

Parliament and Democracy in the 21st Century

Preliminary Report by the Inter-Parliamentary Union



**Convened by the Inter-Parliamentary Union
at United Nations headquarters, New York,
7 to 9 September 2005**

Contents

FOREWORD	4
1. INTRODUCTION.....	5
THE PARLIAMENTARY CONTRIBUTION TO DEMOCRACY	6
<i>Citizen rights</i>	7
<i>Institutions of representative and accountable government</i>	7
<i>Active civil society</i>	8
<i>Political parties</i>	8
<i>The communication media</i>	8
A TEMPLATE FOR A DEMOCRATIC PARLIAMENT	9
2. A REPRESENTATIVE PARLIAMENT	13
ELECTORAL RULES AND PROCEDURES TO ENSURE A PARLIAMENT THAT IS <i>POLITICALLY</i> REPRESENTATIVE .	13
ELECTION RULES AND PROCEDURES TO ENSURE A PARLIAMENT THAT REFLECTS THE <i>SOCIAL DIVERSITY</i> OF THE POPULATION	16
<i>Women in parliaments</i>	17
<i>The representation of minority and marginal communities</i>	21
FAIR AND INCLUSIVE PARLIAMENTARY PROCEDURES.....	22
<i>Inclusiveness for parties</i>	23
<i>Specific rights for opposition or minority parties and groups</i>	24
<i>Opportunities for ‘backbenchers’</i>	24
<i>Gender equality</i>	25
<i>Equality for members of minority and marginal communities</i>	27
<i>Facilitating all members in their work</i>	27
PROTECTING THE RIGHTS OF PARLIAMENTARIANS IN FULFILLING THEIR MANDATES	28
<i>Individual rights of parliamentarians and party discipline</i>	30
3. A PARLIAMENT THAT IS OPEN AND TRANSPARENT.....	32
FACILITATING JOURNALISTS AND THE MEDIA IN REPORTING THE WORK OF PARLIAMENT	32
<i>Issues of access</i>	33
<i>Freedom of information</i>	34
<i>Freedom of expression</i>	35
<i>Media regulation</i>	36
STRATEGIES OF PARLIAMENTS FOR INFORMING THE PUBLIC ABOUT THEIR WORK	38
<i>Parliamentary websites</i>	41
<i>Taking parliament to the people</i>	44
<i>Informing and involving young people</i>	45
4. AN ACCESSIBLE PARLIAMENT	49
DIRECT CONTACT BETWEEN CITIZENS AND THEIR REPRESENTATIVES	49
CITIZEN INVOLVEMENT IN THE LEGISLATIVE PROCESS	51
<i>Committee submissions and public hearings</i>	51
<i>Women and legislation: a sectoral example of NGO-parliament cooperation</i>	56
<i>Citizens’ initiatives and referendums</i>	57
GRIEVANCE PROCEDURES.....	59

CONTENT HEADINGS, CHAPTERS 5-8	63
ANNEX 1: MEMBERS OF THE EXPERT PANEL ON THE CONTRIBUTION OF PARLIAMENTS TO DEMOCRACY	64
ANNEX 2: LIST OF PARLIAMENTS THAT HAVE REPLIED TO THE QUESTIONNAIRE ON THE CONTRIBUTION OF PARLIAMENTS TO DEMOCRACY.....	65

Foreword

Parliament is widely acknowledged as the pivotal institution of democracy. In broad terms, everybody agrees on what the functions of a parliament are. Exactly how parliaments perform their role - or should perform it - is a subject that has not been sufficiently explored. The IPU has decided to take a fresh approach.

In recent years there have been many attempts to measure the state or quality of democracy. Generally, indicators have been set down that translate qualitative judgments into quantitative measurements. The democracies are then given an overall score. Such measurements are typically carried out by outsiders passing judgement on a country from abroad, and they leave considerable room for subjectivity.

This draft guide has been prepared as a follow-up to the First World Conference of Speakers of 2000. It also responds to a recommendation of the Parliamentary Forum held during the 5th International Conference of New or Restored Democracies in September 2003, which asked the IPU to help formulate democracy indicators.

Parliament and Democracy in the 21st Century will take a new and different approach: whereas democratic principles cannot be realised without appropriate political institutions and practices, the latter in turn can only be judged to be democratic insofar as they embody or serve to realise these principles. When completed, this guide will do two important things: firstly, it will offer a framework that links a set of specific democratic principles to the institutional means by which they are realised. Secondly, it will provide a compilation of practices whereby parliaments seek to put these principles into effect.

The guide, designed to be used by members of parliament and citizens' groups, will provide a practical source of ideas that parliaments can adapt to their particular circumstances. It will also be useful tool for institutions that are involved in programmes intended to strengthen parliaments.

I would like to thank the members of the Expert Panel who have contributed to this project. Thanks are due in particular to Professor David Beetham, rapporteur of the Panel, who has worked tirelessly in analysing, selecting and synthesizing the practices of parliaments. My thanks also go to parliaments, whose responses to the questionnaire form the basis of this draft.

All feedback offered during and after the Second World Conference of Speakers will be used in preparing the final version of the guide which will be launched at the 114th IPU Assembly in May 2006.



Anders B. Johnsson
Secretary General

1. Introduction

The early years of the twenty-first century have witnessed an acute paradox. On the one hand democracy, both as an ideal and as a set of political institutions and practices, has triumphed in most countries of the world. Even in those where it has not, democracy forms the aspiration of many of their citizens. On the other hand, these years have also seen a widespread disillusionment developing with the results of democracy in practice, one that is shared by citizens of the 'old' democracies as much as by those of the 'new and emergent' ones. Such disillusionment may always have been inherent in the democratic project, and in what the Italian political theorist Norberto Bobbio has termed its 'broken promises' – the 'contrast between what was promised and what has actually come about'. Yet it is a contrast that appears particularly acute in the present age, when democracies are called on to grapple with forces that often seem beyond their control, affecting their security, their economies, and the livelihoods and well-being of their citizens.

Parliaments today have a key role in addressing this paradox. As the central institution of democracy, they embody the will of the people in government, and carry all their expectations that democracy will be truly responsive to their needs and help solve the most pressing problems that confront them in their daily lives. As the elected body that represents society in all its diversity, parliaments have a unique responsibility for reconciling the conflicting interests and expectations of different groups and communities through the democratic means of dialogue and compromise. As the key legislative organ, parliaments have the task of adapting society's laws to its rapidly changing needs and circumstances. As the body entrusted with the oversight of government, they are responsible for ensuring that governments are fully accountable to the people.

In the process parliaments are themselves undergoing considerable change, as they seek to adapt to the challenges of a new century. The past few years have witnessed numerous efforts across many parliaments to engage more effectively with the public and to improve the way they work: to become more genuinely representative of their electorates, more accessible and accountable to them, more open and transparent in their procedures, and more effective in their key tasks of legislation and scrutiny of government. This Guide is in part a record of some of these efforts. Its starting point was a request to the Inter-Parliamentary Union (IPU) from the presiding officers of parliaments across the world to identify what constitutes effective democratic practice in contemporary parliaments. What is the distinctive parliamentary contribution to democracy? As a way of answering this question the IPU invited its member parliaments to provide examples of some of the reforms they have been undertaking, and to identify some aspects of their working which they regard as 'good practice' from a democratic point of view. A selection from their returns forms the core of this Guide.

So this book is partly an attempt to give a contemporary picture of the initiatives which parliaments are undertaking as their own contribution to consolidating and strengthening democracy. At the same time the book is more than simply a record; it also has an aspirational purpose. In presenting what parliaments themselves see as good examples of democratic practice, it builds up a profile of what a democratic parliament actually looks like, and how it might better become so. The standards of such a parliament are not something externally contrived or imposed, in other words, but are developed from the practice of parliaments themselves.

Who, then, is the Guide designed for? In the first instance it is addressed to parliamentarians, who are concerned to respond to the challenges of the contemporary world, and to provide effective leadership in meeting them. Although each parliament has its own national traditions and

distinctive character, all are well used to exchanging experiences across parliaments, and using ideas from elsewhere about possible solutions to common problems, once appropriately adapted to their domestic circumstances. The Guide forms a contribution to this mutual learning process, in what is a very rapidly changing scene. Its authors hope that every parliamentary reader will find at least one good idea or example of good practice within its covers which could be usefully 'domesticated'.

The Guide is also addressed to concerned citizens and activists in any country. It is impossible to ignore the fact that, while individual parliamentary representatives at the constituency level may be respected, parliaments as an institution and politicians as a group do not rate highly in public esteem in many countries. This is partly because as institutions parliaments seem remote and inaccessible, especially in countries where 'trust' is an attribute of face-to-face relations and local networks. It is partly because the image of parliaments presented in much of the media is one of adversarial contestants engaged in verbal jousting, or rows of empty benches. It also has to be said that some parliamentarians contribute to their own negative image as a self-serving elite, more responsive to other powerful interests in society than to their own electors. Correcting such an image is largely in the hands of parliamentarians themselves, and is not the purpose of this Guide. What it can do, however, is to give concerned citizens a more rounded picture of what takes place in parliaments, and of the changes many of them have been instituting so as to work in a more effective and democratic way. In this the Guide can help reform movements in particular countries to become more informed, by providing examples of initiatives which are actually taking place elsewhere. Progressive change in parliaments partly comes from within, from their own members, partly from determined and informed pressure from without, in society at large.

It is hoped that the Guide will also be of interest to international organisations involved in helping strengthen parliaments, as well as to researchers and students of parliamentary practice. In order to make it as accessible to as wide a readership as possible, it is written throughout in a jargon-free style. To keep the book from becoming overlong, while maintaining a comprehensiveness of coverage, the text is punctuated throughout with references to websites which can provide more detailed information on the issues covered. In this respect the Guide points beyond itself to a much wider body of knowledge and experience than can be comprehended within the covers of a single volume. There will also be a parallel electronic version available on the IPU website, with which readers can interact.

Inter-Parliamentary Union (2005). *IPU web site* <<http://www.ipu.org>>

The parliamentary contribution to democracy

Before we can identify the parliamentary contribution to democracy we need first to be clear what we understand 'democracy' to mean. In brief, democracy is both an ideal and a set of institutions and practices. As an ideal, it expresses two very simple principles: first, that the members of any group or association should have the determining influence and control over its rules and policies, through their participation in deliberations about the common good; second, that in doing so they should treat each other, and be treated, as equals. These principles are applicable from the smallest group up to the largest state; how effectively they are realised in practice is the touchstone of how democratic any association can claim to be.

At the level of the modern state these democratic principles are only realised through a complex set of institutions and practices, which have evolved over time and continue to do so. These include: a guaranteed framework of citizen rights; institutions of representative and accountable

government; an active citizen body or civil society; and a number of mediating institutions between government and citizens, among which political parties and the media are the most important. Although parliaments belong most obviously to the second, governmental, set of institutions, they also have a key role to play in relation to the others. This is what makes them the central institution of a democracy.

Citizen rights

For the people to have any influence over the laws and policies to which they are subject requires the guarantee of basic rights: to express themselves freely, to associate freely with others, to vote for their representatives in free and fair elections, and so on. It is this framework of rights that also secures for them the further democratic principle of being treated as equals without discrimination. It is no longer adequate, if indeed it ever was, to conceive of democracy as simply 'majority rule', especially where a majority decision might be used to infringe these basic democratic rights.

While respect for these rights is the responsibility of all citizens, it is the particular responsibility of parliament as the legislative power to ensure that their formulation and mode of protection in practice conform to international human rights standards, and that they are not undermined by other legislation, including that applicable to residents who do not have full citizenship. Nowadays, most citizens in both developed and developing countries regard economic and social rights as being as important a component of their basic rights as civil and political ones; how to protect these effectively for all sections of their population is one of the main challenges confronting parliaments in the present age of globalisation, where there is an erosion of national sovereignty.

Institutions of representative and accountable government

A second dimension of democracy consists in the institutions of representative and accountable government, which together determine the laws and policies for society and secure respect for the rule of law. Within the traditional separation of powers – between the executive, legislature and judiciary – parliament as the freely elected body holds a central place in any democracy. It is the institution through which the will of the people is expressed, and through which popular self-government is realised in practice. As agents of the people, parliaments represent them in dealings with the other branches of government, and with various international and sub-national bodies. How well they fulfil this mediating role, and how representative of the people they are in all their diversity, is an important consideration for a democratic parliament.

Another is how effectively they carry out their distinctive functions within the separation of powers. Experts may differ on their precise list of such functions, but there seems broad agreement that at least the following should be included in the tasks undertaken by and expected of all parliaments:

- law making
- approval of taxation and expenditure, generally in the context of the national budget
- scrutiny of executive actions, policy and personnel
- ratification of treaties and monitoring of treaty bodies
- debating issues of national and international moment
- hearing and redressing grievances

- approving constitutional change

In terms of these functions, parliament's contribution to democracy lies in carrying out these functions effectively, not only in the sense of the efficient organisation of business, but of doing so in a way that serves the needs of all sections of society.

Active civil society

By 'civil society' here is meant not just non-governmental organisations (NGOs), but the body of active citizens, working together in many different ways to solve their common problems and to promote and defend their interests. Although they can only do this if they are independent of government, they need to engage continually with government on issues which affect them, and the interests of those whom they represent. The role of citizens in a democracy is not exhausted by the act of electing a government; they need to be continually engaged with it if it is to remain in touch with the people and their needs. A democratic parliament for its part will seek to work closely with civil society in finding solutions to problems facing the country, and in improving the quality and relevance of legislation.

Political parties

Of the mediating institutions between government and society, political parties are of particular significance for parliament. Parliament not only represents citizens as individuals; through the presence of political parties it also represents them organised collectively to promote certain broad policy tendencies. Parties serve both to focus electoral choice, and also to ensure that these choices are carried through into the work of parliament and into ongoing public debate. Although political parties are currently not held in high regard by the public at large, they are nevertheless indispensable to the working of a democratic parliament. Operating as they do in both the spheres of government and civil society, they serve as an essential bridge between the two.

The communication media

The second bridging institution which has a key importance for parliament and its work are the communication media. The media constitute the key means for informing citizens about public affairs, and a key channel of communication between parliament and public. In their investigative role, the media have always been seen as a 'watchdog' against all kinds of abuse. How well they fulfil these functions is vital for the quality of democratic life. Given the tendency for these functions to become distorted, whether by executive partiality in a government-controlled system, or by powerful economic interests in a commercialised one, parliament has a key democratic role in setting an appropriate legal framework for the regulation of media ownership and practice.

Parliament thus makes a vital contribution to democracy at many levels simultaneously. Within the institutions of government it is the representative body through which the will of the people finds expression, in which their diversity is manifested, and in which the differences between them are debated and negotiated. At its best parliament embodies the distinctive democratic attributes of discussion and compromise, as the means through which a public good is realised that is more than the sum of individual or sectional interests. Moreover, the effectiveness with which parliament carries out its central functions of legislation, budgetary control and scrutiny of the executive is essential to the quality of democratic life. In carrying out these tasks it works together with the associations of civil society, and has the distinctive responsibility of safeguarding the individual democratic rights of citizens. It can only do all this, finally, if it itself observes democratic

norms, by showing itself open, accessible and accountable to the electorate in its own mode of operation.

A template for a democratic parliament

In the light of the above discussion it is now possible to set out the key characteristics of a democratic parliament. It is one which is:

- *representative*: that is, socially and politically representative of the diversity of the people, and ensuring equal opportunities and protections for all its members;
- *transparent*: that is, being open to the nation through different media, and transparent in the conduct of its business;
- *accessible*: this means involving the public, including the associations and movements of civil society, in the work of parliament;
- *accountable*: this involves members of parliament being accountable to the electorate for their performance in office and integrity of conduct;
- *effective*: this means the effective organisation of business in accordance with these democratic values, and the performance of parliament's legislative and scrutiny functions in a manner that serves the needs of the whole population.

In the accompanying table or template, these democratic values and requirements are set out in the first two columns. The third column itemises the typical procedural means and institutions through which these values may be realised. Of course parliaments differ from one another, both in terms of their governmental systems and in terms of their social and economic context. There are federal and unitary states. There are presidential and parliamentary systems. There are single- and dual-chamber parliaments. Above all there are enormous differences between countries, not only in their size, but also in their levels of economic development, and in the resources that are consequently available to parliaments for carrying out their work. Despite these differences, however, they share common problems, and there are only a finite number of strategies available for meeting them in a way that satisfies the key democratic values specified above. The template can thus serve as a summary or overview of the character of a democratic parliament. It also sets out the main features of the Guide, which is organised systematically according to the template's structure and content.

A version of the template was sent to member parliaments for comment, and to provide a framework for the examples of good practice which they submitted. It is important to stress here that this exercise was not a systematic survey, asking for information from member parliaments about their practices under every heading. It was a much more free-ranging exercise, in which they were asked to choose two or three examples of good practice which they thought were worth sharing with others. The results have necessarily been uneven. On the one hand, the examples of democratic practice included in the Guide may not be the best or most striking ones that could be found if one were to conduct a thorough survey. They are simply ones selected and returned by the parliaments themselves. On the other hand, in order to ensure a reasonably comprehensive coverage of the issues, further examples have been drawn on from returns made by parliaments to previous surveys conducted by the IPU, as well as other sources.

Another disclaimer is worth making. The examples of democratic practice included in the Guide are based on descriptions and documentation provided by parliaments themselves. We were not always able to check how well they are actually working, or whether they have been successfully sustained over time. How far, for instance, have people actually availed themselves of new

opportunities to influence the legislative activities of a parliament, or have a parliament's own enhanced scrutiny powers made government more accountable? Such questions would require a considerable research programme to answer, which is beyond the scope of this Guide. However, good practical examples which have been tried and endorsed by parliaments are worth disseminating even if they may not have worked perfectly, or may have led to problems that had not been entirely foreseen.

In this context a final word of caution is in order. Democracy in practice often requires a trade-off between competing norms or values which cannot all be maximised simultaneously. So parliaments have the task of facilitating a government's legislative agenda as well as scrutinising and amending it; parliamentary immunities may protect representatives from executive arbitrariness but also mask potential criminality; making adequate provision for 'backbench' initiatives may create havoc with the parliamentary timetable and the organisation of business; constituency based electoral systems may foster ease of access to representatives for their electors, but produce parliaments that are collectively unrepresentative in various respects. There are many other such tensions and trade-offs. That they exist was clearly evident in the returns sent in by parliaments, and they have been discussed at various points in the text.

With these qualifications, the examples of good practice presented in the Guide offer a profile of what a democratic parliament aspires to be. They show that parliaments across the world are actively seeking to respond to the challenges of the present age. Mostly they are doing so by improving their ongoing procedures and the ways in which they engage with the public. Occasionally, however, it is a one-off event, in which a parliament plays a central role in resolving a national crisis, or in confronting a key moment of national decision, which does more than anything to raise its standing among the people. So the Ukrainian Parliament, in its communication for the Guide, has drawn our attention to the central role it played in helping resolve the national crisis caused by the flawed presidential election of late 2004. And the Turkish Parliament has singled out for mention the key vote it took in the run up to the 2003 war in Iraq, to reject the majority government's proposal to allow foreign troops access to Turkish soil and to send its own troops abroad. Such moments cannot be predicted or legislated for. They serve as a salutary reminder, however, that, whatever its democratic procedures may be, it is a parliament's ability to rise to the occasion and 'speak for the nation' at a moment of grave national decision that may have the most lasting consequences for its standing among the people.

Template: the parliamentary contribution to democracy

Basic objectives or values. A parliament that is:	Requirements	Possible procedural and institutional means for the realisation of these objectives or values
Representative	An elected parliament that is socially and politically representative, and committed to equal opportunities for its members so that they can carry out their mandates	<p>Free and fair electoral system; means of ensuring representation of/by all sectors of society with a view to reflecting national and gender diversity, for example by special procedures to ensure representation of marginalised or excluded groups</p> <p>Open and democratic party procedures, organisations and systems</p> <p>Mechanisms to ensure the rights of the opposition and other political groups, and to allow all members to exercise their mandate freely and without being subjected to undue influence and pressure</p> <p>Freedom of speech and association; parliamentary rights and immunities, including the integrity of the Presiding Officers and other office holders</p> <p>Equal opportunities policies and procedures; non-discriminatory hours and conditions of work; language facilities for all members</p>
Transparent	Parliament that is open to the <u>people</u> and transparent in the conduct of its business	<p>Proceedings open to the public; due notice of business; documentation available in relevant languages; availability of user-friendly tools, for example using varied media, such as the world wide web; own public relations officers and facilities</p> <p>Legislation on freedom of/access to information</p>
Accessible	Involvement of the public, including civil-society and other peoples' movements in the work of parliament	<p>Effective modes of public participation in pre-legislative scrutiny; right of open consultation for interested parties; public right of petition; systematic grievance procedures</p> <p>Various means for constituents to have access to their elected representatives</p> <p>Possibility for lobbying within the limits of agreed legal provisions that ensure transparency</p>
Accountable	Members of parliament who are accountable to the electorate for their performance in office and for the integrity of their conduct	<p>Effective electoral sanction and monitoring processes; reporting procedures to inform constituents; ethical standards and enforceable code of conduct</p> <p>Adequate salary for members; register of outside interests and income; enforceable limits on election expenditure</p>

Basic objectives or values. A parliament that is:	Requirements	Possible procedural and institutional means for the realisation of these objectives or values
<p>Effective</p> <p><i>At all levels</i></p> <p><i>a) in relation to the national level</i></p> <p><i>b) in relation to the international level</i></p> <p><i>c) in relation to the local level</i></p>	<p>Effective organisation of business in accordance with these democratic norms and values</p> <p>Effective performance of legislative and scrutiny functions, and as national forum for issues of common concern</p> <p>Active involvement of parliament in international affairs</p> <p>Cooperative relationship with state, provincial and local legislatures</p>	<p>Mechanisms and resources to ensure the independence and autonomy of parliament, including parliament's control of its own budget and own business committee</p> <p>Availability of non-partisan professional staff separate from main civil service</p> <p>Adequate unbiased research and information facilities for members; procedures for effective planning and timetabling of business; systems for monitoring parliamentary performance; opinion surveys on perceptions of performance among relevant publics</p> <p>Systematic procedures for executive accountability; adequate powers and resources for committees; accountability to parliament of non-governmental public bodies and commissions</p> <p>Mechanisms to ensure effective parliamentary engagement in the national budget process in all its stages, including the subsequent auditing of accounts</p> <p>Ability to address issues of major concern to society; to mediate in the event of tension and prevent violent conflict; to shape public institutions that cater for the needs of the entire population</p> <p>For parliaments that approve senior ranking appointments and/or perform judicial functions: mechanisms to ensure a fair, equitable and non-partisan process</p> <p>Procedures for parliamentary monitoring of and input into international negotiations; mechanisms that allow for parliamentary scrutiny of activities of international organisations and input into their deliberations; mechanisms for ensuring national compliance with international norms and the rule of law; inter-parliamentary cooperation and parliamentary diplomacy</p> <p>Mechanisms for regular consultations between the presiding officer of the national and sub-national parliaments on national policy issues in order to ensure that decisions are informed by local needs</p>

2. A Representative Parliament

The first criterion of a democratic parliament is that it should be representative of the people. In the first instance this means that parliament should reflect the *popular will* as expressed in the choices electors make for their representatives and for the political parties in whose name they stand. A parliament that is significantly unrepresentative in this respect, whether through deficiencies in electoral procedure or the electoral system, will to that extent forfeit legitimacy, and be less able to reflect public opinion on the important issues of the day. A democratic parliament should also reflect the *social diversity* of the population in terms of gender, language, religion, ethnicity, or other politically significant characteristics. A parliament which is unrepresentative in this second sense will leave some social groups and communities feeling disadvantaged in the political process or even excluded altogether, with consequences for the quality of public life or social cohesion.

This objective for a democratic parliament of being representative in these different senses is achieved partly through the composition of parliament, which is the result of the election process; partly through fair and inclusive parliamentary procedures, which provide an opportunity for all members to express their views, to take part in the work of parliament on an equal footing with others, and to develop their parliamentary careers. While the composition of parliament looks at first sight to be the result of a pre-parliamentary process, parliaments are nevertheless capable of influencing their own composition indirectly, through their legislative power to set the rules under which elections take place. As to fair and inclusive procedures, these are clearly under a parliament's own direct control.

Electoral rules and procedures to ensure a parliament that is *politically* representative

Three different features of the election process contribute to this objective. First and most basic is the guarantee of fair electoral procedures, to ensure that no voters, candidates or parties are systematically disadvantaged or discriminated against. Standards for 'free and fair elections' are now highly developed, covering everything from the registration of voters, through each aspect of the electoral process itself, to procedures for appeal against the result, preferably supervised throughout by an independent electoral commission. Although these standards are elaborate, they are designed to give effect to a very simple principle enshrined in the International Covenant on Civil and Political Rights (see box below). They will not be discussed further here, but that does not imply that they can be taken for granted. Examples of their flagrant violation in a few countries, or of their casual implementation in several others, show the need for constant vigilance if the representative character of parliament is not to be compromised. Nor should we overlook the countries whose parliament continues to be unrepresentative because of substantial restrictions in the suffrage. In this context, the submission from the Sultanate of Oman has made special mention of its extension of the suffrage to all citizens over the age of 21 in the latest elections to the Shura Council in 2003.

Box: International Covenant on Civil and Political Rights, Article 25

Every citizen shall have the right and the opportunity:

- a) to take part in the conduct of public affairs, directly or through freely chosen representatives;
- b) to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
- c) to have access, on general terms of equality, to public service in his country.

Source: International Covenant on Civil and Political Rights. Retrieved 20.07.2005 from United Nations Office of the High Commissioner for Human Rights <http://www.unhchr.ch/html/menu3/b/a_ccpr.htm>

Further online reading about standards for free and fair elections:

Inter-Parliamentary Union (March 1994). *Declaration on Criteria for Free and Fair Elections*. Retrieved 19.07.2005, from <<http://www.ipu.org/cnl-e/154-free.htm>>

Nelson, S (April 2003). *Standards to Judge Elections*. Retrieved 19.07.2005, from Administration and Cost of Elections Project <<http://www.aceproject.org/main/english/ei/eig04b.htm>>

Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (October 2003). *Existing Commitments for Democratic Elections in OSCE Participating States*. Retrieved 19.07.2005, from <http://www.osce.org/documents/odihr/2003/10/772_en.pdf>

Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (June 1990). *International Standards of Elections: Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE*. Retrieved 19.07.2005, from <http://www.osce.org/documents/odihr/1990/06/1704_en.html>

Southern Africa Development Community Parliamentary Forum (March 2001). *Norms and Standards for Elections in the SADC Region*. Retrieved 19.07.2005, from <http://www.sadcpf.org/documents/sadcpf_electionnormsstandards.pdf>

Southern Africa Development Community (August 2004). *SADC Principles and Guidelines Governing Democratic Elections*. Retrieved 19.07.2005, from <http://www.iss.co.za/AF/RegOrg/unity_to_union/pdfs/sadc/elecprinciples.pdf>

European Commission for Democracy Through Law (Venice Commission) (July 2002). *Guidelines on Elections*. Retrieved 19.07.2005, from <[http://www.venice.coe.int/docs/2002/CDL-AD\(2002\)013-e.asp](http://www.venice.coe.int/docs/2002/CDL-AD(2002)013-e.asp)>

A second feature affecting the political representativeness of a parliament is how the given electoral system operates in the social and political context of the country, and how fairly it treats different political parties, whose degree of electoral support provides the best index of public opinion. While much depends on the context, it is notorious that first-past-the-post systems with single-member constituencies can exclude quite substantial electoral support for third or fourth parties from any parliamentary representation, if that support is evenly spread geographically. It can also produce quite disproportional results, as a comparison between the latest election results in India and the United Kingdom demonstrates:

Box: Election results in India and the United Kingdom

	% of vote	seats	% of seats
India, 2004			
Congress & allies	36.5	222	41
BJP & allies	36	189	35
Others	27.5	132	24
United Kingdom, 2005			
Labour	36	356	55
Conservative	33	197	30
Liberal Democrat	23	62	10
Others	8	31	5

Although the Indian result conceals quite large discrepancies between votes and seats won in individual states and by particular political parties, the national outcome was broadly representative of political opinion in the Union overall, whereas the UK election resulted in a parliament that was highly unrepresentative, as the previous two had also been.

An even more unrepresentative result was achieved under this type of electoral system in Mongolia in elections to the Great State Hural in 2000. Here the Mongolian People's Revolutionary Party won 95% of the seats with only 51% of the popular vote, though a more balanced result was achieved in the election of 2004 by virtue of a coalition between some of the opposition parties.

It is to avoid such marked discrepancies that many countries have adopted more proportional electoral systems, whose aim is to guarantee a much closer match between the votes cast for a given party, whether regionally or nationally, and the seats won by that party in parliament. A pure party list system, where voters choose a party list of candidates, can result in severing any connection between voters and a local representative. As we shall see, this connection is important for the accessibility of members to their electorates. It is possible, however, to combine constituency based representation with a more proportional outcome either through the Single Transferable Vote, where voters can order preferences for candidates in multi-member constituencies; or through the Additional Member System, whereby additional members from

party lists are added to the constituency results in such a way as to ensure a more proportional outcome overall.

A number of the respondents to the IPU survey of member parliaments pointed to their proportional electoral system as helping to ensure a composition of parliament that was politically inclusive. For example, the Republic of Korea changed its electoral law in 2004 to a '1 Person 2 Votes System' under which each voter is allowed to cast one ballot for a candidate running in the voter's district and a second for the political party of preference, which will help determine the distribution of 56 additional seats on a proportional basis. 'As a result, the 17th National Assembly became more representative, reflecting the voices of all corners of society.'

Further online reading about different electoral systems:

Administration and Cost of Elections Project (March 2003). *Electoral Systems Index*. Retrieved 19.07.2005, from <<http://www.aceproject.org/main/english/es/>>

Election Process Information Collection Project (2004). *EPIC Research Results for Electoral Systems*. Retrieved 19.07.2005 from <[http://epicproject.org/ace/compepic/en/topic\\$es](http://epicproject.org/ace/compepic/en/topic$es)>

International IDEA (June 2005). *Electoral System Design: The New International IDEA Handbook*. Retrieved 19.07.2005, from <http://www.idea.int/publications/esd/upload/Idea_ESD_full.pdf>

A third feature of elections that affects the representative character of a parliament concerns the rules governing the financing of candidates and parties. These may allow undue advantage to candidates or parties who are either themselves wealthy or who can mobilise the largest financial resources behind their campaign. Such financial considerations can affect not only the composition of parliament, but the ability of those elected to represent the views of their voters rather than of those who have contributed most to their election coffers. Examples of good practice in the regulation of campaign and party finance will be considered more fully in the chapter on accountability. Here it will be appropriate simply to quote the comments of the Canadian Parliament about the importance of strict financial rules for the credibility of the electoral process.

Political parties are at the heart of a modern political and electoral system and are essential to a vibrant and viable democratic system. Recent changes to the Canada Elections Act and the Income Tax Act governing the financing of political parties and candidates have contributed to increasing the representative nature of the Canadian electoral system. These key amendments provide for greater disclosure of sources and amounts of financing, limits on donations by individuals, and prohibitions on donations to political participants by organizations such as corporations and unions. The changes also address public financing measures to ensure fairness across all political parties and to enhance the tax incentives to encourage contributions by individuals.....

In Canada, politicians are very concerned about participation rates in the political process, particularly voter turnout among young people. This problem is by no means unique to Canada as it is common to all western democracies. Part of the objective of the changes outlined above is to restore public confidence in the electoral system.

For more information on candidate and party financing, see chapter 5.

Election rules and procedures to ensure a parliament that reflects the *social diversity* of the population

Although it is not possible to give an exhaustive list in the abstract of the social groups whose under-representation in parliament might become a cause for concern in any one country, the

issue of women's representation is a universal one, as also the representation of minority or marginal communities, whether these be linguistic, religious, ethnic, indigenous, or some combination of all these. A characteristic of a democratic parliament is that it will have instituted effective measures to ensure that it is fully inclusive.

Women in parliaments

In almost all societies politics has been a traditional male preserve, and there have been substantial barriers to women's involvement. In western democracies the extension of the suffrage to women came relatively late, but equality with men in terms of the vote did not bring with it the same equality in terms of opportunity for access to public office. Even today women represent only some 15% of all legislators in the world's parliaments. They are not represented at all in ten of them, and in the single or lower chamber of 55 parliaments their proportion is less than 10%.

Why should this be a matter of concern from a democratic point of view? In the year 2000 the IPU conducted a survey of women parliamentarians across the world to elicit their views and experiences of their work in parliament. In its publication *Politics: Women's Insight* women answered this question in their own terms:

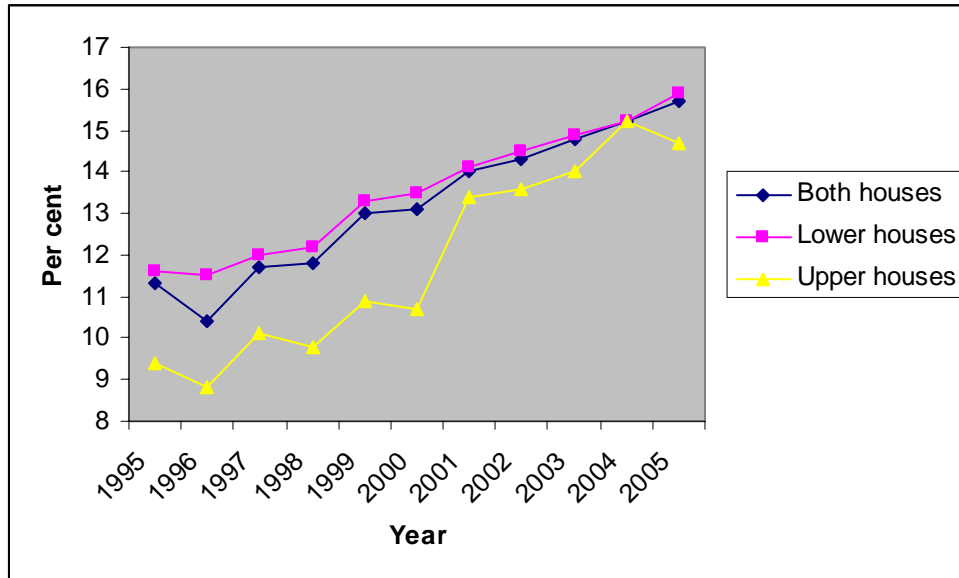
- *It's a matter of equality and justice.* 'A democracy in which women are represented only marginally is not a real democracy....women's participation in policy making is a question of justice and equality.' 'Anything less than equality for women in this area is a deficit of democracy.'
- *The presence of women changes the political process and culture.* 'Women are all in all less adversarial and more consensus-driven, seeking solutions to problems rather than scoring political points.' 'Women are humanising the political world...their presence is transformative.' 'Thanks to women the public is beginning to trust in politics again.'
- *Women change the male bias in policy priorities.* 'Women are much more sensitive to social problems, especially those related to poverty and raising children.' 'Women are the first to become aware of economic, educational and health problems.' 'Their priorities are more human-centred for both men and women.'

There was agreement among those responding to the survey that for women's presence to make a noticeable difference in these respects depended on the *number* of them in parliament. In this they echoed the findings of a 1995 report by the UN Development Programme, which concluded that for women as a group to exert a meaningful influence in legislative bodies required a 30% level of representation.

Has the situation for women's representation improved at all since the time of that UNDP report? Whereas in 1995 in only five countries did women constitute over 30% of the legislature, this number has now risen to seventeen; and there has been a gradual rise overall in the percentage of women members from 11% to the current 15%, as shown in figure 2.1.

Figure 2.1 World average of women in parliaments, 1995 - 2005

Situation in January of each year, except in 1995 (July) and 1996 (April)*



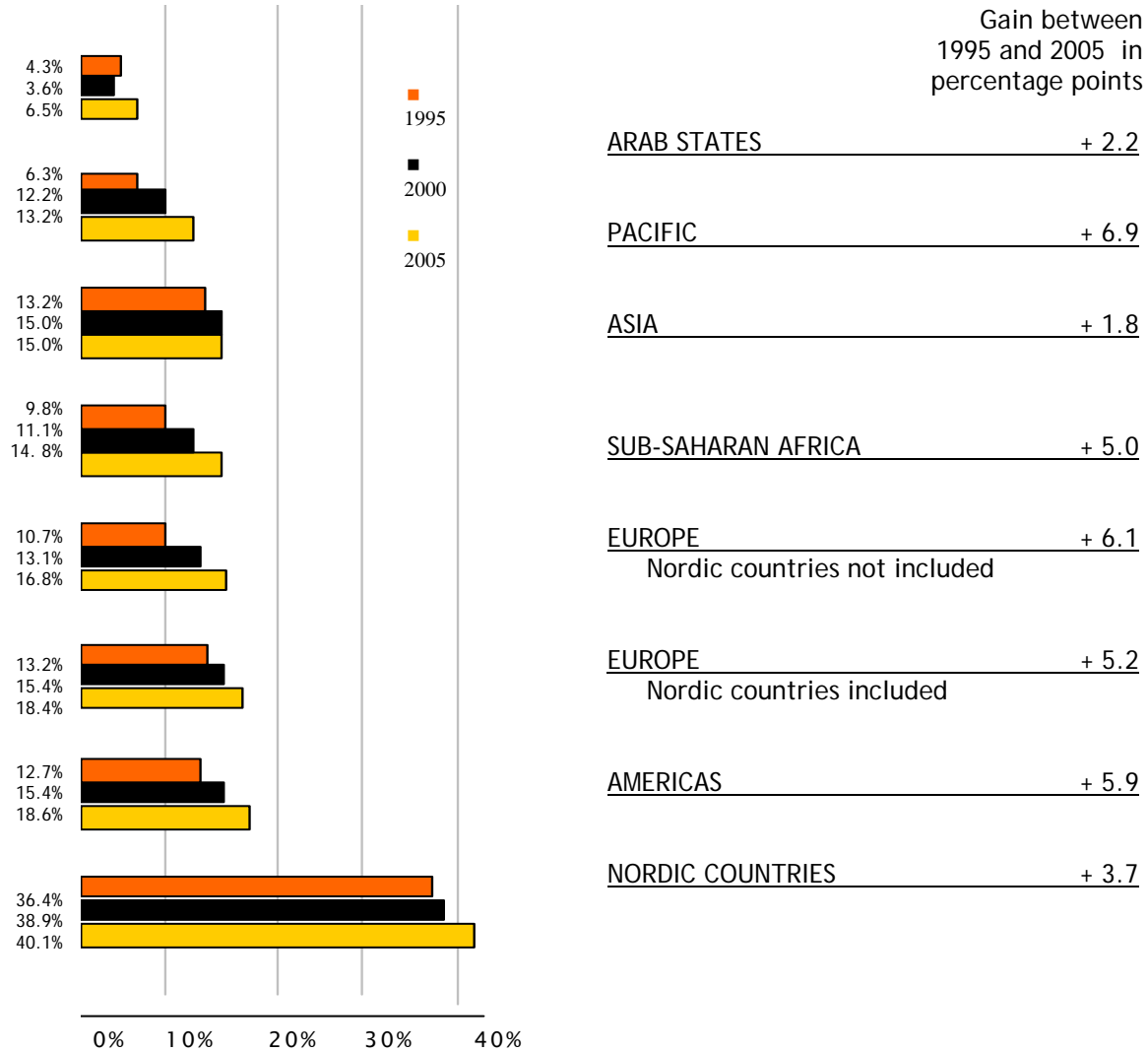
* Percentages do not take into account the situation of parliaments for which data was unavailable.

Source: Inter-Parliamentary Union (2005). Ten years in review : Trends of women in National Parliaments worldwide, Data sheet n° 6, p2. Retrieved 05.08.2005 from <http://www.ipu.org/PDF/publications/wmn45-05_en.pdf>

The regional distribution of these numbers is given in figure 2.2. These regional averages conceal marked divergences between countries within each region, which is why, for example, the Nordic countries have been singled out as a group for their consistent exemplary position in comparison with the European average. Similarly, Morocco and Tunisia stand out among Arab states, the latter with over 22% of women parliamentarians. In sub-Saharan Africa, Rwanda has the highest percentage of any country, with over 48%. Within the Americas, the significant increases in most Latin countries since 1995 have not been reflected in the countries of North America. So these regional figures conceal substantial differences between countries.

Figure 2.2 Regional averages of women in parliaments, 1995, 2000 and 2005

Situation in July 1995, January 2000 and January 2005, both houses combined. Ranking in ascending order of 2005 averages*



* Percentages do not take into account the situation of parliaments for which data was unavailable.

Source: Inter-Parliamentary Union (2005). Ten years in review: Trends of women in National Parliaments worldwide, Data sheet n° 6, p3. Retrieved 05.08.2005 from <http://www.ipu.org/PDF/publications/wmn45-05_en.pdf>

Further online reading about the percentages of women in national parliaments:
 Inter-Parliamentary Union (April 2005). *Women in National Parliaments: World Classification*. Retrieved 19.07.2005, from <<http://www.ipu.org/wmn-e/classif.htm>>
 Inter-Parliamentary Union (March 2005). *Women in Politics 1945-2005 (Information Kit)*. Retrieved 05.08.2005, from <http://www.ipu.org/PDF/publications/wmn45-05_en.pdf>
 Inter-Parliamentary Union (March 2005). *Women in Politics 2005: poster*. Retrieved 05.08.2005, from <http://www.ipu.org/pdf/publications/wmnmap05_en.pdf>

What, then, are the main obstacles preventing faster progress on this issue, and what can be done about them? Here are some of the considerations advanced by the women parliamentarians in the IPU 2000 survey to explain women's low participation rates in parliament and in politics more generally:

- *Negative self-selection.* Many women are put off taking part in politics because of its competitive and adversarial character, and the sacrifice it means for family life.
- *Male hostility.* The hierarchies of political parties are typically male-dominated, and can be quite hostile towards women.
- *Times of meetings.* Most meetings are held in the evening and at weekends, and make it difficult for those with family responsibilities to take part.
- *The expense of standing for election,* where expenses are partly borne by the candidate rather than wholly by the political parties.

As to what can be done to offset these obstacles, the example of countries which have the highest female participation rates or have shown the most progress over the past decade demonstrates that it is invariably the result of affirmative action measures of one kind or another. To date such measures have been introduced in 81 countries. Some of these have legal force, others depend on initiatives taken by parties themselves. The following are the typical forms they may take:

- *Reserved parliamentary seats for women,* for example to be filled according to the proportion of seats won overall by the respective parties.
- *Guaranteed proportions of party lists or 'quotas'* to be filled by women, including top places.
- *Women-only short lists* for candidate selection in constituency-based systems, or constituency 'twinning', with a requirement that one of each sex be selected.

Countries with markedly low female participation rates have begun to make a significant difference by the adoption of such measures. For example, in 2004 the Republic of Korea introduced a combination of all the above measures into its relevant laws. The Political Party Act now requires the assignment of 50% of the proportional representative seats to women, and the inclusion of women in every two candidates from the top of the candidate list. The Law on Political Funds provides state subsidies to parties nominating women to run in 30% or more electoral districts. As a consequence of these changes the percentage of women in the 17th National Assembly doubled from the previous assembly to 13%. Other countries have achieved a higher percentage where seats allocated to party lists form a larger proportion than in Korea.

Such affirmative action measures can be justified on equality grounds by reference to article 4.1 of the UN Convention on the Elimination of All Forms of Discrimination against Women: *Adoption by States Parties of temporary special measures aimed at accelerating de facto equality between men and women shall not be considered discrimination.....these measures shall be discontinued when the objectives of equality of opportunity and treatment have been achieved.*

The implication of this article is that such measures will help to bring about long-term change; but they cannot do so on their own. This is demonstrated by the example of Bangladesh, where the provision reserving 30 additional parliamentary seats to women expired in 2000, with the consequence of a dramatic fall in women's representation in parliament from nine to two per cent. The provision has now been restored with an increase of additional seats to 45. So affirmative action measures are likely to be a necessary but not sufficient condition for improving women's participation for the foreseeable future.

Further online reading about 'quotas' and other affirmative action measures:

International IDEA (January 2002). *Women in Parliament: Beyond Numbers*. Retrieved 19.07.2005, from <<http://www.idea.int/publications/wip/index.cfm>>

International IDEA, Stockholm University (2005). *Global Database of Quotas for Women*. Retrieved 19.07.2005, from <<http://www.quotaproject.org/>>

Inter-Parliamentary Union (June 2000). *Politics: Women's Insight*. Retrieved 05.08.2005, from <http://www.ipu.org/PDF/publications/womeninsight_en.pdf>

Inter-Parliamentary Union (March 2004). *Women Elected in 2003 - The Year in Perspective*. Retrieved 05.08.2005, from <<http://www.ipu.org/wmn-e/March04.pdf>>

The representation of minority and marginal communities

The fact that parties representing minority communities are not present in a parliament does not necessarily mean that their distinctive identities or interests are ignored. It may be that these can be satisfactorily represented through mainstream parties. Parties may nominate a minority spokesperson or have voting systems that allow members to give extra support to candidates from a minority community. However, pursuing minority representation through mainstream parties seems likely to be successful only if they form a sufficiently large proportion of the population.

Where there is a likelihood that minority communities will not be adequately represented in parliament, a number of different strategies are available, depending on the type of electoral system and the degree of geographical concentration of the minority or minorities concerned.

- *Reduced registration or funding or entry requirements.* Entry for smaller groups can be facilitated by reducing the number of statements of support needed to register a political party, or the number of voters to qualify for public funding. Or parties registered as belonging to a national minority may qualify for entry to parliament on a lower threshold of the popular vote.
- *Designing constituency boundaries* so as to give representatives from minority communities a better chance of success (so-called 'affirmative gerrymandering'). Or, if minorities are concentrated in a particular region, a more favourable number of parliamentary seats can be assigned to that region.
- *Party candidate quotas*, so that in certain regions a minimum percentage of those on a party list must be drawn from minority communities.
- *Reserved seats* for representatives of minority communities. This is the most widely used method, currently employed by some 25 countries from every region of the world. For example, Lebanon divides all the 128 seats in its National Assembly between eleven different religious groups. India currently reserves 79 of its 543 seats in the Lok Sabha for scheduled castes and 41 for scheduled tribes. Mauritius reserves 8 of its 70 seats for the 'best losers' representing the four constitutionally recognised ethnic communities. Slovenia reserves one each for the Italian and Hungarian 'national communities'.

None of these methods is wholly uncontroversial. Minority quotas on mainstream party lists may deprive minority communities of representation through their own autonomous organisations, which they may prefer. On the other hand, measures to support autonomous organisations may serve to reinforce separate identities and militate against national unity. New Zealand's approach to this dilemma is to allow its Maori voters the choice of registering on either the national electoral roll or a separate Maori roll, and to allow the number who opt for the latter to determine the number of reserved seats in parliament. Protecting minority rights without arousing majority

resentment is, however, a difficult issue everywhere, and solutions will always depend on the particular circumstances of a given country. Nor should we overlook the possibility that the communities which are marginalised in their parliamentary representation may comprise a majority of a country's population.

Special electoral arrangements may be necessary in post-conflict situations, or where democracy is being restored after military intervention which has been communally related. Such arrangements may be transitional, and subject to some disagreement about how democracy should be understood, as this submission from Fiji exemplifies:

In terms of representation the communal electoral system for the election of Members of the House of Representatives has been specifically designed to address the multi-ethnic diversity of the Fiji Islands. Given the struggles that the Fiji Islands have had in the past with respect to maintaining democracy, this system is at this time considered the most appropriate as it guarantees representation from major ethnic groups while still ensuring that the balance of power is held by Members elected to open seats by all citizens registered in a particular constituency. There are still opposing views in Fiji with respect to having an electoral system that guarantees an indigenous Fijian majority in the House of Representatives as well as a push for all members of the House to be elected on open seats.

Further online reading about the representation of minority and marginal communities:

Foundation on Inter-Ethnic Relations (September 1999). *The Lund Recommendations on the Effective Participation of National Minorities in Public Life & Explanatory Note*. Retrieved 19.07.2005, from <http://www.osce.org/documents/hcnm/1999/09/2698_en.pdf>

Chai, Y (April 2001). *Public Participation and Minorities*. Retrieved 19.07.2005, from Minority Rights Group International <<http://www.minorityrights.org/admin/Download/Pdf/PubPartReport.pdf>>

Kodish, S.L (July 2004). *Balancing Representation: Special Representation Mechanisms Addressing the Imbalance of Marginalized Voices in African Legislatures*. Retrieved 19.07.2005, from <<http://law.bepress.com/cgi/viewcontent.cgi?article=2192&context=expresso>>

Norris, P (April 2004). *Ethnic minorities in Electoral Engineering: Voting Rules and Political Behavior*. Retrieved 19.07.2005, from <<http://ksghome.harvard.edu/~pnorris/ACROBAT/Institutions/Chapter%209.pdf>>

Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights (January 2001). *Guidelines to Assist National Minority Participation in the Electoral Process*. Retrieved 19.07.2005, from <<http://www.osce.org/item/13589.html?ch=129>>

Fair and inclusive parliamentary procedures

As already indicated, for a parliament to be representative of its citizens is not just a matter of its composition. It also requires that its procedures and mode of working are inclusive, and give full opportunity to all its members to play their part in its work. This principle of inclusiveness has a number of different aspects to it, which will be considered in turn. All depend for their effective implementation on the presence of an impartial Speaker or Presiding Officer, who has a key role in ensuring even-handedness between different groups and parties. Parliaments go to great lengths to ensure the 'above-party' character of their Speaker or Presiding Officer, even though he or she is likely to have had a previous party affiliation. Kiribati even requires the Speaker's position to be elected from candidates who are outside parliament, so as to avoid any pressure towards favouritism in carrying out his or her duties. Most parliaments achieve the same result by electing members with a proven track record of impartiality, for example as committee chair or Deputy

Speaker. Typical characteristics are those exemplified in this description of a former speaker of the Indian Lok Sabha, Shivraj V.Patil:

Shri Shivraj V.Patil had the rare distinction of being unanimously elected Speaker of the 10th Lok Sabha. By his liberal approach, amiable disposition and exemplary patience, coupled with an abiding sense of impartiality, he proved to be an excellent moderator in conducting the proceedings of the House.....Patil's commitment to strengthening the parliamentary institutions was evident to all – members, media or general public, legislative bodies of the State or parliamentary bodies of other nations. As the Speaker of the Lok Sabha, Patil was equally respected by both the ruling party and the Opposition. There were several occasions when the situation in the House became tense and tumultuous, but by his exemplary patience and forbearance, he invariably succeeded in defusing the tension and the surcharged atmosphere.

Inclusiveness for parties

Most of the work of a parliament is carried out in committees, whether legislative or scrutiny committees, or a combination of the two. It is an accepted practice in almost all parliaments that the membership of such committees is proportionate to the strength of the different parties or groups in the chamber as a whole. In addition, a number of parliaments have the practice of reserving the chair of specific committees to a member of an opposition or minority party. The French Assemblée Nationale gives the right to the opposition to nominate the chair or rapporteur of any commission of enquiry or information mission. In the Lithuanian Seimas a representative of the parliamentary opposition is elected chair or deputy-chair of the Committee on Budget and Finance, as is also typical with the Public Accounts Committee in Westminster-type parliaments.

In a number of parliaments this cross-party character of committee membership extends to the process of decision making also, through an attempt to achieve consensus. Most typically this occurs in procedure committees, which arrange the business before parliament. In Zimbabwe, for example, a cross-party business committee meets with the Speaker and Deputy Speaker each week to organise parliamentary business on a non-partisan basis. Such consensus processes can extend to substantive committees also. In the Cyprus House of Representatives 'the discussions at the committee level are permeated by a spirit of compromise and most of the laws are adopted in plenary unanimously.' An Enlarged Committee on Foreign Affairs in the Norwegian Stortinget gives the government the opportunity to discuss important issues related to trade, national security and other foreign policy with all the factions of Parliament before any decision is finalised. 'The existence of this committee has contributed to a...common political consensus in the field of foreign policy that Norway has experienced since the Second World War.' In the Senegalese Assemblée Nationale legislation of particular importance can be referred to an ad hoc Commission comprising the leaders of all political groups, in order to obtain the widest possible agreement.

In Australia this consensus approach extends across many committees:

One feature that marks House of Representatives committees is that they usually do not adopt a political approach to subjects considered by them; members from across the political spectrum usually adopt a non-confrontational attempt to reach a common solution. As such, their outputs are usually more productive and bring about effective change in governmental policy on issues of great importance to the Australian public such as the education of boys, child custody issues, youth suicide etc.

Where consensus is not possible in committee work, many parliaments make provision for the tabling of minority reports, while some have a requirement for super-majorities on specific issues, such as the US Congress requires to overturn a filibuster.

Specific rights for opposition or minority parties and groups

Opposition or minority parties have a key role to play in holding the government to account, and in providing alternative policy options for public consideration. In parliamentary systems, where the government can exercise the initiative over debate and legislation through its parliamentary majority, it is important that there be guaranteed rights for an official opposition to place items for legislation and policy debate on the parliamentary agenda, as well as guaranteed time for such debate. By the same token, minority parties in legislatures under a presidential system need similar rights. These are recognised by almost all parliaments.

For example in the Italian Camera dei Deputati, which has very precise regulations governing the allocation of its time, opposition groups are guaranteed a minimum quota of subjects they can introduce, and a guaranteed proportion of the speaking time allocated to any subject. In the case of bills introduced by the government the allocation of speaking time to opposition groups is greater than to those representing the majority. The Lithuanian Seimas provides guaranteed time for opposition groups to introduce parliamentary bills and 'agendas', and gives priority to the Leader of the Opposition in the questioning of government ministers, and in debates on the Government Programme and its Annual Report. In the UK House of Commons twenty days are allocated in each session for proceedings on opposition business, seventeen of which are at the disposal of the leader of the largest opposition party. Such examples could be multiplied from across many parliaments.

Further online reading about the role and rights of opposition parties in parliaments:

Inter-Parliamentary Union (May 1999). *Guidelines on the Rights and Duties of the Opposition in Parliament*. Retrieved 19.07.2005, from <<http://www.ipu.org/splz-e/gabon.htm>>

Opportunities for 'backbenchers'

The principle of inclusion indicates the need for guaranteed opportunities for those who are not members of the leading cadres of parliamentary groups to take part in the full range of parliamentary activities. Many parliaments set aside time for backbenchers to introduce their own legislation, sometimes referred to as 'private members' bills, or to introduce proposals into committees or the main chamber on their own individual initiative, as well as to initiate debates.

Such facilities can create problems, however. The submission from the Israeli Knesset mentions the proliferation of private members' bills as one of its main organisational difficulties. The Swedish Riksdag has similar reservations about the right of individual members' initiative:

Extensive use of these rights may give rise to problems with regard to the efficiency of parliamentary work. In Sweden, the use made by individual members of this right of initiative has led to problems of this kind for the Committees, in that they have been overburdened with matters arising from such initiatives. In contrast to the right of initiative, the use of the other rights is mainly controlled by the parties and not by individual members, and in this way the risk of excessive use is reduced.

The effective organisation of business is an issue that occupies all parliaments, and it will be examined in chapter 6. Here it will suffice to point out two different ways in which the problem

raised from Sweden is addressed by other parliaments. One is the route taken by the Italian Camera dei Deputati, of achieving strict agreement in advance on the time and length of all contributions, 'including personal interventions by deputies who are not speaking on behalf of a parliamentary group'. The other is simply to expand the time available. For example, in the Indian Lok Sabha an institution has emerged called 'Zero Hour', which takes place after the formal Question Hour and before the beginning of regular listed business. It has been described as follows:

The emergence of Zero Hour can be traced to the early sixties when issues of great public importance and urgency began to be raised by members, sometimes with the prior permission of the Speaker or some other times without such permission. Members are free to raise any matter – international, national or local – that concerns them. Zero Hour has been described in terms such as 'waste of public money', 'mad hour', 'a great beginning of an evil day' and 'an unwanted thing'. But it has become lively and important. Sometimes it is regarded as the biggest hurdle for presiding officers to transact normal business, at others it is seen as something original in the way of parliamentary lexicon and practice.

A more radical way of increasing the amount of parliamentary time available for ordinary members has been the introduction of a parallel chamber. The Australian House of Representatives, which was the first to develop such an institution, called the *Main Committee*, sees this as its most significant item of recent reform. 'This body cannot commence parliamentary business and it cannot make a final decision on such business, but it can do everything in between. It has dramatically increased the amount of available time for government business and private members' business, permitted ongoing debates on parliamentary committee reports and provided members with more opportunity to debate matters.' A similar parallel chamber, called Westminster Hall, has been introduced in the UK House of Commons.

Gender equality

Ensuring that women are able to play a full part in parliamentary work is not only a matter of expanding their opportunities for access to elective office. It also requires that parliament's own arrangements are such as to facilitate rather than disadvantage women in contributing to the full range of its activities on equal terms with men. The IPU survey of women parliamentarians summarised their views in this way: 'The first concern of women in politics is to reconcile their political life with family commitments...At the parliamentary level, the crèche or day nursery services available on the premises in Nordic countries to MPs who are mothers of small children are still only a dream for most women parliamentarians in other parts of the world. The same applies to the times at which meetings and sessions could be held so as to give women MPs a better chance of combining their political duties with their private lives.'

Here is one woman's comment on her struggle to get even quite basic facilities in a building designed for men:

I used to use the men's toilet beside the Caucus room, and women who followed me did this, too, until they made it unisex. Well, after I had gone, finally a crèche was provided and the refurbishing has meant equality in the provision of facilities and conveniences for MPs and their families. For instance, in the past there was a 'Members' Wives Room', but nothing for the partners of women MPs.

Similar concerns apply to the timing of parliamentary business. Traditionally many western parliaments have had sittings that started relatively late in the day and extended throughout the

evening. The UK House of Commons, among others, has recently experimented with changed sitting hours so as to cut out most late evenings, though the mixed reception of MPs to these changes shows that achieving agreed reform is not easy. The Programme Committees of the South African Parliament, for their part, have reached agreement that House sittings will not normally extend beyond 6 pm. 'with a view to accommodating members' family responsibilities' – a consideration that applies to men as well as women.

Since most of a parliament's work takes place in committees, ensuring that women members have every opportunity to participate in committee work and to progress to the position of chair is a consideration now taken seriously by many parliaments. This objective can be assisted by procedural rules, as in the case of Cameroon. 'The rules of procedure of the National Assembly of Cameroon stipulate that every deputy must be a member of at least one and not more than two committees. Pursuant to judicious consultations, therefore, there is at least one woman on each committee. Two out of six general committees are chaired by women.'

As a more wide-ranging initiative, a few parliaments have established a gender equality committee, or have entrusted the task of reviewing parliamentary procedures from a gender perspective to an existing committee. The Swedish Parliament recently established a 'Working Party on Gender Equality in the Riksdag'. Its report of November 2004 concluded with fifteen proposals for a Riksdag with gender equality, of which the main ones are given below.

- We propose that a programme of equality is drawn up for every mandate period with the aim of promoting equality in the Riksdag.
- The Riksdag Board approves the programme for every mandate period. A civil servant is given the operative responsibility of implementing the programme.
- We propose that regular seminars are arranged for committee bureaux to discuss working methods, the chair's role, meeting culture, etc.
- The Riksdag's homepage should be developed with regard to gender-segregated statistical information.
- There should be a professional support function for members who feel they are subjected to negative treatment.
- The introduction for new members is developed to include more informal knowledge of the Riksdag.
- Investigations set up within the Riksdag should report on any consequences for equality.
- The committees' work planning should take into consideration the feasibility for members to combine their Riksdag assignment with parenthood.

Such initiatives are typically the product of pressure on the part of women members. In several parliaments they have established cross-party women's caucuses to promote such changes, as well as to review forthcoming parliamentary business from a gender perspective.

Further online reading about gender inclusion in the work of parliaments:

Inter-Parliamentary Union (January 2004). *Enhancing the role of women in electoral processes in post-conflict countries. Post-election support*. Retrieved 02.08.2005, from

<<http://www.un.org/womenwatch/osagi/meetings/2004/EGMelectoral/EP3-IPU.PDF>>

The Commonwealth (March 2001). *Gender-Sensitizing Commonwealth Parliaments*. Retrieved 19.07.2005, from <<http://www.cpahq.org/uploadstore/docs/gendersensitizingcwparliaments.pdf>>

Equality for members of minority and marginal communities

In many parliaments the inclusion of representatives of minority and marginal communities may be sufficiently addressed through the procedures for opposition and minority parties already discussed. Where the minority is very small, however, it may be impossible under the normal rules for them to claim certain parliamentary rights such as positions on legislative or other committees. In this case requirements such as the need for a minimum number of elected members may be waived. Or special procedural rights may be granted for minority issues. These could include the right to initiate new legislation or to veto certain types of bill. In Belgium, for example, for certain issues parliament is divided into French and Dutch language groups, and a majority in each group is required as well as an overall majority of two thirds for a measure to be passed.

Since minority and marginal communities are usually characterised by speaking a different language from the majority, an important issue for parliamentary inclusion concerns the language or languages in which parliamentary business is conducted. This consideration becomes all the more relevant where the language of parliamentary business is not spoken by a majority of the population. Here questions of expense in providing translation facilities may be a constraining factor. In the Indian Lok Sabha, for example, the languages for transacting business are Hindi and English. However, since the time of the Fourth Lok Sabha members have also been allowed to address the House in any of the scheduled languages provided for in the Constitution. At present, simultaneous interpretation facilities are available in eight languages besides the two mentioned (Assamese, Bengali, Kannada, Malayalam, Marathi, Oriya, Tamil and Telegu); while in the Upper House, the Rajya Sabha, facilities are also available in Gujarati, Urdu and Punjabi.

Further online reading about the use of minority and vernacular languages in the work of parliaments:
Marten, H.F (April 2003). *Why are Parliaments as Institutions so Often Neglected in Minority Language Research: Contemplations on Scottish Parliament and the Sameting in Norway*. Retrieved 19.07.2005, from <http://www.aber.ac.uk/~merwww/general/papers/mercSym_03-04-08/Paper%20Aberystwyth%20Heiko%20F.%20Marten%20Version%20finale.doc>
Matiki, A (April 2002). *Language Planning and Linguistic Exclusion in the Legislative Process in Malawi*. Retrieved 19.07.2005, from <<http://www.linguapax.org/congres/taller/taller1/Matiki.html>>
The House: New Zealand's House of Representatives 1854-2004 (May 2005). *Parliament in Te Reo*. Retrieved 19.07.2005, from <<http://www.nzhistory.net.nz/Gallery/parlt-hist/tereo.html>>

Facilitating all members in their work

Besides the more obvious forms of inequality between members already considered, there may be less visible differences in resources or capacity which put some members at a systematic disadvantage. The issue of parliamentary resources and facilities will be considered more fully in chapter 6. Here it is sufficient to point out that members should enjoy equal access to them, and that parliament's research and library staff should serve all members impartially.

This is not only a question of facilities, however, but of the capacity to use them. For example, most parliaments now have on-line facilities so that members can have up-to-the-minute information on the progress of bills and other aspects of parliamentary business. All surveys of the use of electronic means of communication, however, show that inequalities between users are not just a matter of equipment, but of the ability to use it across its full range. The fact that parliamentarians now increasingly come from professional backgrounds means that such abilities may simply be taken for granted. Yet everyone requires training, even if only to keep their skills updated.

This consideration applies more generally, for example in the context of newly elected members. Parliamentary procedures often seem arcane, the demands on time are enormously diverse, and members are left very much to their own devices. It may take a long time for new members to find ways of being effective across the full range of their responsibilities. Most parliaments provide induction programmes and mentoring schemes for newcomers, though these are quite variable in their quality and usefulness. Some are provided by party groups, some by the administrative staff of parliament. In a review of induction programmes conducted by the IPU, the following were suggested as essential elements in such a programme:

- the rights and duties of members;
- parliamentary procedure, debating and voting rules in committees and the Chamber;
- details of parliamentary services provided and how to access them;
- office organisation and the use of electronic and other equipment;
- broadcasting and media relations;
- organisation of constituency offices and relations with constituents.

As a specific example, the New Zealand Parliament produces a series of guidebooks available on line to all its members, dealing with different aspects of their work. For example, its guidebook *Effective Select Committee Membership* covers every aspect of a committee's operation, including standing orders, procedures for different types of business, support services available, guidance for chairpersons, and so on. Its aim is that those who become familiar with it 'will be empowered by this knowledge and will find it much easier to achieve their goals in select committees.' In so doing they will also be better able to represent their constituents. Here are some typical extracts:

Know what you want to achieve. *To be an effective member of a select committee you need to plan in advance what you want to achieve at a particular meeting and how you hope to achieve it. Proceedings can sometimes move quickly and without a plan you might find your opportunity to raise an issue or suggest a change to a report has been lost. This guidebook will help you understand what you can achieve and how to go about implementing your plan within the limits set out in Standing Orders.....*

Your chance to become an effective legislator. *You do not need a law degree to be a good legislator. All you need are your ideas, a commitment to following through a process and the powers of persuasion to convince your colleagues on the committee that your proposals should be implemented. The committee's advisors will advise on the feasibility of proposals and law drafting will be done by those who have specialist drafting skills. You need to think critically while you are considering legislation. Be prepared to ask questions if you do not understand the bill before you. The chances are that if you do not understand it, neither will the people you represent.*

Protecting the rights of parliamentarians in fulfilling their mandates

A fundamental condition for a parliament to be representative, and for its members to represent their electors effectively, is that they be free to speak their minds without fear or favour. Historically, parliamentarians have often been subject to all kinds of pressure and intimidation from governments, especially when they have spoken out against government abuses. They have also been subjected to unwarranted pressure from other powerful forces within society itself. It is

for this reason that the rights of parliamentarians to free speech have been given special protection through rules of parliamentary 'privilege' or 'non-accountability'.

'Parliamentary non-accountability applies to anything spoken or written or any act committed by a member of a parliamentary assembly in the ordinary course of his official duties.....the protection afforded is absolute and lifelong, even after he has ceased to be a member. All countries without exception endorse the principle of non-accountability defined in this way.' (IPU Committee on the Human Rights of Parliamentarians, 1993)

The point of such a privilege is not only for the protection of parliamentarians, but so that they can better represent and protect the interests of their electors. This is well expressed in a resolution of the Council of the IPU in Mexico city in 1976: 'Protection of the rights of parliamentarians is the necessary prerequisite to enable them to protect human rights and fundamental freedoms in their respective countries; in addition, the representative nature of a Parliament closely depends on the respect of the rights of the members of that Parliament.'

In view of their history of oppressive regimes, many parliaments also grant their members immunity from arrest or prosecution for ordinary crimes, since such prosecutions have often served as an excuse for governments to remove critical or obstructive parliamentarians from public circulation. Such immunity or 'inviolability' lasts only for the member's term of office. In certain serious cases it may be lifted, but only by a vote of parliament itself. In countries where it applies, such a provision seeks to balance the need to protect the liberty of members from executive encroachment with the concern that parliamentarians might appear to the public as a special elite with undue privileges. Getting this balance right as circumstances change is not easy, and a number of parliaments are reviewing their legislation on this question.

In the event of an assumed violation of their rights which is not resolved by domestic procedures, parliamentarians can appeal to the Committee on the Human Rights of Parliamentarians, established under the auspices of the IPU in 1977. This committee, which is composed of senior parliamentarians from across the world, operates by a quasi-judicial procedure which aims at a mutually agreed settlement in confidence with the responsible government or parliament. Only in the event of non-settlement is the issue made public through the Council of the IPU. This committee is now accepted as the main international body for protecting the rights of parliamentarians.

Further online reading about the rights of parliamentarians:

Inter-Parliamentary Union (2005). *Human Rights and Humanitarian Law*. Retrieved 19.07.2005, from <<http://www.ipu.org/iss-e/hr-law.htm>>

McGee, S (June 2001). *Rules on Parliamentary Immunity in the European Parliament and the Member States of the European Union*. Retrieved 19.07.2005, from European Centre for Parliamentary Research and Documentation <<http://www.ecprd.org/Doc/publica/OTH/RulesParlImmu.pdf>>

Another resource available to parliamentarians under pressure is the support of fellow parliamentarians abroad. The German Bundestag, for example, has established a 'Parliamentarians Protect Parliamentarians' campaign. Its rationale and mode of operation is summarised as follows:

No one advocating the implementation and observance of human rights in Germany runs any risk in doing so. In many other countries, however, people who defend human rights can themselves become the victims of human rights abuses.Politicians are also among the defenders of human rights who are at risk. Exercising their right of free speech is mostly their sole offence. The criticism they voice makes them a thorn in the flesh of both state

agencies in countries where the human rights situation is problematic and of paramilitary groups.

As members of the Bundestag you have a network of international contacts that you can use in favour of your fellow parliamentarians who are at risk.The secretariat of the Committee on Human Rights and Humanitarian Aid will tell you whether opposition politicians are under threat in a country you have contacts with or are intending to visit and what you can best do to support them. You can also use the information provided by the Committee secretariat to offer support from within Germany. It provides a sound basis for petitions and talks with political decision-makers from countries in which human rights are violated.

Individual rights of parliamentarians and party discipline

A difficult and much contested issue concerns the right balance to be struck between the requirements of party discipline and the individual right of parliamentarians to speak their minds freely. On one side it is reasonable for a party on whose platform and with whose support a member has been elected to expect that the member will support the party's programme in parliament. This consideration is necessary not only for the parties themselves but also for the electors, if they are to be able to count on a predictable connection between their exercise of the vote and the actions of their elected representatives in parliament. On the other hand, members have an individual responsibility to defend the interests of their constituents, and to speak out against policies which they believe to be misguided or damaging, even where these are promoted by their own party.

How parliamentarians negotiate the potentially competing claims of party loyalty and individual conscience is one of the most difficult issues they face. Parliamentary parties for their part have many forms of discipline available over dissident members, with the ultimate sanction of expulsion from the party, and consequent withdrawal of support at a future election. The point where such action comes to infringe the individual rights of a member has been clearly drawn by the IPU Council in test cases before its Committee on the Human Rights of Parliamentarians. First, any such expulsion should accord with a party's internal rules guaranteeing due process, including the right of a member to defend him- or herself. Secondly, any expulsion should not result automatically in the member's loss of his or her parliamentary seat or curtailment of its duration, since this would undermine the member's right to freedom of expression. As the IPU has reiterated, a member's *disqualification* from parliament requires a decision by parliament as a whole, and should only follow conviction for a criminal offence, not loss of party membership.

This principle becomes more contentious where a member leaves a party voluntarily or changes party in mid-term (so-called political 'nomadism'). Such actions may be quite self-serving, for example in pursuit of governmental office, and they can bring considerable instability to parliament as well as frustrating the clear will of the electors. For these reasons a number of parliaments have introduced anti-defection provisions, requiring a member who has defected to surrender his or her seat. Among the most draconian of these is that passed by the Indian Parliament in 1985, to 'combat the evil of political defections....which is likely to undermine the very foundations of our democracy and the principles which sustain it.' This constitutional amendment disqualifies a political party member not only if he or she has given up their party membership, but even if they have voted contrary to the directions of their political party without prior permission. Not surprisingly, this provision continues to arouse controversy.

In respect to such provisions, it may be worthwhile to record the Latimer House Guidelines for the Commonwealth, agreed under the auspices of the Commonwealth Parliamentary Association in June 1998:

'Security of members during their parliamentary term is fundamental to parliamentary independence and therefore:

a) the expulsion of members from parliament as a penalty for leaving their parties (floor-crossing) should be viewed as a possible infringement of members' independence; anti-defection measures may be necessary in some jurisdictions to deal with corrupt practices;

b) laws allowing for the recall of members during their elected term should be viewed with caution, as a potential threat to the independence of members;

c) the cessation of membership of a political party of itself should not lead to the loss of a member's seat.'

Further online reading about the rights of parliamentarians in relation to their parties:

The Commonwealth (March 2002). *Commonwealth (Latimer House) Principles on the Three Branches of Government*. Retrieved 19.07.2005, from

<http://www.cpahq.org/CommonwealthPrinciplesonThreeArmsOfGovernment_pdf_media_public.aspx>

Norris, P (January 2004). *Building political parties: Reforming legal regulations and internal rules*. Retrieved 02.08.2005, from International IDEA

<http://www.idea.int/parties/upload/pippa%20norris%20ready%20for%20wev%20_3_.pdf>

3. A Parliament that is Open and Transparent

For a parliament to be 'open' means, most obviously, that its proceedings are physically open to the public. This is not always straightforward in an age when the security of public figures is a pressing concern. Yet many parliaments have found it possible to strike a balance between openness and security, in such a way that parliament is manifestly seen to belong to the people as a whole, and not just to its members. In a number of countries, such as South Africa, it is a constitutional requirement that the public must have reasonable physical access to parliament.

In practice, of course, most people are unable to visit parliament in person. For parliamentary proceedings to be open to the public, therefore, means in effect being open to the press and broadcasting personnel who act as the 'eyes and ears' of the public as a whole. The first part of this chapter will look at ways in which parliaments can facilitate journalists and the media in reporting their proceedings, and will consider issues such as access, freedom of information, freedom of expression and media regulation, all of which can contribute to a better informed citizenry.

Informing citizens about the work of parliament is not just a concern for independent media, however, but is a responsibility of parliaments themselves. Over the past few years, parliaments everywhere have been making strenuous efforts to inform and educate the public about their activities, and to engage their interest and attention. In this they have been helped by the rapid development of new forms of communication such as the Internet, which also facilitates an interactive relationship between representatives and citizens rather than just a one-way communication. From this point of view the division of the Guide into separate chapters, dealing with the transparency and accessibility of parliaments respectively, may seem somewhat artificial. However, it will be convenient to distinguish them in the interests of more thorough treatment. Citizens cannot hope to influence parliaments unless they are first fully informed about what they are doing; neither will they be able to hold their representatives properly to account (see chapter 5). So the second half of the chapter will review parliaments' own efforts to inform and engage with the public, and the different ways in which they seek to do so.

Facilitating journalists and the media in reporting the work of parliament

Parliaments depend upon journalists, editors and media presenters for informing the public about their work. Yet there is much mutual distrust between them. Journalists are often frustrated by restrictions on access to proceedings, or by contempt and defamation laws which may unnecessarily constrain what they can publicly report. Parliamentarians on their side hold the media partly responsible for the low esteem in which they are collectively held, because of a one-sided portrayal of their work. 'The media tend to focus more on proceedings which are adversarial and on matters such as travel and expenses without placing them in the wider context of a parliament that is constructive and systematic' is a typical comment from Irish parliamentarians. Pictures of empty benches convey the impression that members are 'moonlighting' when they may well be properly engaged in other parliamentary business, whether in committees or in their constituencies.

Inevitably there will be some tension between parliamentarians and the media, given the different purposes and cultures of the two professions. Yet they both need each other, and have everything to gain from seeking to collaborate in the ways in which parliament is presented to the public. The public, for their part, have an interest in maximum openness if they are to be effectively informed about the activities of their elected representatives.

Issues of access

Much of the work of parliament is now carried on in committees, and many parliaments are now opening them up to the public and media personnel. Reservations centre on the fear that proceedings may become more partisan if they are public, or that witnesses may be less forthright in their evidence. However, if the media are to give a more rounded picture of the work of members, then opening up committee proceedings where much of the work is carried on is a logical step. It also has the advantage that contentious 'leaks' become unnecessary. Naturally, limitations on grounds of personal or national security apply.

Among recent examples of improved transparency, the Dutch Parliament has experimented with opening up the procedural meetings of certain committees to the public, so that observers can see how they set their agendas and arrange public hearings. The House of Representatives of the Republic of Cyprus now allows media personnel to attend committee meetings 'with very few exceptions'. The Assemblée Nationale of the Cote d'Ivoire, which used only to permit summaries of its committee meetings to be published, has since 2001 allowed the press to attend and report on all committee proceedings. In South Africa, committees are open to the public and the media, and can only be closed after open discussion and with the approval of the Speaker. The Australian House of Representatives assigns a media advisor to help committees develop communications and media strategies for their public enquiries, and to maximise media coverage of committee activities.

This last example raises a consideration that is particularly stressed in a recent report of the Commission on the Communication of Parliamentary Democracy in the UK. This is that, in a busy media world where competition for news stories is intense, it is no longer enough for parliamentarians simply to provide information or access, but must themselves take the initiative in identifying items that are newsworthy for journalists to pick up on:

Media organisations are much leaner than they used to be, and can no longer spare journalists to spend their time in the gallery or a committee room in the hope of coming across a story.....While some committees already receive good coverage for their work by virtue of controversial subjects, media-savvy chairs or inherent public interest, this is now being complemented by the work of select committee media officers. They are now choosing particular reports to push to media outlets and explaining why the findings are of particular news interest.....MPs need to accept that communication of this sort is not inherently partisan.

Many parliaments are simply unable to afford this degree of provision of media officers. But the training of members themselves, and especially committee chairs, in media relations and presentation could readily equip them to take similar initiatives. The Commission's concept of 'media-savvy' chairs is one that could be generalised.

The same Commission makes a further point about media access, particularly of television, which is not just relevant to the UK Parliament. This is the way rules on access can restrict the form of media coverage as well as its range, and so provide only very dull viewing or reporting in comparison with other news events:

Channel Five told the Commission that 'Another reason why Five News, in common with other news programmes, has reduced its coverage of Parliament is because of the severe restrictions which apply to television news organisations, in particular, the largely static TV coverage within the chambers and the limited access for cameras within the precincts of

Parliament'.....Channel 4 said that, 'In return for giving up some of their privacy, we believe that parliamentarians would be giving out an important message to viewers – "This is your building. We are your representatives." The feeling given off at the moment is that the building belongs to MPs and Lords – not to the people.

Further online reading about the Hansard Society Commission:

Hansard Society (May 2005). *Puttnam Commission*. Retrieved 19.07.2005, from <http://www.hansardsociety.org.uk/programmes/puttnam_commission>

Freedom of information

Legislation which gives citizens access to information held by public bodies is an important democratic resource, which is endorsed by the 'right to seek information' provision of the International Covenant on Civil and Political Rights. Freedom of Information (FOI) legislation now exists in more than fifty countries in every region of the world. It provides a resource for use by citizens and NGOs as well as the media, to improve the transparency of public bodies. While their use can assist parliaments in holding governments to account, they can also enhance the accountability of parliamentarians themselves.

In some countries access to information about parliament is provided by regulations relating specifically to parliament, in others it is covered by FOI legislation which is applicable to all public bodies. An example of the former is provided by the Polish Senate, whose submission points to the wider benefits to democratic life of its provisions:

*In an effort to comply with **citizens' constitutional right to information**, Senate regulations include rather detailed provisions covering, for example, the need to inform the public of forthcoming Senate sittings, public right to attend Senate and Senate committee sittings, public access to Senate papers, minutes and stenographic reports from Senate and Senate committee sittings, as well as to other documents and information associated with the work of Senate and its bodies.....There is no doubt that access to information issues legislated in so much detail has a great deal of impact on the transparency of work performed by the Senate and its bodies, contributing on one hand to the democratisation of life and , on the other, to activating citizens who can, if they so wish, become familiar with Senate work via the access to information from of their choice. This is extremely important for a democratic societal control of people's representatives, whose performance voters can scrutinise using numerous possibilities of accessing information while at the same time learning democratic parliamentary procedures.*

Romania's parliament is covered by a general law on the free access to information of public interest. 'In application of this law, the Senate and Chamber of Deputies provide access to information of public interest, both *ex officio* and on request, through their respective specialised services.' Slovenia's parliament is also covered by a general act on Access to Information of a Public Character, applying to all public bodies. Ecuador has its own access to information statute, 'guaranteeing the transparency of all public activity including that of parliament'. Typical of all such legislation is the existence of independent bodies which are authorised to hear complaints against decisions to deny access to information, including those made by parliament itself. Here, to take another example, is how the Parliament of Jamaica describes the purpose of its FOI Act:

The objects of this Act are to reinforce and give further effect to certain fundamental principles underlying the system of constitutional democracy, namely – a) governmental

accountability; b) transparency; and c) public participation in national decision-making, by granting the public a general right of access to official documents held by public authorities.

Many international organisations have published model FOI laws, which are very similar in the issues covered. Here, for example, are some of the key principles for FOI outlined in a publication by the global campaign for free expression, Article 19:

- the principles of maximum disclosure, obligation to publish and active promotion of open government;
- exceptions should be clearly and narrowly drawn and subject to strict 'harm' and 'public interest' tests;
- access to information should be facilitated, and requests not deterred by high costs or delay;
- refusals to disclose information should be subject to appeal to an independent body whose decisions should be binding.

Further online reading about freedom of information and model laws:

Article 19 (August 2001). *A Model Freedom of Information Law*. Retrieved 02.08.2005, from <<http://www.article19.org/pdfs/standards/modelfoiaw.pdf>>

Council of Europe (February 2003). *Access to official documents: Recommendation Rec (2002) 2 of the Committee of Ministers and explanatory memorandum*. Retrieved 19.07.2005, from <[http://www.coe.int/T/E/Human_rights/rec\(2002\)2_eng.pdf](http://www.coe.int/T/E/Human_rights/rec(2002)2_eng.pdf)>

Organization of American States (June 2003). *AG/RES. 1932 (XXXIII-O/03): Access to Public Information: Strengthening Democracy*. Retrieved 19.07.2005, from <http://www.oas.org/juridico/english/ga03/agres_1932.htm>

The Commonwealth (2003). *Model Freedom of Information Act*. Retrieved 19.07.2005, from <http://www.thecommonwealth.org/shared_asp_files/uploadedfiles/{AC090445-A8AB-490B-8D4B-F110BD2F3AB1} Freedom%20of%20Information.pdf>

Freedom of expression

The counterpart to the right of access to information is the right to communicate and publish it freely to others. This right is fundamental to the democratic process as one based on dialogue and persuasion between informed citizens and between them and their representatives. In the context of media reporting of parliament, it is essential that any limitation on this right should be drawn as narrowly as possible.

Under standard human rights conventions and their jurisprudence, any restrictions on the freedom of expression are subject to a threefold test: they should be a) 'prescribed by law'; b) such as are 'necessary in a democratic society', for example for the protection of national security or of the rights and reputations of others; and c) 'proportionate' to these necessary purposes. The most frequent restriction that has been used to limit what can be said or written about parliamentarians concerns the damage to reputation, or 'defamation'.

In most democratic countries it is accepted that the public role of politicians should make them more open to public scrutiny, and tolerant of a much wider range of comment and criticism, than might be reasonable for private persons. This assumption has also been endorsed in international jurisprudence on the freedom of expression. Nevertheless, some countries still have defamation laws which can be used to restrict the range of media reporting of politicians unduly. These can be particularly restrictive where they form part of the criminal law, with a possible penalty of imprisonment for journalists who overstep the line. In other countries it is the level of damages that

can be awarded in civil cases which may act as a deterrent to robust public disclosure or criticism. In addition, some parliaments have broadly drawn contempt of parliament provisions which can be used to limit criticism or punish journalists for reporting leaked information. Other means that have been used to hamper legitimate journalistic reporting or criticism have included the withdrawal of accreditation to report parliamentary proceedings.

It is probably a good test of the robustness of a country's democracy that parliamentarians are reluctant to have resort to such means to limit criticism or the flow of information to the public. But it is also in their hands to review restrictive legislation which may date from a less democratic era. In this context it is worth noting the report of a study group of the Commonwealth Parliamentary Association (CPA) on 'Parliament and the Media' held in February 2003. Among its many recommendations are these:

(6.2) Parliaments should repeal legislation, rescind Standing Orders and/or publicly abandon their traditional authority to punish the media and others for offending the dignity of Parliament simply by criticism of the institution or its Members.

(6.3) Inaccurate reporting should not be considered as contempt of Parliament. Contempt should be reserved for serious cases of interference with Parliament's ability to perform its functions.

(8.2) Questions of eligibility for media access should be determined by the media itself. Parliaments should retain the right to suspend access for media representatives who violate Standing Orders or otherwise disrupt parliamentary proceedings.

(9.2) Criminal laws inhibiting free speech.....should be revoked.

To these recommendations could usefully be added a principle from Article 19's publication on defamation, referring to the right of journalists to refuse to name their sources, which of course has general applicability beyond defamation cases: 'It is well established that the guarantee of freedom of expression entitles journalists, and others who disseminate information in the public interest, to refuse to disclose the identity of a confidential source.'

Further online reading about freedom of expression and parliaments:

Article 19 (June 2000). *Defining Defamation: Principles on Freedom of Expression and Protection of Reputation*. Retrieved , from <<http://www.article19.org/pdfs/standards/definingdefamation.pdf>>

Commonwealth Parliamentary Association (June 2005). *Parliament and the Media*. Retrieved 19.07.2005, from <<http://www.cpahq.org/topics/parliamentmedia/>>

Inter-Parliamentary Union (May 2005). *Seminar for Chairpersons and Members of Parliamentary Human Rights Bodies on Freedom of Expression, Parliament and the Promotion of Tolerant Societies: Summary and Recommendations Presented by the Rapporteur of the Seminar*. Retrieved 19.07.2005, from <<http://www.ipu.org/splz-e/sfe/conclusions.pdf>>

Media regulation

A final issue to consider in the relations between the media and parliament is parliament's responsibility for setting the regulatory framework within which the media operate. This framework typically covers questions of *ownership and control* as well as considerations of *content*. Although this subject is a complex one, and media technologies are rapidly changing, the principles governing what the public requires from the media in a democratic society are relatively simple: accurate information, a variety of viewpoints and opinions, and respect for the equal

dignity of all citizens. Naturally such principles also bear on the reporting of parliament itself, on political parties and individual parliamentarians.

Issues of *ownership and control* typically affect the variety or pluralism of viewpoints available, especially on television. This is the medium which people in most regions of the world mainly rely on for information and debate about politics, except for Africa where radio is more significant (see table 3.1).

Table 3.1: First main source of information for national and international news per region

	TV	Newspaper	Radio	Others
Middle East	78	8	7	7
East Europe	76	11	9	4
Asia	73	15	8	4
Latin America	71	12	14	3
West Europe	63	22	10	5
North America	59	21	9	11
Africa	30	7	58	5

Source: Pew Global Attitudes Project, December 2002, reported in Marta Lagos, 'World Opinion: the World's Information Channels', *International Journal of Public Opinion Research*, vol.15, no.2, 2003, 201-211.

In view of their significance and also their expense to run, the pluralism of broadcast media can be threatened from two quite different directions. In publicly owned broadcasting, the main threat is that of government or dominant party control, which excludes critical, oppositional or alternative perspectives on government policy. With regard to the privately owned sector, the chief threat comes from monopolistic or oligopolistic ownership, where pluralism is threatened by a combination of populism on one side and the protection of the interests of the wealthy and privileged on the other.

The best way to contain these pressures is by an independent regulatory body which has strong powers to limit concentrations of ownership, including the cross-ownership of different media, as well as to prevent government interference in publicly owned broadcasting. Parliaments can play an important non-partisan role in setting the framework for such a regulatory body and acting as guarantor of its independence. Creating impartial appointment procedures for such a body is regarded as crucial by most experts on the subject. The CPA Study Group (see above) cites examples from both Europe and Africa to this effect:

In 2001, the Council of Europe adopted a recommendation on the independence and functions of broadcasting regulatory authorities, aimed at protecting them against interference by political forces or economic interests.....Particular emphasis is laid on transparent procedures for appointing members of these bodies, on precise rules to prevent them from holding interests in businesses or other media organisations, and on protecting the members from dismissal through political pressure.

In South Africa.....the constitutional court has ruled that independence of the media regulatory authority lies in the appointment and dismissal mechanisms, the funding

mechanisms and the actual functioning of the body. At the Authority's creation, the South African Parliament's Media Committee advertised for members and interviewed the candidates. The recommendations it presented in a report were debated and adopted by the National Assembly, before the Head of State was advised on the appointments.

As to the regulation of *content*, opinions differ as to whether this should also be governed by an independent broadcasting authority, or left to a self-regulating body under the control of the industry itself. Many broadcasting authorities set broad parameters for content in licensing agreements, such as minimum news and current affairs coverage, standards of advertising or the timing of 'adult' programmes. At the same time, the CPA Study Group takes the view that 'it is the responsibility of the media, not parliament, to set and supervise their highest professional and ethical standards'. The limitation of self-regulation, however, is often found in the inadequacy of sanctions or effective public redress in the event of false or tendentious presentation.

An interesting example of non-regulatory involvement by parliamentarians in broadcasting standards is provided by Brazil. Here, in the absence of any code of ethics for TV programmes, members of the Human Rights Committee of the Chamber of Deputies have collaborated with civil society organisations to establish a nation-wide monitoring system for programme standards. Viewers are encouraged to send in complaints on programmes they find offensive, and a 'shame list' is drawn up of the persistent offenders which is then discussed in regular meetings with TV programmers. The guiding principle of the campaign is the equal dignity of all citizens:

The Campaign 'Those Who Encourage Low Quality are against Citizenship' is an initiative of the Commission for Human Rights of the Chamber of Deputies, in partnership with civil society entities, with the purpose of promoting the respect for human rights and the dignity of the citizen in TV shows. The Campaign consists in the permanent monitoring of TV programming in order to detect which programmes – systematically – disrespect international conventions signed by the Brazilian Government, constitutional principles and actual legislation which protect human rights and citizenship.

Typical violations of these principles include the degrading presentation of people on grounds of gender, colour or sexual orientation; assuming the guilt of those charged with a crime; filming vulnerable groups or individuals without permission; interviewing children in inappropriate ways; showing scenes of violence or explicit sex at prime time; and so on. The campaign illustrates the potentially wide remit which a human rights committee of parliament might define for itself, as well as the role of parliament as a sounding board for public opinion in the face of powerful commercial interests.

Further online reading about media regulations:

Bouchet, N; Kariithi, N.K (January 2003). *Parliament and the Media: Building an Informed Society*. Retrieved 19.07.2005, from World Bank Institute, Commonwealth Parliamentary Association
<<http://siteresources.worldbank.org/WBI/Resources/wbi37228BouchetKariithiWEB.pdf>>

Commonwealth Parliamentary Association (June 2005). *Parliament and the Media*. Retrieved 19.07.2005, from <<http://www.cpahq.org/topics/parliamentmedia/>>

Strategies of parliaments for informing the public about their work

So far we have been concerned to identify the ways in which parliaments are becoming more open to citizens through improving public access, and removing barriers to media reporting within

a regulatory context that encourages pluralism and non-discriminatory content. Equally important are the strategies adopted by parliaments themselves for informing the public about their work, and seeking to engage their interest and involvement.

Parliaments that have been recently established, or which have recently reviewed their communication arrangements, have tended to adopt a comprehensive information and education strategy under a single communications officer or department. This strategy embraces every kind of medium – broadcasting, the Internet, publications, information centres and educational initiatives of all kinds. The advantage of multiple and coordinated means of dissemination is that the public can access information through the medium of their choice or availability, as this contribution from the Hungarian National Assembly shows:

It is important that the activity of Parliament is available to the citizens via several channels. For most people television, printed media and radio broadcasts are the primary channel of communication. Plenary sessions of the parliament are broadcast live on radio and television, these days parliamentary sessions can be viewed also on-line on the Internet. The Library of the Parliament and the Secretary General's Office offer additional sources of information, as well as a special telephone line or e-mail available for all citizens, operated by them, through which questions concerning the legislation or the work of Parliament are formulated. Non-profit organisations may obtain information from the Civil Office. Since the basic stipulation for the democratic operation of Parliament is to make available every information to the citizens, several channels of information are therefore at the disposal of the public.

Many parliaments now have their own dedicated television channel for broadcasting their proceedings. One advantage of this is that it enables parliaments to maintain editorial control over the content, as well as to allow a much greater range of activity to be shown. The Republic of Korea, for example, used to rely on the government's KTV channel to broadcast plenary meetings. 'Starting from May 2005, however, the National Assembly launched a channel exclusively for legislative affairs through which it broadcasts directly to the people the entire proceedings taking place in the National Assembly.' While these dedicated channels may only interest a minority of the population, they fit into a more general picture of increasing fragmentation of media audiences. What is important, however, is that such channels should be accessible to the widest population. Expanding the potential audience for the parliamentary channel has been a concern for a number of our respondents, and has been facilitated by the rapid development of digital broadcasting, as this report from the French Assemblée Nationale indicates:

The parliamentary debates are broadcast, generally live, on the Parliamentary Network, which includes two stations, each dedicated to a chamber of the parliament. So far this network, which also broadcasts interviews, studio debates and other educational programmes, has been available only on cable or satellite television, or via an ADSL connection. On 31 March 2005, the launch of terrestrial digital television in France will make it possible to extend significantly the reach of this network, which will be among the 14 channels for free in digital services.

Extracts from a report submitted by the Mexican Senate indicate the typical range and ambition of a dedicated parliamentary channel:

With the intention of complying with its informational objective of supplying Mexican society with information about the activities that take place in the Legislative Power, Congress formally created on 28 August 2000 the Congress Television Channel of the

Mexican Republic.....The programming has integrated legislative activities of both Chambers that make up the Mexican Congress, such as:

- *Joint Sessions of the Chambers*
- *Task force meetings of the legislative Commissions*
- *Programmes expressing opinions and with legislative participation*
- *Interviews with government officials*
- *Informative notes and data*
- *Night news, and*
- *Programmes with cultural and educational information, produced by means of collaboration agreements with different institutions.....*

The Congress Channel reaches the whole of Mexico as it is transmitted through a cable system in the complete country, which reaches a potential 10 million television viewers; and also by subscription to Channel 144 in the SKY system and to Channel 220 through Direct TV reaching another 10 million viewers. Presently we have pending a permit to extend the diffusion by means of the MMDS Systems and with our own UHF frequency to send the signal to 100% of the country.....

Emails sent to the Channel have made it possible to have a vast variety of responses from the TV audience.....By this means the Director's Office of the Channel has gotten to know the usage tendencies of the TV viewers, the geographic zones participating, the kind of social broadcasting, to whom it is addressed, the interests, the opinions, the needs and the proposals made by viewers of the Channel.....

In conclusion, the Channel is widening the image of Congress and extending its presence in society, becoming an extension of the tasks carried out by Congress itself, offering society, on the one hand, an informative image that is more realistic and complete of the Senate, and, on the other hand, facilitating more access to interact with the Legislators.....With this, the Channel is granting the right to information and freedom of expression in the country, and contributing to build citizens and not only spectators or information consumers.

As the Mexican example shows, the division between 'traditional' media of communication and the Internet is now breaking down. Many parliaments use video links to broadcast their proceedings in real time via their website, even though they may not have a dedicated TV channel. This also enables them to reach overseas citizens, who otherwise would not be able to follow parliamentary proceedings directly. The Portuguese Parliamentary Channel, for instance, 'also broadcasts through the Internet site and allows people to follow it worldwide. The information is quite relevant considering the number of Portuguese emigrants entitled to vote in the parliamentary elections.' Another example from Mexico shows the interest that can be aroused abroad through this medium:

One remarkable recent experience (March 2005) has been the transmission of the Mexican Senate hearings with the Foreign Affairs Secretary, the President of the Federal Electoral Institute and the President of the Federal Electoral Court, to analyse a change in Mexican law that would grant the right to vote to the Mexican citizens outside the country, among them, the 10 million Mexican citizens that live in the United States. According to unofficial

estimates, these Internet transmissions have been followed by approximately 400 thousand computer users in the United States.

To take another example, the Indian Parliament has offered this comment on the significance of extending the broadcasting of its proceedings:

Telecasting and broadcasting parliamentary proceedings lead to first hand political education of the common people. Constituents now have the opportunity of seeing for themselves the role being played by their elected representatives in ventilating their grievances.....On 14 December 2004, two separate dedicated satellite channels for telecasting live the entire proceedings of Rajya Sabha and Lok Sabha nationwide were launched by the Vice-President of India and the speaker, Lok Sabha, respectively.....The Question Hour proceedings of both the Houses are also broadcast live on the All India Radio.....ensuring their wider reach across the length and breadth of the country.

The importance of radio broadcasting for countries or communities where ownership of TV sets is low should not be underestimated. As table 3.1 shows, radio is the most important source of information for countries in Africa. However, these regional figures hide some quite marked differences between individual countries. For example, where TV is the main source of information for 92 per cent of the population in Indonesia, this falls to just 2 per cent in Uganda. In African countries, therefore, expanding radio coverage of parliamentary proceedings is significant for most of the population. In Botswana, for example, this has been done in a number of ways:

- Live broadcasts daily while parliament is sitting
- Press briefings on the agenda before parliament as a news item
- Regular broadcast interviews with Ministers, in which the public can submit questions directly
- Introduction of the vernacular language for parliamentary debates and official documents.

The report from the Republic of South Africa has this to say about its own radio project:

The radio project, which aims to educate and inform the public of what happens in Parliament, how laws are made and how citizens are participating in law-making processes, has become the most important means of communicating with the South African public. The project comprises pre-recorded docudrama series, interviews with Members of Parliament and senior officials as well as infomercials. Much of the material is produced in all the official languages and is broadcast nationally on twelve SABC radio service stations. The total audience for the radio project for the 2002/3 financial year was 35 million.

As it happens, TV sets are widely available in South Africa, but people still look to radio as their main source of information about public affairs. This suggests the continuing importance of radio for parliaments even in those countries with extensive TV ownership.

Parliamentary websites

Almost all parliaments now have their own websites, at least for improving internal communication with their members. Most have also developed these sites to keep citizens abreast of parliamentary proceedings and to facilitate interaction with them. Since these sites mostly share very similar objectives and features, it will be useful here to summarise the IPU's own guidelines on good practice for parliamentary websites, published in 2000, which was the result of a systematic survey

of practice at that time among member parliaments. These are its main recommendations for content etc. under each of a number of headings:

Box: IPU recommendations on good practice for parliamentary web sites

<p>General information page</p> <ul style="list-style-type: none">▪ Overview of the composition and functions of the national parliament and its constituent bodies;▪ Full text of the Standing Orders, rules of procedure or similar rule-setting documents;▪ Text of the country's Constitution (where applicable)▪ List of international and regional parliamentary assemblies of which the parliament is a member. <p>Electoral system</p> <ul style="list-style-type: none">▪ Explanation of the election procedure (voting system, electoral constituencies, who votes, who can be elected, nomination requirements, who conducts the election, etc.)▪ Results of the last elections by party affiliation and constituency. <p>Legislative process</p> <ul style="list-style-type: none">▪ Schematic explanation of the legislative process;▪ Legislative agenda and schedule of the current session;▪ Searchable database of legislative acts enacted by the current legislature;▪ Status of current parliamentary business by bill number, topic, title, date, document code, parliamentary body, etc. <p>Presiding Officers</p> <ul style="list-style-type: none">▪ Biodata of the current Presiding Officer of the parliament or parliamentary chamber;▪ Brief description of the Presiding Officer's powers and prerogatives;▪ Names of Deputy- and/or Vice-Presidents (where applicable). <p>Members of Parliament</p> <ul style="list-style-type: none">▪ Up-to-date list of all members grouped alphabetically, by constituency and by party or political affiliation, including membership in parliamentary committees/commissions, and with hyperlinks to the MP's personal websites (where applicable);▪ Contact information for each member including his or her e-mail address. <p>Non-plenary parliamentary bodies</p> <ul style="list-style-type: none">▪ Complete list of non-plenary bodies with hyperlinks to separate pages devoted to each body in that category;▪ Description of the mandate and terms of reference of each body;▪ Membership and names of presiding officer(s) of each body;▪ Information on current business and data on upcoming meetings;▪ Relevant contact information of each body. <p>Search tools for the website</p> <ul style="list-style-type: none">▪ Quick search utility – this standard intra-site search tool is based on automatic indexing of documents and allows free-text search for words and word combinations throughout the site;▪ What's New page – an announcement board with direct hyperlinks to the newest documents on the site;▪ Site map – textual or graphical visualisation of the site's overall structure containing hyperlinks to individual documents. <p>Feedback tools</p> <ul style="list-style-type: none">▪ A feedback utility that allows users to send their comments and questions directly to the webmaster;▪ Preconfigured electronic mail for sending messages to parliamentary bodies and individual officers
--

directly from the pages of the website.

External hyperlinks

- Internet users should be able to find their way easily from a national parliament's website to those of political parties and government institutions, other countries' parliaments, inter-parliamentary structures, and so on.

Further online reading about parliamentary websites:

Inter-Parliamentary Union (May 2000). *Guidelines for the Content and Structure of Parliamentary Web Sites*. Retrieved 19.07.2005, from <<http://www.ipu.org/cntr-e/web.pdf>>

Norris, P (November 2000). *Online Parliaments in Digital Divide: Civic Engagement, Information Poverty, and the Internet Worldwide* (Chapter 7). Retrieved 19.07.2005, from <<http://ksghome.harvard.edu/~pnorris/acrobat/digitalch7.pdf>>

Kingham, T (January 2003). *e-Parliaments: The Use of Information and Communication Technologies to Improve Parliamentary Processes*. Retrieved 19.07.2005, from World Bank Institute <<http://siteresources.worldbank.org/WBI/Resources/wbi37210Kingham.pdf>>

As the current information from our parliamentary respondents shows, their websites are continually being developed in response to user feedback and user priorities. For example, the activity of the Italian Senate and its staff 'has been strongly influenced by the added push coming from the web: constituents increasingly want to email their elected representatives and find out on line how he or she voted and what opinion he or she expressed on specific issues.' In Australia, the summary of the week's business in the House of Representatives has proved particularly popular. In Latvia, the Saeima's database containing the full text of draft laws has enjoyed the most use 'because every citizen can follow the development process of the draft law he or she is interested in.' However, the Latvian communication also draws attention to the limits on accessibility. Not every citizen can use this facility in practice.

When we talk about involving the public in strengthening democracy, we should not rely on information and communication technologies (ICT) too much. We have to take into consideration that the current availability of personal computers and, in particular, the availability of and access to the Internet is not as evenly distributed and as broad as we would like. A knowledge society is not about the availability of knowledge on the Internet or elsewhere, but about maximally even distribution of knowledge among the citizens, thus enabling democratic processes.....A true expression of democracy is to let every person choose the form of communication that is more convenient for and accessible to him or her.'

The figures given for the levels of Internet use in Latvia reinforce this caution: only 24% of the population had used it in the previous six months; only 47% of public libraries had access to the Internet and 71% of schools. If this is the situation for a European country, then how much more is it true of many developing countries in the South. While access to ICT, therefore, enormously increases the range and speed of communication possibilities for its users, by the same token it also intensifies the inequalities between users and non-users. Table 3.2 shows the huge inequalities between the world's regions in access to the Internet. Within the low access regions and countries we must also assume a huge gulf between those with access and those without. One way of bridging this gap is through a system of 'cascading', whereby information is disseminated in electronic form to local agencies (constituency offices, community centres, etc.) and thence by more traditional means to wider sections of the population.

Table 3.2: Internet usage statistics

WORLD INTERNET USAGE AND POPULATION STATISTICS						
World Regions	Population (2005 Est.)	Population% of World	Internet Usage, Latest Data	Usage Growth2000-2005 %	% Population (Penetration)	World Users %
Africa	900,465,411	14.0	13,468,600	198.3	1.5	1.5
Asia	3,612,363,165	56.3	302,257,003	164.4	8.4	34.0
Europe	730,991,138	11.4	259,653,144	151.9	35.5	29.2
Middle East	259,499,772	4.0	19,370,700	266.5	7.5	2.2
North America	328,387,059	5.1	221,437,647	104.9	67.4	24.9
Latin America/Caribbean	546,917,192	8.5	56,224,957	211.2	10.3	6.3
Oceania / Australia	33,443,448	0.5	16,269,080	113.5	48.6	1.8
WORLD TOTAL	6,412,067,185	100.0 %	888,681,131	146.2 %	13.9 %	100.0 %

NOTES: (1) Internet Usage and World Population Statistics were updated on March 31, 2005. (2) For regional information, click on each world region. (3) Demographic (Population) numbers are based on data contained in the world-gazetteer website. (4) Internet usage information comes from data published by Nielsen//NetRatings, by the International Telecommunications Union, by local NICs, and by other other reliable sources. (5) For definitions, disclaimer, and navigation help, see the Site Surfing Guide. (6) Information from this site may be cited, giving due credit and establishing an active link back to www.internetworldstats.com. ©Copyright 2005, Miniwatts International, LLC. All rights reserved.

Source: Internet World Statistics, *Internet Usage Statistics: The Big Picture*. Retrieved 01/05/2005 from <<http://www.internetworldstats.com/stats.htm>>

Taking parliament to the people

Many parliaments have dedicated centres for information and education in the parliament building for organised visits and individual visitors. The Italian Chamber of Deputies, for example, in May 2005 inaugurated a multi-functional and multi-media centre of information in its building, open every day, where visitors can follow parliamentary proceedings on screen, access information on parliament through a variety of media, and engage in systematic research. Other parliaments hold specific Open Days, whether at set times throughout the year, or to mark some special anniversary. The Estonian Riigikogu holds an Open House every 23rd April to celebrate the day of its founding in 1919. Every citizen has an opportunity to visit the parliament building and go on a conducted tour. A special question time is arranged for the guests in the parliamentary chamber with members of the Government participating and answering questions. The parliament also holds information days in rural areas and counties, where local people are able to question members on their work.

This practice of taking parliament out to the people is a typical feature in some countries. Botswana has instituted a 'Parliament on Wheels' in which members of the Speaker's and Information offices tour villages to explain the role of parliament in society. South Africa has organised 'democracy roadshows' whose aim has been 'to take Parliament to communities that do not have ready access to Parliament so as to educate and inform people of how laws are made and how citizens can participate in law-making processes.' The Great State Hural of Mongolia has established permanent 'parliamentary advocacy centres' in five districts of the capital and nine provinces, with the following objectives:

- to develop relations between members of parliament and their voters, and between local administrators and civil society, in a systematic way;
- to organise local training sessions, public discussions, hearings and seminars;
- to involve local media and elected officials in advocacy work relating to parliamentary activity.

These outreach programmes are not just a feature of developing societies, as the example of Sweden shows:

In 2003 Riksdag 'branches' were opened in three towns: Gothenburg, Malmo and Sundsvall. Together with the municipal libraries of each town, the Riksdag has equipped a section of the library with screens, printed educational and information material, an IT workstation for connecting to the Riksdag website, and the opportunity of following web broadcasts from it. Members of the Riksdag from each region also use the Riksdag 'branches' to meet voters and hold debates.

Informing and involving young people

Most parliaments acknowledge that they have a special problem in interesting the young in representative politics. This is not because young people lack any interest in politics as such. Many are actively involved in advocacy causes and single-issue campaigns. Yet of all age groups they are the least likely to vote, and their alienation from parliamentary politics is particularly marked.

In view of this situation, parliaments are now making strenuous efforts to engage the interests of school pupils in their work. These initiatives take many forms. Some are school-based, some are located in parliament itself, and some involve a combination of the two.

School-based initiatives

The most basic of these is teaching about parliament as part of the school curriculum. The South African Parliament is developing a civic education training programme for young adults to show 'how Parliament functions, how laws are made and how the public can engage with the law-making process. It is envisaged that this programme will eventually constitute part of the school curriculum.' Another of its initiatives has been the production of an award-winning comic book, *A Day in Parliament*, which has been distributed to every school in the country.

Figure 3.1: A Day in Parliament Comic Book



Source: A Day in Parliament (1999), Parliament of South Africa. Retrieved 16.07.2005 from <<http://www.parliament.gov.za/eupsp/newsletters/aday.html>>

The Iceland Parliament has a special website for schoolchildren aged 13-15. 'The users can interact with cartoon style figures, answer questions by searching the web for information and be graded instantly for their effort when they send in their answers. It has proven popular and is widely used as a teaching tool.'

Many long-established democracies have seen it as an essential part of such a curriculum that school students should experience what it is like to run their own parliaments, in the form of an elected assembly or such like, to help decide issues of school policy and discipline. These can also

make an important contribution to democracy-building in countries seeking to consolidate a more democratic culture. The Grand National Assembly of Turkey has recently joined forces with the education ministry in a 'Parliaments of Schools' project, to establish such assemblies in schools throughout the country.

The project has been launched to familiarise the students of primary and secondary education with the culture of election and to be elected, to make them handle their problems with their own perspectives, to build consciousness about functional democracy including the concepts of public participation and tolerance, as well as to spread the culture of democracy to all the segments of society. This project, initiated in 2004, has been implemented in 200 primary schools and 100 secondary schools.....The objective here is to spread this system in a short period of time to all schools in Turkey.

The project has attracted considerable media attention, and the Assembly Speaker attended some of the first elections to underline the importance and support attached to the project by the National Assembly.

Parliament-based programmes

These programmes can also take different forms. Many parliaments have arrangements for regular visits from school students, on a weekly or monthly basis, in which students from across the country can attend plenary sessions and committee meetings, question ministers and meet with their own assembly members. Others run 'young people's sessions', in which students learn parliamentary procedure through organising their own debates and question sessions. The Norwegian Storting is planning to open an events centre in the autumn of 2005, in which school pupils will conduct simulations of the parliamentary process. 'They will act as parliamentarians in fictive plenary meetings, meetings in standing committees and party groups, they will write the necessary documents, and they will be confronted with the press.....This will give them a very vivid impression of parliamentary democracy at work.'

A method which combines both school-based activity and a programme in parliament involves school meetings to elect representatives to a National Youth Parliament. Poland, for instance, has an annual Young Parliamentarians meeting, in which young deputies are elected from schools across the country and hold debates in parliament according to parliamentary procedure. A more elaborate version has been developed by the Danish Folketing:

The purpose of the Youth Parliament is to help young people from Denmark, the Faeroes Islands and Greenland to understand the democratic process better by letting them draw up their own Bills and proposals for legislation, which they debate in committees and in full session in the Folketing.....Information on the Youth Parliament is forwarded to teachers of grade 8 and 9 students at all schools. Each class wishing to participate must draft a Bill collectively.

The Danish Parliament then selects 60 Bills according to the following criteria:

- *contents of the bills*
- *variation (coverage of the widest possible number of subjects)*
- *wide geographical coverage ensuring that schools from all parts of the country are represented.*

The 60 Bills are distributed according to the relevant standing committees. The initial part of the committee work is done electronically. The second part of the committee work is done

at Christiansborg Palace at the meeting of the Youth Parliament.....Each of the 12 committees will discuss five Bills, of which one from each committee is selected by the participants for discussion and vote in the Chamber. Each committee also frames a question which will be put orally to a Minister during Question Time.

The above comprise only a small selection of the initiatives being carried out by parliaments in this important area. Beyond school, St. Kitts runs a Youth Parliament for young people, representing various youth groups. 'They interact with Parliamentarians, the Speaker of the House and the Clerk of the House to learn about Parliament and its work.....Their debates are carried live on radio and are recorded for television viewing.' Worth mentioning also is the idea of taking parliament to young people where they are gathered for their own events. In Hungary the presence of members of Parliament and other public institutions is arranged at Diaksziget (Students' Island), the largest youth music festival in Central Europe. Here 'students can listen to political lectures and can discuss their problems with politicians.'

4. An Accessible Parliament

The previous chapter concerned itself with the different ways in which citizens can become informed about their parliament. Having accurate and up-to-date information about what parliament is doing is a precondition for exercising any influence on the work of parliament either as an individual or through organisations of like-minded citizens. This chapter looks at the different ways in which parliaments are making themselves more accessible to citizens and social groups, and in which they can hope to exercise influence in turn. It looks first at modes of direct contact between citizens and their representatives; then at opportunities for citizen involvement in legislation and other committee work of a parliament; finally at institutions and procedures through which citizens can appeal for redress in the event of grievances.

Direct contact between citizens and their representatives

The means through which citizens have traditionally had access to their parliament has been through their elected representative(s). In most countries, where the electorate is divided into geographically-based constituencies, and members represent a specific locality, such access has typically been through face to face contact in the area where the electors live. Defenders of constituency-based electoral systems have always regarded it as their signal merit that members should experience their constituents' concerns and problems at first hand, and not just rely on second-hand reports when assessing the impact of legislation. Naturally, there is a danger, pointed out by a number of our respondents, that members can become almost full-time social workers as a consequence. This danger can be addressed through the effective staffing of members' offices. In any case it is perhaps a small price to pay for the advantage that many legislators see of 'keeping their feet on the ground'.

In the contemporary world the use of email has enormously enhanced the ease and speed with which electors can contact their representatives. Yet, as we have already seen, the 'digital divide' excludes large numbers from such access. In most countries, therefore, the opportunity of meeting the representative directly, whether individually or as a member of a group, and without substantial time or cost spent in travelling, remains of the first importance. Meeting this need is partly a matter of members' *time*, partly of constituency *facilities*.

As to *time*, many parliaments set aside a day or two at the end or beginning of each week when they are in session for members to visit their constituencies. In Sri Lanka, the parliament is in session during the first and third weeks of each month, and during the second and fourth weeks the members work in their constituencies, where people can have access to them. In a few countries, being a parliamentary representative is still only a part-time activity, and members continue to practise their normal profession while carrying out their parliamentary duties. Working most of the time in their locality keeps them in touch with their electors. In Malta, MPs 'visit their constituents at home, in hospital and at their place of work to learn more about their daily needs, and such visits are held frequently. The size of the country makes it possible for members to give the citizens personal attention and, where necessary, to explain to them measures included in legislation adopted by Parliament.' At the other end of the scale in terms of size, the full parliament in the People's Republic of China meets for only a few days each year, and so deputies are also part-timers with their own professions. 'This has enabled them to have direct interaction with the voters, feeling their pains and understanding their aspirations.....They also assist in the implementation of the Constitution and the laws in their production, work and social life.' Such

advantages have to be set against the potential loss of expertise in relation to the members' legislative duties, as both parliaments acknowledge.

As to *facilities*, a number of parliaments in developing countries have initiated wide-ranging programmes to establish parliamentary offices in each constituency, where members are available to see their constituents. In Zambia, this forms a key part of an ambitious programme of parliamentary reform. As a first step, three different types or models of constituency offices were piloted, to see which one was most suitable and sustainable to enhance member-constituency relations:

- the fixed office;
- the travel budget office, where an MP was provided with funds for travelling around the constituency in person;
- the mobile office located in a Land Rover, and equipped with a computer and satellite phone.

Support staff were recruited and trained for all three types of office facility. Of the three types, the fixed office proved to be the most effective in the pilot studies. The 'travel budget office' lacked any focal point or predictability of popular access, while the 'mobile office' proved unsustainable in terms of its technical demands. As a conclusion, the Parliamentary Reforms and Modernisation Committee recommended the following:

- *that the Fixed Office Model be adopted with a limited travel budget to enhance the MPs' connectivity with their constituents;*
- *that the Community be involved in deciding on the location of the offices;*
- *that the National Assembly should ensure that the Professional Assistants and other employees of the office are non-partisan;*
- *that the National Assembly should equip constituency offices with basic literature translated into local languages, if possible*

The Committee concluded that constituency offices significantly improved constituents' access and interaction with the MP. The key to success was the leadership, performance and commitment of the MP and the Professional Assistant

In Zimbabwe a similar reform process has led to the establishment of Parliament Constituency Information Centres (PCICs) in all 120 constituencies, with the primary objective of providing citizens and local organisations with an opportunity to engage Members of Parliament on the problems and needs of the constituencies. As a base for parliamentary generated information, the centres also enable the public to be involved in the legislative process from a more informed standpoint. In addition, the centres hold a socio-economic database of the area, regularly updated, which serves to identify some of the most pressing issues and areas of need in the constituency.

The centres provide a meeting place for the sitting Member of Parliament and his or her constituents. Since these centres belong to Parliament, not political parties, they give all members of the area, regardless of political affiliation, an opportunity to discuss constituency issues with their representatives in Parliament. The PCICs are centrally located and are easily accessed by the majority of people in that constituency. They are also located close to local or Government authorities for coordination purposes.....The PCIC is manned by the Office Assistant who is an employee of Parliament on contract.

Reviews of the work of constituency offices generally suggest that their effectiveness as a channel of communication and public participation depends on the conscientiousness of the individual member (see the Zambia extract above). It seems also that they are more successful at raising individual complaints and problems than as a channel for views about the legislative activity of members. For this, more systematic channels are needed in parliament itself.

Further online reading about the organisation of parliamentary constituency offices:

United Nations Development Program (n.d). *The Legislature and Constituency Relations*. Retrieved 19.07.2005, from <<http://www.undp.org/governance/parldev/docs/constrelat.htm>>

Citizen involvement in the legislative process

Direct citizen participation in the legislative work of parliament takes a number of different forms. The most frequently used is the invitation for public submission, or public hearing, by a legislative committee.

Committee submissions and public hearings

An appropriate starting point is with an extract from a handbook of the New Zealand Parliament explaining the significance for democracy of direct citizen participation in legislation:

New Zealand's system of parliamentary democracy not only provides for citizens to elect their representatives, but also allows citizens to have a say in shaping the laws that affect them. This involvement is achieved by the select committees of the House of Representatives receiving submissions from the public. The system of public input into legislative proposals is an important element in the parliamentary process and in the democratic life of the country. Submissions are also received on parliamentary inquiries and other matters before a select committee. This provides the public with the opportunity to put forward its views on issues and may ultimately result in new laws.

There are different ways in which this process of civic engagement can be organised. The New Zealand Parliament makes an open invitation for submissions to all interested parties, individuals as well as organisations, through the press and other media, including its website. Other parliaments regard civic organisations or NGOs which represent specific issues or interests as the most appropriate vehicle for conveying the views of civil society; and they send specific invitations to organisations known to have an interest in the particular legislation or enquiry under consideration, inviting their submissions. This is what the Turkish Parliament did in wide-ranging negotiations over the revision of the Penal Code in 2004. As a general practice, the Parliament of the Czech Republic arranges 'public hearings of representatives of the professional and civic sector' in relation to bills. The Republic of Macedonia has an NGO-Parliament contact office to facilitate civic involvement in legislation; it also serves as a check on the standing and representative nature of civic associations. Other parliaments keep official registers of NGOs and other interest groups for the same purpose, and also to ensure that marginalised groups are effectively included in consultative procedures. Such arrangements can also become more institutionalised. The parliaments of Belarus, Slovenia and Tunisia have consultative councils of representatives from NGOs and other experts attached to particular standing committees on an ongoing basis. Latvia and Mali have arrangements for ongoing cooperation with stakeholder groups to improve legislation. In Hungary a Civil Office of the National Assembly was opened in 2002, with the responsibility of establishing a dialogue between the civil sphere and the National Assembly in the legislative process.

The Parliament of Iceland has a twin-track approach, both inviting specific submissions from relevant organisations and accepting them from individual members of the public:

It is a standard procedure in the Althingi, the Iceland Parliament, that the legislative standing committees ask for written opinions (submissions) from those who are affected by the bills which the committees are dealing with. In practical terms 'those affected' refers to interest groups and similar non-governmental organisations and societies. This reflects an established parliamentary opinion that those affected by legislation have a democratic right to be heard and consulted. Furthermore, any member of the public has a direct access to the standing committees in the sense that everyone can send a written submission to committees (either by letter or e-mail) regarding any bill that the committees are dealing with. These 'spontaneous' submissions, which are not formally requested by the committees unlike those mentioned earlier, are all made available to committee members. It should be added that all submissions to committees are available to the public.....and there are plans for making these documents available to the public immediately after they have been tabled in the relevant committee.

The last sentence of this extract raises an important issue about the transparency with which the relations between parliament and civil society is conducted. There is widespread concern in many democracies about the undue influence that some particularly powerful and well-financed organisations may come to exert over the legislative process. An important safeguard against this is to make sure that all submissions from civil society are conducted through regular channels and that the proceedings are made public. Some parliaments also seek an additional protection by strict regulations and codes of practice governing lobbying activity. The Polish Parliament is currently processing a bill on lobbying activities, 'which it defines as any kind of activity carried out by lawful means aimed at influencing public authorities to take into consideration arguments and interests of specific social or professional groups. The bill establishes admissible forms of influencing decisions made by public authorities and sets out forms of lobbying supervision.'

The other side of the coin to preventing undue weight being given to powerful interests, is that of positively *enabling* submissions from ordinary members of the public. One way of doing this is through effective advance publicity of dates of public hearings and committee meetings. Another is the provision of advice to the public on how to approach the relevant committee, and how to frame a submission that will have some influence upon it. Among the handbooks published by the New Zealand Parliament is one on *Making a Submission to a Parliamentary Select Committee*. It is designed 'to help those writing a submission to produce it in a form that is easily read and understood by members of the committee. This will enable a submission to be more effective and for its recommendations or suggestions to have a greater impact on the committee.' Its recommended format for making a submission is shown below.

Box: Extract from handbook on Making a Submission to a Parliamentary Select Committee

Submission
To the.....Committee on the.....Bill/Inquiry
Introduction
1. This submission is from (<i>name of individual/organisation and address</i>)
2. I/we wish to appear before the committee to speak to my/our submission. I can be contacted at: (<i>List your daytime telephone number</i>). I/we wish that the following also appear in support of my/our submission (<i>List names and positions in organisation</i>)
3. (<i>If an organisation, give brief details of your organisation's aims, membership and structure and the people consulted in the preparation of the submission</i>)
General/Summary (<i>if a long submission</i>)
4. I/we support/oppose the provisions of this bill because (<i>state reasons why</i>). I/we wish to make the following comments (<i>views on the general intent of the inquiry</i>)
Clause (Bill)
5. I/we support/oppose the provisions of this clause because (<i>state reasons why</i>)
Clause (Bill)
6. Although I/we agree with the general intent of this clause, I/we feel that (<i>note any changes you would like to see made and be as specific as you can suggesting new wording for the clause if you wish</i>)
Specific comments (Inquiry)
7. I/we wish to raise the following matters under terms of reference 1, terms of reference 2 etc (<i>expand on your views and give reasons for them</i>)
Recommendations
8. (<i>list any further recommendations or conclusions that you wish the committee to consider. You may wish to restate recommendations mentioned earlier in the text</i>)

Source: Office of the Clerk of the House of Representatives of New Zealand (2005), Making a Submission to a Parliamentary Select Committee. Retrieved 16.07.2005 from <<http://www.clerk.parliament.govt.nz/Programme/Committees/Submissions/>>

Although this suggested format is helpful, it already presupposes a certain familiarity with the ways of committees. In this context, the submission from the South African Parliament emphasises the special difficulties experienced by the poor and marginalised in getting their voices heard in Parliament. It quotes a statement to this effect from the former Speaker, Dr Frene Ginwala;

In South Africa, the gap between those with the resources to influence government and those whose influence, for historical reasons, is limited by poverty and disadvantage is deep and wide. Thus, there is the very real danger that while the voice of the powerful may be heard, the majority remain imprisoned in the silence to which their history and circumstances have condemned them.

In the context of contribution to parliamentary committees specifically, the submission identifies a number of constraints:

- *Time*: heavy time obligations for poorer sections of the population preclude active participation in anything beyond basic survival and the maintenance of livelihood.

- *Access to the media:* Although access to the media is vital for public participation, the section of the population that has no exposure to the media is likely to be poor, rural and African with little education.
- *A lack of transport:* It is not always easy for people to afford or access transport to visit Parliament.
- *Sharp inequality in education:* A prerequisite for an informed and active citizenry is a literate population.
- *Language diversity:* The choice of language used by government and the simplicity of the language used impact significantly on the ability of citizens to obtain information and to participate.

Among the strategies developed to mitigate these constraints have been the distribution of resources to marginalised groups to enable them to make effective submissions and attend hearings; the holding of committee meetings in the provinces; and the institution of a People's Assembly (see below). The submission acknowledges that such strategies are very resource intensive, and that inequalities of influence continue to present a challenge.

Other countries have addressed this issue by holding public hearings on legislation in localities across the country, and by conducting them informally through oral evidence, which is then compiled for consideration by the relevant committee of parliament. In an effort to promote better citizen involvement, the House of Representatives in the Philippines conducts 'out of town public hearings particularly to the far-flung barangays of the country, and ensuring that constituencies, sectors and concerned interest groups are given sufficient opportunities to be heard and to present their side on legislative issues.' The National Assembly of St. Kitts puts all Bills into the public domain for scrutiny and comment after first reading, so that the views of the public can be taken into account at second and third readings:

This was the case with the recently passed Education bill 2005 which had its first reading in 2003. Since then several town hall meetings were held and the Bill was widely discussed on radio talk shows. A committee was set up to report to Parliament the outcome of all these meetings and discussions. After the report was submitted the Bill then had its second and third readings, taking into consideration the comments of civil society.

Interestingly, a similar process of public discussion has been undertaken by the committee reviewing the salaries of parliamentarians, including public meetings, radio discussions and call-in programmes.

In a few countries the engagement of civil society in the work of parliament takes the form of an organised public forum or chamber, as these examples from the Lebanese Republic and the Russian Federation show:

Lebanese Republic: In order to further communication between the Lebanese Parliament and the civil society organisations, and to activate the participation of these organisations in the policy making of Lebanon, the Forum of Parliamentary Dialogue was established in 1999. The Forum of Parliamentary Dialogue, which is considered as a non-governmental organisation, aims at conveying the views, aspirations and proposals of the civil sector to the Parliament. Among its objectives are: securing information for the parliamentarians on the programmes of the NGOs, organising joint activities between the parliamentary joint committees and the civil society organisations, and providing the latter with access to the publications and works of the Parliament.....It also organises workshops and training

courses for MPs, committee secretaries, experts, representatives of the civil sector, academics and journalists, dealing with policy making in Lebanon and the participation of civil society in its formulation.

Russian Federation: The most important law aimed at the further development of democracy in Russia and strengthening the role of parliament has been the Federal law 'About the Public Chamber of the Russian Federation' introduced by the President of the Russian Federation and adopted by the State Duma through the third reading of March 18 2005.....As an intermediary between society and the administration, the Public Chamber will be composed of the widest range of public organisations from civil society, with the task of producing an evaluation of different legislative initiatives from the point of view of the interests of society.....The working term of the Chamber will be two years, and its tasks will be implemented through the expert analysis of projects of federal constitutional laws, federal laws, normative legal acts of the federal executive power, bodies of government of the regions of the Russian Federation and organs of local government. Its expertise will also be used to evaluate Russia-wide initiatives in respect of constitutional laws, and for the protection of the freedom and legitimate interests of citizens and their associations. Decisions of the Public Chamber will have recommendatory character, and take the form of conclusions, proposals and appellations.

An institution with a similar purpose, though typically meeting only once a year, is that of the People's Assembly. In South Africa the first such Assembly was convened in 2004 to celebrate ten years of democracy. 60 representatives from the five sectors of youth, people with disabilities, women, beneficiaries of land reform and labour were invited to reflect on the impact the Bill of Rights and the Constitution had had on their lives, and to give impetus to further reforms in their respective sectors. The proceedings were broadcast live, and led to a decision by Parliament to adopt the Assembly as an annual initiative.

From the preceding accounts, it would be possible to put together a list of items of good practice for parliaments seeking to involve the public, both as individuals and as organisations, in legislation and other committee work of parliament. It might include:

- a publicly available register of NGOs and other bodies, organised by subject interest as well as alphabetically;
- a similar register of experts;
- effective publicity through different media giving due notice of forthcoming parliamentary bills, enquiries, public hearings, etc.;
- targeted invitations to relevant organisations and experts, including representatives of marginalised groups as appropriate, to make submissions or give evidence;
- procedures for tabling submissions from individual citizens;
- a handbook and/or training sessions on how to make submissions or give evidence to parliamentary bodies;
- a public record available on line of all submissions made.
- public hearings arranged in local centres, with written summaries of oral evidence.

Further online reading about modes of civil society participation in legislative processes:

Krafchik, W (n.d.). *Can civil society add value to budget decision-making? A description of civil society budget work*. Retrieved 20.07.2005, from International Budget Project

<<http://www.internationalbudget.org/resources/library/civilsociety.pdf>>

National Democratic Institute, Parliament of the Republic of Namibia (September 2001). *Public Participation in the Legislation Process*. Retrieved 20.07.2005, from

<http://www.accessdemocracy.org/library/1408_na_publicpart_093101.pdf>

The Scottish Office (January 2000). *Involving Civil Society in the Work of Parliaments*. Retrieved 20.07.2005, from <<http://www.scotland.gov.uk/government/devolution/cpsp-00.asp>>

Women and legislation: a sectoral example of NGO-parliament cooperation

Among the most effective examples of NGO-parliament cooperation, especially in developing countries, have been those involving women and women's groups. One of the consequences of more women entering parliaments has been their ability to use their established contacts with women's NGOs to help leverage progressive legislation. For example, as part of its outreach programme, the South African Parliament conducts women's workshops in rural areas to train leaders of local communities in the understanding of parliament and the law-making process. These sessions can also be used to obtain submissions on legislation currently before parliament, and on the implementation of existing legislation, as was done on the implementation of the Domestic Violence Act of 1998 and on possible amendments to the Recognition of Customary Marriages Act of the same year. In 2002 the Parliament published a book, *Women in Lawmaking: A Study of Civil Society Participation*, which presents a historical perspective of the role of women in influencing laws in South Africa, and sets out concrete steps for their effective participation in the lawmaking process.

Some parliaments have established ongoing institutional arrangements between women's NGOs and relevant parliamentary committees, such as the human rights, equality or women's committees. In Mexico a Parliament of Women in Mexico has been meeting annually since 1998, composed of federal and local legislators together with women from civil society across the country. Its purpose is to guide the legislative agenda on gender equity at all levels of government and in all aspects of social and economic life. Even in the short time it has been in operation, it has substantial achievements to its credit:

This experience of shared responsibility between the Legislative Power and the Civil Society has brought about fundamental achievements for gender equity in Mexico, such as legislation to combat violence against women; the creation of Equity Commissions in the House of Representatives as well as in the Senate and in most of the local congresses; there are reforms on the issue of political participation of women in representative posts and the creation of the National Women's Institute..... In these ways the Parliament of Women has represented the most relevant meeting point between the Mexican Congress and the civil society for permanent exchange, analysis and suggestion of proposals to incorporate the perspective of gender in the legislation of our country.

In the early years the work of the Parliament of Women was carried out through workshops over a period of two days, with a concluding plenary. In 2005 the workshops were spread out throughout the five states in the country over a period of a fortnight, with a concluding session over two days at the House of Representatives. Its work is coordinated by a special Bicameral Commission of legislators drawn from both chambers of the federal parliament.

A particularly notable feature of the cooperation between women's NGOs and parliamentarians in a number of countries has been the practice of 'gender budgeting'. This involves a systematic analysis of budget proposals and outcomes, so as to identify their differential impact on men and women respectively. Such analyses may reveal that women are disadvantaged not only by low budget allocations to specifically women's concerns, but that, say, generalised cuts in agricultural spending may fall particularly heavily on poor women farmers and their household income.

In South Africa a Women's Budget Initiative was established in 1995, involving an alliance between two NGOs and sympathetic parliamentarians. The NGOs provided the necessary research and analysis which parliament itself was not adequately resourced for, while the parliamentarians for their part provided the key leverage with government to bring a more gender-aware approach to budgeting across the different ministries. Gender budgeting has also now been developed in a number of other countries of sub-Saharan Africa, notably Tanzania and Uganda, and includes analysis of budgets of local government where responsibility for delivery of many government services rests. The experience overall suggests that the practice of gender budgeting can help men as well as women, for example in identifying wasteful uses of resources, or a general weakness in parliament's powers and procedures for budget oversight. Currently there are ongoing programmes of gender budgeting in over twenty developing countries as well as many developed ones. The challenge is to keep an initial impetus going over time, especially when change to one or two key parliamentarians may erode the necessary parliamentary backing for the initiative.

Further online reading about the involvement of women's groups in legislation:

Further online reading about international collaboration and training programmes on gender budgeting: Gender Responsive Budget Initiatives (January 2005). Retrieved 20.07.2005, from <<http://www.gender-budgets.org>>

International Budget Project (n.d.). *Related Web Sites - by Topic Area: Gender, Youth, and Development*. Retrieved 05.08.2005, from <http://www.internationalbudget.org/resources/sites/gender_youth.htm>

Inter-Parliamentary Union (January 2004). *Handbook: Parliament, the Budget and Gender*. Retrieved 05.08.2005, from <http://www.ipu.org/PDF/publications/budget_en.pdf>

Reports of IPU seminars on Parliament and the Budgetary Process, Including from a Gender Perspective:

Inter-Parliamentary Union (January 2004). *Regional Seminar in Colombo*. Retrieved 05.08.2005, from <>

Inter-Parliamentary Union (July 2002). *Regional Seminar for ASEAN+3 Parliaments, 23 to 25 July 2002, Manila (Philippines)*. Retrieved 20.07.2005, from <http://www.ipu.org/PDF/publications/manila02_en.pdf>

Inter-Parliamentary Union (May 2000). *Regional Seminar for English-Speaking African Parliaments, 22-24 May 2000, Nairobi (Kenya)*. Retrieved 20.07.2005, from <http://www.ipu.org/pdf/publications/nairobi_en.pdf>

Citizens' initiatives and referendums

As a further means to bridge the gap between parliament and citizens, a number of countries have introduced or considered introducing a right of citizens' initiative, whereby citizens may submit proposals for legislation themselves directly, rather than merely proposals to amend or comment on legislation already before parliament. In some respects the distinction implicit here between a *reactive* and a *proactive* engagement of citizens may be overdrawn. As we have seen, wherever there are ongoing arrangements for linking a parliament with civil society groups, these will result in suggestions for new or amended legislation, and these must count as a form of civic 'initiative'.

The same is true wherever parliaments call for public debate on a subject or hold enquiries on specific issues with a view to future legislation, as many now do. However, the *citizens'* initiative constitutes a distinctive right, and usually depends upon the collection of a minimum number of signatures from the electorate if it is to proceed.

A citizens' initiative may be advisory on parliament or mandatory; alternatively, it may lead to a popular referendum on the proposal. This latter is the case in Switzerland, the country with the most experience of citizen initiatives. Before the 1970s, the right of positive initiative was very rarely used in Switzerland, compared with the right to call a negative referendum or veto in opposition to a proposed law of the federal assembly. Since then, initiatives have become much more frequent, partly as a result of the growth of social movements and protest campaigns, especially on environmental and consumer issues; partly also because of the rise of professional 'initiative entrepreneurs', able to organise the collection of signatures across the country. In the twenty years between 1974 and 1993, the Swiss voted in no fewer than 167 referenda, of which 63 were positive initiatives proposed by citizen groups. This average of about eight per year has continued in the period since.

The other European country with a substantial experience of legislative referendums is Italy. Here, however, the provision of Article 75 of the constitution is only for a veto or abrogative referendum, and is subject to half a million signatures and approval from the Constitutional Court in respect of its validity. Yet this has also been seen as a device for positive initiative, since it applies to any existing legislation; and repealing a longstanding law or a part of it can lead to significant change. This is true of the current referendum to allow assisted fertility treatment, and would equally be true of any possible referendum currently being discussed to take Italy out of the Euro zone and restore the lira as the national currency.

Of the more recent democracies the parliament of Slovenia has introduced a facility whereby one third of deputies or the National Council or 40,000 voters may call for a referendum. In some instances parliament is not authorised to adopt a law pending the outcome of a referendum, whereas in others a referendum may have the effect of overturning an adopted bill, as in Italy and Switzerland.

These constitutional provisions should be clearly distinguished from those where the right of citizens' initiative is a device for putting issues on the parliamentary agenda, and where parliament reserves the prerogative to itself for deciding whether and how to take the issue forward. This is the case in most countries which have instituted a provision for citizens' initiative. In these cases the number of citizens required to promote an initiative tends to be much smaller than for a referendum. In the Republic of Macedonia, for example, where it requires 150,000 signatures for a referendum, only 10,000 are needed for a legislative proposal which parliament will decide whether to take forward or not. In Costa Rica there is an Office for Popular Initiatives where citizens can present suggestions, initiatives and proposals for laws. Ecuador gives citizens and social movements the power to propose legislation, and to take part in discussion of those bills which the National Congress has agreed to consider. Portugal has since 2003 a right of Citizens' Legislative Initiative in force, whereby initiatives subscribed to by over 35,000 electors are mandatory for discussion and vote in the Assembly of the Republic. These are also opened to wider public interactive discussion through the Assembly's Internet 'webpage'. The House of Representatives of the Dutch Parliament is currently investigating the possibility of introducing a citizens' initiative at the national level, again with any decision to rest with the House as to whether and how to take such an initiative forward. 'The introduction of the citizens' initiative could prove beneficial in

several ways,' it observes, 'most importantly by reducing the distance between citizens and politics.'

This concern to bridge the gap between citizens and politics, in conclusion, can be seen as the driving impetus behind many of the measures reviewed in this section. We have seen a number of different ways in which parliaments are working to involve citizens in the legislative process, both through contributions to work on bills in progress and through suggestions for new or amended legislation. These may involve: open invitations to citizens to make submissions on bills; invitations to specified NGOs and social movements; ongoing arrangements for collaboration between parliamentary committees and citizen groups and experts; special forums or chambers for civil society, whether meeting independently or jointly with parliamentarians; procedures for citizens' initiatives and referendums; or some combination of a number of these modes. Which of these modes, and in which combination, is most effective will naturally depend on local circumstances. For example, resource and other constraints may make the use of the referendum impractical, whereas a right of citizen initiative which leaves the final decision to parliament may be eminently feasible. Whatever the modes selected, all the evidence indicates that parliaments are taking the responsibility to engage citizens in the legislative process very seriously.

Further online reading about citizen initiatives:

C2D - Research and Documentation Centre on Direct Democracy (January 2005). Retrieved 19.07.2005, from <<http://c2d.unige.ch/>>

Project ACE (October 2004). *Citizen Initiatives*. Retrieved 19.07.2005, from Focus on Direct Democracy <<http://focus.at.org/direct-democracy/citizen-initiatives>>

Zimmerman, J (October 2001). *Citizen Initiative*. Retrieved 19.07.2005, from Administration and Cost of Elections Project <<http://www.aceproject.org/main/english/es/esc01b.htm>>

Grievance procedures

A further avenue through which parliaments are accessible to their citizens is through procedures for hearing and investigating grievances. The traditional channel for members of the public to raise a complaint about public authorities or seek redress has been through their elected representative. The importance of the constituency office in this context has already been noted in the first part of the chapter. An elected member typically has more clout when taking up a case with a government body or public authority than a private individual does on their own. Parliaments have also traditionally allowed a more general access to complainants through the right of petition and through petitions committees. This right dates back to the very origin of parliaments, as a recent IPU publication on *Parliamentary Human Rights Bodies* reminds us:

The right to petition is at least as old as the institution of parliament itself. It has even been argued that the Parliament in the United Kingdom originated in meetings of the King's Council where petitions were considered. In France, the right to petition parliament for redress of grievances has existed almost permanently since the French Revolution. With the increase in the influence and importance of parliaments, petitioning parliament became one of the main methods of airing grievances, so that parliaments had to set up special committees to cope with the ever increasing number of petitions. These committees can be considered as the first 'human rights' committees as their aim was and still is to redress injustice.

Nowadays such committees are usually reserved for the consideration of petitions indicating a general problem and supported by a large number of signatories. This is the case, for example, in

Portugal, where 'petitioners must be heard whenever a petition has over 2000 subscriptions'. In many countries, a more usual avenue for individual complaint today is through the office of an Ombudsman or Public Protector.

Originating in Scandinavia, the position of Ombudsman or Public Protector has emerged as a more widely established avenue for individual complaint against the actions of public authorities. While the remit of the office differs from country to country, it typically investigates actions of public bodies which involve an infringement of human rights, abuse of office or other maladministration. After receiving a complaint from a member of the public (in a few countries through an intermediary such as a member of parliament), the Ombudsman will be empowered to investigate it, and where appropriate to seek redress for the complainant and/or a change in the institutional practice that led to the complaint. Although decisions of the Ombudsman in most countries are not binding, they have considerable authority; and it has been argued to be an advantage that they avoid the adversarial approach of the courts and allow for greater flexibility in the remedies and changes in administrative procedure that can be recommended. Here are two brief accounts of the establishment of an Ombudsman's office, from Ireland and Argentina respectively:

Ireland: Up to the 1960s, citizens seeking redress generally went to Parliament (or the Petitions committee of Parliament) or to the Courts. The complexities of the modern State, the domination of Parliament by Government, the delays and expense involved in going to Court and the growing alienation of citizens from all these institutions, led to the emergence in the 1960s and 1970s of the latter day Ombudsman, a variation of an office which had existed for many years previously in Sweden and Finland. Denmark was first, followed by New Zealand and Britain and Northern Ireland. The Irish model as set out in the Ombudsman Act, 1980, was greatly influenced by these countries.....While the number of complaints each year is small relative to the millions of individual decisions taken annually by our public service, the activities of the Office, undoubtedly, have a cautionary effect on public bodies and an influence on their decisions. (Kevin Murphy, former Ombudsman)

Argentina: Based on an outstanding Nordic tradition, Argentina has established the Office of the Ombudsman that reports to the national parliament. The role of this body is to protect the interests of the citizens, groups of citizens and the community in general in the face of any government act that violates the fundamental rights of citizens. The results of this institution in Argentina have been very promising. Its existence has also allowed for greater participation of the citizenry in the oversight mechanism. In some countries, the Ombudsman reports to the executive branch. But the experience from Argentina supports the general view that this institution should report to the legislative branch. (Eduardo Menem, former Acting President of Senate)

In Latin America, the history of widespread human rights violations under former military regimes has made the establishment of the office of Public Protector (or in some countries a National Human Rights Commission with similar functions) a key element in restored democratic arrangements. Most commentators agree that, to be effective, such bodies should:

- be completely independent of government;
- have wide-ranging investigative powers;
- be properly resourced and cost-free to complainants;
- be easy to access, both geographically, through local offices, and electronically;
- report and be accountable to parliament.

In most countries where the office of Ombudsman or equivalent has been established, it is in fact accountable to parliament, either as a whole or through a specific committee. In Malta, the Ombudsman is an officer of Parliament and reports to Parliament through the Speaker. In Ukraine the Parliamentary Commissioner (Ombudsman) for Human Rights is accountable to the whole Parliament for monitoring human rights in the country, and works closely with particular committees of Parliament according to the nature of the appeal or complaint. Her remit covers economic and social rights as well as civil rights. An example of the former is given in the report from her first year of office:

Throughout 1998, the Commissioner and the Parliamentary Committee on Issues of Health Care, Motherhood and Childhood received a number of appeals by employees of medical establishments who complained against excessive reductions in medical personnel and in the network of medical establishments. Having examined the issues raised, the Commissioner and the Committee arrived at the conclusion that the reductions would destroy the sector and violate the rights of many citizens employed in the health system. As a result, an open letter was addressed to the President, the Speaker of Parliament and the Prime Minister of Ukraine, and meetings with the Trade Union of Medical Workers were held. The Ministry of Health finally took the necessary measures to settle the problem.

In Namibia, the Ombudsman reports to a special Standing Committee of Parliament, which is tasked among other duties with the following:

- to examine, consider and report on the annual and other reports laid before the National Assembly under the Ombudsman Act;
- to satisfy itself that the Office of the Ombudsman has been carrying out its mandate efficiently and effectively, and to make recommendations accordingly;
- to confirm that Government offices, Ministries and Agencies are responding positively to queries and are duly cooperating with the Ombudsman Office.

In other countries, the Ombudsman or its equivalent is accountable to a Human Rights Committee of Parliament, which has a broader remit for the defence and promotion of human rights throughout the country. In Brazil the Parliamentary Human Rights Committee is itself responsible for receiving allegations of human rights violations and investigating them, and constitutes the country's main human rights monitoring body. Since Brazil is a federal state, and the central government has limited competence over the jurisdiction of individual states, the Human Rights Committee works with the media and civil society to publicise violations in particular localities, and bring pressure to bear on the relevant authorities. In some cases it does this to create a more urgent demand for legislation from the Federal Parliament itself, as one of its members explains:

We have also introduced the use of so-called 'human rights caravans'. Their aim is to prompt discussion in the federal states, the federation and society as a whole about certain human rights questions. For example, for ten years a bill about institutions for the insane was pending before the National Congress, and it was impossible to have it voted upon. Consequently, we organised human rights caravans in the whole country to make people aware of the situation in these institutions, of the real situation of those detained there, the human rights violations of which they were victims and the fact that they did not enjoy minimum standards of detention. The caravans were given large-scale media coverage, and led to a popular outcry about the situation in these institutions. We finally managed to have the law passed after ten years of debate. The same occurred with the situation of homes for old people.

Here we see a committee acting with civil society as a stimulus to parliament itself to take its broader human rights responsibilities seriously. As the IPU has demonstrated in its recent survey of parliamentary human rights bodies, the defence of the human rights of the population is now a central role which permeates all of a parliament's work:

First, parliaments legislate and determine the legal human rights framework at the national level. They ratify international treaties and must ensure that the norms set forth in those treaties are translated into national law and implemented. Secondly, parliaments approve the budget and thus set national policy priorities. They must ensure that sufficient funds are provided for human rights implementation and that these funds are used accordingly. Thirdly, parliaments oversee the action of the executive branch and so keep the policies and actions of the executive under constant scrutiny. They can therefore ensure that the government, the administration and other State bodies comply with human rights obligations. Last but not least, members of parliament are opinion leaders and can do much to create a human rights culture in their countries.

Further online reading about ombudsman institutions:

Christopoulos, D; Hormovitis, D (ed.) (May 2003). *The Ombudsman institution in South-eastern Europe*. Retrieved 19.07.2005, from

<<http://unpan1.un.org/intradoc/groups/public/documents/untc/unpan014896.pdf>>

Ombudsman Information Network (June 2005). *European countries' Ombudsmen*. Retrieved 19.07.2005, from

<http://www.anticorruption.bg/ombudsman/eng/readnews.php?id=2901&lang=en&t_style=tex&l_style=default>

Parliamentary Assembly of the Council of Europe (September 2003). *Recommendation 1615 (2003): The institution of ombudsman*. Retrieved 02.08.2005, from

<<http://assembly.coe.int/Documents/AdoptedText/ta03/EREC1615.htm>>

Further online reading about parliamentary human rights committees:

Inter-Parliamentary Union (March 2004). *Strengthening Parliament as a Guardian of Human Rights: the Role of Parliamentary Human Rights Bodies*. Retrieved 19.07.2005, from Seminar for Chairpersons and Members of Parliamentary Human Rights Bodies <<http://www.ipu.org/splz-e/hr04.htm>>

Inter-Parliamentary Union (June 2005). *PARLINE database: specialized parliamentary bodies*. Retrieved 19.07.2005, from <<http://www.ipu.org/parline-e/Instanceadvanced.asp>>

Content headings, chapters 5-8

5. An Accountable Parliament

- Integrity of members: codes of conduct; register of financial interests; party and campaign financing
- Regular reporting back to electors: by individual members; by parliament as a whole and its committees
- Monitoring of public opinion

6. An Effective Parliament

i) organisation and government oversight

- Parliament's self-organisation and facilities
- The effective management of business and legislation
- Effective oversight of the executive
- Procedures for budgetary scrutiny and financial control

7. An Effective Parliament

ii) internal and external relations

- Parliamentary involvement in international policy and institutions, in treaty ratification and implementation
- Relations with the country's other elected bodies
- Role of parliament in conflict and post-conflict situations
- Planning for the future

8. Reform Processes

- Procedures and committees for systematic review of practice
- Involving the public in reform
- Reform implementation: examples of problems and successes
- International forums for exchanging good practice; international bodies supporting parliamentary development

Annex 1: Members of the Expert Panel on the Contribution of Parliaments to Democracy

As of 8 August 2005

Mr. David Beetham (rapporteur)

Mr. Avraham Burg

Mr. Pierre Cornillon

Mr. Peter de Souza

Mr. Olivier Delamare

Prof. Yakin Erturk

Mr. K. Scott Hubli

Mr. Francis Kpatinde

Ms. Marta Lagos

Prof. Christina Murray

Mr. Cyril Ndebele

Mr. Abdelwahad Radi

Ms. Loretta Ann P. Rosales

Ms. Oyun Sanjasuuren

Ms. Dulce Maria Sauri

Annex 2: List of parliaments that have replied to the questionnaire on the Contribution of Parliaments to Democracy

As of 8 August 2005

Australia	Malta
Austria	Mexico
Belarus	Monaco
Belgium	Mongolia
Bhutan	Netherlands
Burkina Faso	New Zealand
Canada	Norway
Chile	Oman
China	Philippines
Côte d'Ivoire	Poland
Croatia	Portugal
Cyprus	Republic of Korea
Czech Republic	Romania
Denmark	Russian Federation
Ecuador	Rwanda
Egypt	Samoa
Estonia	Saudi Arabia
Fiji	Senegal
Finland	Serbia and Montenegro
France	Singapore
Gabon	Slovakia
Germany	Slovenia
Greece	South Africa
Hungary	Spain
Iceland	Sri Lanka
India	St. Kitts and Nevis
Ireland	Sweden
Israel	Switzerland
Italy	The former Yugoslav Republic of Macedonia
Japan	Tunisia
Jordan	Turkey
Kiribati	Ukraine
Latvia	United Kingdom
Lebanon	Viet Nam
Lithuania	Zambia
Luxembourg	Zimbabwe
Mali	