addition, the researcher also volunteered additional recommendations to enhance the positive impact of this commitment, such as developing a dynamic mobile application, linked to GIC infrastructure.

For more information, please see the 2016–2017 IRM midterm progress report.

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- ¹ “Government Information Centre” (GIC, 2017) www.gic.gov.lk.
- ² Waruna Sri-Dhanapala (Ministry of Telecommunication and Digital Infrastructure), interview by IRM researcher, 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).
- ³ *Id*; Isura Silva (Sarvodaya Fusion), interview by IRM researcher, 11 October 2017.
- ⁴ Waruna Sri-Dhanapala, interview by IRM researcher, 26 September 2018.
- ⁵ “ICTA Signs MoU with FITIS” (Daily News, 29 May 2017) <http://bit.ly/2DfaELV>.
- ⁶ Sri-Dhanapala, interview.
- ⁷ *Id*; Isura Silva (Sarvodaya Fusion), interview by IRM researcher, 13 September 2018.
- ⁸ Sri-Dhanapala, interview.
- ⁹ *Id*.
- ¹⁰ “Government Information Centre” (GIC, 2017).
- ¹¹ “Government Information Centre of Sri Lanka – 1919” (Facebook, 2018) <https://www.facebook.com/GovInfo1919/>.
- ¹² Sri-Dhanapala, interview.
- ¹³ Sri-Dhanapala, interview; Silva, interview.
- ¹⁴ *Id*.
- ¹⁵ *Id*.

6. Promote Open Data

Commitment Text:

Promote the Open Data Concept and delivering the benefits to Citizens through ICT

The necessity of Open Data for both Government and citizens has been well defined under OGP. However, the Concept of Open Data is yet to be conveyed to a wide range of stakeholders by the strategic usage of ICT. Further, there is a need to define the boundaries of government's openness, hence a standard mechanism for data classification, which must be mandatorily backed by a government policy directive. The benefits of OGP, in return should reach citizens through innovative ICT tools, as successfully demonstrated by other countries of this partnership.

Main Objective:

Promote Open Data using ICT platforms and ensure citizens get its benefits using similar technologies.

Milestones:

- 6.1 Revamp website www.data.gov.lk with already available data sets of different government agencies (by ICTA Project #24).
- 6.2 Survey on citizens' demand on government data sets (through Nenasala / Smart Social Circles).
- 6.3 Open consultation on Data and Services Classification (with Open Data/Data Sharing Policy) based on the draft prepared by ICTA.
- 6.4 Enhance the current 89 data sets of various government institutes and increase it to 200 by end of 2016 and 500 by July 2018 (by ICTA).

Responsible institution: Ministry of Telecommunication and Digital Infrastructure

Supporting institution: Information and Telecommunication Agency of Sri Lanka (ICTA)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
			✓		✓	✓		✓		✓				✓					✓		
														✓							
6. Promote Open Data			✓		✓	✓		✓		✓				✓					✓		

Commitment Aim:

This commitment aimed to promote the concept of “open data,” facilitating public access to data and databases on topics of public importance. Stakeholders propose that unrestricted access to such data will support and enable citizens to access, and act upon, information on government policies. They also envision that this access will enable civil society to pursue rational debate and advocacy, and allow decision makers to engage in evidence-informed policy making.¹

To do this, the commitment specifically set out to:

- Revamp the Open Data website portal (www.data.gov.lk) with available datasets;
- Conduct a survey on citizens’ demand for government datasets;
- Hold an open consultation on data and services classification, based on a draft data-sharing policy prepared by the Information and Communication Technology Agency (ICTA); and,
- Enhance the current 89 datasets and increase it to 500 by July 2018.

For more information, please see the 2016–2017 IRM midterm progress report.

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. In May 2017, ICTA revamped the online web portal, which contained over 80 datasets (Milestone 6.1).² As part of the revamp, new features were introduced. These included a user option to suggest new datasets;³ tags attributed to datasets for easier navigation; and linkage of the web portal to social media such as Facebook, Twitter, and LinkedIn.⁴ While this represented a notable development, other milestones under this commitment remained outstanding.

Although the MTDI commenced the process of procuring a consultant to carry out the survey, it did not complete the citizen demand survey by the midterm (Milestone 6.2).⁵ Similarly, government and civil society stakeholders confirmed that the MTDI had not yet organised a consultation on data classification (Milestone 6.3). The ICTA had developed a draft data-sharing policy and published it, in English, on the online data portal.⁶

As of December 2017, the online portal contained 89 multiform datasets under nine broad thematic areas (Milestone 6.4). With no increase toward the targeted 500 by July 2018, the ministry noted that new datasets were being identified for publication on the portal.⁷

End of term: Limited

Completion of this commitment remained limited at the end of term.

Milestone 6.1: Completed.

Milestone 6.2: The MTDI had still not conducted the citizen survey on citizen demand by the end of term, citing time and resource constraints.⁸

Milestone 6.3: The MTDI and ICTA had still not conducted an open consultation on data and services classification by the end of term.⁹

The draft national data-sharing policy continued to be available on the online data portal, but the minister of telecommunications and digital infrastructure had not yet published it in the official gazette. The MTDI noted that the policy will serve as an annex to the updated e-Government Policy of Sri Lanka, and be made available for public review.¹⁰

Milestone 6.4: The government also fell short of introducing 500 new datasets on the open data portal. According to the MTDI, 118 datasets were published under 11 categories, as of 12 June 2018.¹¹ The MTDI further noted that government officers responsible for open datasets were nominated and, although no further evidence was provided, the MTDI reported that it internally set up an Open Data Committee to review the quality of available datasets.¹²

Did It Open Government?**Access to Information: Marginal****Civic Participation: Did Not Change**

This commitment led to marginal improvement in access to information and open government overall. It did not, however, noticeably improve civic participation.

At the outset of the action plan, Sri Lanka had little, if any, experience in promoting the idea of open data. Specifically, key stakeholders, including the ICTA, acknowledged that public engagement with data was limited and citizens had, therefore, insufficiently leveraged the potential benefits of open access to data.¹³ This commitment aimed to address this by undertaking measures to promote the use of “open data.”

Through this commitment, MTDI and ICTA published new or enhanced datasets on the open data portal. This—according to all stakeholders—not only increased citizen access to more data, but also provided opportunity for citizens to engage with the portal. In addition, civil society suggested that ICTA efforts to revamp the open data portal with a range of new features helped enhance the interface between data holders and data users.¹⁴ However, government or civil society stakeholders did not provide statistics on the number of website visits, and the MTDI did not conduct a survey on citizen demands. The MTDI also fell well short of introducing 500 new datasets on the portal (only 118 datasets had been published as of 12 June 2018). As a result, the commitment only marginally improved access to information.

Civil society recognised that an open consultation on data classification was a good opportunity to facilitate civic participation in the decision-making process.¹⁵ However, as the ministry or ICTA did not hold any public consultation on data classification, this commitment did not improve civic participation.¹⁶

Carried Forward?

Sri Lanka’s second action plan was not released at the time of this report. However, the IRM researcher recommends that this commitment is carried forward into the next action plan. In particular, the researcher maintains that a dynamic, accessible data portal; a comprehensive

collection of datasets that meet citizen demand; and clear, formal classification and delineation of shareable data constitute the foundation of a robust and effective open data regime.

In the 2016–2017 IRM midterm progress report, the IRM researcher proposed recommendations toward strengthening the impact of this commitment. These include: facilitating meaningful civic participation in open data policy making; and generally encouraging deeper public engagement with government data and the data portal.

¹ Waruna Sri-Dhanapala (Ministry of Telecommunication and Digital Infrastructure), interview by IRM researcher, 16 October 2017; Isura Silva (Sarvodaya Fusion), interview by IRM researcher, 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).

² Asanka Suraweera (ICTA) and Thilina Piyumal (ICTA), interview by IRM researcher, 16 October 2017 (taken from the multistakeholder interview involving representatives from the Information and Communication Technology Agency, the Ministry of Foreign Affairs, and Sarvodaya Fusion).

³ “Suggest a Dataset” (Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017) <http://www.data.gov.lk/suggest-data>.

⁴ “Request Datasets” (Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017) <http://www.data.gov.lk/request-datasets>.

⁵ Sri-Dhanapala, interview; Silva, interview.

⁶ “Resources” (Open Data Portal of Sri Lanka, Information and Communication Technology Agency, 2 May 2017) <http://www.data.gov.lk/resources-list>.

⁷ Sri-Dhanapala, interview.

⁸ Waruna Sri-Dhanapala, interview by IRM researcher, 26 September 2018; Isura Silva (Sarvodaya Fusion), interview by IRM researcher, 13 September 2018.

⁹ *Id.*

¹⁰ Sri-Dhanapala, interview.

¹¹ *Id.*

¹² *Id.*

¹³ Sri-Dhanapala, interview; Suraweera and Piyumal, interview.

¹⁴ Sri-Dhanapala, interview; Silva, interview.

¹⁵ Silva, interview.

¹⁶ Sri-Dhanapala, interview; Silva, interview.

THEME 4: ENVIRONMENT

7. National Environmental Act Amendments

Commitment Text:

Transparent Environmental Decisions: Restoring the Public's Right to Comment on Initial Environmental Examination and Government Accountability on Public Comments

(A) – National Environmental Act (NEA) Amendments

[...]

Main Objective:

Ensure public participation and transparency in environmental decision making and government accountability on public comments on Initial Environmental Examinations (IEEs).

Milestones:

- 7.1 One or two meetings/discussions with the MMDE and CEA to advocate the need for the relevant amendments to the NEA and its regulations.
- 7.2 Drafting amendments to the NEA and its regulations to restore provisions on public participation in the IEE process and to ensure government accountability on public comments received on IEEs and EIAs. PILF can assist the MMDE and CEA in this endeavor.
- 7.3 Amendments to NEA and regulations with aforesaid provisions passed by Parliament.
- 7.4 Enforcement of the amendments to NEA and regulations by the CEA.
- 7.5 CEA to facilitate the enforcement of the aforesaid amendments to NEA and regulations by strengthening its EIA unit and provincial branches with adequate staff, necessary budgetary allocations and other required facilities.
- 7.6 Approx. 03 workshops to creating awareness amongst respective government agencies and public officers on:
 - (A) the requirement of opening up IEEs for public comments as per the amendment to the NEA and regulations; and;
 - (B) the government accountability provisions.
- 7.7 Civil Society Awareness Programs and Information Dissemination:
 - (A) Approx. 04 programs each on State owned television and radio to create awareness amongst the civil society on: (i) the reintroduction of public participation provisions on IEEs as per amendments to the NEA and regulations and how to make effective and responsible comments on the same; and (ii) government accountability provisions.
 - (B) Dissemination of aforesaid information through the websites of the MMDE and CEA.

Responsible institution: Ministry of Mahaweli Development and Environment (MMDE)

Supporting institutions: Central Environmental Authority (CEA), Public Interest Law Foundation (PILF)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. In the action plan, this commitment contains three distinct sets of milestones around different environmental amendments. To improve readability, the IRM researcher will evaluate the other milestones as part of Commitments 8 and 9.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
7. National Environmental Act				✓	✓	✓					✓			✓				✓			

Commitment Aim:

This commitment aimed to ensure public participation, transparency, and government accountability in environmental decision making. It sought to do this by restoring the public right to comment on Initial Environmental Examinations (IEEs), and ensuring government accountability in responding to public comments on both IEEs and Environmental Impact Assessments (EIAs). This would entail amending the relevant provisions of the National Environmental Act (NEA).¹

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. The Ministry of Environment conducted several meetings and discussions with the CEA on amending the NEA (Milestone 7.1). These meetings resulted in the development of a detailed concept note comprising a list of potential amendments to the NEA. The reintroduction of public commenting in the IEE process and provisions for government accountability in the IEE and EIA processes were among these amendments.

However, the draft amendments were not finalised, or publicly available, by the time of the midterm assessment (Milestones 7.2–7.7).² The ministry and the CEA engaged in continuous deliberation, simultaneously considering several different amendments to the NEA. As the ministry and CEA had not finalised the amendments, none of the other contingent activities in the commitment had commenced by the midterm.

For more information, see the 2016–2017 IRM midterm progress report.

End of term: Limited

According to a civil society representative from the Public Interest Law Foundation, there has been no progress on this commitment since the midterm.³

Milestones 7.1–7.7: The Ministry of Environment initially agreed to include provisions for public commenting and government accountability in draft amendments to the NEA as prescribed in the action plan. However, during the second year of implementation, the ministry decided to remove these provisions from the draft set of amendments. The ministry did not consult, or inform, civil society prior to doing so.⁴ The remaining amendments—which are yet to be introduced—seek to update provisions pertaining to environmental management in the country. The previous amendment to the NEA took place in the year 2000. Civil society attributed the reversal of impetus on the amendments in question to a belief on the part of the government that fully implementing this commitment would hinder the rapid development of the country.⁵

The Ministry of Environment and/or the Central Environmental Agency could not be reached for comment.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

At the time this commitment was adopted, civil society had expressed much concern⁶ that the rapid proliferation of development projects across Sri Lanka threatened the country's physical environment with adverse impacts on populations living in affected areas.⁷ According to civil society stakeholders, this commitment would ameliorate such concerns by facilitating timely and informed public advocacy against, or for, development projects.⁸

At the outset of the action plan, environmental decisions linked to Initial Environmental Examinations (IEEs) had no provision for public comments or government accountability. Although Environmental Impact Assessments (EIAs) included adequate provision for public comments, it did not require government accountability in responding to them. Compounding matters further, an ill-defined distinction between an IEE and EIA meant that development projects could be approved following an IEE, with little or no information shared with the public. This commitment aimed to address this loophole by amending the National Environmental Act to include provisions mandating public comments *and* government accountability in both processes.

Although the Ministry of Environment and the Central Environmental Agency had taken preliminary steps toward drafting and passing the amendments, removing the proposed provisions for public feedback and government accountability from the draft amendments arrested progress in efforts to increase access to information. As the proposed amendments did not exist prior to the commitment, the commitment did not change the status-quo of government practice prior to the commitment.

In this context, civic participation has also not changed: despite positive initial progress, the ministry's subsequent removal of proposed provisions for public comment and government accountability demonstrated a waning interest in facilitating meaningful public participation in environmental decision making. Civil society pointed out that this development was particularly concerning as the President of Sri Lanka also held the portfolio of Minister of Environment.⁹

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. As this commitment only achieved limited completion by the end of term—marked by a notable waning of interest among key stakeholders—the IRM researcher recommends reconsidering the approach to this commitment.

Specifically, the researcher recommends that the commitment is not carried forward in its current form. However, given the importance of the subject, particularly in light of a construction-led, economic growth strategy, the IRM researcher proposes that the Ministry of Environment and the

CEA convene multistakeholder consultations to re-examine the value and importance of public comments and government accountability in environmental decision making. These consultations should include public environmental agencies, members of civil society, environmentalists, and other relevant stakeholders.

Additionally, an interviewed civil society representative suggested that the government and civil society could work together to develop clear guidelines to distinguish between IEEs and EIAs.¹⁰ At present, there is little clarity on what type or scale of development projects warrant a particular type of pre-assessment.

¹ National Environmental Act, No. 47 of 1980 (as amended by Act No. 56 of 1988 and Act No. 53 of 2000).

² M. G. W. M. W. T. B. Dissanayake (Ministry of Mahaweli Development and Environment), interview by IRM researcher, 23 October 2017.

³ Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 20 September 2018.

⁴ Gunawardena, interview.

⁵ *Id.*

⁶ Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 9 October 2017.

⁷ M. Rodrigo, "Projects Endanger Remaining Forest Cover" (The Sunday Times, 8 January 2017) <http://www.sundaytimes.lk/170108/news/projects-endanger-remaining-forest-cover-223191.html>.

⁸ Gunawardena (Public Interest Law Foundation), interview.

⁹ Gunawardena, interview, 20 September 2018.

¹⁰ *Id.*

8. Coast Conservation and Coastal Resources Management Act Amendments

Commitment Text:

Transparent Environmental Decisions: Restoring the Public's Right to Comment on Initial Environmental Examination and Government Accountability on Public Comments

(B) - Coast Conservation and Coastal Resources Management Act (CCCRMA) Amendments

[...]

Main Objective:

Ensure public participation and transparency in environmental decision making and government accountability on public comments on Initial Environmental Examinations (IEEs).

Milestones:

- 8.1 One or two meetings/discussions with the MMDE and CCCRMD to advocate the need for the relevant amendments to the CCCRMA, CCCRMP and regulations.
- 8.2 Drafting amendments to the CCCRMA, CCCRMP and regulations to include provisions on public participation in the IEE process and to ensure government accountability on public comments received on IEEs and EIAs. PILF can assist the CCCRMD in this endeavour.
- 8.3 Amendments to CCCRMA, CCCRMP and regulations with aforesaid provisions passed by Parliament.
- 8.4 Enforcement of the amendments to CCCRMA, CCCRMP and regulations by the CCCRMD.
- 8.5 CCCRMD to facilitate the enforcement of the aforesaid amendments to CCCRMA, CCCRMP and regulations by strengthening its EIA unit with adequate staff, necessary budgetary allocations and other required facilities.
- 8.6 Approx. 03 workshops to creating awareness amongst respective government agencies and public officers on:
 - (A) the requirement of opening up IEEs for public comments as per the amendment to the CCCRMA, CCCRMP and regulations; and;
 - (B) the government accountability provisions.
- 8.7
 - (A) Approx. 04 programs each on State owned television and radio to create awareness amongst the civil society on: (i) the introduction of public participation provisions on IEEs as per amendments to the CCCRMA, CCCRMP and regulations and how to make effective and responsible comments on the same; and (ii) government accountability provisions.

- (B) Dissemination of aforesaid information through the websites of the MMDE and CCCRMD.

Responsible institution: Ministry of Mahaweli Development and Environment (MMDE)

Supporting institution: Coast Conservation and Coastal Resource Management Department (CCCRMD)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, please see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. In the action plan, this commitment contains three distinct sets of milestones around different environmental amendments. To improve readability, the IRM researcher will evaluate the other milestones as part of Commitment 7 and Commitment 9.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
8. Coast Conservation and Coastal Resources Management Act				✓	✓	✓					✓			✓				✓			

Commitment Aim:

This commitment aimed to ensure public participation, transparency, and government accountability in coastal development projects. It sought to do this by introducing the public right to comment on Initial Environmental Examinations (IEEs), and ensuring government accountability in responding to public comments on both IEEs and Environmental Impact Assessments (EIAs). This would primarily entail the amendment of related provisions under the Coast Conservation and Coastal Resources Management Act (CCCRMA).

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. The Ministry of Environment had initiated preliminary, internal meetings with the CCCRMD on the amendment of the CCCRMA and related regulations (Milestone 8.1).¹ This included discussions on including provisions for public commenting on IEEs and on introducing government accountability in responding to comments received through IEE or EIA processes.²

However, according to the Public Interest Law Foundation (PILF), these preliminary discussions had not progressed further to draft the relevant amendments (Milestones 8.2–8.7). At the time of writing, the CCCRMD was compiling a number of different issues to be deliberated upon and

incorporated into the anticipated amendment.³ As a result, all the other activities under this commitment remained incomplete at the midterm.

End of term: Limited

Similar to Commitment 7, this commitment has experienced no progress since the midterm.

Milestones 8.1–8.7: Preliminary discussions to include provisions for public comments and government accountability did not come to fruition. According to civil society, the CCCRMD decided to remove related provisions from the draft amendment, thereby, stalling any further developments. The ministry or CCCRMD did not consult, or inform, civil society prior to removing these provisions.⁴ Civil society attributed the reversal of impetus on these amendments to a belief on the part of the government that implementing this commitment would hinder expeditious coastal development.⁵

The Ministry of Environment or the CCCRMD could not be reached for comment.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

This commitment reflects Commitment 7 which aimed to amend the National Environmental Act to facilitate public comments and government accountability in environmental decision making.

At the time this commitment was adopted, civil society had expressed much concern⁶ that the rapid proliferation of development projects and the intensification of economic activity on, and around, the coasts of Sri Lanka had resulted in the modification of the physical nature of coastal zones and the gradual degradation of the natural coastal environment.⁷ According to stakeholders, this commitment would ameliorate such concerns by facilitating timely and informed public advocacy against, or for, coastal development projects.

At the outset of the action plan, environmental decisions linked to Initial Environmental Examinations (IEEs) had no provision for public comments or government accountability. Although the process of Environmental Impact Assessments (EIAs) included adequate provision for public comments, it did not provide for government accountability in responding to them. Compounding matters further, an ill-defined distinction between an IEE and EIA meant that development projects could be approved following an IEE, with little or no information shared with the public. This commitment aimed to address this loophole by amending the CCCRMA, CCCRMP, and regulations to include provisions mandating public comments and government accountability.

However, the commitment was not fully implemented and there was no observable improvement in access to information. Government and civil society stakeholders confirmed that the Ministry of Environment and the CCRMD had engaged in preliminary discussions to include provisions for public comment and government accountability in governing legislation.⁸ However, subsequently removing these key provisions from the draft amendments meant that there was no change in government practice toward improving public access to information.

In this context, the space for civic participation has also not changed: the ministry's removal of proposed provisions for public comment and government accountability demonstrates waning interest in facilitating meaningful public participation in environmental decision making.⁹

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. As with Commitment 7, Commitment 8 achieved limited completion with notable waning of interest among key stakeholders by the end of term. Therefore, the IRM researcher recommends reconsidering the approach to this commitment and suggests that this commitment is not carried forward in its current form.

However, as with Commitment 7, the researcher proposes that the Ministry of Environment and the CCCRMD convene multistakeholder consultations to re-examine the importance of public comments and government accountability in environmental decision making, and also work together to develop clear guidelines to distinguish between IEEs and EIAs.¹⁰

¹ M. G. W. M. W. T. B. Dissanayake, interview by IRM researcher, 23 October 2017.

² *Id.*

³ Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 9 October 2017.

⁴ Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 20 September 2018.

⁵ *Id.*

⁶ K. Kumarasignhe, "Port City Project: Development or Disaster" (The Daily Mirror, 5 December 2016)

<http://www.dailymirror.lk/article/Port-City-Project-Development-or-disaster-120208.html>.

⁷ "About Us" (Overview, Coast Conservation and Coastal Resource Management Department, 2015)

http://www.coastal.gov.lk/index.php?option=com_content&view=article&id=109&Itemid=57&lang=en.

⁸ Gunawardena, interview, 9 October 2017; Dissanayake, interview.

⁹ Gunawardena, interview, 20 September 2018.

¹⁰ *Id.*

9. Fauna and Flora Protection Ordinance and North Western Province Environmental Statute Amendments

Commitment Text:

Transparent Environmental Decisions: Restoring the Public's Right to Comment on Initial Environmental Examination and Government Accountability on Public Comments

(C) – Fauna and Flora Protection Ordinance (FFPO) and North Western Province Environmental Statute (NWPES) Amendments

[...]

Main Objective:

Ensure government accountability on public comments on Initial Environmental Examinations (IEEs) and Environmental Impact Assessments (EIAs).

Milestones:

- 9.1 Preliminary Discussions: One or two meetings/discussions each with the DWLC and NWPEA to advocate the need for the relevant amendments to the FFPO and NWPES and its regulations.
- 9.2 FFPO and NWPES Amendments Drafted: Drafting amendments to the FFPO and NWPES and its regulations to ensure government accountability on public comments received on IEEs and EIAs. PILF can assist the DWLC and NWPEA in this endeavour.
- 9.3 FFPO and NWPES Amendments Passed: Amendments to FFPO and NWPES and regulations with aforesaid provisions passed by Parliament and the North Western Provincial Council.
- 9.4 Enforcement: Enforcement of the amendments to FFPO and NWPES and regulations by the DWLC and the NWPEA.
- 9.5 DWLC and NWPEA Facilitation: DWLC and the NWPEA to facilitate the enforcement of the aforesaid amendments to the FFPO and the NWPES and regulations by strengthening its EIA units with adequate staff, necessary budgetary allocations and other required facilities.
- 9.6 Government Awareness Workshops: Approx. 03 workshops to create awareness amongst respective government agencies and public officers on government accountability provisions.
- 9.7 Civil Society Awareness Programs and Information Dissemination:

(A) Approx. 04 programs each on State owned television and radio to create public awareness on the government accountability provisions in the FFPO and NWPES.

(B) Dissemination of aforesaid information through the websites of the DWLC and NWPEA.

Responsible institutions: Ministry of Sustainable Development and Wildlife;¹ Ministry of Mahaweli Development and Environment (MMDE) and North Western Province Environmental Authority (NWPEA)

Supporting institution: Department of Wildlife Conservation (DWLC)

Start date: July 2016

End date: July 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>. To improve readability, the IRM researcher will evaluate the other milestones as part of Commitment 7 and Commitment 8.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
9. FFPO and NWPEA				✓	✓	✓				✓			✓					✓			

Commitment Aim:

This commitment aimed to facilitate government accountability in environmental decision making. It sought to do this by formally mandating government responses to public comments on Initial Environmental Examinations (IEEs) and Environmental Impact Assessments (EIAs). This would entail the amendment of related provisions under: (1) the Fauna and Flora Protection Ordinance (FFPO)² under the primary purview of the Department of Wildlife Conservation (DWLC); and (2) the North Western Province Environmental Statute (NWPES)³ under the purview of the North Western Province Environmental Authority (NWPEA).

Status

Midterm: Not Started

Implementation of this commitment had not commenced by the midterm (Milestones 9.1–9.7). The Public Interest Law Foundation (PILF) speculated that stakeholders agreed that the legislation required better enforcement, but that it did not require further amendment. PILF noted that provisions for public commenting were already included in the existing law.⁴

End of term: Not Started

Milestones 9.1–9.7: According to civil society, there continued to be no progress toward amending the two laws (FFPO or NWPES) to introduce provisions for government accountability.⁵

The Ministry of Environment, DWLC, or NWPEA could not be reached for comment.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

At the outset of the action plan, environmental decisions linked to the FFPO and NWPEA had no provision for government accountability in responding to public comments. Unlike the NEA and CCCRMA, these laws did contain legislative provisions for public comments. However, as the implementation of this commitment did not start, it did not improve open government. Specifically, there was no change in access to information or civic participation as a result of this commitment.

Although the commitment aims to introduce and enforce government accountability in decision making, until the content of the amendment is deliberated and finalised, the precise mechanism to do so remains unclear. Preliminary discussions among stakeholders, as well as the drafting and passing of relevant amendments, are prerequisites to facilitate introducing provisions on government accountability.⁶

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. Unlike the laws in Commitments 7 and 8, the FFPO and NWPEA already mandate public commenting. However, as stakeholders achieved limited success in pushing through amendments in relation to government accountability on public comments, this commitment may also require a revised approach.

Toward this end, the IRM researcher proposes that all key stakeholders, including the Ministry of Environment, DWLC, NWPEA, and Ministry of Sustainable Development and Wildlife Conservation, convene consultations to re-examine: a) the obligation of enforcing legislative provisions on public commenting, and b) the importance of facilitating government accountability in responding to public comments. These consultations could include public environmental agencies, members of civil society, environmentalists, and other relevant stakeholders for an inclusive approach.

¹ The Ministry of Sustainable Development and Wildlife (MSDW) was established under the Extra Ordinary Gazette Notice 1933/33, dated 21 September 2015, and thus, postdates the formulation of this commitment. As the Department of Wildlife Conservation is an institution that falls directly under the purview of the new ministry, the MSDW is introduced as one of two institutions primarily responsible for this commitment.

² Fauna and Flora Protection Ordinance, No. 2 of 1937 (as amended by Acts No. 44 of 1964, No. 1 of 1970, No. 49 of 1993, and No. 22 of 2009), <http://www.dwc.gov.lk/documents/FFPO.pdf> and <http://www.dwc.gov.lk/documents/ordinanceeng.pdf>.

³ North Western Province Environmental Statute, No. 12 of 1990 (as amended by Statute No. 2 of 1999).

⁴ Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 9 October 2017.

⁵ Mihiri Gunawardena (Public Interest Law Foundation), interview by IRM researcher, 20 September 2018.

⁶ *Id.*

THEME 5: LOCAL GOVERNMENT

10. Procurement System for Local Authorities

Commitment Text:

Transparent and Accountable Procurement System for Local Authorities in Sri Lanka (A)

[...] The services provided by Local Authorities are financed by transfers from the Central and/or Provincial Governments or from revenue generated by the Local Authorities. The procurement procedure in the Local Authorities is generally guided by the system that is universal to all state entities. Nevertheless, the difference is that Local Authorities are legally an incorporated body that has a legal identity and status of an independent unit, hence the procurement procedures can only be supervised and guided not mandated and enforced.

As per the 19th amendment to the Constitution, chapter XIXB a “Procurement Commission” was established and according to clause number 156 (H) the Commission is vested with the powers to formulate fair, equitable, transparent, competitive and cost effective procedures and guidelines, for the procurement of goods and services, works, consultancy services and information systems by government institutions and cause such guidelines to be published in the Gazette and within three months of such publication, to be placed before Parliament.

Main Objective:

Establish a transparent and accountable procurement system for local authorities (prepare and publicise procurement guidelines).

Milestones:

- 10.1 Guidelines prepared by FSLGA for Municipalities, Urban Councils and Pradeshiya Sabhas are reviewed by a committee consisting of Procurement Commission, FSLGA, and Ministry of Local Government and representatives from Civil Society
- 10.2 Incorporate required amendments to the reviewed Procurement Guidelines
- 10.3 Approval obtained from “Procurement Commission and Ministry of Local Government on the final guidelines
- 10.4 Gazetting out the relevant procurement guidelines and approval from Parliament for the same
- 10.5 Government to publicize the procurement guides through mass & social media and make copies of the same available for the public at the local authorities/councils
- 10.6 Printing and distribution to the councils
- 10.7 Creating awareness among all Local Authorities, Commissioners offices of Local Govt. and Assistant Commissioners of Local Govt. (In collaboration with Sri Lanka Institute for Local Governance)
- 10.8 Publicly disseminating the guidelines through websites and through display boards in all Local Authorities

Responsible institutions: Ministry of Provincial Councils and Local Government (MPCLG) & Procurement Commission

Supporting institutions: Local Government Authorities, Federation of Sri Lankan Local Government Authorities (FSLGA)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion	Midterm		Did It Open Government?
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative		End of Term		
10. Procurement System for Local Authorities				✓	✓	✓		✓	✓				✓			✓
													✓			

Commitment Aim:

This commitment aimed to introduce a transparent procurement system for local authorities, thereby minimising malpractice and corruption. In particular, the commitment focused on preparing and publishing guidelines to outline a uniform procurement system for local authorities.

Status

Midterm: Limited

This commitment achieved limited completion by the midterm. In September 2016, the MPCLG convened a 12-member multistakeholder committee to review existing documents and protocol pertaining to procurement (Milestone 10.1). The committee comprised representatives from the MPCLG, provincial local government commissioners, local authorities, and civil society organisations, including the Federation of Sri Lankan Local Government Authorities (FSLGA).

In the drafting process, the Procurement Commission expressed that they were keen to consolidate procurement guidelines for local authorities with those at the national level.² In reviewing the draft guidelines, the committee discovered that there were discrepancies in procurement processes between the two levels, and agreed to introduce unique provisions for local government under the prospective national guidelines.³ However, as the guidelines were not formally introduced, the commitment was unable to progress further by the midterm (Milestones 10.2–10.8).

End of term: Limited

The commitment remained of limited completion at the end of term.

Milestones 10.1–10.2: According to a representative of FSLGA, the MPCLG submitted draft guidelines to the Procurement Commission, who reviewed and approved them with minor changes in December 2017.⁴ The Procurement Commission issued separate national procurement guidelines in May 2018. These have been published on the Procurement Commission’s website and are available in all three languages.⁵

Milestones 10.3–10.8: The Parliament and the Procurement Commission had not gazetted, approved, and published guidelines for local authorities by the end of term. According to the FSLGA, it is the primary responsibility of the Procurement Commission to submit the guidelines for approval by Parliament. Thereafter, having received parliamentary approval, the Procurement Commission must formally gazette the guidelines.⁶ As this process has not yet taken place, the commitment did not progress any further.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Marginal

Limited implementation of this commitment marginally contributed to opening government. At the outset of the action plan, the procurement of goods and services by local authorities across Sri Lanka took place in an ad-hoc and unregulated manner. In the absence of clear guidelines to direct the process, the potential for malpractice and corruption in public procurement was high.⁷

Through this commitment, the MPCLG was able to proactively convene a diverse set of key stakeholders, including civil society, to deliberate and develop the procurement guidelines. Actors outside the government are rarely able to participate meaningfully in developing national policy and thus, this represents a noteworthy achievement in civic participation in decision-making processes. However, this does not relate directly to the main objective of the commitment—i.e., the relevant stakeholders were unable to finalise and publish the procurement guidelines for local authorities, so there was no effect on opening government in terms of improved access to information.

According to the FSLGA, the inclusive process of developing the procurement guidelines fostered limited levels of awareness among a wide range of key stakeholders in government and civil society.⁸ In February 2018, alongside efforts to introduce procurement guidelines, FSLGA independently prepared guidelines on asset management, a subset of procurement. FSLGA noted that provincial commissioners of local government were involved in raising awareness of these guidelines among all 341 local authorities.⁹

Carried Forward?

Sri Lanka’s second action plan was not released at the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended that stakeholders maintain positive momentum toward introducing procurement guidelines. Apart from finalising the guidelines, successful completion would entail ensuring awareness, publicity, and close monitoring of implementation (see Commitment 11). The IRM researcher reaffirms the pertinence of these recommendations at the end of term.

¹ In the action plan, milestones under this commitment are included as part of a single commitment that broadly seeks to establish a transparent and accountable procurement system for local authorities. However, for purposes of clarity, this report separates the evaluation of milestones that pertain to the preparation and publication of procurement guidelines (Commitment 10) and the evaluation of milestones that pertain to monitoring of implementation and grievance redress (see Commitment 11).

² Hemanthi Goonasekera (Federation of Sri Lankan Local Government Authorities), interview by IRM researcher, 22 September 2017.

³ S. Boralessa, interview by IRM researcher, 27 September 2017; Goonasekera, interview.

⁴ Ms. Hemanthi Goonasekera (Federation of Sri Lankan Local Government Authorities), interview by IRM researcher, 17 September 2018.

⁵ National Procurement Guidelines – 2018, Gazette No. 2070/15 (9 May 2018) <https://bit.ly/2xTxnx>.

⁶ Goonasekera, interview.

⁷ Goonasekera, interview, 22 September 2017.

⁸ Goonasekera, interview, 17 September 2018.

⁹ *Id.*

11. Implementation and Monitoring of Local Authority Procurement System

Commitment Text:

Transparent and Accountable Procurement System for Local Authorities in Sri Lanka (B)

[...]

Main Objective:

Establish a transparent and accountable procurement system for local authorities (introduce citizen monitoring of implementation and establish a grievance redress mechanism).

Milestones:

- 11.1 Implementation and Monitoring the New System – by all Local Authorities (Monitoring by Commissioners/Assistant Commissioner office of Local Govt.) and civil societies through 'citizens report cards'
- 11.2 Establish a transparent grievance redress mechanism to be operative in 3 concurrent forms – online, a telephone hotline and through an ombudsperson in all three languages

Responsible institutions: Ministry of Provincial Councils and Local Government (MPCLG) & Procurement Commission

Supporting institutions: Local Government Authorities, Federation of Sri Lankan Local Government Authorities

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, please see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
II. Implementation and Monitoring of Procurement		✓				✓	✓	✓		✓			✓					✓			

Commitment Aim:

An extension of Commitment 10, this commitment aimed to strengthen local authority procurement of goods and services with provisions for accountability. This would also help to minimise cases of malpractice and corruption.

Status

Midterm: Not Started

This commitment was not started by the midterm.

Despite positive steps, the Ministry of Provincial Councils and Local Government (MPCLG), the Procurement Commission, and Parliament, had not finalised the procurement guidelines (see Commitment 10). As a result, related stakeholders could not begin monitoring implementation (Milestone 11.1), or establishing a grievance redress mechanism (Milestone 11.2).²

End of term: Not Started

Implementation of the commitment had still not commenced by the end of term. Neither MPCLG, the Procurement Commission, nor Parliament finalised the procurement guidelines, and thus this commitment is not completed.³

According to a civil society representative from the Federation of Sri Lankan Local Government Authorities (FSLGA), no further activities related to implementation of Commitments 10 or 11 could begin until a gazette notification containing the guidelines was published.⁴ The FSLGA representative noted, however, that the draft guidelines did contain an explicit provision for a public grievance redress mechanism. The draft procurement guidelines specify that complaints pertaining to procurement by local authorities could be taken to the Commissioner for Local Government at the provincial level.⁵

Did It Open Government?

Civic Participation: Did Not Change

Public Accountability: Did Not Change

As implementing stakeholders did not finalise the procurement guidelines, this commitment could not be completed and, thus, did not contribute to opening government.

As indicated in Commitment 10, the absence of clear guidelines to direct the process of procurement by local authorities heightened the potential for malpractice and corruption.⁶ This

commitment aimed to address this by introducing a) a mechanism for monitoring implementation of the procurement guidelines, and b) a grievance redress mechanism for citizens to hold local authorities accountable on the procurement of goods and services.

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended adopting measures to improve the framing of this commitment and, thereby, strengthen its impact. These include: training local authority representatives on how to adhere to the new procurement guidelines and operate the grievance mechanism; and enhancing citizen engagement in the procurement process. Engagement could include social audits, procurement committees, or opening up procurement decisions for public comment.

For more information, see the 2016–2017 IRM midterm progress report.

Contingent on completion of Commitment 10 (the publication of procurement guidelines for local authorities), the IRM researcher reiterates the pertinence of adopting such measures, and recommends this commitment be carried forward.

¹ In the action plan, the milestones under this commitment are included as part of a single commitment that broadly seeks to establish a transparent and accountable procurement system for local authorities. However, for purposes of clarity, this report separates the evaluation of milestones that pertain to the preparation and publication of procurement guidelines (see Commitment 10) and the evaluation of milestones that pertain to monitoring of implementation and grievance redress (Commitment 11).

² S. Boralessa (Ministry of Provincial Councils and Local Government), interview by IRM researcher, 27 September 2017; Hemanthi Goonasekera (FSLGA), interview by IRM researcher, 22 September 2017.

³ Hemanthi Goonasekera (FSLGA), interview by IRM researcher, 17 September 2018.

⁴ It is the primary responsibility of the Procurement Commission to submit the guidelines for approval by Parliament. After having received parliamentary approval, the Procurement Commission must formally gazette the guidelines in order for them to become legally binding.

⁵ Goonasekera, interview.

⁶ Goonasekera, interview, 22 September 2017.

THEME 6: WOMEN

12. Personal Law Reforms

Commitment Text:

Annual Work Plan of the Ministry of Women and Child Affairs to include a transparent and accountable process to implement selected Convention on Elimination of all forms of Discrimination Against Women (CEDAW) Concluding Observations (A) – Personal Law Reforms

Sri Lanka ratified CEDAW in 1981. Upon ratification, Sri Lanka has an obligation to report to CEDAW every 4 years. At the last periodic state review in 2011, where Sri Lanka was reviewed, CEDAW issued numerous concluding observations to Sri Lankan government. As a state party, Sri Lankan government is obliged to follow up on the concluding observations.

[...] Consultations with community will increase accountability of the Ministry of Women and Child Affairs to the public and will allow women's networks to directly participate in improving public services and increasing public integrity. As an end result the government is to take concrete actions with accountability to implement concluding observations with the inclusion of a transparent process and civilian participation. The progress made by such an implementation could be reported as our government's progress at the next state review.

Main Objective:

Implement CEDAW Concluding Observations on Personal Law Reforms

Milestones:

- 12.1 Report on divisional secretariat level consultations with Muslim and Tamil community to elicit their views.
- 12.2 Report on consultations with lawyers, judges, religious leaders to elicit their views made available to the public.
- 12.3 Law on certificate of absence passed.
- 12.4 Send the Cabinet paper on the findings of #1 and #2 (12.1 and 12.2) reports to the Cabinet for follow up implementation by the Ministry.
- 12.5 Quarterly meetings of the Committee comprising of Ministry reps and CSOs to monitor progress and to promote transparency in the process by the Ministry providing an update on the status of the suggested amendments.
- 12.6 Amendments to Personal Laws in Parliament

Responsible institution: Ministry of Women and Child Affairs (MWCA)

Supporting institutions: National Committee on Women (NCW); Centre for Equality and Justice (formerly FOKUS Women)

Start date: July 2016

End date: August 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitments, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm		Did It Open Government?				
															End of Term						
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
12. Personal Law Reforms			✓		✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to support the implementation of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW) through activities that enhance transparency and accountability. This commitment supported observations on the reform of “personal laws” in Sri Lanka.

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. The National Committee on Women (NCW) under the Ministry of Women and Child Affairs (MWCA) conducted expert consultations on personal law reform (Milestone 12.2).² The discussions included a wide range of stakeholders, including key government officers, representatives from civil society, senior university lecturers, and lawyers.

However, the NCW/MWCA had not conducted community consultations—although these were scheduled for later in 2017, after the midterm assessment period (Milestone 12.1). As consultations had not concluded, the NCW/MWCA had also not developed and published the related reports. As a result, activities relating to the implementation of the findings could not begin (Milestones 12.4–12.5).

No amendments on any of the personal laws were submitted to Parliament (Milestone 12.6). Given the sensitivities involved, civil society expressed scepticism about whether this ambitious goal could be realistically achieved within a two-year period.³ Issuance of certificates of absence, however, was included as an amendment to the Registration of Deaths Act⁴ in September 2016 (Milestone 12.3).⁵

End of term: Substantial

As Milestones 12.1–12.5 were largely completed, the commitment was substantially completed by the end of term.

Milestones 12.1–12.2: According to the chairperson of the NCW, the ministry conducted three community consultations in the districts of Colombo, Jaffna, and Puttalam in November 2017. Civil society verified the consultations⁶ and NCW shared an attendance register. The consultations aimed

to elicit views on Tesawalamai and Muslim personal laws.⁷ The NCW also facilitated more expert consultations in December 2017, with participation by leading women's rights experts and other civil society representatives.⁸

Milestone 12.3: Completed.

Milestone 12.4: The NCW / MWCA prepared a report on the consultations with the community and experts and submitted it to the Ministry of Justice (MOJ) for further action.⁹ Although the ministry has not published the report, the Centre for Equality and Justice (CEJ) confirmed the consultations.¹⁰

Milestone 12.5: The NCW convened a 14-member, multistakeholder committee comprising government officers, legal experts, and other members of civil society. The Centre for Equality of Justice (CEJ) was also represented on this forum.¹¹ The committee met on a monthly basis. Although the committee fell short of formally monitoring progress on implementing the findings, it was a useful platform for stakeholders to discuss and deliberate key developments pertaining to amendment of personal laws.¹²

Milestone 12.6: The NCW noted it is the task of the MOJ to take this commitment forward—act on the report, prepare a cabinet paper, and implement findings toward the amendment of the personal laws.¹³ As such steps have not taken place, this commitment remained incomplete.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Marginal

At the outset of the action plan, personal laws in Sri Lanka contained antiquated provisions that were largely detached from modern culture. In particular, treatment of women under these laws was outdated, overly conservative, and often discriminatory.¹⁴ As part of its Concluding Observations, the CEDAW recommended that the government of Sri Lanka pursue legal reform and accelerate the amendment of discriminatory provisions in the personal laws.¹⁵ This commitment aimed to introduce transparency and accountability in the process of legal reform and amendment of the personal laws.

Although this commitment was substantially completed by the end of term, the commitment only marginally opened government. The NCW/MWCA held community and expert consultations in order to elicit the views of an inclusive group of stakeholders. Given previous limited engagement, civil society experts noted that this was a positive achievement in efforts to foster civic participation in decision-making processes.¹⁶ However, these consultations, while inclusive, did not represent a major step forward in the relevant policy area. This was confirmed by CEJ who noted that more transparency and accountability could contribute to the reform of personal laws in Sri Lanka.¹⁷

The NCW also did not publish the consultation findings. Publication of these findings was the only activity that would have directly improved access to information. Therefore, there was no change in access to information as a result of this commitment.

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher noted the value and importance of leveraging the principles of open government to pass contested legislative reform. In this context, the IRM researcher continues to recommend that this commitment be carried forward. The commitment may be supplemented with other specific interventions. These include: drawing on the consultation reports to conduct awareness programs and publicity campaigns; and collaborating with progressive religious leaders to construct and disseminate strong counternarratives to the preservation of discriminatory provisions in the personal laws.

¹ In the action plan, milestones pertaining to personal law reform (Commitment 12), gender equality in state land distribution (Commitment 13), and nondiscrimination in formal and informal employment (Commitment 14) are listed under a single commitment. For clarity, these milestones are separated into three different commitments in this report.

² Swarna Sumanasekera (National Committee on Women), interview by IRM researcher, 13 October 2017.

³ Dr Ramani Jayasundere (The Asia Foundation), interview by IRM researcher, 17 October 2017; Shyamala Gomez (Centre for Equality and Justice), interview by IRM researcher, 27 October 2017.

⁴ Registration of Deaths (Temporary Provisions) (Amendment) Act, No. 16 of 2016, <http://bit.ly/2DujucL>.

⁵ Sumanasekera, interview; Shyamala Gomez, interview.

⁶ Shyamala Gomez (Centre for Equality and Justice), interview by IRM researcher, 29 September 2018.

⁷ Swarna Sumanasekera (National Committee on Women), interview by IRM researcher, 20 September 2018.

⁸ *Id.*; Gomez, interview.

⁹ Sumanasekera, interview.

¹⁰ Gomez, interview.

¹¹ *Id.*

¹² Sumanasekera, interview.

¹³ *Id.*

¹⁴ Z. Imtiaz, "CEDAW Asks Sri Lanka to Amend Personal Laws" (Daily News, 8 March 2017) <http://bit.ly/2DqcP34>.

¹⁵ "CEDAW/C/LKA/CO/7," Human Rights Bodies, United Nations Human Rights, § 44(a), 8 April 2011, <http://bit.ly/2EUSlvS>.

¹⁶ *Id.*

¹⁷ Gomez, interview.

13. Gender Equality in State Land Distribution

Commitment Text:

Annual Work Plan of the Ministry of Women and Child Affairs to include a transparent and accountable process to implement selected Convention on Elimination of all forms of Discrimination Against Women (CEDAW) Concluding Observations (B) – Gender Equality in State Land Distribution

Sri Lanka ratified CEDAW in 1981. Upon ratification, Sri Lanka has an obligation to report to CEDAW every 4 years. At the last periodic state review in 2011, where Sri Lanka was reviewed, CEDAW issued numerous concluding observations to Sri Lankan government. As a state party, Sri Lankan government is obliged to follow up on the concluding observations.

[...] Consultations with community will increase accountability of the ministry of Women and Child Affairs to the public and will allow women's networks to directly participate in improving public services and increasing public integrity. As an end result the government is to take concrete actions with accountability to implement concluding observations with the inclusion of a transparent process and civilian participation. The progress made by such an implementation could be reported as our government's progress at the next state review.

Main Objective:

Implement CEDAW Concluding Observations on Gender Equality in State Land Distribution

Milestones:

- 13.1 Draft Land Development Ordinance amendment is presented in Parliament.
- 13.2 Inter-Ministerial meeting held with the participation of AG's Department and interested CSOs on joint ownership in state land distribution.
- 13.3 Quarterly meetings of the Committee comprising of Ministry reps and CSOs to monitor progress on #1 & #2 (13.1 and 13.2).

Responsible institution: Ministry of Lands and Parliamentary Affairs

Supporting institutions: Ministry of Women and Child Affairs (MWCA); National Committee on Women (NCW); Centre for Equality and Justice (formerly FOKUS Women)

Start date: March 2017

End date: August 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitments, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
13. Gender Equality in State Land Distribution			✓			✓					✓			✓					✓		

Commitment Aim:

This commitment broadly aimed to support the implementation of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW) through activities that enhance transparency and accountability. This commitment specifically supported observations that pertain to gender equality in state land distribution.

The commitment endeavoured to support the amendment of the Third Schedule of the Land Development Ordinance² (LDO), which refers to male preference in the succession of state land upon intestacy. The commitment also aimed to support efforts to encourage the government to recognise joint ownership of land under the LDO.

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. The National Committee on Women (NCW) under the Ministry of Women and Child Affairs (MWCA), and the Ministry of Land and Parliamentary Reforms, incorporated draft amendments to the Third Schedule of the LDO, and submitted the draft to the Cabinet of Ministers for further approval (Milestone 13.1).³ Per legislative procedure, the cabinet must then share an approved version with the office of the legal draftspersons, prior to presenting a final version in Parliament.

In late 2016, civil society convened a multistakeholder meeting to reform provisions on joint ownership (Milestone 13.2). This meeting also involved stakeholders from the NCW/MWCA, Ministry of Land, and Attorney General's Department.⁴ The Ministry of Land confirmed that a multistakeholder committee had not been established to oversee and/or monitor either of these processes (Milestone 13.4).⁵

End of term: Limited

Implementation of this commitment continued to be limited by the end of term.

Milestone 13.1: The NCW/MWCA confirmed that the draft amendments to the LDO were still with the office of the legal draftsperson. The NCW convened regular consultations with senior representatives from the Ministry of Land to expedite the passage of the amendments.⁶ However, the NCW suggested that the Ministry of Land had gradually diverted attention away from amending

the LDO in favour of creating entirely new land laws to replace the LDO.⁷ Civil society confirmed this gridlock, noting that this may delay or postpone the completion of this milestone.⁸

Milestone 13.2: Although the multistakeholder meeting on joint ownership was completed by the midterm, the end of term saw little, if any, further progress. The NCW confirmed that the issue of joint ownership continued to be discussed at an internal forum, but noted that the topic was highly contested.⁹ This forum—distinct from that charged with monitoring progress on LDO amendments and joint ownership (Milestone 13.3)—comprised government and civil society stakeholders and met on a monthly basis.

According to the Centre for Equality and Justice (CEJ), civil society remains committed to ensuring formal recognition of joint ownership of state land and continues to explore different ways of expediting such recognition.¹⁰ This may include, for instance, introducing joint ownership as a criterion for, or component of, foreign-funded development projects.¹¹

Milestone 13.3: Apart from general monthly meetings arranged by the NCW, a formal multistakeholder committee did not exist to oversee and/or monitor amendment of the LDO.¹²

Did It Open Government?

Civic Participation: Marginal

At the outset of the action plan, the Land Development Ordinance (LDO) contained provisions that were widely considered discriminatory toward women. In particular, the Third Schedule of the LDO specified that daughters, or granddaughters, of permit holders of state land were not automatically entitled to that land in the event that the permit holder failed to nominate a successor. Similarly, the LDO also did not recognise joint ownership of state land. Such provision would help to guarantee women's entitlement to land, prevent family disputes, and generally empower women with greater economic security.¹³

This commitment aimed to introduce transparency and accountability in the process of amending the LDO. If fully implemented, the commitment would have nominally increased civic participation in decision making by bringing together diverse stakeholders to discuss the need for amendments. As the NCW conducted a multistakeholder meeting for this purpose, civil society agreed that the commitment did marginally open government.¹⁴ This would have been enhanced had the NCW regularly convened a multistakeholder committee to monitor related progress.

However, as noted in the IRM midterm progress report, the amendments themselves appear to be beyond the values, or scope, of open government.

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report.

Despite key components of the commitment having limited relevance to OGP values, the IRM researcher proposed measures in the 2016–2017 IRM midterm progress report toward expediting amendment of the LDO, and making the commitment more relevant to open government. These include: isolating the amendment of the Third Schedule from more contested amendments to the LDO; designing interventions to increase public awareness on the importance of nominating a clear successor in ownership of state land; and publishing up-to-date information on the distribution of state land.

¹ In the action plan, milestones pertaining to personal law reform (Commitment 12), gender equality in state land distribution (Commitment 13), and nondiscrimination in formal and informal employment (Commitment 14) are listed under a single commitment. For purposes of clarity, these milestones have been separated into three different commitments in this report.

² Land Development Ordinance, No. 19 of 1935, <http://bit.ly/2DyRST0>.

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- ³ L. B. S. B. Dayaratne (Ministry of Land and Parliamentary Reforms), interview by IRM researcher, 19 October 2017; Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017.
- ⁴ Id.; Shyamala Gomez (Centre for Equality and Justice), interview by IRM researcher, 27 October 2017.
- ⁵ Dayaratne, interview.
- ⁶ Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 20 September 2018.
- ⁷ Id.
- ⁸ Shyamala Gomez (Centre for Equality and Justice), interview by IRM researcher, 29 September 2018.
- ⁹ Sumanasekera, interview.
- ¹⁰ Gomez, interview.
- ¹¹ Sumanasekera, interview.
- ¹² Id.; Shyamala Gomez, interview by IRM researcher, 27 October 2017.
- ¹³ Gomez, interview. See also Sunday Times, "A Piece of Land to Call Her Own.", 6 March 2011, <https://bit.ly/2DtPFVw>
- ¹⁴ Gomez, interview, 29 September 2018.

14. Non-Discrimination in Employment

Commitment Text:

Annual Work Plan of the Ministry of Women and Child Affairs to include a transparent and accountable process to implement selected Convention on Elimination of all forms of Discrimination Against Women (CEDAW) Concluding Observations (C) – Non-discrimination in formal and informal employment sector

Sri Lanka ratified CEDAW in 1981. Upon ratification, Sri Lanka has an obligation to report to CEDAW every 4 years. At the last periodic state review in 2011, where Sri Lanka was reviewed, CEDAW issued numerous concluding observations to Sri Lankan government. As a state party, Sri Lankan government is obliged to follow up on the concluding observations.

In the framework of this commitment, the Ministry of Women and Child Affairs will follow upon specific concluding observations on selected areas; Personal Law reforms, gender equality in state land distribution, non-discrimination in formal and informal employment sector. Consultations with community will increase accountability of the ministry of Women and Child Affairs to the public and will allow women's networks to directly participate in improving public services and increasing public integrity.

As an end result the government is to take concrete actions with the accountability to implement concluding observations with the inclusion of a transparent process and civilian participation. The progress made by such an implementation could be reported as our government's progress at the next state review.

Main Objective:

Implement CEDAW Concluding Observations on non-discrimination in formal and informal employment.

Milestones:

- 14.1 Prioritize thematic areas from CEDAW concluding observations on employment
- 14.2 Publishing information on gender discrimination in selected thematic areas in formal and informal sector employment for greater transparency and reporting data in open data format.
- 14.3 Public consultation with civil society to propose guidelines on protection of women in the formal and informal employment sector.
- 14.4 Quarterly meetings of the Committee comprising of Ministry reps and CSOs to monitor progress on #3 (14.3).
- 14.5 Sharing progress of the OGP commitment on Concluding Observations with CSOs and other relevant stakeholders.

Responsible institution: Ministry of Women and Child Affairs (MWCA)

Supporting institutions: National Committee on Women (NCW); Centre for Equality and Justice (formerly FOKUS Women)

Start date: October 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitments, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
14. Non-Discrimination in Employment		✓			✓	✓				✓				✓					✓		

Commitment Aim:

This commitment broadly aimed to support the implementation of the Concluding Observations of the Committee on the Elimination of Discrimination against Women (CEDAW), through activities that enhance transparency and accountability. This commitment specifically supported observations about discrimination against women in the sphere of formal and informal employment.

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. The IRM researcher found no evidence that the National Committee on Women (NCW), under the Ministry of Women and Child Affairs (MWCA), had conducted any exercise to prioritise thematic areas from CEDAW observations on employment (Milestone 14.1). Instead, the NCW had undertaken a series of ad hoc measures, including efforts to amend labour-related laws, and the dissemination of posters to raise awareness on the prevalence of sexual harassment.²

The NCW/MWCA had also not published any information on gender discrimination in employment, nor collected data for this purpose (Milestone 14.2).³ Similarly, the chairperson of the NCW noted that the ministry had not conducted a public consultation to deliberate or propose guidelines toward the protection of women in employment (Milestone 14.3).⁴ The ministry did not, therefore, establish and convene a multistakeholder committee to monitor the development of such guidelines (Milestone 14.4). The NCW did, however, confirm convening one multistakeholder consultation to share progress on the implementation of CEDAW observations generally (Milestone 14.5).⁵ A civil society representative from the Centre for Equality and Justice (CEJ, formerly FOKUS women) confirmed this consultation.⁶

End of term: Limited

Implementation of this commitment remained limited by the end of term.

Milestone 14.1: The NCW/MWCA confirmed that the ministry had not explicitly prioritised CEDAW observations on formal and informal employment.⁷ The NCW did, however, note the

completion of a number of activities to help improve the experiences of women in employment. These include conducting a survey of pay in the informal sector; setting up creches; developing a day-care policy; and introducing flexible hours in the private sector.⁸ The CEJ confirmed these developments.⁹

However, the NCW clarified that the action plans that guide the work of the NCW/MWCA were based largely on the CEDAW observations and the National Human Rights action plan—both of which include provisions on discrimination faced by women in employment.¹⁰ The plans of the NCW/MWCA were prepared in consultation with CSOs, and stakeholders involved in implementation regularly shared key developments and progress updates.¹¹

Milestone 14.2: The NCW also noted that it had taken steps, including surveys, to collect data on women's participation and discrimination in vocational activities. This information was published in the ministry's quarterly magazine and distributed among women development officers at divisional secretariats across Sri Lanka.¹² Civil society verified that an internal magazine did exist, but could not confirm that such information was included in it.¹³ The purpose of disseminating the information was to ensure that officers were sensitised about the discrimination women face in formal and informal employment. The NCW did not make this information available online or in open data format.

Milestones 14.3–14.5: The NCW and CEJ noted no further progress in relation to these milestones since the midterm.¹⁴ The ministry did not conduct a public consultation to propose guidelines on the protection of women in employment, or establish a multistakeholder committee to monitor such a process.¹⁵ The NCW also did not provide evidence of convening any further multistakeholder consultations to share progress on the implementation of CEDAW observations.

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Marginal

At the outset of the action plan, women in both formal and informal employment in Sri Lanka faced a range of issues. The CEDAW observations highlighted these issues and identified areas that required special attention. These included the high rate of female unemployment; the low rate of women in skilled jobs; the lack of legislation on sexual harassment; and unequal remuneration between men and women.¹⁶

If implemented as written, the commitment would have improved access to information by publishing information on gender discrimination in employment. However, this activity was not completed and thus, access to information did not change. Conversely, while the public consultations and quarterly multistakeholder meeting (Milestones 14.3 and 14.4) did not occur as proposed, the multistakeholder forum to share progress on CEDAW observations did constitute a very marginal improvement in civic participation.

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report. In the 2016–2017 IRM midterm progress report, the IRM researcher noted that the commitment comprised a broad list of activities that intended to eliminate discrimination of women in formal and informal employment but, given limited specificity and minor potential impact, the IRM researcher recommended that this commitment not be carried forward to the next action plan.

¹ In the action plan, milestones pertaining to personal law reform (Commitment 12), gender equality in state land distribution (Commitment 13), and nondiscrimination in formal and informal employment (Commitment 14) are listed under a single commitment. For clarity, these milestones were separated into three different commitments in this report.

² Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017.

³ *Id.*

⁴ *Id.*

⁵ *Id.*

⁶ Shyamala Gomez (Centre for Equality and Justice), interview by IRM researcher, 27 October 2017.

⁷ Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 20 September 2018.

⁸ *Id.*

⁹ Shyamala Gomez (Centre for Equality and Justice), interview by IRM researcher, 29 September 2018.

¹⁰ Sumanasekera, interview.

¹¹ *Id.*

¹² *Id.*

¹³ Gomez, interview.

¹⁴ Sumanasekera, interview; Gomez, interview.

¹⁵ Sumanasekera, interview; Gomez, interview.

¹⁶ “CEDAW/C/LKA/CO/7” (Human Rights Bodies, United Nations Human Rights, 8 April 2011) <http://bit.ly/2EUSlvS>.

THEME 7: WOMEN IN POLITICAL GOVERNANCE

15. Women's Political Participation at the Local Level

Commitment Text:

Strengthening Women's Participation in the political decision-making process at the local level

The Sri Lankan Constitution commits to gender equality and non-discrimination and recognizes affirmative action to bring about positive changes. These commitments are enshrined in the Women's Charter of Sri Lanka (1993) and the National Plan of Action for Women (1996) that reflect Constitutional commitments as well as international commitments to CEDAW. Despite these commitments to gender equality, women's participation in politics is still at a 6% low level in the national and local government.

[...] This low level of women's representation has always been seen as a conundrum in a country which has performed well on other indicators on women such as education and health”.

In 2016 the law pertaining to Local Government was amended to include a 25% mandatory quota for women.

Main Objective:

Ensure the nomination and election of qualified women to local government authorities and thereby, strengthen women's participation in political decision-making.

Milestones:

- 15.1 Trained women planning on contesting for local government elections brought together to advocate for nominations.
- 15.2 Political parties nominate trained qualified women for 2017 local government elections.
- 15.3 Political parties provide financial and other support for nominated women to carry out political campaigns under party banners.
- 15.4 Publicity campaign tracking women's 2017 entry into local government from nomination to contesting to election.
- 15.5 Names and profiles of all candidates (including women) released to the public ahead of local elections.

Responsible institution: Elections Commission

Supporting institutions: Ministry of Provincial Councils and Local Government; Ministry of Women and Child Affairs

Start date: June 2016

End date: March 2017

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
15. Women's political participation at the local level		✓			✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to strengthen the political participation of qualified, or trained,¹ women in local government authorities. In particular, government and civil society stakeholders anticipated that this commitment will strengthen and enhance women's voices and representation in political decision making at the local level.²

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. According to a representative from the Centre for Policy Alternatives (CPA), the Ministry of Women and Child Affairs (MWCA) took steps to finalise selection criteria for women candidates (Milestone 15.1). The criteria included guidelines on education, social work, and political background.³ The MWCA presented and discussed these criteria with Parliament, the Elections Commission, political party secretariats, and civil society.⁴

Concurrently, beyond the scope of the commitment, the National Committee on Women, under the MWCA, conducted six awareness programs for over 1,000 prospective women leaders across the country.⁵ Similarly, CPA independently conducted several activities to support training of potential women political candidates. These included interactive dialogue and discussion sessions for over 2,500 potential women leaders, visual awareness campaigns, distribution of information leaflets, and a trilingual report on women's representation in local politics.⁶

However, as the local government elections had only just been scheduled at the time, all activities pertaining to the nomination of women; provision of financial and other support; campaign tracking; and publishing the names and profiles of nominated candidates, had not commenced (Milestones 15.2–15.5).

End of term: Limited

As most milestones were not completed by the relevant government stakeholders, completion continued to be limited at the end of term.

Milestones 15.1–15.2: Local government elections took place in February 2018, with over 17,500 women vying to be nominated by political parties for political office.⁷ Out of those nominated, 1,919 women were elected—of which 535 were elected by voters through the ward-based system, and 1,384 were selected and elected by political party organisers through the system of proportional

representation.⁸ According to a civil society representative from CPA, a high percentage of women elected through the ward-based system possessed adequate training and capacity to hold political office.⁹ This training, provided by civil society, included exposure to a range of leadership and technical skills.¹⁰ Although the commitment aims to encourage political parties to nominate trained women, the provision of training itself is beyond the scope of this commitment. There was no evidence of training undertaken by government as part of this commitment.

Milestone 15.3: Prior to the elections, CPA confirmed that campaign support was largely provided by CSOs.¹¹ As described above, this support took the form of political leadership training for potential women candidates and raising awareness among voters.¹² As proactive campaign support may have represented a conflict of interest, the government generally played a minimal role in providing campaign support. A notable exception was the MWCA, Ministry of Local Government, and Parliamentary Women's Caucus pooling all women candidates together in a public walk event in order to raise awareness.¹³

Milestone 15.4: Civil society noted that campaign tracking of women from nomination to elections did not take place.¹⁴ The Elections Commission engaged in other types of publicity campaigns covering topics ranging from voter education, the new mixed member election system, and the 25 per cent quota for women in local government. CPA also conducted its own publicity campaigns, including support and encouragement for women to publish manifestos.¹⁵

Milestone 15.5: CPA further confirmed that the Elections Commission had not adequately published or publicised the names and profiles of all candidates ahead of the local elections. Instead, the list of candidates was available only upon request. The list was not published online or on any other common platform.¹⁶

The Ministry of Local Government and/or the Elections Commission could not be reached for verification of completion at the end of term.¹⁷

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Marginal

At the outset of the action plan, women's political representation in local government stood at 1.8 per cent of total councillors.¹⁸ There were many reasons for underrepresentation of women in political decision making.¹⁹ These include, for instance, patriarchal customs reinforced by political elites;²⁰ and disinterest in, or limited awareness of, opportunities for political participation.²¹

Despite parliament amending the Local Authorities Election Act in February 2016 to mandate a 25 per cent quota for women, many recognised that a quota alone was insufficient to ensure that trained women would be nominated or elected, or even that women would be able to translate representation into meaningful political participation.²²

This commitment, aimed to increase access to information and ensure that trained or qualified women can be nominated and elected in local government elections. However, as the Elections Commission did not publish the names and profiles of all women candidates prior to the election, there was no change in access to information as a result of this commitment.

This commitment also stood to improve civic participation at a macro-level. Election of trained women to local government would, inherently, increase opportunities for a wider cross-section of the public to inform decision making. In this context, the government's provision of limited support for women candidates, such as the public walk event, contributed to the broader engagement of women in civic life. This, in turn, constitutes a marginal improvement in civic participation.

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recognised that much more can be done to facilitate the nomination, election, and participation of trained women to—and in—local government authorities. Specifically, the IRM researcher recommended that efforts advance beyond advocating for nominations and meeting mandatory quotas, to ensuring that women are empowered to participate meaningfully in local political decision making. These recommendations included: publishing model case-studies of individual women who have been successfully nominated and elected to local government; and conducting public awareness programs targeting potential women leaders.²³ For more information, see the 2016–2017 IRM midterm progress report.

According to a representative from CPA, discussions with commissioners of local government at the provincial level revealed that there are numerous issues and/or differences between elected men and women councillors.²⁴ These issues were premised on inadequate orientation of women councillors to political leadership.²⁵ Civil society has been driving such initiatives—CPA, for instance, reported that it has pursued various activities to strengthen the capacity of women councillors to better execute their work.²⁶ The IRM researcher recommends that the government carry similar initiatives forward into the next action plan.

¹ Generally, trained women may include those who have benefited from government or civil society programs that aim to strengthen political leadership through raising awareness on various pertinent topics. These topics may include gender, good governance, human rights, local government legislation, or even practical competencies such as mobilizing grassroots support and campaign financing. See also C. Kodikara, *The Struggle for Equal Political Representation of Women in Sri Lanka: A Stocktaking Report for the Ministry of Child Development and Women's Empowerment and the United Nations Development Programme* (New York: United Nations, 2009), <http://bit.ly/2HXpyJg>.

² S. Boralessa (Ministry of Provincial Councils and Local Government), interview by IRM researcher, 27 September 2017; S. Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 13 October 2017. See also Law and Society Trust, *Women's Political Representation in Local Government Institutes: 25% Quota and Way Forward* (16 February 2016) http://lawandsocietytrust.org/content_images/publications/documents/english-20160602150738.pdf.

³ Sriyanie Wijesundara, interview by IRM researcher, 10 October 2017.

⁴ *Id.*

⁵ Swarna Sumanasekera (Ministry of Women and Child Affairs), interview by IRM researcher, 10 October 2017.

⁶ Wijesundara, interview.

⁷ Sriyanie Wijesundara, interview by IRM researcher, 14 September 2018.

⁸ *Id.*

⁹ *Id.*

¹⁰ See note 1.

¹¹ Wijesundara, interview.

¹² See <https://www.cpalanka.org/strengthening-womens-political-representation-at-local-level/>

¹³ Wijesundara, interview.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and/or email, and through the point of contact at the Presidential Secretariat.

¹⁸ T. Ariyaratne, "Electoral Reforms: Where Are the Women?" (Sunday Observer, 17 May 2015) <http://archives.sundayobserver.lk/2015/05/17/fea10.asp>; C. Kodikara, "Sri Lanka: Where Are the Women in Local Government?" (Open Democracy 50.50, 7 March 2011) <https://www.opendemocracy.net/5050/chulani-kodikara/sri-lanka-where-are-women-in-local-government/>.

¹⁹ C. Kodikara, *The Struggle for Equal Political Representation of Women in Sri Lanka*; Hemanthi Goonasekera (FSLGA), interview by IRM researcher, 22 September 2017; Prof. Swarna Jayaweera, Prof. Chandra Gunawardena, Dr. Ramani Jayatilaka, and Girty Gamage (CENWOR), interview by IRM researcher, 3 October 2017.

²⁰ Kodikara, "Sri Lanka: Where Are the Women in Local Government?"

²¹ Goonasekera, interview.

²² M. Phillips, "The Necessity of Increasing Women's Political Representation in Sri Lanka" (Centre for Poverty Analysis, 26 May 2015) <http://bit.ly/2oC1a82>.

²³ Dr. Ramani Jayasundere (The Asia Foundation), interview by IRM Researcher, 17 October 2017; Goonasekera, interview; Dr. Gopa Kumar Thampi, interview by IRM researcher, 15 October 2017.

²⁴ Wijesundara, interview.

²⁵ *Id.*

²⁶ *Id.*

THEME 8: CORRUPTION

16. Public Participation in Anti-Corruption Framework

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part I)

[...]

Main Objective:

Milestones:

- 16.1 Government to host a national anti-corruption summit.
- 16.2
 - a) CIABOC to submit a budget of its projected expenses for preventing and combating corruption for the year to the Ministry of Finance with public justifications;
 - b) Government to allocate requested budgetary provisions in its annual national budget estimates with public justifications in case of discrepancy;
 - c) CIABOC to publicly report on annual expenditure allocations and spending for the year 2017, without prejudice to on-going investigations.
- 16.3 CIABOC to establish Inter-Agency Corruption Prevention Council, which, in consultation with civil society and the private sector, will be in-charge of the overall corruption prevention drive in Sri Lanka. The council will facilitate the input of state, private sector and civil society to develop a two-year corruption prevention action plan. This action plan will assign implementation goals across the state, private sector and civil society to undertake to:
 - a) Mainstream corruption prevention across public agencies,
 - b) Ensure clear oversight roles as well as monitoring & evaluation,
 - c) Provide sufficient resources for corruption prevention,
 - d) Base the prevention action plan on a holistic and robust assessment of the anti-corruption system (e.g. National Integrity System Assessment),
 - e) Allow for meaningful participation by non-state actors, particularly civil society in the design of the action plan.
- 16.4 Government to introduce a declaration / oath of zero-tolerance for corruption to be displayed prominently in the entrances of all state offices with the contact details of the CIABOC complaints hotline.

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
16. Public participation in anti-corruption framework			✓		✓	✓					✓			✓					✓		

Commitment Aim:

This commitment aimed to strengthen the anti-corruption framework by increasing constructive public participation in anti-corruption activities and processes. Government and civil society stakeholders anticipated that, through this commitment, the public will be able to contribute to more effective implementation of anti-corruption decisions, exercise oversight, and inform accountability mechanisms.²

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. The Commission to Investigate Allegations of Bribery and Corruption (CIABOC) confirmed that the government conducted a national anti-corruption summit on 9 December 2016, to mark National Anti-Corruption Day (Milestone 16.1).³ All other components of this commitment, however, remained incomplete or were not started.

CIABOC submitted and received allocations for projected expenditures under the national budget in 2016 and 2017 (Milestone 16.2). The government also included relevant details in the full budget estimates published for fiscal year 2018.⁴ CIABOC also published a trilingual annual report in 2016 containing basic information on CIABOC expenditure.⁵ However, a representative of Transparency International Sri Lanka (TISL) noted that there was limited evidence of public justification of the budget.⁶

CIABOC did not establish an Inter-Agency Corruption Prevention Council to lead the corruption prevention drive and oversee the development of a corruption prevention action plan (Milestone 16.3).⁷ Although CIABOC convened a diverse group of stakeholders to deliberate potential corruption prevention mechanisms, TISL noted that few, if any, concrete developments stemmed

from this discussion.⁸ Both CIABOC and TISL also confirmed that there were no formal discussions on the introduction of a declaration or oath of zero tolerance at the midterm (Milestone 16.4).⁹

End of term: Limited

At the end of term, the completion of implementation of the commitment remained limited.

Milestone 16.1: Completed.

Milestone 16.2: According to a representative from TISL, CIABOC released no further information on its budget; beyond standard disclosures relating to national budget estimates reported at the midterm.¹⁰

Milestone 16.3: In December 2017, CIABOC publicly announced its intention to develop a national action plan on anti-corruption.¹¹ CIABOC invited citizen stakeholders to submit suggestions and proposals via postal mail, email, fax, or a form on the CIABOC website.¹² Civil society noted that there was limited citizen engagement in the process of providing suggestions and proposals.¹³

At the end of term, TISL confirmed that the anti-corruption action plan was still in development and the contents of the action plan were yet to be finalised. Discussions toward development, however, had been inclusive and incorporated civil society input.¹⁴ Although CIABOC did not create an Inter-Agency Prevention Council to lead the overall corruption prevention drive, TISL suggested that the prospective plan was likely to emphasise inter-agency cooperation in implementation.¹⁵

Milestone 16.4: According to TISL, early discussions around the development of the plan also hinted that the declaration or oath of zero tolerance on corruption was likely to be included as a concomitant priority.¹⁶

CIABOC could not be reached for comment.¹⁷

Did It Open Government?

Access to Information: Marginal

Civic Participation: Marginal

At the outset of the action plan, there was limited public participation in anti-corruption framework. People perceived high levels of corruption in the state sector,¹⁸ with certain public-facing institutions, such as the police and customs, demonstrating a higher proclivity for corrupt practices.¹⁹ Reflecting these sentiments, Sri Lanka was ranked 95 out of 176 countries on the 2016 Corruption Perceptions Index, dropping 12 places from 2015.²⁰ In the 2017 index, Sri Lanka earned 2 points and moved up 4 places to be ranked 91 out of 180 countries.²¹ Although this ranking serves as an imperfect comparator due to annual changes in the number of countries considered, it does suggest a marginal improvement in citizen perceptions of corruption in Sri Lanka. Given limited completion, however, it is unlikely that this improvement is attributable to this commitment.

This commitment aimed to introduce public participation in the anti-corruption framework and thereby, directly contribute to opening government. If fully implemented, the commitment would have enhanced financial transparency and access to information by opening up the CIABOC budget to public scrutiny. Although civil society noted that CIABOC did not fully implement this activity,²² the publication of budget estimates and related expenditure meant that this commitment marginally improved access to information.²³

Similarly, the establishment of an Inter-Agency Corruption Prevention Council would have presented an unprecedented opportunity for civil society to participate in decision making related to anti-corruption.²⁴ Although CIABOC did not establish this council, citizens and relevant civil society representatives were invited to submit suggestions and participate in discussions toward the development of the corruption prevention action plan. Civil society agreed that this represented a marginal improvement in civic participation.²⁵

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended that this commitment be implemented to completion. However, the researcher also proposed a number of supplementary measures to build on the commitment and further enhance potential impact. These include: introducing provisions and protocols for public participation in the CIABOC budget process; providing public-facing mechanisms to register complaints pertaining to this process; expanding the scope of the corruption prevention action plan to encompass the wider anti-corruption agenda; and appointing an independent, multistakeholder committee to monitor and evaluate the implementation of the prevention action plan.

¹ In the action plan, all milestones pertaining to corruption are listed under a single commitment. For clarity, these milestones have been separated in this report into six different commitments (Commitments 16–21), each exploring distinct components of the anti-corruption framework.

² Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017; Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.

³ A. Mallawaarachchi, "National Anti-Corruption Summit on December 9" (Daily News) <http://dailynews.lk/2016/12/01/local/100709>.

⁴ Budget Estimates 2018 – Volume I (Ministry of Finance, Fiscal Year 2018) 39, <http://bit.ly/2rPTG5v>.

⁵ Annual Report on Bribery and Corruption – 2016 (Commission to Investigate Allegations of Bribery or Corruption, 2016) 87, https://www.ciaboc.gov.lk/images/annual_reports/Annual_Report_2016.pdf.

⁶ Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.

⁷ Jayamanne, interview; Gunaratne, interview.

⁸ Gunaratne, interview.

⁹ Jayamanne, interview; Gunaratne, interview.

¹⁰ Maheshi Herat (Transparency International Sri Lanka), interview by IRM researcher, 27 September 2018.

¹¹ A. Mallawaarachchi, "National Action Plan to Combat Bribery and Corruption" (Daily News, 28 December 2017) <http://bit.ly/2BzZsYq>.

¹² "Suggestions and Proposals for the National Action Plan to Eradicate Corruption from Sri Lanka," (Commission to Investigate Allegations of Bribery or Corruption, 2017) <https://www.ciaboc.gov.lk/contact/suggestions>.

¹³ Herat, interview.

¹⁴ *Id.*

¹⁵ *Id.*

¹⁶ *Id.*

¹⁷ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and email.

¹⁸ "Sri Lanka Becomes More Corrupt" (Daily Mirror, 25 January 2017) <http://bit.ly/2k31ICt>.

¹⁹ "Sri Lankans Pay More Bribes to Police: TI" (Daily Mirror, 11 March 2017) <http://bit.ly/2GDAw6f>.

²⁰ Corruption Perceptions Index (Transparency International, 25 January 2017) <http://bit.ly/2j3Y63K>.

²¹ Corruption Perceptions Index (Transparency International, 2 February 2018) <https://bit.ly/2BJaDBF>.

²² Herat, interview.

²³ Annual Report on Bribery and Corruption – 2016 (Commission to Investigate Allegations of Bribery or Corruption, 2016) 87, https://www.ciaboc.gov.lk/images/annual_reports/Annual_Report_2016.pdf.

²⁴ Obeyesekere, interview; Gunaratne, interview.

²⁵ Herat, interview.

17. Implementation of UNCAC Obligations and Constitutional Reform

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part II)

[...]

Main Objective:

Milestones:

- 17.1 Government to appoint multi-stakeholder monitoring council comprising government officials, civil society and private sector representatives to monitor the implementation of the mandatory and non-mandatory recommendations (I-15) as found in Sri Lanka's UNCAC Implementation Action Plan.
- 17.2 Government to explore the inclusion in the new constitution a provision to recognize freedom from corruption in the Directive Principles of State Policy, as an element that guides the state in the formulation of its policy.

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
17. Implementation of UNCAC obligations and constitutional reform			✓			✓				✓			✓					✓			

Commitment Aim:

This commitment also aimed to strengthen the anti-corruption framework by a) monitoring implementation of the United Nations Convention against Corruption (UNCAC) obligations and b) recognizing freedom from corruption in the Constitution.

Status**Midterm: Not Started**

Implementation of this commitment was not started by the midterm. The Commission to Investigate Allegations of Bribery and Corruption (CIABOC) and Transparency International Sri Lanka (TISL) confirmed that a multistakeholder council was not appointed to oversee the implementation of UNCAC obligations (Milestone 17.1).²

Similarly, although the commitment vaguely refers to *exploring* the inclusion of a provision to recognize freedom from corruption in the Constitution, government and civil society stakeholders concurred that no substantial progress had been made toward this end (Milestone 17.2).³ The director general of CIABOC did note, however, that the responsibility for introducing this provision primarily rested with agents or agencies involved in constitutional reform (e.g., the Elections Commission).⁴

End of term: Not Started

There was no progress toward the implementation of this commitment by the end of term.

Milestone 17.1: According to TISL, CIABOC had not confirmed, or referred to, the appointment of a council to monitor the implementation of UNCAC obligations.⁵

Milestone 17.2: TISL also confirmed that there were no significant discussions to amend the Constitution to include provisions on freedom from corruption. CIABOC had, however, independently evaluated potential references, or inferences, to anti-corruption in the existing Constitution, and highlighted such instances on their website.⁶

CIABOC could not be reached for comment.⁷

Did It Open Government?**Civic Participation: Did Not Change**

At the outset of the action plan, there was limited, if any, public participation in the implementation of recommendations of the UNCAC.⁸ The mandate to implement the UNCAC recommendations emanates from Article 156A of the Constitution of Sri Lanka.⁹

This commitment aimed to introduce a multistakeholder council to monitor implementation of these obligations, and thus contribute to improving civic participation in the country. However, as CIABOC did not appoint this monitoring council, this commitment did not contribute to opening government through increased civic participation.

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. In the 2016–2017 IRM midterm progress report, the IRM researcher recognized the importance of ensuring implementation of the UNCAC obligations, and introducing constitutional protection of the freedom from corruption. Therefore, the researcher recommends carrying forward this commitment to the next action plan.

However, the researcher also concluded that stronger enforcement mechanisms can enhance the impact of this commitment. In particular, the researcher recommended empowering the proposed monitoring council to enforce action, or elicit responses and progress reports, from relevant state

stakeholders involved in the implementation of UNCAC obligations, or the wider range of initiatives under the corruption prevention plan (see Commitment 16).

¹ In the action plan, all milestones pertaining to corruption are listed under a single commitment. For clarity, the milestones in this report have been separated into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework.

² Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017; Sankhitha Gunaratne (Transparency International), interview by IRM researcher, 17 October 2017.

³ *Id.*

⁴ Jayamanne, interview.

⁵ Maheshi Herat (Transparency International Sri Lanka), interview by IRM researcher, 27 September 2018.

⁶ Suggestions and Proposals for the National Action Plan (Commission to Investigate Allegations of Bribery or Corruption) <https://www.ciaboc.gov.lk/prevention>.

⁷ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and email.

⁸ Herat, interview.

⁹ Sri Lanka Const. (as amended up to 15 May 2015), Nineteenth Amendment, p. 48, http://slembassyusa.org/downloads/19th_Amendment_E.pdf.

18. Coordination among Anti-Corruption Agencies

Commitment Text:

Main Objective:

Milestones:

- 18.1 Government to establish an ad hoc multi-stakeholder committee comprising of government, civil society and the private sector in consultation with CIABOC to review the mandates of existing corruption investigation agencies to ensure the avoidance of duplication of efforts, enhanced information sharing (e.g. amendment to s.17 CIABOC Act) and specialized and independent investigations into allegations of corruption.
- 18.2 Multi-stakeholder committee on corruption investigation agency mandates to publish its findings in the public domain.
- 18.3 Government and CIABOC to implement recommendations of the multi-stakeholder committee on corruption investigation agency mandates and each agency to annually publicly report on instances of duplication.
- 18.4 Civil society to publicly monitor progress of implementation of the findings of such committee.

Strengthen the anti-corruption framework to improve coordination and information-sharing among anti-corruption agencies (Part III)

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
18. Coordination among Anti-Corruption Agencies			✓		✓	✓					✓		✓					✓			

Commitment Aim:

This commitment also aimed to strengthen the anti-corruption framework by improving the coordination and sharing of information among key anti-corruption agencies. Government and civil society representatives anticipated that better coordination and information sharing among these agencies would enhance corruption investigations and lead to more opportunities for prosecution.²

Status

Midterm: Not Started

Implementation of this commitment had not started by the midterm. The Commission to Investigate Allegations of Bribery or Corruption (CIABOC) did not establish a multistakeholder committee to review the mandates of the various anti-corruption agencies (Milestone 18.1). As a result, none of the other milestones under the commitment—i.e., publication, implementation, and monitoring of the recommendations of the committee—could begin (Milestones 18.1–18.4).

According to CIABOC, various agencies had formal purview over different areas in the collective effort to combat corruption.³ The director general of CIABOC suggested that amendments to laws that govern the different agencies may need to precede efforts to streamline mandates.⁴

A civil society representative from Transparency International Sri Lanka (TISL) confirmed the lack of progress on this commitment, but added that the government had established a Presidential Task Force—the Stolen Assets Recovery Task Force.⁵ Although set up to coordinate Sri Lanka's efforts on asset recovery, this task force comprised key anti-corruption stakeholders, including CIABOC, the Financial Crimes Investigation Division, and the Financial Intelligence Unit at the Central Bank.⁶ According to TISL, key stakeholders recognised and identified overlapping mandates of the different agencies through the functioning of the task force. However, this information was not made publicly available.⁷

End of term: Not Started

Implementation of this commitment had still not started by the end of term.⁸ CIABOC could not be reached for comment.⁹

Did It Open Government?

Access to Information: Did Not Change
Civic Participation: Did Not Change

At the outset of the action plan, the general framework of anti-corruption in Sri Lanka provided limited space for cooperation and partnership between anti-corruption agencies despite having common objectives and a shared mandate. This resulted in agencies performing overlapping functions and a disconnect in anti-corruption efforts.¹⁰

This commitment aimed to address this issue by establishing a multistakeholder committee to review the mandates of the anti-corruption agencies in order to: a) report on instances of duplication, b) enhance information sharing between agencies; and c) promote specialised and independent investigations into allegations of corruption. Publishing the findings of this committee would improve access to information. The multistakeholder composition of the committee would also increase civic participation of non-state actors in formal decision-making processes.

However, as the committee was not set up and findings were not published, this commitment did not contribute to opening government. While TISL confirmed this lack of progress, they did note that—in the multistakeholder discussions around the development of the action plan—stakeholders were considering revising secrecy provisions under the proposed corruption prevention action plan (see Commitment 16).¹¹

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recognized that completion of this commitment was an important and necessary precursor to streamlining coordination, and enhancing the sharing of information, between anti-corruption agencies in Sri Lanka. Thus, the IRM researcher recommended that the government include this commitment in the next action plan, along with a few additions or amendments. These include: amending restrictive legislation to remove provisions that mandate secrecy between anti-corruption agencies; and establishing mechanisms through which the public can hold government accountable to implement recommendations of the proposed multistakeholder committee.

¹ In the action plan, all milestones pertaining to corruption are listed under a single commitment. For clarity, these milestones have been separated in this report into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework.

² Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017; Asoka Obeyesekere (Transparency International Sri Lanka), interview by IRM researcher, 29 August 2017.

³ Jayamanne, interview.

⁴ *Id.*

⁵ Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017. See also S. Gunaratne, M. Herat, and A. Obeyesekere, CSO GFAR Report on Sri Lanka (Colombo: Transparency International, 2017), <http://bit.ly/2BB9318>.

⁶ *Id.*

⁷ Gunaratne, interview.

⁸ Maheshi Herat (Transparency International Sri Lanka), interview by IRM researcher, 27 September 2018.

⁹ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and email.

¹⁰ Gunaratne, interview; See also Gunaratne, Herat, and Obeyesekere, CSO GFAR Report on Sri Lanka.

¹¹ Herat, interview.

19. Corruption and Money Laundering

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part IV)

[...]

Main Objectives:

Milestones:

- 19.1 CIABOC to initiate legislative amendments to broaden CIABOC's scope to include the offence of 'money laundering' where the predicate offences fall under CIABOC's mandate (in line with UNCAC Article 14).
- 19.2 Government to table and enact legislation referred to in Milestone 1 (i.e. 19.1)
- 19.3 CIABOC to publish statistical data on money laundering cases, without prejudice to on-going investigations (number of cases, outcomes of closed cases, etc.)

Responsible institution: Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institutions: Financial Crimes Investigation Division (FCID); Transparency International Sri Lanka (TISL)

Start date: August 2016

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
19. Corruption & Money Laundering			✓		✓						✓			✓				✓			

Commitment Aim:

This commitment aimed to strengthen the anti-corruption framework by addressing the disconnect between the mandate of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) in investigating money laundering and corruption.

Status**Midterm: Limited**

The commitment achieved limited completion by the midterm. According to the director general of CIABOC, the commission made an informal submission to the government² to expand the scope of CIABOC to investigate cases of money laundering (Milestone 19.1).³ Transparency International Sri Lanka (TISL) proposed that this amounted to an initiation of legislative amendments.⁴

However, as related discussions continued, CIABOC could not propose or enact the anticipated amendments (Milestone 19.2), or publish data on money laundering cases (Milestone 19.3). The Financial Crimes Investigation Division (FCID) maintained primary authority to conduct investigations into money laundering.

End of term: Limited

Commitment implementation remained limited at the end of term.

Milestones 19.1–19.3: According to a civil society representative from TISL, CIABOC had proposed to pursue legislative amendments to extend their purview over money laundering cases as part of the corruption prevention action plan.⁵ This was in addition to the informal submission made at the midterm.

However, as the corruption prevention plan was not yet finalized or published (see Commitment 16), there was no concrete evidence of this proposal. With discussions still ongoing, there were no further developments under this commitment. CIABOC could not be reached for comment.⁶

Did It Open Government?**Access to Information: Did Not Change**

At the outset of the action plan, laws governing predicate offences linked to money laundering did not accommodate the investigation of money laundering. For example, the mandate of CIABOC did not extend to cases of money laundering. As a result, the commission was unable to investigate or file charges of money laundering against individuals, even when the predicate offence related to bribery or corruption.⁷ Compounded by poor coordination and information sharing among anti-corruption agencies (see Commitment 18), this legislative limitation often brought investigation processes to a standstill.⁸

This commitment attempted to address the inhibitive disconnect between investigations of money laundering and corruption. To do so, the commitment endeavoured to initiate, propose, and enact legislative amendments to broaden the scope of CIABOC to investigate cases of money laundering in cases where the predicate offence is bribery or corruption. Through this, the commitment proposed to collect and publish data on money laundering, and thereby improve access to information.

However, as CIABOC was unable to move beyond initiating the relevant amendments, they could not publish data, and thereby did not improve access to information or opening government.

Carried Forward?

In the 2016–2017 IRM midterm progress report, the IRM researcher suggested that this commitment—and the amendment of the legislation to broaden the scope of CIABOC—was not fully relevant to the values of open government. Therefore, the researcher recommended that this commitment is not carried forward into the next action plan.

However, relevant stakeholders were also encouraged to adopt a few minor measures to increase the relevance and specificity of this commitment. These include: outlining the specific avenues and mechanisms through which the publication of statistical data on money laundering will take place; and engaging civil society experts on the investigation of money laundering to develop training curricula for investigation officers.

¹ In the action plan, all milestones pertaining to corruption are listed under a single commitment. For clarity, these milestones have been separated in this report into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework.

² “CIABOC to Probe Money Laundering” (The Sunday Times, 12 November 2017) <http://bit.ly/2s7OmuV>.

³ Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017.

⁴ Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.

⁵ Maheshi Herat (Transparency International Sri Lanka), interview by IRM researcher, 27 September 2018.

⁶ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and email.

⁷ “CIABOC to Probe Money Laundering” (The Sunday Times).

⁸ Jayamanne, interview.

20. Regulation of Political Campaign Financing

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part V)

[...]

Main Objective:

Milestones:

- 20.1 Government to amend the election laws to include a disclosure (declarations register) of the quantum and sources of campaign contributions.

Responsible institutions: Elections Commission; Commission to Investigate Allegations of Bribery or Corruption (CIABOC)

Supporting institutions: Transparency International Sri Lanka (TISL)

Start date: January 2017

End date: December 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
20. Regulation of Political Campaign Financing			✓		Unclear						✓			✓			✓				

Commitment Aim:

This commitment aimed to strengthen the anti-corruption framework by amending elections laws to regulate and promote disclosure of information pertaining to political campaign financing. To do this, the commitment set out to amend elections laws to include a disclosure (*declarations register*) of the quantum and sources of campaign contributions.

However, it remained unclear as to whether this commitment was relevant to the values of open government. *Public* disclosure of the quantity and sources of campaign financing would ensure access to previously undisclosed government-held information. However, the commitment did not specify whether the declarations register would be made public and, if so, how it aimed to do so.

For more information, see the 2016–2017 IRM midterm progress report.

Status

Midterm: Limited

The commitment achieved limited completion by the midterm. According to a representative of Transparency International Sri Lanka (TISL), the Elections Commission developed a strong draft of a potential law pertaining to campaign financing, but had not yet publicised it (Milestone 20.1).²

Media reports³ also confirmed that the government had received cabinet approval to draft legislation to control election expenses. It was unclear, however, whether this draft contained a provision to introduce and publish a declarations register, including information on the quantity and sources of campaign contributions.

End of term: Limited

Commitment implementation continued to be limited at the end of term.

Milestone 20.1: A representative of TISL confirmed that discussions on amendments to elections laws were still ongoing.⁴ TISL noted that the Elections Commission had not publicly disclosed any related developments.⁵ The Elections Commission, or the Commission to Investigate Allegations of Corruption or Bribery (CIABOC), could not be reached for comment.⁶

Did It Open Government?

Access to Information: Did Not Change

Civic Participation: Did Not Change

Public Accountability: Did Not Change

This commitment had unclear relevance to OGP values and thus did not open government.

At the outset of the action plan, none of the laws that exercise jurisdiction over the election of the President,⁷ Parliament,⁸ provincial councils,⁹ or local government¹⁰ contained regulations for political campaign financing.¹¹ The lack of such legislation can diminish the potential for free and fair elections. Campaign financing can determine who competes in elections, how well or widely they are able to disseminate their messaging, and therefore, potentially, who will be elected into office.¹² In Sri Lanka, candidates showering money on voters to sway voting had become a common feature of election campaigning.¹³ In previous elections, presidential candidates have spent large amounts of money on elaborate public campaigns.¹⁴

Therefore, this commitment aimed to amend elections laws to regulate and promote disclosure of information on political campaign financing. However, the Elections Commission was not able to amend elections laws by the end of term; and information on political campaign financing was not made publicly available. In addition, the commitment, as written, did not specify whether, or how, the proposed declarations register intended to disclose government-held information to the public. There was no change in government practice.

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended that this commitment be carried forward to the next action plan. However, the researcher also proposed a few measures to increase specificity and enhance the impact of this commitment. These include: defining and developing a mechanism through which disclosed information will be made publicly

available; and introducing a robust accountability, or grievance redress mechanism, to hold candidates accountable for disclosed information on the financing of political campaigns.

¹ In the action plan, all milestones pertaining to corruption are listed under a single commitment. For clarity, these milestones have been separated in this report into six different commitments (see 16–21), each looking at distinct components of the anti-corruption framework.

² Sankhitha Gunaratne (Transparency International), interview by IRM researcher, 17 October 2017.

³ Z. Imtiaz, “Ceiling on Election Campaign Financing” (Daily News, 18 October 2017) <http://bit.ly/2ExPxG3>.

⁴ Maheshi Herat (Transparency International Sri Lanka), interview by IRM researcher, 27 September 2018.

⁵ *Id.*

⁶ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and email.

⁷ Presidential Elections Act, No. 15 of 1981, <http://bit.ly/2FCG2om>.

⁸ Parliamentary Elections Act, No. 1 of 1981, <http://bit.ly/2nucdzE>.

⁹ Provincial Councils Elections Act, No. 2 of 1988, <http://bit.ly/2nwnKhM>.

¹⁰ Local Authorities Elections Ordinance, No. 53 of 1946, <http://bit.ly/2DTB0TO>.

¹¹ Imtiaz.

¹² “Elections and Political Finance” (Themes, Open Government Partnership, 2017) <http://bit.ly/2s22sx5>.

¹³ Imtiaz.

¹⁴ “Former President Spent over Rs.2 bn. in State Funds on Election Ads” (The Sunday Times, 18 January 2015) <http://bit.ly/1BdaI8j>.

21. Disseminate Asset Declarations

Commitment Text:

Strengthen the anti-corruption framework to increase constructive public participation (Part VI)

[...]

Main Objective:

Milestones:

- 21.1 CIABOC will initiate and communicate to the president's office legislative amendments for the repealing of sections 7(4), 7(5) and 8 of the Declaration of Assets and Liabilities Act to allow publication and dissemination of information obtained through a request for such declaration of assets and liabilities.
- 21.2 Government to table and enact legislation referred to in Milestone 1 (i.e. 21.1)

Responsible institutions: Commission to Investigate Allegations of Bribery or Corruption (CIABOC), Attorney General's Department

Supporting institution: Transparency International Sri Lanka (TISL)

Start date: September 2016

End date: June 2017

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Completion		Midterm End of Term		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
21. Disseminate Asset Declarations				✓	✓						✓			✓					✓		

Commitment Aim:

This commitment aimed to strengthen the anti-corruption framework by facilitating dissemination of asset declarations to the general public. To do this, the commitment set out to initiate, communicate, propose, and enact legislative amendments to the Declaration of Assets and Liabilities Act.

Status**Midterm: Limited**

The commitment achieved limited completion by the midterm. The director general of the Commission to Investigate Allegations of Bribery or Corruption (CIABOC) noted that the Commission prepared a cabinet paper proposing amendments to the Declarations of Assets and Liabilities Law, and submitted it to the Cabinet of Ministers for review (Milestone 21.1).² A civil society representative from Transparency International Sri Lanka (TISL) confirmed this development, citing a cabinet memorandum³ containing reference to repealing the relevant sections of the law.⁴

However, CIABOC noted that concrete legislative amendments were still being deliberated (Milestone 21.2).⁵ Citing the ‘sensitive and contested nature’ of asset disclosure, CIABOC suggested that efforts to amend the legislation should be approached in an incremental, stepwise manner.⁶

End of term: Limited

Commitment implementation continued to be limited at the end of term.

Milestones 21.1–21.2: TISL noted that CIABOC organised several multistakeholder workshops to discuss potential amendments to the Declarations of Assets and Liabilities Law.⁷ CIABOC invited civil society organisations, such as TISL, to participate in these discussions and thus ensured that an inclusive process was followed. However, beyond these discussions, the amendments to the law saw little, if any, progress.

TISL was unable to confirm the status of the amendments to the law,⁸ and CIABOC could not be reached for comment.⁹

Did It Open Government?**Access to Information: Did not change****Civic Participation: Marginal**

The commitment did not improve access to information as CIABOC did not finalise amendments to the Declaration of Assets and Liabilities Act. However, according to TISL, the process of deliberating the amendments involved inclusive stakeholder participation, including civil society organisations.¹⁰ Although unanticipated, this marginally improved civic participation.

At the outset of the action plan, specific sections in the Declarations of Assets and Liabilities Law restricted the publication and dissemination of information obtained through associated requests. Specifically, sections 7(4) and 7(5) made the disclosure of such information a punishable offence,¹¹ while section 8 mandated secrecy in relation to declarations of assets and liabilities.¹² As a result, civil society stakeholders have argued that the public is denied an opportunity to expose cases of illegally amassed wealth and take further action against offending public officers.¹³

This commitment aimed to repeal these sections, and thus permit the disclosure of information obtained through requests for declarations of assets and liabilities. If fully implemented, this would have improved access to government-held information pertaining to assets and liabilities.

Carried Forward?

Sri Lanka’s second action plan was not released at the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recommended that this commitment be carried forward to the next action plan. However, the researcher also proposed a

few measures to translate the proposed amendment into tangible results and enhance the impact of this commitment. These include: introducing a clear appeals process, coordinated by CIABOC; and disclosing updated information on the assets and liabilities of senior public officials through a user-friendly, interactive, and trilingual online portal. The appeals process would allow the public to lodge complaints against, or request clarifications from, public officers in light of a disclosure publicised through the proposed legislative provision.

¹ In the action plan, all milestones pertaining to corruption are listed under a single commitment. For clarity, these milestones have been separated into six different commitments (see 16–21) in this report, each looking at distinct components of the anti-corruption framework.

² Sarath Jayamanne (Commission to Investigate Allegations of Bribery or Corruption), interview by IRM researcher, 20 September 2017.

³ Commission to Investigate Allegations of Bribery and Corruption, Amendments to the Asset and Declaration of Assets and Liabilities Law No. 1 of 1975: Cabinet Memorandum, <http://bit.ly/2E8nM8Z>.

⁴ Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.

⁵ Jayamanne, interview.

⁶ *Id.*

⁷ Maheshi Herat (Transparency International Sri Lanka), interview by IRM researcher, 27 September 2018.

⁸ *Id.*

⁹ The IRM researcher made several unsuccessful attempts to reach relevant representatives in August and September 2018. Attempts were made via telephone and email.

¹⁰ Herat, interview.

¹¹ Declaration of Assets and Liabilities Law, No. 1 of 1975, § 7(4) and § 7(5).

¹² Declaration of Assets and Liabilities Law, No. 1 of 1975, § 8.

¹³ Transparency International Sri Lanka, “Amending the Declaration of Assets and Liabilities Act.”, 7 December 2015, <http://bit.ly/2EyON3s>.

THEME 9: RIGHT TO INFORMATION

22. Enactment and Implementation of the RTI Act

Commitment Text:

The Enactment and Implementation of the RTI Act

The legal recognition of the citizens' Right to Information and an effective mechanism whereby they are able and empowered to access such information is essential to create a culture of transparency and accountability in governance, and to encourage civic participation therein. It also serves as a tool for the systematic elimination of corruption. It balances the power of the people against the concentration of power in public authorities. The components of a democracy – such as representation, accountability, and participatory decision-making – are facilitated by the introduction of a dynamic RTI framework.

Main Objective:

Improve public access to information through the enactment and effective implementation of legislation on the Right to Information (RTI).

Milestones:

- 22.1 Ministry in charge of the subject of mass media to ensure RTI requests can commence being processed from within 6 months of the Speaker certifying the RTI Act.
- 22.2 Appointment and training of key RTI actors, including Information Commissioners and their staff and the Information Officers:
 - (a) Constitutional council to appoint RTI Commission;
 - (b) Ministry in charge of the subject of mass media and/or the Commission to develop the initial Terms of Reference for Information Officers (IOs) and Designated Officers (DOs);
 - (c) Ministry in charge of the subject of mass media to conduct 4 training programmes for all Ministry-level Information Officers and Designated Officers for the performance of their duties under the Act on the following themes: a) value of RTI and their role; b) receiving and responding to requests; c) proactive disclosure; and d) records-management
 - (d) Ministry in charge of the subject of mass media to facilitate training of RTI Commissioners and Commission staff by resource persons from RTI Commissions in comparable jurisdictions.
 - (e) Ministry in charge of the subject of mass media to sensitize and train public authorities – In order to change the mind-set of secrecy to one of civic participation, accountability and assistance to citizens.
- 22.3 Resource Allocation, Procedures and Processes:
 - (a) Ministry in charge of the subject of mass media to appoint an RTI implementation co-ordination officer.

- (b) RTI implementation co-ordination officer to examine & implement international best practices on procedure and processes of RTI implementation.
 - (c) RTI Commission to publish rules in the Gazette as per the provisions of the Act including details of information to be provided free of charge.
 - (d) RTI Commission to publish record management guidelines for public authorities.
 - (e) Ministry in charge of the subject of mass media to Gazette regulations as per the provisions of the Act.
 - (f) Ministry in charge of the subject of mass media to request the Ministry of Finance to include RTI resource allocation in the provisional and annual national budget.
 - (g) Presidential Secretariat to develop the Government Information Centre Helpline (GIC - 1919) into the main voice-based trilingual central RTI request portal, which would transmit requests in writing to relevant Public Authorities for response.
 - (h) Ministry in charge of the subject of mass media to facilitate the development of a system that allows for the tracking, monitoring and reporting of RTI requests analytics.
 - (i) Parliament to amend Official Secrets Act No. 32 of 1955 and the Establishments Code for RTI compliance – Ensure contradicting secrecy or similar provisions are amended in line with RTI framework.
- 22.4 Raising Public Awareness:
 - (a) Ministry in charge of the subject of mass media, in collaboration with other relevant state actors, to conduct at least 3 media awareness campaigns targeted at 3 categories: the general public, social welfare recipients and women.
 - (b) Ministry in charge of the subject of mass media, in collaboration with other relevant state actors, to conduct a targeted public awareness campaign for thematic training on the use of RTI in diverse fields for civil society.
 - (c) Government to allocate one-hour weekly slot for an RTI show on a State electronic media – Discussion around key RTI cases, activists, accomplishments, debates, etc.
 - (d) Government to ensure publication of RTI-related content in State newspapers in Sinhala, Tamil and English fortnightly.

Responsible institution: Ministry of Finance and Mass Media

Supporting institutions: Right to Information Commission; Transparency International

Start date: August 2016

End date: June 2018

Editorial Note: This commitment is a starred commitment because it is clearly relevant to OGP values as written, has transformative potential impact, and is substantially or completely implemented. The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm		Did It Open Government?				
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
22. Enactment and Implementation of the RTI Act				✓	✓			✓				✓			✓					✓	

Commitment Aim:

This commitment aimed to ensure the enactment and effective implementation of legislation on the right to information (RTI) in Sri Lanka. Government and civil society stakeholders envisioned that, through this commitment, the public will have assured and expeditious access to a wide array of information, including previously inaccessible government and government-held information.²

Status

Midterm: Substantial

Overall, the commitment achieved substantial completion by the midterm due the enactment of RTI legislation and the appointment of the RTI commission. However, work remained in important areas, including resource allocation and raising public awareness.

Led by the Ministry of Finance and Mass Media, and supported by the RTI Commission, significant achievements reported at the midterm include:

- Enactment and certification of legislation on the right to information³ by the Speaker in Parliament on 4 August 2016 (Milestone 22.1);
- Issuance of a gazette confirming the date of enforcement of the law as 3 February 2017 (Milestone 22.1);⁴
- Appointment of a complete, and representative, RTI Commission in December 2016 (Milestone 22.2);⁵
- Development and publication, as a regulation, initial Terms of Reference for key actors involved in the implementation of the law (Milestone 22.2);⁶
- Publication of a set of rules, in February 2017, outlining details on information to be provided free of charge (Milestone 22.3);⁷
- Securing a budget allocation in support of work on the right to information (Milestone 22.3);⁸ and,
- Publication of media articles on various aspects of the right to information, in all three languages, in various government newspapers (Milestone 22.4).⁹

Despite these achievements, a number of key milestones remained incomplete at the midterm. Training of Information Officers and RTI Commissioners (Milestone 22.2); sensitisation programs for public authorities (Milestone 22.2); appointment of an officer at the ministry to coordinate

implementation (Milestone 22.3); the development of record management guidelines (Milestone 22.3); and the introduction of an RTI request portal and analytics system (Milestone 22.3), were all incomplete or not started.

Progress on raising public awareness on RTI was particularly limited at the midterm (Milestone 22.4). The ministry had not conducted targeted media or civil society awareness campaigns, or developed a weekly RTI show to debate key cases and accomplishments.

For more information, see the 2016–2017 IRM midterm progress report.

End of term: Substantial

This commitment continued to be substantially completed at the end of term. Stakeholders at the RTI Commission and civil society confirmed that the commitment experienced limited further progress toward completion since the midterm.¹⁰ Notable developments are reported as follows:

- Milestone 22.2: The RTI Commission claimed that *all* Information Officers (IOs) and Development Officers (DOs) at the national, provincial, and district levels had received training on responding to RTI requests. The commission did not provide concrete evidence of this. The commission noted, however, that some of the trained IOs and DOs had been transferred to different government departments and the new cadre required training;¹¹
- Milestones 22.2 / 22.4: The ministry, with the support of the RTI Commission, conducted a number of sensitisation programs and public awareness campaigns;¹² and,
- Milestone 22.4: The ministry, with the support of the RTI Commission, printed over 50,000 leaflets on the RTI law to be distributed through public authorities.¹³

However, several other milestones under the commitment remained of limited completion:

Milestone 22.3:

(a) The RTI Commission confirmed that the ministry had not yet officially appointed an RTI Coordination Officer. However,

(b) The promotion of best-practices—a task assigned to the proposed coordination officer—did occur through external training programs.¹⁴

(d) The RTI Commission, and civil society, noted that key stakeholders had also not finalised guidelines on record and document management.¹⁵ However, the RTI Commission confirmed that related discussions are underway among key stakeholders—the National Archives, the Ministry of Public Administration, and the RTI Commission.¹⁶ The director general of the RTI Commission clarified that there were no examples of developing such guidelines from other countries. There are four existing general sets of rules on record management in the government service, but these were not relevant to RTI.

(g) The RTI Commission further noted that the government had not yet developed the RTI request portal, but indicated that this was likely to take place through the Government Information Centre (GICs), which aims to collect and collate information from all government entities, including ministries, and government corporations.¹⁷

(h) The ministry (i.e., Ministry of Finance and Mass Media) had also not developed an analytics system, but the RTI Commission noted that it was in ministry plans, and should be completed over the next year.¹⁸

(i) In the context of amending conflicting legislation, the RTI Commission highlighted that the Ministry of Public Administration had submitted the Establishments Code for further review and received

approval for amendment by the Cabinet of Ministers. However, limited progress, if any, had been made toward amending the Official Secrets Act.¹⁹

Milestone 22.4: According to civil society, there was some improvement in raising public awareness on the right to information.²⁰ For instance, the ministry had started developing documentaries on RTI success stories and best practices. These videos were made available on a government website dedicated to the right to information.²¹

A representative from Transparency International Sri Lanka (TISL) also noted that two government-owned newspapers—in Sinhala and Tamil—created monthly supplements to publish RTI success stories and highlight the importance of proactive disclosure.²²

Did It Open Government?

Access to Information: Major

This commitment led to a major improvement in access to information and open government overall. Specifically, legislation on the right to information was widely considered a significant and positive step forward for government openness in the area of access to information.²³ In fact, quality assessments by the Centre for Law and Democracy recognised the country's legal framework for RTI as the best in the region and third best in the world.²⁴ However, inadequate focus by key government stakeholders on implementation of the law in practice has limited this commitment and prevented it from being considered a reform that has transformed 'business as usual.'

At the outset of the action plan, Sri Lanka remained one of the few countries in the region without legislation guaranteeing public access to information. Despite initiatives by various actors toward constitutional and legislative reforms to promote the right to information, successive governments had failed to convert positive momentum into tangible results.²⁵

Therefore, while legislation on the right to information represents a major contribution to access to information in Sri Lanka, the limited progress on implementation has served to stymie momentum. A civil society representative from TISL noted that, although the government had positively adopted a participatory approach to implementation, the focus had largely been on training.²⁶ According to this representative, the government seemed to assume that implementation will ensue from training and there was no follow-up to ensure that this happened.²⁷ TISL also highlighted concerning signs in the form of discussions around potentially regressive amendments that threatened to include legislative exceptions to the right to information.²⁸

Despite all this, civil society stakeholders, including the RTI Commission, confirmed significant citizen engagement with the RTI process.²⁹ According to the RTI Commission, as of August 2018, citizens had filed over 850 appeals before the Commission, of which 650 had received final or interim orders. These legally-reasoned orders are available online on the website of the RTI Commission.³⁰ The information released through the use of RTI included reasons the Telecommunications Regulatory Commission blocked certain websites, processes of procurement, salaries of top executives in state institutions, and information on bilateral agreements relating to migrant workers.³¹

TISL confirmed, therefore, that the commitment significantly opened government. TISL suggested that, previously, a lack of political will inhibited efforts to promote the right to information, but noted that the government had been largely supportive in this case.³²

Carried Forward?

Sri Lanka's second action plan was not released at the time of this report. However, as this commitment represents a comprehensive list of crucial steps toward effective implementation of legislation on the right to information, the IRM researcher recommends that this commitment is carried forward to the next action plan.

In the 2016–2017 IRM midterm progress report, the IRM researcher proposed a set of additional measures to bolster this commitment and further improve implementation. A select few of these recommendations include:

- Conducting advanced training sessions for public authorities to assess general competence on RTI, troubleshoot implementation issues, and reinforce standard protocol;
- Designing and conducting special, customised awareness activities and programs targeted at key decision makers in the state and government apparatus; and
- Identifying and appointing a champion of the RTI Act—outside the state apparatus—to promote the use of the law as a *collective* right to advocate government transparency on behalf of the general public.³³

For more information and a full list of recommendation, see the 2016–2017 IRM midterm progress report.

¹ In the action plan, milestones pertaining to the right to information and proactive disclosure are listed under a single commitment. In this report, however, the two areas are separated into two different commitments (Commitments 22 and 23).

² Sugath Kithsiri (Ministry of Finance and Mass Media), interview by IRM researcher, 20 October 2017; Piyatissa Ranasinghe (RTI Commission), interview by IRM researcher, 19 October 2017; Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.

³ Right to Information Act, No. 12 of 2016, http://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf.

⁴ “Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary),” No. 2002/42 (20 January 2017) http://www.documents.gov.lk/files/egz/2017/1/2002-42_E.pdf.

⁵ “The Right to Information Commission Is Now Operative” (Sri Lanka Press Institute, 23 December 2016) <http://www.sipi.lk/the-right-to-information-commission-is-now-operative/>.

⁶ “Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary),” No. 2004/66, Regulation 21 (3 February 2017) https://www.rti.gov.lk/images/resources/2004-66_E_feb.pdf.

⁷ “Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary),” No. 2004/66.

⁸ Kithsiri, interview. See also Budget Estimates 2018 – Volume I (Ministry of Finance, Fiscal Year 2018) <http://bit.ly/2rOgMZZ>.

⁹ R. Deshapriya, “Right to Information Act and Applicability in Sri Lanka” (Daily News, 26 December 2016) <http://dailynews.lk/2016/12/26/law-order/102951>; W. Wutthman, “Fighting for Your Rights,” (Daily News, 5 September 2017) <http://dailynews.lk/2017/09/05/features/127185/fighting-your-rights>; “RTI Commission Receives 438 Appeals in 2017” (Daily Mirror, 19 November 2017) <http://www.dailymirror.lk/140651/RTI-Commission-receives-appeals-in->.

¹⁰ Piyatissa Ranasinghe (RTI Commission), interview by IRM researcher, 25 September 2018; Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 28 September 2018.

¹¹ Ranasinghe, interview.

¹² *Id.*

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.*; Gunaratne, interview.

¹⁶ Ranasinghe, interview.

¹⁷ *Id.*

¹⁸ *Id.*

¹⁹ *Id.*

²⁰ Gunaratne, interview.

²¹ RTI Sri Lanka – Video Gallery (Ministry of Finance and Mass Media, 2018) <https://bit.ly/2QCej34>.

²² Gunaratne, interview.

²³ Ranasinghe, interview; Gunaratne, interview.

²⁴ “Sri Lanka Jumps to Third Place Globally on the RTI Rating” (Centre for Law and Democracy, 9 February 2017) <https://www.law-democracy.org/live/sri-lanka-jumps-to-third-place-globally-on-the-rti-rating/>.

²⁵ Citizens Access to Information in South Asia: Regional Synthesis Report (The Asia Foundation, August 2014) <https://asiafoundation.org/resources/pdfs/CitizensAccessToInformationInSouthAsia.pdf>.

²⁶ Gunaratne, interview.

²⁷ *Id.*

²⁸ According to TISL, exceptions to the right to information have variously surrounded discussions on legislation such as the Audit Act, Reparations Bill, and legislation on the Office of Missing Persons.

²⁹ “Sri Lanka’s right to information” (Sunday Observer, 30 September 2018) <https://bit.ly/2T7mzHn>.

³⁰ Right to Information Commission of Sri Lanka, Orders and Directives, <https://bit.ly/2H9KWgG>

³¹ “Sri Lanka’s right to information” (Sunday Observer).

³² Gunaratne, interview.

³³ Dr. Gopa Kumar Thampi, interview by IRM researcher, 15 October 2017.

23. Proactive Disclosure

Commitment Text:

Proactive Disclosure

[...]

Main Objective:

Ensure proactive disclosure of updated information outlined under the Right to Information (RTI) Act, and thereby, improve public access to information.

Milestones:

- 23.1 Each Ministry and public authority to proactively disclose and update in a manner accessible to the public, an annual inventory of documents to be publicly available, and the information required to be reported to the RTI Commission under Section 8(2) and Section 10 of the RTI Act.
- 23.2. Each Ministry and public authority to publish and update information made public as per (above) on their respective website.

Responsible institution: Ministry of Finance and Mass Media

Supporting institutions: Right to Information Commission; Transparency International

Start date: February 2017

End date: June 2018

Editorial Note: The text of the commitment was abridged for formatting reasons. For full text of the commitment, see the Sri Lanka National Action Plan 2016–2018 at <http://bit.ly/2wv3jXR>.¹

Commitment Overview	Specificity				OGP Value Relevance (as written)				Potential Impact				Comple tion		Midterm	Did It Open Government?					
	None	Low	Medium	High	Access to Information	Civic Participation	Public Accountability	Technology & Innovation for Transparency & Accountability	None	Minor	Moderate	Transformative	Not Started	Limited	Substantial	Completed	Worsened	Did Not Change	Marginal	Major	Outstanding
23. Proactive Disclosure				✓	✓						✓			✓				✓			

Commitment Aim:

This commitment aimed to ensure that public authorities proactively disclosed and published specific public information, outlined under the Right to Information Act.² The timely and effective disclosure

of such data and policy documents would ensure that the public had access to key information needed to participate meaningfully in policy and decision making. Proactive disclosure of such information would subvert the need for citizens to submit requests such information.

Status

Midterm: Limited

The commitment to proactively disclose and update an annual inventory of documents achieved limited completion by the midterm (Milestone 23.1).

The Ministry of Finance and Mass Media noted that the government issued a gazette notification³ detailing a list of information to be proactively disclosed.⁴ A circular issued by the ministry referenced this list⁵ and requested all public authorities to adhere to provisions in the Right to Information (RTI) Act pertaining to proactive disclosure. Transparency International Sri Lanka (TISL) suggested that the annual reports from each public authority would include a lot of this information.⁶

Further, according to a representative from the Ministry of Mass Media, very few public authorities had disclosed key information proactively on their websites (Milestone 23.2).⁷ This was confirmed by the director general of the RTI Commission and TISL.⁸

End of term: Limited

Implementation of this commitment continued to be limited at the end of term. According to the RTI Commission, there was no significant progress on this commitment.⁹

Milestones 23.1–23.2: While rules under section 8, 9, and 10 had been published, the RTI Commission noted that separate guidance had to be given to all public authorities as to what should be proactively disclosed.¹⁰ The circular issued by the ministry attempted to provide such guidance,¹¹ but few public authorities, if any, proactively disclosed such information.¹²

Further in this context, TISL suggested that certain public authorities do make ad-hoc information available, including on their websites, but this was not done in a formal or systematic manner.¹³

Did It Open Government?

Access to Information: Did Not Change

The commitment did not contribute to a tangible improvement in access to information and, thus, did not lead to a change in open government.

Carried Forward?

Sri Lanka's second action plan was not released by the time of this report.

In the 2016–2017 IRM midterm progress report, the IRM researcher recognised that the mandatory nature of the Right to Information Act will naturally support the completion of this commitment. In addition, the researcher suggested that proactive disclosure can also be achieved using other means. These may include publications and official gazettes, publicly accessible notice boards, and radio and television announcements.

The IRM researcher also acknowledged that the completion of activities listed under Commitment 22 would also play a significant, complementary role in the success of proactive disclosure.

¹ In the action plan, milestones pertaining to the right to information and proactive disclosure are listed under a single commitment. In this report, however, the two areas are separated into two different commitments (see 22 and 23).

² Right to Information Act, No. 12 of 2016, § 8(2), http://www.media.gov.lk/images/pdf_word/2016/12-2016_E.pdf.

³ "Gazette of the Democratic Socialist Republic of Sri Lanka (Extraordinary)," No. 2004/66 (3 February 2017) https://www.rti.gov.lk/images/resources/2004-66_E_feb.pdf.

⁴ Sugath Kithsiri (Ministry of Finance and Mass Media), interview by IRM researcher, 20 October 2017.

⁵ Circular Number (M) 1/2017 (Ministry of Finance and Mass Media, 25 September 2017)

https://www.media.gov.lk/images/resolution_regulations/web_eng.JPG.

⁶ Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 17 October 2017.

⁷ Kithsiri, interview.

⁸ Kithsiri, interview; Piyatissa Ranasinghe (RTI Commission), interview by IRM researcher, 25 September 2018; Gunaratne, interview.

⁹ Ranasinghe, interview.

¹⁰ *Id.*

¹¹ Circular Number (M) 1/2017 (Ministry of Finance and Mass Media).

¹² Ranasinghe, interview.

¹³ Sankhitha Gunaratne (Transparency International Sri Lanka), interview by IRM researcher, 28 September 2018.

Methodological Note

The end-of-term report is based on desk research and interviews with governmental and nongovernmental stakeholders. The IRM report builds on the findings of the government's self-assessment report; other assessments of progress put out by civil society, the private sector, or international organisations; and the previous IRM progress report.

The IRM researcher in Sri Lanka conducted around 15 interviews with government and civil society representatives to inform this report. Most interviews were arranged through, often iterative, correspondence via email or telephone. The Office of the President also supported the researcher in securing interviews with select government institutions. The IRM researcher conducted the interviews in person, over the phone, or via Skype.

The IRM researcher attempted to interview at least one representative from each government institution primarily responsible for implementation of the commitments. Exceptions include the Ministry of Provincial Councils and Local Government; Ministry of Finance and Mass Media, Elections Commission; Ministry of Education; Ministry of Environment, and the Commission to Investigate Allegations of Bribery or Corruption. The exceptions exist in spite of numerous and varied attempts by the IRM researcher, and the Office of the President, to reach relevant representatives at these institutions. For each commitment, the IRM researcher also conducted interviews with at least one key actor from a counterpart civil society organisation.

Anoukh de Soysa is a researcher with over eight years of professional, international experience in governance, international development, and law. He holds a Master's degree in Public Policy, specialising in economic analysis, from the National University of Singapore, an Undergraduate degree in Law from the University of Warwick, and a Postgraduate Diploma in International Relations. In addition to being the IRM National Researcher in Sri Lanka, he is also currently the Manager of Research and Partnerships at Cargills (Ceylon) PLC.

The Open Government Partnership (OGP) aims to secure concrete commitments from governments to promote transparency, to empower citizens, to fight corruption, and to harness new technologies to strengthen governance. OGP's Independent Reporting Mechanism assesses development and implementation of national action plans to foster dialogue among stakeholders and to improve accountability.

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