



## **Recommendations**

### **Benchmarking 2.0: Improving Parliamentary Performance in a Tech-Enabled World**

*A Study Group Meeting of the Commonwealth Parliamentary Association,  
including Commonwealth Representatives of the OpeningParliament.org Community  
7 – 9 May 2013*

The Commonwealth Parliamentary Association (CPA) issued [Recommendations for Transparent Governance](#) in 2004 and [Recommended Benchmarks for Democratic Legislatures](#) in 2006. Since these recommendations were made, many other parliamentary associations have adopted their own sets of benchmarks, drawing heavily on the *CPA Benchmarks*. These include the Assemblée Parlementaire de la Francophonie, the Southern African Development Community – Parliamentary Forum and the Confederation of Parliaments of the Americas. Within the CPA, a series of seminars have been held to share regional perspectives on the *Benchmarks*. Several Parliaments have used the *CPA Benchmarks* to review their own institutional performance.

In addition, an increasing number of parliamentary monitoring organizations (PMOs) around the world are actively engaged in monitoring the work of Parliaments, using the *Benchmarks* and other tools. PMOs have also taken an active role in developing their own benchmarks and standards, most notably through the adoption of the [Declaration on Parliamentary Openness](#). The Declaration drew on the *CPA Benchmarks* and on the recommendations of earlier CPA Study Groups, among other sources. The Declaration is currently supported by more than 120 PMOs from over 74 countries, as well as the Organization for Security and Co-operation in Europe's Parliamentary Assembly.

Further, citizens are increasingly using information and communications technologies (ICTs) – including mobile and social media – in their daily lives. Parliaments, Parliamentarians and PMOs are harnessing innovative ICTs to enhance the ability of citizens to provide input into parliamentary work. As the Declaration on Parliamentary Openness states, “The onset of the digital era has altered fundamentally the context for public usage of parliamentary information and the expectations of citizens for good governance....Emerging technology is empowering

analysis and reuse of parliamentary information with enormous promise to build shared knowledge and inform representative democracy.” The increasing use of ICTs in the digital age has presented new opportunities and challenges for Parliaments. While social media has become a vital tool for Parliaments to reach out and engage citizens, it has also in some cases been used to rapidly disseminate isolated incidences of wrongdoing by individual Parliamentarians, often negatively affecting public perception of Parliament more broadly.

Overlapping these developments, many Parliaments have had to respond to actual or possible security risks to those working in and visiting parliamentary precincts by erecting physical barriers at Parliament, thus reducing the ease of access by citizens to parliamentary Chambers and the like compared to earlier times.

To evaluate and to explore opportunities to refine the *CPA Benchmarks* to reflect developments since 2006, the CPA convened a Study Group, in partnership with the National Democratic Institute (NDI), bringing together Parliamentarians and representatives of the Commonwealth PMO community. As CPA Secretary-General Dr William F. Shija stated in his opening remarks, "This Study Group is designed to build upon the work already conducted and to seek ways in which parliamentary openness can be increased, and also develop strong benchmarks for individual parliamentary conduct, ethics and behaviour in a world where information communications technology has revolutionized the world we live in and in which democracy is practised."

The *Benchmarks* remain an important tool for the CPA to reflect the aspirational goals of its Members. They also provide an opportunity to share perspectives on what is the “right thing for Parliaments to do”, while also recognizing that Parliaments operate in a wide range of circumstances and social conditions and that not all *Recommended Benchmarks* may be appropriate for all Parliaments at any one particular time. Parliaments face a host of challenges in finding politically feasible compromises. Politics, it has been noted, is the art of the possible. Nonetheless, as Secretary-General Shija has said, the Benchmarks were designed to “help Parliaments measure themselves in their own reform and modernization efforts aimed at making Parliaments more effective and democratic institutions”.

The Study Group met at Millbank House at the Palace of Westminster from 7 to 9 May 2013, and agreed on the following recommendations:

### **Refining the Benchmarks**

- 1.1: The *Benchmarks* should continue to evolve to reflect changes in society with a view toward meeting the needs of citizens in the Commonwealth. The Study Group recommends that the CPA convene a formal review of the *Benchmarks*. The *Benchmarks* have helped to facilitate the sharing of good practice among Commonwealth Parliaments and to reflect their shared values. The Study Group recommends that the *Benchmarks* be maintained online with the purpose of enhancing its role in sharing good

practice within the CPA. This online version may be used as a method of collecting good practice from its Members with respect to meeting the *Benchmarks*. PMOs may also be able to share information with the CPA on good practice through such an online tool.

- 1.2: Parliaments and PMOs share the objective of enhancing citizen understanding of, and engagement in, Parliament's work. There is a need to promote greater dialogue between Parliaments and PMOs, in order to ensure that PMOs have an understanding of the challenges faced by Parliaments and use appropriate methodologies to monitor the work of Parliament. Discussions over the *Benchmarks*, and future efforts to refine them, provide an opportunity to continue dialogue between the CPA Parliaments and Commonwealth PMOs.
- 1.3: The Study Group identified a number of specific areas for possible future refinement of the *Benchmarks* and recommends that *Benchmarks* not become overly prescriptive. In addition to the subjects below, additional refinements of the *Benchmarks* could include discussion of gender, political inclusion and citizen engagement in the legislative process.

### **Parliamentary openness**

- 2.1: The Study Group noted the CPA's long-standing commitment to transparent governance, referencing an earlier study group held in Accra, Ghana, in 2004, which adopted the several recommendations designed to "address the culture of secrecy". In particular, Recommendation 10.1 provides: "There should be a concerted effort by government and public bodies to address the problem of a culture of secrecy. This should include comprehensive training programmes on implementation of the access to information regime, as well as the importance of openness in society." In addition, Recommendation 10.2 provides that "Parliamentarians should play a leadership role in this area, sending a clear signal to public officials that they fully support openness and setting a positive example through their own openness". Finally, Recommendation 14.1, under the heading Parliamentary Openness, provides that "Parliament should play a leadership role in promoting open government by opening up its own practices and procedures to the widest possible extent".
- 2.2: While noting the CPA's long-standing leadership in this area, the Study Group also noted that developments in ICTs and the emergence of a community of PMOs globally provide new opportunities for advancing this long-standing aspiration of the CPA. In particular, the Study Group commends the efforts of PMOs to develop the Declaration on Parliamentary Openness and recommends that the Declaration be discussed at the Commonwealth Parliamentary Conference in September 2013 with a view to endorsement by the conference participants. In this regard, the Study Group noted that the Declaration is currently supported by more than 120 PMOs in more than 70 countries and is also supported by the Parliamentary Assembly of the Organization for Security and Co-operation of Europe.

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- 2.3: The Study Group recognized the diversity of the Commonwealth's Parliaments and that each Parliament will need to determine which aspects of the Declaration are appropriate to be implemented at any point in time in any particular country. Specific note was made of the unique challenges facing small island nations within the Commonwealth, and the need to consider what is appropriate at the subnational as well as national level. Despite these qualifications, the Study Group recommends the Declaration as a useful articulation of the ways in which CPA Parliaments can help to advance the openness of our parliamentary institutions.
- 2.4: The Study Group noted that there is a need to focus on the demand and supply sides of the information equation. There is a need to assist Parliaments in publishing greater information in "open" formats to enable citizens to easily access information relevant to their daily lives.
- 2.5: The Study Group noted the valuable services that non-partisan PMOs provide – to both citizens and public officials alike – in using electronic tools and techniques to make parliamentary information more "user-friendly". Among other methods, these groups often offer alert services that enable real time and automatic access to specific information sought by citizens on issues they care about.
- 2.6: PMOs often face challenges in accessing parliamentary information in formats that allow the data to be easily reused. The Study Group recommends that Parliaments review the "open data" principles contained in the Declaration on Parliamentary Openness to reduce the barriers faced by PMOs in making information available to citizens in formats that citizens find useful. It was noted that adoption of these openness principles may simultaneously enhance the efficiency of Parliament's functioning, saving costs from reduced paper waste and printing fees.
- 2.7: The Study Group recognized the contributions that the Open Government Partnership (OGP) has made to government openness and transparency in its member countries, and encourages Commonwealth countries who are not currently members of OGP to evaluate the benefits of membership in OGP. These benefits include the opportunity to share their efforts to become more open and transparent and to learn from the innovations adopted by other countries as they work towards like goals. OGP also aims to strengthen public trust in government, in part through forging stronger collaboration with civil society and tapping new economic resources that might be hidden in unexplored government data.
- 2.8: The Study Group recognized that a sustainable culture of government openness cannot be achieved without parliamentary openness and rigorous parliamentary oversight. The Study Group noted that Parliaments themselves have often historically lacked access to information necessary to hold governments to account. In this regard, Parliament can

also benefit directly from efforts that assist its ability to conduct effective oversight of government performance and use of funds.

- 2.9: The Study Group recognized that not all countries – and not all citizens within a country – have equal access to the internet or SMS technology. As a result, the benefits of parliamentary openness will not automatically accrue equally to all citizens. There are numerous aspects to the “digital divide” or the “gender digital divide” that will need to be addressed over the long-term. Even though technology cannot necessarily reach all citizens equally, even incremental improvements in access to parliamentary information can be multiplied as civil society actors with access to technology redistribute information about Parliament and government through more traditional processes.
- 2.10: The Study Group noted that the international transparency community is increasingly focused on complementing freedom of information laws, which often require disclosure of public information upon specific request, with laws that require routine posting of public information online, often in open and structured formats that allow for third-party reuse. The transition from a right to access to information upon request to the routine provision of public data has a number of potential benefits, including: a) cost savings for government by avoiding the need to review specific requests, b) greater public transparency and public integrity and c) greater information to the private and non-profit sectors to help advance a country’s development outcomes. The Study Group recommends that CPA Parliaments examine laws governing disclosure of public information and seek to find opportunities to expand methods of making public information more routinely and proactively available to the public online.
- 2.11: Just as Parliaments have a duty to expand access to parliamentary and government information, the consumers of this information (including the press, PMOs and public officials themselves) have a duty to use this information responsibly. This includes a responsibility not to distort, misrepresent or sensationalize parliamentary information or data, as they seek to strengthen public interest in the data. The Study Group noted that citizens in a number of Commonwealth countries have placed inflated or inappropriate expectations on their Members of Parliament. In some countries, for example, citizens expect MPs to find jobs for specific individuals or to pay for the private expenses of constituents (such as scholarships or the costs of a wedding or funeral) out of the MP’s own salary or wealth. MPs often find themselves needing to respond to these requests, and to seek funding to do so, if they hope to be re-elected. Reference was made to MPs who may make few interventions in Parliament and may make few contributions to laws or to oversight, but who are nonetheless re-elected based on their abilities to provide private favors to their constituents. Parliaments and non-partisan PMOs have a joint responsibility to educate citizens about the democratic roles and responsibilities of government and Parliamentarians, and to combat the types of behaviour that lead to citizen expectations that Parliamentarians provide such personal benefits in lieu of the public exercise of parliamentary powers.

## Parliamentary use of social media

- 3.1: The Study Group took note of the document “Social Media Guidelines for Parliaments” published by the Inter-Parliamentary Union. The Study Group noted that social media can be effective for providing information to the public, educating citizens about parliamentary work, outreach to new audiences and engagement with citizens. Crucially, social media have great value as a listening tool for learning about citizens’ views on a given subject. Social media present opportunities and challenges to Parliaments, even though social media do not necessarily fit with traditional parliamentary rules and customs. The Study Group noted that many Parliaments are increasingly utilizing social media in their operations.
- 3.2: Guidelines for parliamentary use of social media is another possible area for future refinement of the *Benchmarks*. The Study Group suggests that the CPA Secretariat gather information on existing practices regarding the use of social media by its Members. Based on this information, the Study Group recommends that future refinements of the *Benchmarks* address the issue of use of social media by CPA Parliaments and MPs.

## Benchmarks for democratic parliamentary behaviour

- 4.1: The Study Group recognized that Parliaments often face challenges in building and maintaining public trust. Reference was made to the 2012 Global Parliamentary Report by the Inter-Parliamentary Union and the United Nations Development Programme, which noted as its “Key Message One” that “Public trust in Parliament is very low in many countries. Parliaments are obliged to account for their actions more regularly than ever before.” It was also noted that some of these challenges stem from issues related to the conduct of individual MPs, rather than behaviour of the institution as a whole. The Study Group noted that citizens often have their own set of benchmarks for MPs. CPA benchmarks on individual MP behaviour could be helpful in clarifying appropriate expectations of MPs – for example, noting that MPs are entitled to also have a private life.
- 4.2: The 2006 *CPA Benchmarks* include a short section on “Ethical Governance”, which includes the following provisions on “Transparency and Integrity”:
- 10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.
  - 10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.
  - 10.1.3 Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.

- 10.1.4 There shall be mechanisms to prevent, detect and bring to justice legislators and staff engaged in corrupt practices.
- 4.3: While these provisions provide a basis for possible new Benchmarks for Democratic Parliamentary Behaviour, they could be expanded in a number of ways. The Study Group recommends that the CPA Secretariat work with its Members and partners to develop a draft set of Benchmarks for Democratic Parliamentary Behaviour. In developing such a draft, the CPA Secretariat could survey its Branches on existing practices and codes relating to ethics and individual parliamentary behaviour.
- 4.4: The Study Group also noted a number of other recent publications that have contributed to the development of international norms regarding ethical behaviour, such as the [Handbook on Parliamentary Ethics and Conduct: A Guide for Parliamentarians](#), published by the Global Organization of Parliamentarians Against Corruption and the Westminster Foundation for Democracy, and the [Background Study: Professional and Ethical Standards for Parliamentarians](#) prepared by the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe. These documents generally include a range of issues in setting norms and standards for ethics and conduct. Categories include: codes of conduct, registry of interests, declaration of assets, regulation of expenses and allowances, conduct in the Chamber and rules about relations with lobbyists.
- 4.5: Nonetheless, for purposes of Benchmarks for Democratic Parliamentary Behaviour a broader, more general focus on professional and ethical behaviour appears to be appropriate. Many of the challenges that Parliaments face also deal with issues other than corruption or conflicts of interest. The Study Group noted the need to help build a deeper culture of democratic behaviour and values within Parliament, including issues that have been embodied in the United Kingdom's "Principles for Standards in Public Life", including: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. This could perhaps be expanded to include such issues as: 1) tolerance and respect for differing views, 2) dedication to public service, 3) avoiding even the appearance of abuse of office or unethical conduct, 4) respecting the rules of decorum and the dignity of the institution of Parliament and 5) conducting MPs' personal lives in a way that doesn't bring disrepute to the institution. Particular reference was made to the role that political parties may play in enforcing rules of conduct.
- 4.6: In preparing a discussion document on Benchmarks for Democratic Parliamentary Behaviour, it was also noted that there may be opportunities to draw on the resources of civil society and PMOs in reviewing a discussion draft and suggesting refinements based on experiences around the world. In this regard, it was noted that the PMOs used tech platforms to obtain input and comments on the draft Declaration on Parliamentary Openness, which resulted in a better document. While it is recognized that the CPA is a membership institution and that its Branches ultimately need to make decisions on what the CPA is able to support consistent with its values and the diversity of Branches within

the organization, the Study Group welcomed inputs by the PMO community into any such discussion document, and recommended that the CPA Secretariat work with partners to explore mechanisms for providing input on a draft discussion document from the broader membership and from the PMO community.

### **Collaboration between Parliaments, CPA and PMOs**

- 5.1: The Study Group noted the value of communication between parliamentary leadership, senior staff and PMOs, recognizing that Parliaments and PMOs have a shared goal of supporting effective Parliaments.
- 5.2: The Study Group noted a number of ways to strengthen co-operation between Commonwealth Parliaments and PMOs, including inviting Commonwealth PMOs to the Commonwealth Parliamentary Conference, where appropriate. It was felt that this might help to provide additional information to PMOs on the challenges faced by Parliamentarians and CPA Parliaments in meeting citizen expectations.
- 5.3: The Study Group recommended that the CPA Secretariat work with its Branches to identify independent and non-partisan PMOs within the Commonwealth that may be able to provide support, expertise and commentary on future CPA recommendations or study groups. This may include the development of an informal consultative group of Commonwealth PMOs to work with the CPA and its Branches to address issues of mutual concern.