

**NOTE: The following draft document was presented for discussion at a conference of parliamentary monitoring organization leaders held in Washington, D.C., from April 30 to May 2, 2012. Substantial comments were received on this working draft at the conference. The draft is currently being revised to reflect these comments prior to final review by PMOs and eventual publication. If you have comments or suggestions related to the document please direct them toward Andrew Mandelbaum at [amandelbaum@ndi.org](mailto:amandelbaum@ndi.org) or Dan Swislow at [dswislow@ndi.org](mailto:dswislow@ndi.org).**

## **PARLIAMENTARY TRANSPARENCY PLEDGE**

This draft parliamentary transparency pledge is an early draft of a potential call by civil society parliamentary monitoring organizations (PMOs) for an increased parliamentary commitment to transparency of information. The draft pledge draws on a variety of background documents, as well as on comments and suggestions from a number of PMOs, and seeks to stimulate discussion among PMOs and, eventually, between PMOs and parliaments on issues of parliamentary transparency. While PMOs have a strong interest in greater access to governmental and parliamentary information, PMOs also recognize the need for increased collaborative dialogue with the world's parliaments on issues of parliamentary transparency and reform, so that improved government and parliamentary transparency results in greater citizen engagement, more responsive representative institutions and, ultimately, a more democratic society.

The draft parliamentary transparency is one of a number of discussion topics for an upcoming conference of PMO leaders to be held in Washington, DC, from April 30 to May 2, 2012, being jointly hosted by the National Democratic Institute, the Sunlight Foundation, and the Latin American Legislative Transparency Network, with support from the Omidyar Network, the Open Society Institute, the National Endowment for Democracy, and the Embassy of Mexico in the United States. The World Bank Institute is also partnering in the conference and is co-hosting a roundtable at the World Bank at the conclusion of the conference. Regardless of whether PMOs eventually agree on and adopt a common pledge or statement of principles, it will be used as a method of structuring a portion of the conference's discussion of parliamentary transparency. A companion discussion document is also being prepared that collects detailed background information and good practice examples on each of the provisions of the draft pledge.

The conference organizers very much welcome comments by PMOs and members of the parliamentary community on the draft document and look forward to incorporating comments and suggestions into subsequent versions of the document and the accompanying discussion document. The draft parliamentary transparency pledge seeks to address the following sets of issues:

- **Promoting a Culture of Transparency:** As the people's institution, parliamentary information belongs to the public. However, parliamentary information can be used by citizens most effectively only if in the context of a broader culture of transparency. Parliament has a duty to enact legislation that promotes a culture of transparency, including laws that encourage a vibrant civil society. Moreover, parliament has a duty to ensure the effective implementation of laws that guarantee transparency of government and parliamentary information through its oversight role and by providing legal remedies that allow for citizens to enforce their rights to access public

information. Parliament also must facilitate the participation and engagement of citizens and civil society in government by supporting civic education, by cooperating with parliamentary monitoring organizations and by respecting the rights of citizens to complete, accurate, and timely parliamentary information.

- **Making Parliamentary Information Transparent:** Parliament must adopt policies that ensure full transparency of parliamentary information. Parliamentary information includes information generated throughout the legislative process, including the text of introduced legislation and amendments, information on the scheduling and the legislative process, information on committee and plenary votes and parliamentary debate, and all other information that forms a part of the parliamentary record. In addition, parliament must provide information on the management and administration of parliament, contact information and other basic information on parliamentary members and staff; as well as information on the activities and affairs of members of parliament, including information on political financing and asset disclosures of members of parliament.
- **Making Parliamentary Information Easily Accessible:** Not only must parliamentary information be made public, parliament must also ensure that the information is broadly accessible to all citizens through multiple channels. Physical access to parliament must be provided to all citizens, in particular to the media and civil society, free of charge, in all national languages and without discrimination based on disability.
- **Enabling Electronic, Online Access and Analysis of Parliamentary Information:** Parliamentary websites are essential means of communication with citizens even in societies with limited Internet penetration, by facilitating access to parliamentary information by civil society, which can further disseminate information to interested citizens. Parliamentary information shall be released online in structured, open data formats that allow citizens analyze and reuse this information using the full range of technology tools. Data shall be hyperlinked and tagged with appropriate metadata to facilitate searchability. Privacy of information by citizen users of parliamentary websites shall also be respected. Parliament has a duty to continually improve its online presence by drawing on good practices, by adopting the use of non-proprietary tools for search and analysis, and by exploring the use of interactive technology to foster the ability of citizens to participate in parliamentary processes.

## PARLIAMENTARY TRANSPARENCY PLEDGE

### I. PREAMBLE

WHEREAS a strong, accessible and responsive parliament is “a – or even *the* – institutional key to democratization”<sup>1</sup> because of its constitutional responsibilities of enacting legislation, overseeing executive policy implementation and representing citizen interests and;

WHEREAS transparency of parliamentary information enables parliamentarians to engage constituents in discussions of policy issues, informs and educates citizens about the work of parliament, provides citizens with access to the information necessary to provide input into the legislative process, permits citizens to hold parliamentarians to account and ensures that citizen interests and democratic aspirations are represented;

WHEREAS the rights of citizens to participate in governance and to access government information, including parliamentary information, are recognized as fundamental components of established international human rights frameworks, including in Articles 19 and 21 of the Universal Declaration of Human Rights and in Articles 19 and 25 of the United Nations’ International Covenant on Civil and Political Rights;

WHEREAS transparency of parliamentary information is recognized as an essential element of a democratic parliament as reflected in emerging international benchmarks and norms for democratic parliaments developed by the international parliamentary community, including the Inter-Parliamentary Union, Commonwealth Parliamentary Association, Southern African Development Community Parliamentary Forum, Assemblée parlementaire de la Francophonie, and the Parliamentary Confederation of the Americas;

WHEREAS the need for greater parliamentary transparency is complemented by the need for open government and whereas 55 governments are currently working together as part of the Open Government Partnership, currently chaired by Brazil and the United Kingdom, to share concrete commitments in national action plans to promote transparency, empower citizens, fight corruption, repeal laws that hinder access to government information, and harness new technologies to strengthen governance;

WHEREAS the Inter-Parliamentary Union and the United Nations Department of Economic and Social Affairs, through the Global Centre for ICT in Parliament, have laid a strong foundation for parliamentary transparency in publishing *Guidelines for Parliamentary Websites* in 2009, which describes the types of parliamentary information that should be made available on parliamentary websites, and whereas numerous parliaments, inter-parliamentary institutions and civic organizations have worked to develop common principles of open government data; and

WHEREAS a growing number of civil society parliamentary monitoring and support organizations seek to play a meaningful and collaborative role in strengthening the democratic accountability of parliaments and require access parliamentary information to play this role effectively, and whereas there are numerous precedents for strong collaboration between parliaments and PMOs that can inform efforts for greater transparency of parliamentary information in other countries;

THEREFORE, the undersigned parliamentary monitoring and support organizations call on parliaments to pledge to work toward full adherence to the following principles of parliamentary transparency:

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<sup>1</sup> Fish, M. Steven, *Stronger Legislatures, Stronger Democracies*, Journal of Democracy, vol. 17, no. 1, 2006, p. 18.

## **II. PROMOTING A CULTURE OF TRANSPARENCY**

- 1. Public Ownership of Parliamentary Information:** Parliamentary information belongs to the public; any exceptions or limitations to this principle shall be narrowly defined by law.
- 2. Promoting a Culture of Transparency through Legislation:** Parliament has a duty to enact legislation, as well as internal rules of procedure and codes of conduct, that foster an enabling environment that recognizes and protects the public’s right to government and parliamentary information, promotes a culture of open government, safeguards freedom of expression and assembly, and provides opportunities for engagement by civil society and citizens in the legislative process.
- 3. Promoting a Culture of Transparency through Oversight:** In fulfilling its oversight function on behalf of citizens, parliament shall ensure that laws ensuring government transparency are implemented effectively, that the government acts in a fully transparent manner, and that government also works to promote a culture of transparency.
- 4. Supporting Civic Education:** Parliament has a responsibility to actively promote civic education. Civic education includes engaging the public, and particularly youth, in discussions that promote understanding of the role of parliament, its rules and operational procedures, its work and functions, and the duties of parliamentarians. It also includes providing detailed parliamentary information, as well as summaries and plain language explanations of parliamentary work that can be used effectively by citizens of mixed educational and life experiences.
- 5. Encouraging Citizen Participation:** Transparency of parliamentary information is not an end in itself. Parliament has a duty to actively engage citizens and civil society in parliamentary processes and decision-making, in order to effectively represent citizens and to give effect to the right of citizens to petition their government.
- 6. Encouraging a Vibrant Civil Society:** Parliament has a duty to support the development and maintenance of an active, engaged, vibrant civil society and to ensure that civil society organizations are able to operate freely and without restriction.
- 7. Enabling Effective Parliamentary Monitoring:** Parliament shall recognize the right and duty of civil society, media, and the general public to monitor parliament and parliamentarians. Parliament shall encourage dialogue and consultations between parliament and civil society organizations that monitor parliament in order to improve the quality of monitoring efforts and to reduce barriers in accessing parliamentary information.
- 8. Sharing Good Practice:** Parliament shall actively participate in international and regional exchanges of good practice with other parliaments and with civil society organizations to increase transparency of parliamentary information, improve the use of information and communication technology, and strengthen adherence to democratic principles.
- 9. Ensuring Legal Recourse:** Parliament shall enact legislation to ensure that citizens have effective access to legal or judicial recourse in instances where citizens’ access to government or parliamentary information is in dispute.

10. **Providing Complete Information:** Parliamentary information available to the public shall be as complete as possible, reflecting the entirety of parliamentary action, subject only to narrowly defined exceptions specified by law.
11. **Providing Information in a Timely Manner:** Data about matters under consideration in parliament shall be provided to the public in a timely manner. As a general rule, information shall be provided in real time, and to the extent that doing so is impossible, parliamentary information shall be released as quickly as it is collected.
12. **Ensuring the Accuracy of Information:** Parliament shall retain authoritative copies and ensure that the data it releases to the public is accurate.

### ***III. MAKING PARLIAMENTARY INFORMATION TRANSPARENT***

13. **Adopting Policies on Parliamentary Transparency:** Parliament shall adopt policies that ensure the routine and proactive publication and dissemination of parliamentary information, including policies regarding the formats in which this information will be published. Parliamentary transparency policies shall be publicly available and shall specify terms for periodic review of this policy to take advantage of technological innovations and evolving good practices. Where parliament may not have the capacity to publish comprehensive parliamentary information, civil society shall be encouraged to develop a partnership with parliament to assure broad public access to parliamentary information.
14. **Providing Information on Parliamentary Roles and Functions:** Parliament shall make available information about its constitutional role, its structure, its functions, its rules and its workflow.
15. **Providing Information on Members of Parliament:** Parliaments shall provide sufficient and regularly updated information, on the Internet and through other means, for citizens to understand a member's credentials, party affiliation, roles in parliament, policy positions, identities of personal staff, and any other information members wish to divulge about themselves and their credentials. Working contact information for members of parliament shall also be available to the public.
16. **Providing Information on Parliamentary Staff and Parliamentary Administration:** Parliament shall make available information about its administrative functioning and the structure of parliamentary staff that manage and administer parliamentary processes. This shall include publishing working contact information for parliamentary staff engaged in providing citizens access to parliamentary information.
17. **Informing Citizens regarding the Parliamentary Agenda:** Documentation relating to the scheduling of parliamentary business (e.g., the session calendar, information regarding scheduled votes, the order of business, the schedule for committee hearings, etc.) shall be provided to the public. Except in rare instances involving urgent legislation, parliament shall provide sufficient advance notice to allow the public and civil society to provide input to members regarding the items under consideration.

18. **Informing and Engaging Citizens on Draft Legislation:** Draft legislation shall be made public and published upon its introduction. Recognizing the need for citizens to be fully informed regarding laws under consideration, parliament shall seek to provide the public with analysis and background information to encourage broad understanding of policy discussions.
19. **Publishing Records of Committee Proceedings:** Reports of committee proceedings, including documents created and received, testimony of witnesses at public hearings, transcripts, and records of committee actions shall promptly be made public. In general, committee reports shall be made public before related legislation is tabled in plenary.
20. **Recording Parliamentary Votes:** To ensure accountability to their constituents for their voting behavior, parliament shall seek to minimize the use of voice voting in plenary and shall use roll call or electronic voting in most cases, maintaining and making available to the public a record of the individual voting behavior of members of parliament in plenary and in committees.
21. **Publishing a Hansard, Transcripts, or Records of Plenary Proceedings:** Parliament shall create, maintain and publish readily accessible records of its plenary proceedings, preferably in the form of audio or video recordings, hosted online in a permanent location, and in the form of a written transcript of parliamentary debate.
22. **Publishing Reports Made to Parliament:** All reports requested or required to be submitted to the parliament, its offices, or committees, shall be made public in their entirety, except in narrowly defined circumstances identified by law.
23. **Providing Budget Information:** Parliament has a responsibility to make public comprehensive, detailed information about the national budget and expenditures, including past, current, and projected revenues and expenditures, and information regarding the parliament's own budget, including information about its own budget execution, bids and contracts. This information should be made public in its entirety, along with plain language summaries, explanations or reports that help promote citizen understanding of this complex information.
24. **Disclosing Assets and Information on Political Finance:** Parliament shall make available sufficient information to allow citizens to make judgments regarding the integrity and probity of individual members of parliament, including asset disclosures by members, data on campaign contributions and political finance, and information about interactions with lobbyists.
25. **Disclosing Information on Conflicts of Interest and Ethical Conduct:** Parliament shall disclose information necessary to protect against actual or perceived conflicts of interest. Parliament shall also make public information on the results of parliamentary investigations into ethical behavior, conflicts of interest and possible corruption of members of parliament.
26. **Providing Access to Historical Information:** Where feasible, parliamentary information for prior sessions shall be digitized and made available to the public electronically. Digital information shall be retained in perpetuity and shall continue to be made available to the public. To the extent a parliament cannot digitize and make available its own information, it shall work with outside organizations to facilitate public dissemination of parliamentary information without restriction. Parliament shall provide the public access to a parliamentary library in order to allow members of parliament and the public the ability to access historical parliamentary information.

**IV. MAKING PARLIAMENTARY INFORMATION EASILY ACCESSIBLE**

- 27. Ensuring Accessibility of Parliament through Multiple Channels:** Parliaments shall provide access to information about its work through multiple channels; including but not limited to first-person observation through physical access to proceedings, print media, radio and television broadcast, and through the use of the internet and mobile device technology.
- 28. Ensuring Physical Access to Parliament:** Parliament and its plenary sessions shall be physically accessible and open to all citizens, including persons with disabilities, researchers, members of civil society, and journalists, subject only to demonstrable public safety and space limitations. Where space constraints exist, the existence of a media and public gallery for citizens to observe plenary sessions is important as a symbol of parliamentary transparency, with any restrictions on access narrowly defined, publicly available, and non-discriminatory.
- 29. Guaranteeing Access by the Media:** Parliament shall ensure that the media and independent observers are given full access to parliamentary proceedings; the criteria and process for providing media access shall be defined and publicly available.
- 30. Using Live Broadcasts and Streaming Video:** Efforts shall be made to develop mechanisms that ensure real-time access by citizens to parliamentary proceedings through broadcast of legislative proceedings using radio, television and the internet.
- 31. Guaranteeing Accessibility throughout the Country:** To the extent possible, access to parliamentary information shall not be restricted by geographic barriers. Although the use of parliamentary websites facilitates access to parliamentary information without geographic restriction, in countries where internet access and usage is limited, parliaments shall seek other means of ensuring public access to parliamentary information outside of the capital city, throughout the country.
- 32. Using Plain Language:** Parliament shall ensure that legal or technical language does not serve as a barrier to citizens seeking to access parliamentary information. Parliament has a duty to develop plain language summaries and other simple tools to make parliamentary information readily available and understandable to a broad range of citizens.
- 33. Using Multiple National or Working Languages:** Where the constitution or parliamentary rules provide for the use of multiple national or working languages in parliament, parliament shall make every reasonable effort to provide for the simultaneous interpretation of proceedings and rapid translation of the parliamentary record.
- 34. Ensuring Free Access:** Parliamentary information shall be available to citizens for access and reuse free of charge. In limited circumstances where it may be necessary to charge a fee to recover costs in collecting or copying information that is not publicly available in the normal course of business, any charge shall not exceed the additional marginal cost of distribution to that citizen calculated at market or actual rate, whichever is less, and shall not be used for the purpose of deterring requests for information.

V. ***ENABLING ELECTRONIC, ONLINE ACCESS AND ANALYSIS OF PARLIAMENTARY INFORMATION***

35. **Maintaining Parliamentary Websites:** Even in countries with limited Internet usage, the maintenance and regular updating of a comprehensive parliamentary website is a vital aspect of parliamentary transparency in the modern, interconnected world. Parliament shall ensure that parliamentary information is available in electronic format and shall utilize online dissemination as a primary method of releasing parliamentary information.
36. **Mitigating Barriers based on Technological Literacy:** Parliament shall seek to mitigate barriers to using parliamentary information based on technological literacy or ability. Parliament shall provide information about use of any online databases or tools to enable citizens to retrieve parliamentary information from the parliamentary website. To the extent parliament provides a user interface, it shall use best practices to maximize user experience and optimize visibility of contents to search engines.
37. **Guaranteeing Citizen Privacy:** Parliament shall not employ membership or registration requirements which restrict public access to information on parliamentary websites or permit the tracking of users. Parliamentary websites shall have a privacy policy to let citizens know how their personal information is being used.
38. **Complying with Principles of Open Data:** Parliamentary information shall be compiled and released in an open and structured format, such as structured XML, that can be read and processed by computers, so that parliamentary information can be easily reused and analyzed by citizens, civil society, the private sector and government.
39. **Using Non-Proprietary Applications:** Parliaments shall give a strong preference to the use of non-proprietary software applications in digitally releasing parliamentary information.
40. **Allowing Downloadability for Reuse:** Parliamentary information shall be easily downloadable, in formats respecting documentation standards that allow for easy reuse for multiple purposes.
41. **Facilitating Easy Searching:** Given the amount of information that is often made available by parliaments, the ability of users to search easily and quickly for relevant information is a necessity. Parliaments shall create searchable databases of past and current parliamentary information enabling both simple and complex searches using appropriate metadata to make it as easy as possible for citizens to quickly find desired information.
42. **Hyperlinking Related Information:** Parliaments shall seek to improve the ability of citizens to find relevant parliamentary information by hyperlinking parliamentary information to other related information, for example, by hyperlinking references in a bill history to earlier versions of the law, to relevant committee reports, to expert testimony, to sponsored amendments and to the portions of the Hansard that contain the record of parliamentary debate on the relevant piece of legislation. .
43. **Enabling Use of Alert or Mobile Services:** Where possible, parliament shall provide citizens the ability to subscribe to services to alert them of certain types of parliamentary developments through the use of email, SMS text, or other technologies.

- 44. Facilitating Two-Way Communication:** Parliament shall explore the use of interactive technology tools to foster the ability of citizens to provide input on legislation or otherwise communicate with members or parliamentary staff.
- 45. Guarding against Counterfeiting or Alteration:** Parliament may take actions to seek to prevent counterfeiting of parliamentary information or bill texts, using methods that do not restrict public access.