Parliamentary Assembly
Assemblée parlementaire
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Doc. 12875
20 February 2012

Self-evaluation by Europe's national parliaments: procedural guidelines to improve the quality of parliamentary work

Report[1]
Committee on Rules of Procedure, Immunities and Institutional Affairs
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Summary

The economic, financial and social crisis which Europe has been facing since 2008 has also intensified the calling into question of representative democracy as the foundation of our societies: citizens now claim the right to be more closely involved in the decision-making process and the conduct of public affairs. Facing public criticism, parliaments are demanding to exercise greater scrutiny over governments' decisions and are calling for increasing the requirement for transparency in public decision making and greater accountability among political players.

The performance of parliament is one of the essential indicators of the state of democracy in a country. In the above-mentioned context, measuring the democratic performance of parliaments in Council of Europe member States may therefore be useful. Self-evaluation by parliaments according to agreed benchmarks and a clearly established procedural framework could be a tool for identifying solutions to the shortcomings observed in representative democracy. Self-assessment should be aimed at improving the quality of parliamentary work and should form the basis for promoting good practices for a "good" and strong parliament. Using self-evaluation to demonstrate the quality of parliaments and their ability effectively to address economic and social challenges can help to stem the loss of trust in the power and legitimacy of democratic institutions.

1. Reference to committee: Doc. 11774, Reference 3520 of 29 January 2009.

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A. Draft resolution[2]

1. In the debate it held in June 2010 on democracy in Europe: crisis and perspectives, which led to the adoption of Resolution 1746 (2010), the Parliamentary Assembly noted that there was a crisis in representative democracy and called for the development of a new culture of political responsibility in terms of responsiveness and accountability, as well as transparency.

2. In Resolution 1547 (2007) on the state of human rights and democracy in Europe, the Assembly already expressed its concern about the increasing number of deficits in democracy and the dysfunction of political institutions to be observed in Council of Europe member States. The Assembly also noted that the decline in interest towards the dominant political parties and parliament was the result of a critical assessment of the work of these institutions.

3. The economic, financial and social crisis which many States in Europe have been facing since 2008 has not only increased the requirement for transparency in public decision-making and greater accountability among political players but also radically intensified the calling into question of the representative system as the foundation of our democratic societies: citizens want to be fully informed, while also demanding the right to be more closely involved in the decision-making process and the conduct of public affairs. Against this background of crisis in which representative institutions are facing public criticism, parliaments are simultaneously demanding to exercise greater scrutiny over governments' decisions. However, many national parliaments in Europe do not have a strong constitutional or institutional basis or are politically subordinated to the executive branch.

4. The performance of parliament is one of the essential indicators of the state of democracy in a country. In the above-mentioned context, measuring the democratic performance of parliaments in Council of Europe member States may therefore be useful. Self-evaluation by parliaments according to agreed benchmarks and a clearly established procedural framework could be one of the possible responses to the above problems, as a tool for identifying solutions to the shortcomings observed in representative democracy. Self-assessment should be aimed at improving the quality of parliamentary work rather than the efficiency of parliaments in the strict sense and should form the basis for promoting good practices for a "good" parliament. Using self-evaluation to demonstrate the quality of parliaments and their ability effectively to address economic and social challenges can help to stem the loss of trust in the power and legitimacy of democratic institutions.

5. Several specialised organisations such as the Inter-Parliamentary Union (IPU), the Parliamentary Assembly of La Francophonie, the Commonwealth Parliamentary Association and the United Nations Development Programme (UNDP) have developed methodologies, toolkits and benchmarks with which parliaments can evaluate the democratic quality of their functioning. Although differences exist with regard to the various benchmarks, there is an emerging consensus on the key elements of such standards.

6. The Assembly welcomes the fact that some parliaments in Europe have already carried out self-evaluations of their performance. Several procedures and practices have been identified by the Assembly and could therefore be recommended to the attention of the national parliaments which have prepared or begun preparing standards for parliamentary self-evaluation.

7. As is shown by the examples of assessments of parliaments, there is rarely any question of a procedural framework. The Assembly has therefore prepared the appended procedural guidelines and invites national parliaments of the Council of Europe's member States to be guided by them in any rules on self-evaluation they prepare.

8. The Assembly believes that parliaments should also define the framework in which follow-up to the recommendations made in self-evaluation exercises can be debated and urges them to consider the possibility of setting up steering groups, self-reflection groups and parliamentary think tanks.

9. The Assembly also believes that the self-evaluation tools which it intends to promote for national parliaments could be useful in connection with the follow-up to the reform it undertook during 2011 to strengthen and improve the effectiveness of its functioning, the coherence of its structures and the credibility and visibility of its actions.

10. Lastly, the Assembly notes that the parliaments of some Council of Europe member States are affected by sometimes serious democratic failings or shortcomings. It believes that it is necessary to look more closely at the democratic functioning of national parliaments and draw up benchmarks and standards in this area, as

2. Draft resolution adopted unanimously by the committee on 1 December 2011.

a guide to parliamentary good practice, in particular with regard to restoring parliaments' powers of scrutiny and the role of opposition parties, in order to consolidate representative democracy as the foundation of our political institutions.

Procedural guidelines for self-evaluation by national parliaments in Europe

11. The following issues and questions may be taken into account when drawing up procedural guidelines:

11.1. The basis for carrying out a self-assessment is the existence of a majority of members of parliament who wish to take specific steps to improve the quality of parliamentary inputs and outputs in order to make parliament's functioning more effective and efficient.

11.2. Who should be able to request an evaluation (a quorum of individual members of parliament, political groups of parliaments, bodies of parliaments (Bureau, Conference of Presidents, etc.)).

11.3. Which body of parliament should take the decision to carry out a self-evaluation.

11.4. Should this performance assessment be done by an existing body of the parliament, by a specially appointed body (such as an ad hoc committee, a steering committee or an assessment panel), by an independent panel or by a specialised non-governmental organisation (NGO)? Or should all members of parliament participate in the evaluation process?

11.5. What should be the composition of any specially appointed parliamentary body (proportional representation of political groups; possible inclusion of outside experts; possible appointment of a chairperson from the opposition, etc.).

11.6. In bicameral parliaments, it may be appropriate that both chambers participate in the self-assessment at the same time.

11.7. What should be the terms of reference and road map for the organ/body/panel carrying out the evaluation (indications concerning the contents of such terms of reference, including presentation of proposals for the future); possible fixing of benchmarks and tools to be applied; adaptation of any toolkits used to the special purposes of the parliament to be assessed.

11.8. Any indications concerning the form of the report on the evaluation of the parliament.

11.9. To whom/which body of the parliament should the report on the evaluation be presented (President of the Parliament, Bureau, Conference of Presidents, etc.).

11.10. Forms of consideration of the report (all the parliamentary bodies and individual members of parliament quoted in the report should be able to express their views); consultation of other parliamentary bodies (political groups, any specialised committees).

11.11. The body examining the report on the evaluation of the parliament should be able to approve conclusions (or recommendations) on it, to be submitted, if possible, to the plenary.

11.12. Follow-up to the report and the above-mentioned recommendations, as self-assessment is a continuous process.

B. Explanatory memorandum by Mr Gross, rapporteur

1. Introduction

1.1. Origin of the report

1. In January 2009, the Bureau of the Parliamentary Assembly referred the motion for a resolution on "Towards a model rulebook for self-evaluation by Europe's national parliaments" (Doc. 11774) to the Committee on Rules of Procedure, Immunities and Institutional Affairs for report. The motion proposed drawing up "standards which would enable national parliaments to assess their compliance with the requirements of a representative democracy", with the aim of improving the quality of parliamentary activities and enhancing "representativeness, transparency, accountability and plurality of national parliaments". The motion for a resolution also proposed giving consideration to drawing up guidelines on self-evaluation for national parliaments in Europe, taking account of work already done in the field.

2. Promoting self-evaluation by parliaments is, to a certain extent, linked to the Assembly's debates in 2007 on the state of human rights and democracy in Europe and in 2010 on democracy in Europe: crisis and perspectives. In its Resolution 1547 (2007) and in the report on which it was based (Doc. 11203), the Assembly, *inter alia,* expressed its concern about problems relating to the representativeness, transparency and accountability of national parliaments in Europe. According to this resolution, the decline in public interest in some "old democracies" towards the dominant parties and parliament is not an expression of a lack of political interest but reflects a sense of exclusion from the political process and a critical assessment of the work of these institutions,[3] if not a desire to regain influence over government policies. The same concerns were expressed more recently in the report on "Democracy in Europe: crisis and perspectives" (Doc. 12279 and Resolution 1746 (2010)), in which the Assembly noted a crisis of representative democracy, symbolised, on the one hand, by a lack of trust on the part of the public, who were kept out of decision-making processes, and their disaffection with democratic institutions and, on the other, by a decline in parliaments' role in political scrutiny; the Assembly called for the development of a new culture of political responsibility in terms of responsiveness and accountability, as well as transparency.

1.2. Why evaluate the democratic functioning of parliaments?

3. Parliamentary self-evaluation according to a clearly established procedural framework could be one of the possible responses to the problems raised, as a tool for identifying solutions to the shortcomings observed in representative democracy. It is not so much the efficiency of parliaments in the strict sense as the quality of parliamentary work that matters here. Parliaments are often criticised for operating like law-making machines and are frequently accused of being rubber-stamp bodies whose members are "button pressers". The result is that the legitimacy of the decisions is called into question. All essential issues which affect society should be discussed promptly in parliaments with the necessary care and attention. "Debating" means producing wise decisions on the basis of discussion, debate and dialogue. No one has a monopoly on the truth, but everyone has part of it and through combined action we come closer to the ideal. When the opposition and other members with dissenting opinions are properly involved in parliamentary debates on fundamental issues, the discussions have greater legitimacy and help to integrate society. The extent to which a parliament performs this task is an essential criterion for assessing its quality.

4. What decision-making powers do parliaments really have? How many laws are passed without real debate? How many parliamentary initiatives actually end up as laws or amend existing laws? How many opposition motions are taken into account? What resources and how much time does a parliament have during a session to perform its role of scrutinising government? It is this democratic reality of the functioning of parliaments which needs to be assessed. Restoring public confidence in representative democracy demands a renewal of the political culture in parliaments: they must take back the full exercise of their constitutional powers. What is an effective parliament if not a "good" parliament: one which passes laws properly, adopts budgets properly and makes sure that public funds are properly used, while scrutinising government closely.

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3. During the 2004 European Conference of Presidents of Parliament, Professor Philippe Schmitter from the European University Institute in Florence said that the actual range of activities of parliaments had decreased. This was due, among other things, to the increasing proportion of public policy being made by central banks, independent regulatory commissions and various other agencies which were deliberately separated from the adversarial political and parliamentary process.

This requires a good deliberative parliament, which listens more closely to citizens and the parliamentary opposition and is less dependent on the constraints, in particular the time constraints, inherent in a decision-making process designed primarily with governments in mind.

5. Several standards and toolkits for measuring parliaments' democratic nature and performance have been developed. This report gives an introduction to the problems involved in measuring parliamentary performance (which is part of the more general issue of democratic audits) and to the necessary procedural tools. It will also consider the reasons for such assessments as well as the methods used and will give examples of practical application, before making specific proposals.

1.3. Perspectives

6. The motion for a resolution on which this report is based mentions "the elaboration of a model rulebook for national parliaments, fixing basic rules of procedure helping to ensure plurality, accountability and transparency". There is indeed a need to look more closely at how the parliaments of Council of Europe member States function, to identify the failings and shortcomings and to address them by promoting common rules for democratic parliamentary functioning aimed, for instance, at restoring parliaments' powers of scrutiny or fostering the role of opposition parties. Nevertheless, drawing up a compendium of benchmarks or standards for the democratic functioning of parliaments applicable to the parliaments of Council of Europe member States, or a kind of guide to good parliamentary practice, goes beyond the actual scope of this report and could be dealt with in a subsequent report by the Assembly.

7. In addition, during 2011, the Assembly carried out a reform of its structures and operating methods, alongside the reform of the Council of Europe, with a view to strengthening and improving the effectiveness of its functioning, the coherence of its structures and the credibility and visibility of its actions. In order to follow up and ensure coherent implementation of the decisions taken under the reform, the Assembly could decide to make use for its own benefit of the self-evaluation tools which it intends promoting for national parliaments in this report.

2. Developments towards measuring parliamentary performance, or "how parliamentary are parliaments"

8. It is generally agreed that measurements of the degree of democracy have gained great importance in connection with the emergence of many new democracies since the early 1990s.[4] Alongside this development,[5] many authors have highlighted a decline in public interest in the functioning of democracy and its institutions. Various groups are therefore concerned about the quality of democracy and have sought ways of improving democratic systems. However, since there is no single definition of democracy, there is no consensus about how democracy should be enhanced either. The same is true for parliaments. We do not have agreed criteria for what constitutes a "good" or a "parliamentary" parliament.

9. Since the early 1990s, however, democratic audits have been carried out regularly, including those by *The Economist* ("Democracy Index") and Freedom House, as well as the Polity Index, the Vanhanen Index and many others. From a certain point onwards, in addition to the empirical measurement of democracy, the democratic quality of parliaments also began to be gauged. In this connection, the efforts of the Inter-Parliamentary Union (IPU) should be particularly underlined. The IPU has helped to develop a shared understanding of what is meant by a "democratic parliament", namely to be representative, transparent, accessible, accountable and effective in terms of legislation and holding government to account. In 2006, the IPU published "Parliament and democracy in the twenty-first century: a guide to good practice".[6]

10. The above-mentioned indices ("Democracy index", etc.) are useful for differentiating between democratic and autocratic countries and for analysing democracy worldwide in recent decades. However, over the last ten years, a shift has taken place from the development of typologies of regimes to the measurement of the qualitative aspects of democratic regimes.

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4. See Wilhelm Knelangen, "Demokratie und Stabilisierungspolitik", in: Wichard Woyke, *Handwörterbuch Internationale Politik*, 11th edition, 2008, pp. 51-62.
5. See in this connection, David Beetham, "The idea of democratic audit in comparative perspective", in: *Parliamentary Affairs* (1999) 52, pp. 567-85.
6. www.ipu.org/PDF/publications/democracy_en.pdf.

11. Furthermore, some experts such as those from ESRA (European Survey Research Association) have proposed that opinions expressed by citizens, their preferences and their expectations be taken into account for the purpose of analysing the quality of democracy. This would bring the people back into the measurement of democracy. Survey questions assessing the evaluative abilities and policy knowledge of citizens could provide valid indicators of responsiveness and accountability.

3. Existing standards for measuring the performance of parliaments

3.1. General

12. In recent years, several inter-parliamentary organisations, with the support of international organisations such as the World Bank Institute (WBI) and the United Nations Development Programme (UNDP), as well as non-governmental organisations (NGOs), have prepared benchmarks, indicators or assessment methodologies for measuring how parliamentary or democratic parliaments are. These tools vary widely and their main characteristics were explained to the Committee on Rules of Procedure, Immunities and Institutional Affairs at its meeting in Paris on 7 September 2009 by Ms Lisa von Trapp, then a consultant on parliamentary benchmarks for the UNDP. There are currently three main approaches:

– collecting examples of good practice and promoting them through a self-evaluation toolkit for parliaments with sets of related questions;

– adopting a standards-based approach with sets of standards or indicators that can be used by parliaments themselves or external evaluators; such standards are useful in more specific contexts, for example when parliaments are involved in a modernisation process, in institutional reform, in an attempt to achieve specific goals such as promoting gender equality or when preparing budgets;

– confining evaluation of parliamentary performance to specific areas such as the budget procedure, applying specific indicators.

There are also additional areas of interest.

3.2. Evaluation criteria

13. The most well-known evaluation criteria are:[7]

3.2.1. Good practice/self-assessment

– evaluating parliament/self-assessment toolkit for parliaments prepared by the Inter-Parliamentary Union;

3.2.2. Benchmarks

– recommended benchmarks (87) for democratic legislatures/parliaments prepared by the Commonwealth Parliamentary Association (CPA), in 2006; these concern the representative character of parliament, its independence, effectiveness and accountability;

– criteria for evaluating the democratic reality of parliaments, adopted by the Parliamentary Assembly of La Francophonie in July 2009;

– international standards (88) for democratic legislatures and a corresponding questionnaire using a selection of those standards (25) aimed at parliamentarians, parliamentary staff and relevant civil society organisations, developed by the National Democratic Institute for International Affairs (NDI) in 2007; these concern the structure and organisation of parliaments, the balance of powers and public access, transparency and accountability of parliaments;

– standards for democratic legislatures of the Southern African Development Community (SADC) Parliamentary Forum, adopted in 2010;

– draft benchmarks of the Parliamentary Confederation of the Americas (COPA);

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7. The following paragraphs are based in particular on the PowerPoint presentation, “Parliamentary benchmarks and indicators”, by Lisa von Trapp, World Bank Institute, Wilton Park, 29 October 2008.

3.2.3. Performance indicators (budget process)

– parliamentary reporting card and related indicators of parliamentary performance in the budgetary process prepared by the Canadian Parliamentary Centre; see also the joint publication by the Centre and the World Bank Institute on "Parliaments that work: a conceptual framework for measuring parliamentary performance";[8]

3.2.4. Additional areas of interest

– section on democratic effectiveness of parliament in the state of democracy assessment methodology developed by the International Institute for Democratic and Electoral Assistance (IDEA);

– indicators developed by the UNDP (2001) and other donors such as USAID;

– the Congressional Capabilities Index developed by staff at the Inter-American Development Bank (IDB).

14. These standards/benchmarks/criteria strive mainly for simplicity and user-friendliness and are, in general, to be considered as "works in progress". They differ in terms of method and content and are largely complementary. As was underlined at the meeting of the Committee on Rules of Procedure, Immunities and Institutional Affairs on 7 September 2009, there is significant overlap between the tools in terms of content, particularly with respect to the different versions of the benchmarks. Furthermore, none of these sets of standards and criteria is universally recognised. This was one of the conclusions of the International Conference on Benchmarking and Self-Assessment for Democratic Parliaments held in Paris from 2 to 4 March 2010, at which the Committee on Rules of Procedure, Immunities and Institutional Affairs was represented.[9] The areas of consensus were mainly procedural fairness, democratic legitimacy and representation, parliamentary organisation and core legislative and oversight functions. Achieving consensus remains challenging in other areas such as political financing, parliamentary values and ethical issues.

15. Of particular importance was the publication by the IPU in September 2008 of a self-assessment toolkit for parliaments.[10] It includes 54 questions under six categories: representativeness of parliament; parliamentary oversight over the executive; parliament's legislative capacity; transparency and accessibility of parliament; accountability of parliament; and, lastly, parliament's involvement in international policy. Additional questions can be added based on the national context of parliaments. Evaluation is based on value judgments on how a parliament measures up against each of the criteria. The evaluator has to assign a score from 1 (minimum) to 5 for each of the criteria. However, the scoring is not intended to be an end in itself; rather it is a catalyst for dialogue on the strengths and weaknesses of parliamentary performance, leading to the identification of priorities for reform/development. No ranking is made among any parliaments which have undergone self-evaluation. According to the IPU, the toolkit may be used in particular for preparing the parliamentary budget and strategic plan and to stimulate parliamentary reform. The IPU also considers that the toolkit would be appropriate for NGO assessments of parliaments. To back up the toolkit, the IPU prepared a brief note for parliaments outlining the steps in a "typical" self-assessment, even though no such thing exists and the format has to be adapted to the needs of each parliament.[11]

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8. There is also a state of the parliament report by the International Foundation for Electoral Systems (IFES); it includes indicators (19) for transparency and accountability and a toolkit. Furthermore, Berkeley University has a Parliamentary Powers Index, which evaluates the powers of parliaments worldwide and ranks them on the basis of 32 items. Lastly, donors such as the UNDP and USAID have also prepared indicators.

9. Conference hosted by the World Bank Institute (WBI) and organised by WBI and the UNDP. The objectives of the conference were to identify areas of internationally agreed consensus among the current sets of standards and principles and areas of potential further consensus; examine national case studies and draw a first set of lessons of experience, broaden the research agenda and encourage future applications of the different frameworks at the national level; bring in regional parliamentary perspectives to the dialogue on standards for democratic parliaments, invite additional regional inter-parliamentary organisations to join the process to ensure broad representation and ownership. The conference participants adopted a statement with recommendations for parliaments, organisations involved in strengthening parliaments, donors and other players. www.agora-parl.org/node/2707

10. www.ipu.org/pdf/publications/self-e.pdf

11. In a recent article, the Secretary General of the Upper House of the Parliament of India (Dr Agnihotri) wrote that "from the existing main methodologies, the IPU model is perhaps the most advanced, precise as well as comprehensive, …", *The Parliamentarian* (CPA), Issue 1, 2010, p. 32.

16. Several standards are available which sometimes overlap and have been applied only in a limited number of cases. Therefore:

– development of further standards should be avoided and the existing ones should be harmonised; initiatives to this end have already been taken;[12] however, as legislatures evolve, it is also likely that standards will evolve; it will be important to ensure that this is done in a harmonised manner;

– the practical testing of available standards could be encouraged, including in the developed countries ("older democracies"), as further performance improvements are possible in the parliaments of all countries.[13]

4. Contribution by the Committee on Rules of Procedure, Immunities and Institutional Affairs to the reflection on the drawing-up of future universally recognised standards

17. In its previous work, the Committee on Rules of Procedure, Immunities and Institutional Affairs has underlined on several occasions that what mattered for it was to promote the quality of parliaments, in the sense of "good" rather than purely industrious parliaments. Procedural guidelines for self-evaluation by Europe's national parliaments should be based on this concept. There is obviously no definition and still less a consensus on what makes up a "good" parliament.[14]

18. In this respect, the Committee on Rules of Procedure, Immunities and Institutional Affairs has limited itself to singling out the following (non-exhaustive) list of subjects or examples of good practices which should be borne in mind when drafting standards for parliamentary self-evaluation:

– the possibility for parliament to question a minister in a specific debate and require him or her to reply to members' questions on its action, including a change of policy;

– the percentage of draft government legislation amended by parliament and the percentage of bills originating from parliament which result in legislation;

– the chances of a bill tabled by an opposition (minority) group or a private member's bill being debated in plenary;

– the possibilities and practices of parliaments in terms of responding quickly to topical issues, the time within which parliaments can arrange debates on the relevant issues;

– the action by the opposition (minority) or an opposition group in parliament for which the quorum required is lower than a simple majority;[15]

– the possibilities for the parliamentary minority to obtain the convening of a special sitting of parliament, or to have an item included on the agenda;

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12. See the report by Lisa von Trapp on "UNDP benchmarks and self-assessment frameworks for democratic legislatures" submitted to the International Conference on Benchmarking and Self-Assessment for Democratic Parliaments held in Paris from 2 to 4 March 2010, and also the report (PowerPoint) by K. Scott Hubli on "Benchmarks and standards for democratic parliaments: an emerging international consensus?" submitted to the Joint IPU-ASGP meeting in Geneva on 2 October 2010.

13. See in this connection the discussions during the IPU-ASGP (Association of Secretaries General of Parliaments) conference held in Geneva on 22 October 2009 entitled "Evaluating parliament: objectives, methods, results and impact".

14. An interesting contribution on what constitutes a "good" parliament comes from a speech made by a former Speaker of the German Bundestag (Mr Thierse) when taking stock of the results achieved during the 1998-2002 legislature. According to him, the quality of a parliament is demonstrated by:

– debates held and significant decisions taken in the more recent history of the parliament which directly affect citizens (in the case of the Bundestag, abandoning nuclear energy, immigration issues, recognition of marriage-like partnerships, etc.), including ethically complex subjects such as stem-cell research;

– the efforts made to consolidate the authority of parliament as a central place for democratic decision making and consensus formation;

– the reputation parliament enjoys among the public; one modern indicator here is the number of visitors to parliament's homepage; the number of visitors to parliamentary buildings also enables some conclusions to be drawn;

– the number of addresses by leading international statesmen before parliament and the number of international visitors in general;

– results achieved in a legislature with respect to securing equality of opportunities and developing and securing social justice (discussion of matters such as the labour market and the impact of new technologies, as well as of fundamental issues related to education and training).

15. In many European parliaments, the quorum for exercising the relevant rights and possibilities is lower than a simple majority (for example 33% or 25%); in some instances, even single political groups are allowed to exercise them.

– the ways and means for the minority in parliament to influence the organisation of question time, parliamentary hearings, parliamentary inquiries;

– the right of the opposition to have adopted laws checked by the constitutional court and to submit requests to a court/board of auditors;

– the possibility of concluding agreements between political groups (including those of the minority) to facilitate the organisation of plenary sessions and committee meetings;

– the ways and means of resolving any stalemate situation in parliament between the majority and the opposition;

– the possibilities for active dialogue with citizens.

19. The above items were included in a questionnaire which was sent to members of the Committee on Rules of Procedure, Immunities and Institutional Affairs in 2009. The following information is drawn from the replies received:

– In the United Kingdom, every year 20 members can introduce a private member's bill and the first seven members will have the opportunity of a whole day's debate on their bill which may become law; in the 2008/09 session, 22 government bills were successful compared to five private member's bills. In 2009, six private member's bills were introduced in the Dutch Parliament and 204 government bills. In the Parliament of Lithuania, 40% of all bills introduced originate from the government and 56.4% from parliament. In Sweden, private member's bills are discussed in plenary (in the form of reports by the competent committees on the bills), but there is very little chance of their being adopted. In the Parliament of Azerbaijan, private members' bills are debated in plenary on the decision of the competent committee and account for 20% to 30% of the laws passed. In Luxembourg, 25% of government bills are amended by parliament, while between 2% and 4% of legislation originates from private members' bills.

– A topical debate lasting ninety minutes takes place in the United Kingdom House of Commons every week. In the Swedish Parliament, they can be arranged at one week's notice. In the Dutch Parliament, such debates can be organised at two or three days' notice, depending on whether the respective chamber wishes to have the debate preceded by a letter or memorandum by the government concerning the subject (recent subjects of topical debates included Afghanistan, road pricing, youth care, the climate report of the Intergovernmental Panel on Climate Change (IPCC)). In Lithuania, once a week two hours are allotted for consideration in plenary of bills introduced by members; furthermore, a thirty-minute topical debate can be held the next day if requested by more than 10 members. The Parliament of Azerbaijan can organise debates on topical issues at very short notice.

– Concerning active dialogue with citizens, electronic petitions exist, *inter alia*, in Germany, Lithuania and the Netherlands. A popular initiative containing a request by at least 40 000 citizens to introduce a law on a certain subject can be sent electronically to the Parliament of the Netherlands; there is a link on the website of the Lithuanian Parliament "Letter to Parliament" and any visitor to the website is able to submit such a letter electronically. In Azerbaijan, bills are placed on the website of parliament prior to debate in the plenary, enabling citizens to submit their proposals; there is a threshold of 40 000 citizens for the right to legislative initiative. In the United Kingdom, debates in the House of Commons, the House of Lords and their committees are broadcast live, and citizens may leave their comments online.

20. With regard to the role of the opposition, it should be noted that the committee authored the Parliamentary Assembly report on procedural guidelines on the rights and responsibilities of the opposition in a democratic parliament (Doc. 11465 rev and Resolution 1601 (2008)). The report has been widely disseminated and was considered, in particular, at the European Conference of Presidents of Parliament held in Limassol (10-12 June 2010) during the discussion of good practice with regard to the rights and responsibilities of the opposition in parliament. The existence or absence of such good practice could also be borne in mind as an additional standard for self-evaluation of parliaments.

21. The committee was unanimous in considering it essential to continue studying the question of standards for the democratic functioning of parliaments in a further report. In particular, several members felt that further consideration should be given to the question of enhancement of the institutional position of parliaments and their powers, particularly in relation to the executive. Indeed, parliaments are faced with a dual challenge because they are in competition both with governments, which tend to reduce the expression of democracy to its "executive" dimension, and with citizens, who aspire to exercise directly some of the powers vested in the parliamentary institution. Yet the main function of parliaments is to scrutinise the government's policy and call it to account. Where the second point is concerned, there is a need to review the

possibilities for interaction between parliamentarians and citizens and the (especially technological) means available for fostering active dialogue between them and involving citizens more fully in the decision-making process.

5. Example of efforts by a European national parliament to improve the quality of its performance

22. In 2009, the second chamber of the Dutch Parliament carried out a parliamentary self-reflection. This is another form of parliamentary self-assessment.[16]

23. The first recommendation of the steering committee appointed for the purpose refers to improving the scrutiny of legislation and policy. Given two trends, namely the sharp rise in private members' bills and the end of large-scale law-making operations, the steering committee considered that a shift from law production to more systematic scrutiny of how existing legislation was implemented would be advisable. The aim is twofold:

– to test the feasibility of bills during the parliamentary debate stage to get a clearer picture of their practicability and whether there is enough support for them;

– one year after the implementation of legislation, to entrust temporary committees of inquiry with the task of examining how laws and policies which have been passed work out in practice.

24. Furthermore, since January 2010, the second chamber has taken a proactive attitude and selects topical subjects for discussion instead of predominantly discussing government proposals. So-called foresight studies investigate the desirability of, or need for, new legislation or policy in response to developments in society (for example in the field of technology or social trends). Another recommendation by the steering committee relates to the increasing number of emergency debates. This type of debate is a very effective way for small political parties or groups to gain the attention of the government and the media. While the rules governing emergency debates would remain unchanged, it was important for MPs to use the instrument more selectively and to be more fully aware of what could really be expected from such debates. Further recommendations deal with the need to give members more support and pay more attention to guiding new MPs. Lastly, the steering committee also proposed that due attention should be paid to the role of the second chamber when coalition agreements were concluded – which was almost unavoidable in a multi-party system.

25. These recommendations are of great interest and should be borne in mind when drawing up standards for parliamentary self-assessment.

6. Methodology for application of the existing standards

26. All the above-mentioned democratic benchmarks, indicators and assessment methodologies allow, although in different ways, a relatively far-reaching democratic evaluation of parliaments, specific activities of parliaments and members and staff of parliaments. They serve to identify strengths and weaknesses and to formulate proposals for reform and development.

27. For these assessments, it must be recognised that, even in Europe, the situation in parliaments is not as uniform as people generally claim. In constitutional terms, certain European parliaments have more rights than others, whether in terms of legislative procedure or of scrutiny of the executive, in particular. Some European parliaments are in crisis or in stalemate. They are criticised among other things for a lack of professionalism, inability to conduct their legislative business and failure to follow up on decisions.

28. The following examples of application of the existing standards for evaluation of parliaments give a clearer picture of the range of methodological approaches.

6.1. Parliaments in general

29. Parliaments as a whole may be assessed internally (self-evaluation) or externally (for example by an NGO: recently, for example, the parliaments of Andorra (IPU toolkit), "the former Yugoslav Republic of Macedonia",[17] Pakistan[18] and Cambodia) and either alone or in combination with other neighbouring parliaments. In the latter case, this may also involve a comparative assessment, when the respective parliaments agree on what is good or bad performance. In 2006, a "sectoral" self-evaluation was carried out in

16. See the communication from Ms Biesheuvel-Vermejden, Secretary General of the House of Representatives of the States General, to the Bangkok Session of the Association of Secretaries General of Parliaments (ASGP), 28 March-1 April 2010.

the Moldovan Parliament. Some parliaments co-operate to improve performance. The parliaments of the Australia-Pacific region gather once a year to compare how well they perform their duties and exchange ideas on the role of presiding officers and clerks.

30. Self-assessments of parliaments facilitated by the IPU and based on the IPU toolkit have taken place in the parliaments of Sierra Leone, Cambodia (as part of the ten-year review of the senate's existence)[19] and in the Rwandan Chamber of Deputies and Senate. The Parliament of Andorra has recently used the toolkit to assess its performance. Further such self-assessments are expected in the near future in more parliaments both in Europe and elsewhere. A Pakistani NGO, PILDAT, also used the IPU toolkit to evaluate the Parliament of Pakistan. Its aim was to make parliament a more effective, responsive and accountable institution for the people and to identify the strong and weak points to be addressed in a reform process.[20]

31. As parliaments make public as much data as possible about their responsibilities, functions, targets and achievements, NGOs may easily prepare reports on their performance. PRS Legislative Research, for example, brings out a statistical analysis of each session of the Indian Parliament, based on the end-of-session releases issued by the two houses of parliament.

32. Genuine third-party evaluation (for example by NGOs,[21] think tanks, panels of experts) may not be acceptable to many parliaments for reasons of parliamentary autonomy and tradition. Furthermore, members are the best experts on matters concerning parliaments.

33. In this connection, it should be borne in mind that the Parliament of Pakistan deliberately entrusted an NGO with the assessment exercise (although the evaluation group included members of parliament) and that the evaluations of the parliaments of the Republic of Moldova (sectoral assessment) and of "the former Yugoslav Republic of Macedonia" were also carried out by NGOs. When parliaments ask NGOs to conduct such "performance audits", the contents of the terms of reference given to the NGOs clearly take precedence over procedural provisions.

34. An interesting proposal was made during the meeting of the Committee on Rules of Procedure, Immunities and Institutional Affairs in London in December 2009: in bicameral parliamentary systems, each chamber could evaluate the other. However, it is uncertain whether this idea will meet with much success in practice. More realistic would be reciprocal assessment among regional or devolved parliaments, like those of Scotland and Wales in the United Kingdom.

35. It is interesting to note that the Parliament of the Republic of South Africa has established a "Panel for Assessment of Parliament". Its report of 13 January 2009 drew on research from the IPU and WBI and addressed, among other things, the issue of parliament's involvement in international relations.[22]

6.2. Comparative benchmarking of parliaments

36. In 2008, the Irish Parliament (Houses of the Oireachtas) compiled an internal report on comparative benchmarking of parliaments, using international key statistics from a variety of sources. The report identifies various findings concerning sitting days, number of parliamentary questions, ratio of parliamentary staff (administrative and political), ratio of budget allocated per member and other issues. Furthermore, the Houses of the Oireachtas commission agreed four strategic commitments under the 2007-09 strategic plan, "Excellence in Parliamentary Service". These four commitments were serving sittings, serving members, promoting parliament and delivering better management. The 2008 annual report of the Irish Parliament highlights progress achieved so far, including, where appropriate, tables measuring the progress and satisfaction expressed by members.

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17. In "the former Yugoslav Republic of Macedonia", the citizens association MOST has signed a memorandum of understanding with the parliament concerning performance assessment.
18. "Evaluation of parliament 2008-2009: state of democracy in Pakistan", www.pildat.org/events/09-04-03/pdf/01.pdf
19. See the communication by Mr Oum Sarith, Secretary General of the Cambodian Senate, at the IPU session of October 2010 – www.asgp.info/Resources/Data/Documents/BEWVYBBNQKHULOQMJFIJMWLTJSGLKP.doc.
20. The assessment report includes 11 recommendations.
21. At the meeting of the Committee on Rules of Procedure, Immunities and Institutional Affairs held in London in December 2009, reservations were expressed concerning the possibility of evaluation by NGOs.
22. The report on the assessment of the Parliament of South Africa underlines that the evaluation focused on the extent to which the parliament ensures that there is accountability, responsiveness and openness regarding the implementation of the matters governing parliament in the national constitution (but not limited to this); of particular importance is also the extent to which the parliament discusses issues of great relevance for society and helps to integrate society through its debates.

6.3. Case studies (committees, budget procedure, legislative functions, etc.)

37. Increasingly, specific bodies or features of a parliament are evaluated, for instance the efficiency of legislative procedures ("legislative strengthening programmes"), the committee and amendments system[23] or the budget procedure.

38. The effectiveness of parliamentary committees in overseeing public sector integrity activities and agencies is a key question. Committees are also often at the heart of reform processes or improvements in the internal functioning of parliaments.[24] In recent years, several parliaments have granted additional financial resources to their committees (for example in Finland) to enable them to work more actively with regard to their relationship with ministers and the executive branch.

39. Results of this survey carried out in Australia showed that measuring the effectiveness of parliamentary committees may prove contentious. Some evaluators or enquiries use simple measures such as the number and length of committee reports for their judgment. Others, however, focus more on governmental responses to committee recommendations. These are judged effective if more than half are accepted and implemented.[25] Other measurements of committee efficiency have, *inter alia*, taken account of how committees have carried out their role of broader direction-setting.

6.4. Evaluation of individual members of parliament

40. Another expanding type of parliamentary assessment is the performance evaluation of individual members of parliament. This has been promoted by the increased information technology facilities offered by parliaments. One well-known evaluation site is the British site "TheyWorkForYou".

41. In October 2006, the citizens association MOST, operational in "the former Yugoslav Republic of Macedonia", and the country's parliament signed a memorandum of co-operation concerning the assessment of MPs' performance.[26] The project was based on the presentation of data according to criteria for evaluation determined in advance. The data were based on official information from the Parliament of "the former Yugoslav Republic of Macedonia". In addition to the data obtained from the parliament, the project included data on MPs' meetings with NGOs under the Mobile Parliament project, as well as data supplied by the Office for Contact between NGOs and the parliament. According to MOST, the overall goal of the project was to increase members of parliaments' co-operativeness and their responsiveness to the concerns of citizens and to improve the quality of their work through informing the public about the outcome of the evaluation. At the same time, it articulated the interest and needs of citizens and civil organisations in the process of developing and enacting laws of the Parliament of "the former Yugoslav Republic of Macedonia". It would appear that three performance reports were prepared, the last in 2008.

42. In addition to the performance reports, opinion polls were carried out at the request of MOST. In the February 2008 poll, a representative sample of more than 1 100 citizens was asked:

– to indicate how often they watched parliamentary sessions;

– to rank the work of parliament from 1 to 5;

– to judge the role of parliament in the decision-making process;

– to evaluate the independence of parliament from the government in the law-making process;

– to indicate their degree of acquaintance with parliamentary committees;

– to judge if MPs did their job well;

– to indicate whether they had met the MP of their constituency after his or her election.

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23. See Parliamentary Assembly of La Francophonie publication, "Tableau récapitulatif des amendements: la réalité démocratique des parlements: Quels critères d'évaluation", 2009.

24. See Pauline Türk, *Les commissions parlementaires permanentes et le renouveau du Parlement sous la Ve République*, Paris, Dalloz, 2005.

25. See the paper prepared for the Australasian Study of Parliament Group (ASPG) Conference on Parliament and Accountability in the 21st Century: The Role of Parliamentary Oversight Committees, October 2005, p. 1.

26. The following details are taken from the report, "Parliamentary performance", published by MOST in March 2008. The project was supported by the Balkan Trust for Democracy, the National Endowment for Democracy and the Embassy of the Netherlands.

43. In the run-up to the June 2009 elections to the European Parliament, many articles and blogs on such subjects as "monitoring your MEP" were published. As reported in the international press, a method has also been developed to gather almost all the data required to measure the performance of MEPs (see description in the *Frankfurter Allgemeine Zeitung* of 22 April 2009). However, there are also limits to individual assessments. In particular, rankings of assessed members based on purely statistical data may be problematic.[27] Without further research, for instance, who can tell whether a member having signed a parliamentary register of presence actually participated in parliamentary business that day or not?

6.5. Assessment of parliamentary administration

44. At its April 2009 session, the Association of Secretaries General of Parliaments (ASGP) discussed administrative self-assessment within parliaments. It decided to set up a working group to create a version of the IPU self-assessment toolkit dedicated to the evaluation of parliamentary administration. At the ASGP session in October 2009, the secretaries general of the chambers of three parliaments (Algeria, Cambodia, Russian Federation) presented contributions on administrative self-evaluation by parliaments. One of them (Algeria) included a draft questionnaire, with a section on participation of parliament in the interparliamentary and international arena.

45. Some national parliaments have undergone assessments of their staff. In November 2005, the National Democratic Institute for International Affairs (NDI) undertook a preliminary assessment of the staff of the Moldovan Parliament by two Baltic experts.[28] The Office of the Auditor General of Botswana has undertaken a performance audit on the support given to the country's parliament by the administration, in particular concerning the parliamentary administration's ability to provide an economic, efficient and attentive service to members (Report No. 7 of October 2008).

6.6. Comments

46. The above list of examples, which does not claim to be exhaustive, indicates that the performance of only a limited number of parliaments has been assessed so far. It would appear that three European parliaments, namely those of Andorra, "the former Yugoslav Republic of Macedonia" and the Republic of Moldova ("sectoral" evaluation), have been evaluated to date. In addition, the Irish Parliament has prepared a report on comparative benchmarking of parliaments, using the IPU toolkit. The second chamber of the States-General of the Netherlands has carried out a parliamentary self-reflection, following which a self-assessment steering committee presented a set of recommendations.

7. Standards for parliamentary performance and possible application of procedural guidelines

47. The performance of parliament is one of the essential indicators of the state of democracy in a country. Evaluation or self-evaluation of parliaments according to agreed benchmarks and a clearly established procedural framework could be one of the possible responses to the criticisms regarding the failings and shortcomings of representative democracy. Using self-evaluation to demonstrate the quality of parliaments and their ability effectively to address economic and social challenges can help to stem the loss of trust in the power and legitimacy of democratic institutions.

48. It is understood that assessing the performance of parliaments should be voluntary and not imposed. Furthermore, such evaluation should not be used to rank parliaments, nor should it focus solely on the parliaments of emerging democracies. For the sake of efficiency and objectivity, an appropriate procedural framework is required, to which end draft procedural guidelines are proposed in this report.

49. As can be seen from the examples of assessments of parliaments or of sectors of their activities, there is rarely any question of rules here. However, elements to be used directly when preparing procedural guidelines are to be found in the above-mentioned report of the Independent Panel Assessment of Parliament (South Africa) and in the note prepared by the IPU in March 2009 on "Carrying out a self-assessment: presentation note for parliaments", which identifies nine steps/measures. The Commonwealth Parliamentary Association has also drawn up a self-assessment guidance note (2009). These elements and any procedural guidelines would in practice have to be adapted to the needs of each parliament.

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27. With regard to disputed presences of an MEP in plenary sessions and committee meetings, see *Frankfurter Allgemeine Zeitung* of 4 June 2009 and also the interview with EP President Pöttering in *Le Monde* of 12 May 2009.
28. See report on the preliminary assessment of the Moldovan Parliament by NDI of February 2006.

50. It remains to be seen whether the parliaments of Council of Europe member States are ready for a self-assessment of their performance and prepared to use, to this end, the available toolkits, indicators, evaluation methodologies and procedural guidelines which have been implemented in other continents.

8. Conclusions

51. This report shows that, whereas great attention is paid to self-assessment of parliaments and the development of standards for the purpose, there is relatively little discussion of the procedures to be used and any rules to be drawn up. Procedural guidelines have therefore been prepared and appended to the draft resolution presented in this report. European parliaments intending to carry out a self-evaluation are invited to bear them in mind for any rules they draw up.

52. As procedural guidelines have to be based on standards for self-assessment, this report has also indirectly provided useful information about what makes up quality parliaments rather than purely industrious parliaments. Some of the information came from the replies to a questionnaire sent out by the rapporteur to the members of the Committee on Rules of Procedure, Immunities and Institutional Affairs. These elements (see paragraphs 18 and 19 above) should be made available to the respective organisations and institutions which are currently working on standards for self-assessment by parliaments and to parliaments concerned. The information gathered could also be used for the Assembly's ongoing work on the state of democracy in Europe.

53. This activity has been one of the main priorities of the Parliamentary Assembly since 2007. In this connection, strengthening parliaments and assessing how democratic they are is of great importance. Undoubtedly, the results of assessment of the performance of European parliaments would be of great value for the Assembly's Monitoring Committee.

54. The work of the Committee on Rules of Procedure, Immunities and Institutional Affairs could also be put to good use by the Assembly itself. In order to follow up and ensure coherent implementation of the decisions taken by the Assembly under the reform of its structures and functioning, the Assembly could decide to make use for its own benefit of the self-evaluation tools.[29]

55. The Assembly should therefore welcome and support the initiatives of the main organisations working on parliamentary benchmarks, indicators or assessment methodologies: the IPU, the UNDP, the NDI, the WBI, the Parliamentary Assembly of La Francophonie (APF), the CPA, the European Parliament (Office for the Promotion of Parliamentary Democracy), the Parliamentary Forum of the SADC and, most recently, the Parliamentary Confederation of the Americas (COPA).

56. Parliaments should also define the framework in which follow-up to the recommendations made in self-evaluation exercises can be debated; the Assembly should therefore urge them to consider the possibility of setting up steering groups, self-reflection groups and parliamentary think tanks.

29. Another matter for possible discussion could be the appropriateness, in the longer run, of procedural guidelines for performance assessment by international parliamentary institutions in Europe. This would have to be more limited and adapted to the specific features of these institutions. Among existing international parliamentary institutions, the Arab Inter-Parliamentary Union and the African Parliamentary Union have apparently shown interest in using the IPU's self-assessment toolkit.