

# The role of civil society in maintaining democracy



The role of civil society and the media in modern day democratic governance is of utmost importance since they ensure the proper functioning of government while respecting the main pillars of democracy. This contribution is demonstrated best when one compares democratic governance in European countries with the situation in authoritarian regimes. It is very often the case that although there is a struggle towards the implementation and respect of democratic principles, they are still very far away from their proper application.

## **Introduction**

First, I will define what civil society is since this will help us understand better its role in democratic governance. Then, I will outline how the respect of human rights and fundamental freedoms, and political participation aid and strengthen democratic governance. In examining these areas, I will demonstrate how the media and civil society play a crucial role in doing so. All of this will be established through the comparison between democratic countries, and less democratic or authoritarian regimes.

Before one delves into outlining the role of civil society and the media in democratic governance, one must define civil society. According to Els van Enckevort[1], Civil society is made up by very different organisations, networks and associations. From football clubs to debate groups, from women's networks to labour unions, from book clubs to political parties) and from environmental lobby groups to religious groups. Although some organisations will have a much clearer influence on political processes and democratisation than others, all are included in the civil society and all do have some influence on democratisation. Furthermore, according to Jo

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Leinen, a German Member of the European Parliament, stated in *Civil Society and Conflict Resolution*[2], a contribution by the speakers of the conference held on 20th September 2007, that “ If you want to secure democracy, rule of law, human rights and peace you cannot rely only on governmental institutions or political parties. You need a citizen’s movement. You need a strong debate between state institutions and civil society.” One must also point out that the Treaty of Lisbon, which came into force in December 2009, mentions that “ The institutions (of the EU) shall maintain an open, transparent and regular dialogue with representative associations and civil society.” Thus, one can argue that democratic governance rests on several pillars. In this essay I will focus on the respect for and protection of human rights and fundamental freedoms; the embracing of a pluralistic system; the integration of minorities in all levels of government and society and the promotion of a wide scope of political participation. As will be demonstrated, the achievement of these pillars can be facilitated by the working of an active civil society and effective media.

## **Respect and Protection of Human Rights and Fundamental Freedoms**

Human rights can be referred to as those basic rights and freedoms to which every human being is entitled to. Very often it is left in the hands of the organs of the state to ensure the protection of such rights. However, civil society and the media too play a role in demonstrating the importance of the protection of these rights. The latter are sometimes considered to be ‘ watch-dogs’ and struggle to ensure the adherence to these rights. The constant violation of human rights can be blamed on the facts that such

actions remain undisclosed. This is where the media comes in. Its role is to expose such violations and make the public aware of such violations. It is only after the public is shown what is the outcome of such violations that awareness can be created. Furthermore, civil society must emphasise that education about human rights is increased as much as possible. In Malta, for instance, the People for Change Foundation, an NGO, works towards the achievement of a just, fair and inclusive society all members of which may reach their full potential unhindered by factors such as age, race, sex, religion etc. Furthermore, it promotes social cohesion, and respect for Human Rights.

One of the main reasons why civil society is of utmost importance is because it upholds certain values which strengthens the same civil society, and hence the democratic governance. It should thus work towards the upholding of human rights standards, and such value will permeate all levels of society. Since civil society organisation tend to focus on particular minor groups, voice their interests and work towards the clearing up of misconceptions and misunderstandings, and overcoming mistrust and fear. Such organisations are to aid governments to promote, as much as possible, dialogue between people hailing from various backgrounds and ethnicities.

According to the CIVICUS Civil Society Index (CSI)[3]project, a comprehensive study on civil society in Turkey, it can be argued that civil society is a crucial agent towards positive social change. Turkish civil society groups are not only providing services to disadvantaged and minority groups, but they also take active positions on several matters. The most

remarkable efforts are in the area of human rights where civil society organisations are making a lot of effort on expanding civic liberties.

It is believed that when a particular government closes a geographical region to journalists there is the violation of human rights in that region. Chechnya, North Korea and Eritrea, amongst others, have all been closed in the past. In 2007, Human Rights Watch, an INGO, issued a report stating that the Indonesian provinces of Papua and West Papua were closed to outside human rights observers, and that there was the commission of violations of human rights. The Human Rights Watch stated that there was little understanding of what was taking place in these regions since there wasn't much independent reporting on the area. The INGO went on to call the Indonesian government to open this region to independent observers so as to increase the amount and quality of information about the conditions there, and to allow independent and transparent reporting. Furthermore, the Russian NGO, Memorial, winner of the 2009 Sakharov Prize<sup>[4]</sup> also strives to promote the truth about violations of human rights in Russia, and former USSR states in order to ensure their democratic future.

## **Freedom of Speech and Expression**

One of the most important functions of democratic governance is that decision-making at all levels is preceded by discussion and consideration of a range of views. A decision made after adequate consultation is likely to be a better decision than that which is taken after little or no consultation since the former mirrors the opinions, interests and needs of those concerned. This expression of opinions can be represented in the form of freedom of speech, and it is important in all levels of society. Without free speech, no political

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action is possible and no resistance to injustice or oppression is possible, and elections would have no meaning at all. Policies of political contestants become known to the public and become responsive to public opinion only if transmitted by the media by virtue of free speech. Furthermore, by virtue of Article 119 of the Constitution of Malta, the Broadcasting Authority is to ensure that broadcasting and television services preserve due impartiality in respect of matters of political or industrial controversy or relating to public policy, and that persons belonging to the different political parties are allocated a fair proportion of broadcasting time. Thus freedom of speech can be deemed to be the sine qua non of a democratic society. I believe that freedom of expression is designed to develop personal self-fulfilment; it is an essential process for the advancement of knowledge and discovery of truth; and it can be deemed to be a method of achieving necessary social change without resorting to violence. The importance of freedom of expression is outlined in Article 41 of the Constitution of Malta which states that:

**Except with his own consent or by way of parental discipline, no person shall be hindered in the enjoyment of his freedom of expression, including freedom to hold opinions without interference, freedom to receive ideas and information without interference, freedom to communicate ideas and information without interference (whether the communication be to the public generally or to any person or class of persons) and freedom from interference with his correspondence.**

Similarly, the Constitution of Jordan guarantees freedom of opinion and speech, in addition to freedom of the press and media, but all within the limits of the law. However, in practice there are significant restrictions in

place restricting the free operation of the media. Any criticism of the king or the royal family is prohibited, as well as anything which is deemed to harm “the state’s reputation and dignity.” The government has used tactics such as fines, prosecution, and detention to intimidate journalist. Furthermore, while press freedom has progressed quite a lot in Jordan in recent years, the very complex legislation of the state, and the lack of awareness of the law very often means that journalist fall foul of the system. Nidal Mansor, president of the Centre for Defending the Freedom of Journalists (CDFJ), stated that “The media is the cornerstone of reform and democracy,” and so in 2002, with the help of the EU, the CDFJ set up a media legal aid unit which not only offers free legal representation for journalists, but also carries out advocacy work in Jordan and neighbouring countries to try to improve the existing laws concerning the press.

While increased media freedom has been praised in Egyptian political life over the past decade, in last November’s elections several negative factors surfaced. Pre-election time was characterised by the restriction of the liberty to discuss politics and this, as a result, slowed down the spreading of political information. They did not allow the opposition from using the media and made sure that critics are silenced.

## **Freedom of Association and Assembly**

Article 42 of the Constitution of Malta states that no person is to be hindered in his enjoyment of freedom of peaceful assembly and association, thus they are to be able to hold demonstrations and meetings. The right to form associations with others comprises the right to join band clubs, political parties and trade unions amongst others. Thus, this can be seen as the basis

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of the formation of civil society. One must point out that the Maltese Constitution lays down that it shall be unlawful, to establish, maintain or belong to any association of persons who are organised and trained or equipped for the purpose of enabling them to be used for the display of physical force for a political object. It is recognized as one of the foundations of a functioning democracy, and its protection is crucial for creating a tolerant society in which groups holding different beliefs, practices, or policies can coexist peacefully.

The Human Rights House Foundation, an INGO, deplored the fact that in Belarus people are deprived of expressing their dissent peacefully, and further condemned the use of force and violence against the peaceful demonstrators carried out on February 14th and 16th in 2009 in Minsk. Although the organisers applied for permission to hold these demonstrations, their application was turned down. In the latter peaceful rally held in solidarity with political prisoners, was also brutally disbanded. Ten minutes after people had gathered, dozens of riot policemen attacked the participants of the rally.

## **Freedom of Press**

In more than half the world's countries, banning, confiscation and censorship of publications are everyday occurrences. Even today, millions of men and women live under governments which restrict their right to know and express their opinions. The number of journalists, who go to jail for criticizing governments, or for simply expressing concern of any kind, is still high. As democracy is founded on an informed and active citizenry, citizens have the right and responsibility to participate in public affairs. Effective participation

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requires knowledge and wisdom. Citizens get their knowledge through media, and through discussions with others. The media provide forums through which individuals and groups express their opinions. As governmental 'watchdogs', the press and civil society organisations keep citizens informed of governmental events and actions. It is also important that people are not subjected to just one perspective of thing, but they are to be enabled to make comparisons, reach conclusions and form opinions. The job of a free press is to keep an eye on the government, to make sure it stays honest and responsive to the people of the country. A free press also has an important role in government since it has an increasingly influential impact on public policy, governmental decisions and popular attitudes.

Section 2 of the Spanish constitution provides, amongst other, for freedom of speech and of the press. Together, the Spanish independent press, the judiciary, and a functioning democratic political system ensure freedom of speech and of the press. Individuals are allowed to criticize the government publicly or privately, without fear of punishment, and the government does not hinder such criticism. The independent media in this country is very active and generally expresses a myriad of views without restriction.

On the other hand, there is no current independent media in Eritrea, and all forms of media are Government sources. Eritrea has among the highest number of jailed journalists in the world. In 2001, in an effort to suppress increasing opposition about the future of the People's Front for Democracy and Justice, the government closed down eight independent newspapers and arrested a number of journalists. Eritrea's press freedom is deemed to be the lowest in the world. Similarly, Jordanian radio and television are considered

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to be more restricted in their freedoms than the press. In general, people are allowed to access the internet freely, and such access is unrestricted; however, there were reports that the government investigated some website which were highly critical.

## **Political participation and Elections**

David Friedrich[5] states that the participation of an organised civil society in governance arrangements at European and international level is enhancing democratic qualities, and goes further into saying that having a 'regulated model of participation would strengthen the democratic quality of civil society participation.' It can be said that anything which restricts the scope of public participation not only weakens a country's democratic foundations but also has the immediate effect of limiting debate over its development priorities. Furthermore, political participation is essential for realizing the basic values and objectives that minorities have.

Elections constitute an essential feature of democratic governance. Through elections, people choose their representatives. Furthermore, political parties occupy a central place in the political process in modern democracies since these parties are deemed to be intermediaries between society and state. In order to guarantee the involvement of minorities in political parties, it is important to ascertain that the basic human right of freedom of association is fully respected.

Recently, a Bosnian Jew and an ethnic Roma have challenged discriminatory provisions within Bosnia's Constitution and electoral laws. In a case before the European Court of Human Rights (ECHR) on 22 December 2009, the

Court found certain provisions of the Bosnian Constitution and electoral laws to discriminate against minorities in failing to allow its citizens who are not 'Constituent Peoples' to stand for election to the Presidency.

The UN-INSTRAW/CAWTAR[6]project " Women's Political Participation in Algeria, Tunisia and Morocco," demonstrates how the media can play a crucial role in the promotion of women's political participation in this region. In these countries, women's political participation has been increased during the last years, mainly due to increased access to education and the integration of women in the labour market. However, women are still highly underrepresented in the political field, as well as in the legal and institutional areas. Even during the elections in Algeria and Morocco in recent years, female candidates were only given limited coverage. This is to be distinguished from the situation in Spain, where in 2004, there were 125 women in the 350 seat Congress of Deputies, and 61 women in the 259 seat Senate; and the 64 women in the 169-seat parliament, and seven women among the nineteen in the Supreme Court in Norway. In these two countries, one can see how women's political participation is much higher when compared to Arab countries.

## **Conclusion**

Thus one can conclude that the basic roles of civil society and the media in democratic systems of governance are of utmost importance, and one can say that their main scope is to limit and control the power of the state, to raise public concern, to promote political participation, to develop values of democratic life, and to express diverse interests. It is only when the media

and civil society, work hand in hand with the government that democratic governance is strengthened.