

DECLARATION ON PARLIAMENTARY OPENNESS

Executive Summary

Purpose

The Declaration on Parliamentary Openness¹ is a call to national parliaments, and sub-national and transnational legislative bodies, by civil society parliamentary monitoring organizations (PMOs) for an increased commitment to openness and to citizen engagement in parliamentary work. PMOs are increasingly recognized for the important role they play in making parliamentary information more accessible to citizens, strengthening the capacity of citizens to participate in parliamentary processes, and improving parliamentary accountability. While PMOs have a strong interest in advocating for greater access to government and parliamentary information, they also recognize the need for increased collaborative dialogue with the world's parliaments on issues of parliamentary reform. The Declaration is intended not only as a call to action, but also as a basis for dialogue between parliaments and PMOs to advance government and parliamentary openness, and to ensure that this openness leads to greater citizen engagement, more responsive representative institutions and, ultimately, a more democratic society.

History

The Declaration, which draws on a variety of background documents endorsed by the international parliamentary community, was initially discussed at a conference of PMO leaders that was co-hosted by the National Democratic Institute, the Sunlight Foundation, and the Latin American Legislative Transparency Network in Washington, D.C. The conference took place from April 30 to May 2, 2012 with support from the Omidyar Network, the Open Society Institute, the National Endowment for Democracy, the World Bank Institute and the Embassy of Mexico in the United States. An updated version of the Declaration reflecting the prevailing consensus among conference participants was then reviewed at the Open Legislative Data Conference in Paris, hosted by *Regards Citoyens*, *Centre d'études européennes de Sciences Po*, and *Médialab Sciences Po* from July 6 to 7, 2012. The draft was made available for public comment online from June 11 to July 31, 2012. The final version of the Declaration, which resides at OpeningParliament.org was launched at the World e-Parliament Conference in Rome on the International Day of Democracy, September 15, 2012.

Scope

Promoting a Culture of Openness: Parliamentary information belongs to the public. Parliamentary information shall be able to be reused or republished by citizens with any limited restrictions narrowly defined by law. To enable a culture of parliamentary openness, parliament

¹ For a living compilation of best practice and commentary on the Declaration, please see: <http://www.openingparliament.org/declaration>.

must enact measures to ensure inclusive citizen participation and a free civil society, enable effective parliamentary monitoring, and vigorously protect these rights through its oversight role. Parliament shall also ensure that citizens have legal recourse to enforce their right to access parliamentary information. Parliament has an affirmative duty to promote citizen understanding of parliamentary functioning and share good practices with other parliaments to increase openness and transparency. Parliament shall work collaboratively with PMOs and citizens to ensure that parliamentary information is complete, accurate, and timely.

Making Parliamentary Information Transparent: Parliament shall adopt policies that ensure proactive publication of parliamentary information, and shall review these policies periodically to take advantage of evolving good practices. Parliamentary information includes information about parliament's roles and functions, and information generated throughout the legislative process, including the text of introduced legislation and amendments, votes, the parliamentary agenda and schedule, records of plenary and committee proceedings, historical information, and all other information that forms a part of the parliamentary record, such as reports created for or by parliament. Parliament shall provide information on the management and administration of parliament, parliamentary staff, and comprehensive and detailed parliamentary budget information. Parliament shall provide information about the backgrounds, activities and affairs of members, including sufficient information for citizens to make informed judgments regarding their integrity and probity, and potential conflicts of interest.

Easing Access to Parliamentary Information: Parliament shall ensure that information is broadly accessible to all citizens on a non-discriminatory basis through multiple channels, including first-person observation, print media, radio, and live and on-demand broadcasts and streaming. Physical access to parliament shall be provided to all citizens, subject to space and safety limitations, with clearly defined and publicly available policies for ensuring access by media and observers. Parliamentary information must also be available free of charge, in multiple national and working languages, and through tools, such as plain language summaries, that help ensure that parliamentary information is understandable to a broad range of citizens.

Enabling Electronic Communication of Parliamentary Information: Parliamentary information shall be released online in open and structured formats that allow citizens to analyze and reuse this information using the full range of technology tools. Parliamentary information shall be linked to related information and be easily searchable, as well as downloadable in bulk to encourage the development of new technologies for its exploration. Parliamentary websites enable communication with citizens even in societies with limited Internet penetration, by facilitating information access to intermediaries, which can further disseminate the information to citizens. Parliamentary websites shall seek to use interactive tools to engage citizens and offer alert or mobile services. Parliament shall give preference to the use of non-proprietary formats, and free and open-source software. Parliament has a duty to ensure technological usability of parliamentary information, while guaranteeing the privacy for those accessing the information.

DECLARATION ON PARLIAMENTARY OPENNESS

Preamble

WHEREAS inclusive, accountable, accessible and responsive parliaments and legislative institutions are the key to democratization because of their constitutional responsibilities to enact legislation, represent citizens and oversee executive policy implementation and performance, and reflect citizen interests;

WHEREAS parliamentary openness enables citizens to be informed about the work of parliament, empowers citizens to engage in the legislative process, allows citizens to hold parliamentarians to account and ensures that citizens' interests are represented;

WHEREAS the rights of citizens to participate in governance and access parliamentary information are established in international human rights frameworks² and in international benchmarks and norms for democratic parliaments adopted by the international parliamentary community;³ and whereas international institutions have laid a strong foundation for openness online;⁴

WHEREAS the onset of the digital era has altered fundamentally the context for public usage of parliamentary information and the expectations of citizens for good governance, and whereas emerging technology is empowering analysis and reuse of parliamentary information with enormous promise to build shared knowledge and inform representative democracy.

WHEREAS variations in traditions, experience, resources and context may influence the approach parliament takes to improving openness, they do not undermine the importance of improving parliamentary openness and transparency;

WHEREAS the need for parliamentary openness is complemented by the need for broader governmental openness and whereas many governments are collaborating with civil society through such initiatives as the Open Government Partnership to develop monitorable commitments to achieve more transparent, effective and accountable governments;

² 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.

³ These norms and benchmarks include documents created and adopted by 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.

⁴ Inter-Parliamentary Union and the United Nations Department of Economic and Social Affairs. *Guidelines for Parliamentary Websites*, March 2009.

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 to parliamentary information to play this role effectively, and whereas there are numerous precedents for strong collaboration between parliaments and parliamentary monitoring organizations (PMOs) that can inform efforts for greater openness of parliamentary information;

THEREFORE, representatives of the PMO community⁵ have developed and pledge to advance the following principles of parliamentary openness.

Promoting a Culture of Openness

1. Recognizing Public Ownership of Parliamentary Information

Parliamentary information belongs to the public; citizens should be allowed to reuse and republish parliamentary information, in whole or in part. Any exceptions or restrictions to this principle shall be narrowly defined by law.

2. Advancing a Culture of Openness 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 guaranteeing the public's right to government and parliamentary information, promoting a culture of open government, providing for transparency of political finance, safeguards freedoms of expression and assembly, and ensuring engagement by civil society and citizens in the legislative process.

3. Protecting a Culture of Openness through Oversight

In fulfilling its oversight function, parliament shall guarantee that laws ensuring government openness are implemented effectively, that the government acts in a fully transparent manner, and that government also works to promote a culture of openness.

4. Promoting Civic Education

Parliament has a responsibility to actively promote civic education of the public, particularly youth, by promoting understanding of parliament's rules and procedures, parliament's work, and the role of parliament and its members.

⁵ For a complete, up-to-date listing of PMOs that have contributed to or support the objectives of the Declaration, please see: <http://www.openingparliament.org/organizations>.

5. Engaging Citizens and Civil Society

Parliament has a duty to actively engage citizens and civil society, without discrimination, in parliamentary processes and decision-making in order to effectively represent citizen interests and to give effect to the right of citizens to petition their government.

6. Protecting an Independent Civil Society

Parliament has a duty to support measures 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 engage in consultations with the general public and civil society organizations that monitor parliament to encourage effective monitoring and 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 the openness and transparency of parliamentary information, improve the use of information and communication technologies, 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. Disseminating Complete Information

Parliamentary information available to the public shall be as complete as possible, reflecting the entirety of parliamentary action, subject only to narrowly and precisely defined exceptions.

11. Providing Timely Information

Parliamentary information shall be provided to the public in a timely manner. As a general rule, information shall be provided in real time. To the extent that doing so is impossible, parliamentary information shall be released publicly as quickly as it is available internally.

12. Ensuring Accurate Information

Parliament shall ensure a process to retain authoritative records and guarantee that the information it releases to the public is accurate.

Making Parliamentary Information Transparent

13. Adopting Policies on Parliamentary Transparency

Parliament shall adopt policies that ensure the proactive 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 their periodic review to take advantage of technological innovations and evolving good practices. Where parliament may not have the immediate capacity to publish comprehensive parliamentary information, parliament should develop partnerships with civil society to ensure broad public access to parliamentary information.

14. Providing Information on Parliament's Roles and Functions

Parliament shall make available information about its constitutional role, structure, functions, internal rules, administrative procedures and workflow, as well as the same information for its committees.

15. Providing Information on Members of Parliament

Parliament shall provide sufficient and regularly updated information for citizens to understand a member's credentials, party affiliation, electoral mandate, roles in parliament, attendance, identities of personal staff, and any other information members wish to divulge about themselves and their credentials. Working contact information for the parliamentary and constituency offices of members shall also be available to the public.

16. Providing Information on Parliamentary Staff and Administration

Parliament shall make available information about its administrative functioning and the structure of parliamentary staff that manage and administer parliamentary processes. Contact information for staff responsible for providing information to the public should be publicly available.

17. Informing Citizens regarding the Parliamentary Agenda

Documentation relating to the scheduling of parliamentary business shall be provided to the public, including the session calendar, information regarding scheduled votes, the order of business and the schedule of committee hearings. 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 items under consideration.

18. 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 about and provide input into items under consideration, parliament shall seek to provide public access to preparatory analysis and background information to encourage broad understanding of policy discussions about the proposed legislation.

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.

20. Recording Parliamentary Votes

To ensure members' accountability to their constituents for their voting behavior, parliament shall 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 voting behavior of individual members in plenary and in committees. Similarly, parliament shall minimize the use of proxy voting and ensure that it does not undermine norms of transparency and democratic accountability.

21. Publishing 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, as well as in the form of a written transcript or Hansard.

22. Publishing Reports Created by or Provided to Parliament

All reports created by parliament or that are requested or required to be submitted to parliament, its offices, or committees, shall be made public in their entirety, except in narrowly defined circumstances identified by law.

23. Providing Information on the Budget and Expenditures

Parliament has a responsibility to make public comprehensive, detailed, and easily understandable information about the national budget and public expenditures, including past, current, and projected revenues and expenditures. Similarly, parliament has a duty to publish information regarding the parliament's own budget, including information about its own budget execution and bids and contracts. This information shall be made public in its entirety, using a consistent taxonomy, along with plain language summaries, explanations or reports that help promote citizen understanding.

24. Disclosing Assets and Ensuring the Integrity of Members

Parliament shall make available sufficient information to allow citizens to make informed judgments regarding the integrity and probity of individual members, including information on members' asset disclosures, their parliamentary expenses, and their non-parliamentary income, including interest, dividends, lease payments or other in-kind benefits.

25. Disclosing Information on Unethical Conduct and Potential Conflicts of Interest

Parliament shall enact clearly defined rules to ensure disclosure of information necessary to protect against actual or perceived conflicts of interest and ethical violations, including relevant information about members' interactions with lobbyists and pressure groups. Parliament shall also make public information on the final results of any judicial or parliamentary investigations into charges of unethical behavior, conflicts of interest or corruption.

26. Providing Access to Historical Information

Parliamentary information for prior sessions shall be digitized and made available to citizens in perpetuity for reuse free of legal restrictions or fees. 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 and the public the ability to access historical parliamentary information.

Easing Access to Parliamentary Information

27. Providing Multiple Channels for Accessing Information

Parliament shall provide access to information about its work through multiple channels; including first-person observation, print media, radio and television broadcasts, and Internet and mobile device technology.

28. Ensuring Physical Access

Parliament and its plenary sessions shall be physically accessible and open to all citizens, subject only to demonstrable public safety and space limitations.

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 clearly defined and publicly available.

30. Providing Live and On-Demand Broadcasts and Streaming

Efforts shall be made to provide citizens with real-time and on-demand archival access to parliamentary proceedings through radio, television and the Internet.

31. Facilitating Access 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, parliament shall seek other means of ensuring public access to parliamentary information 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. While recognizing the necessity of using precise language in writing laws, parliament has a duty to develop plain language summaries and similar tools to make parliamentary information readily available and understandable to members and citizens with diverse backgrounds and expertise.

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. Granting Free Access

Parliamentary information shall be available to citizens for unrestricted access, reuse and sharing free of charge.

Enabling Electronic Communication of Parliamentary Information

35. Providing Information in Open and Structured Formats

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.

36. Ensuring Technological Usability

Parliament shall ensure technological usability of parliamentary information by providing clear instructions for the use of any online databases or tools that enable citizens to retrieve parliamentary information from the parliamentary website. To the extent parliament provides a user interface, it shall use best practices to improve its usability.

37. Protecting Citizen Privacy

Parliamentary websites shall have a clear and concise privacy policy to let citizens know how their personal information is being used. Parliament shall not employ membership or registration requirements that restrict public access to information on parliamentary websites or permit the tracking of personally identifiable information without explicit consent.

38. Using Non-Proprietary Formats and Open-Source Software

Parliament shall give preference to the release of digital information in non-proprietary and open formats, and the use of free and open-source software applications.

39. Allowing Downloadability for Reuse

Parliamentary information shall be easily downloadable, in bulk and in well-documented formats to allow for easy reuse of the information.

40. 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 openness in the modern, interconnected world. Parliament shall ensure that parliamentary information is available in electronic format and shall regard online dissemination as an essential means of communication.

41. Using Easy and Stable Search Mechanisms

Parliament shall make it as easy as possible for citizens to quickly find desired parliamentary information by creating databases enabling both simple and complex searches through the use of appropriate metadata. Information shall be available in a location that remains constant over time, for instance, on a webpage with a persistent URL.

42. Linking Related Information

Parliament shall seek to improve the ability of citizens to find relevant parliamentary information by linking parliamentary information to other related information, for example, by linking references in a bill history to earlier versions of the legislation, 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 Services

Where possible, parliament shall provide citizens the ability to subscribe to services to alert them to certain categories of parliamentary actions through the use of email, SMS text messaging, or other technologies.

44. Facilitating Two-Way Communication

Parliament shall endeavor to use interactive technology tools to foster the ability of citizens to provide meaningful input on legislation and parliamentary activity and to facilitate communication with members or parliamentary staff.