



**PARLIAMENTARY CONFEDERATION OF THE AMERICAS  
COMMITTEE ON DEMOCRACY AND PEACE**

**The Contribution of Parliaments to Democracy:  
Benchmarks for the Parliaments of the Americas**

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## Introduction

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*“The peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it.”*  
Inter-American Democratic Charter, Article 1.

*“The strength of the national legislature may be a—  
or even the—institutional key to democratization.”*  
Professor M. Steven Fish, *Journal of Democracy* (January 2006).

There is a current consensus within the Americas that representative democracy constitutes the most appropriate system of government, and all agree on the necessity of promoting democratic values and consistently working toward improving democratic institutions.

Separation, balance and independence of powers are among the basic principles of democratic government, preventing a concentration of authority in only one branch of government. In that respect, the legislative power plays a pivotal role in the consolidation of democracies.

The legislative branch must exercise three essential functions in a democratic regime: oversee the actions of the executive branch, legislate and faithfully represent citizens. With the growing predominance of the executive branch in the political life of democratic societies, enhancing the role of the legislative branch is fundamental. In September 2005, presiding officers of parliaments from around the world declared before the United Nations Headquarters that Parliament “is the central institution through which the will of the people is expressed, laws are passed and government is held to account.”<sup>1</sup> The strengthening of legislative institutions is thus paramount to improving the functioning of democracy.

Over recent years, in different regions of the world, interparliamentary cooperation has allowed some progress to be made in that direction. The United Nations Development Programme (UNDP) has encouraged international institutions and interparliamentary organizations—such as the Interparliamentary Union (IPU), the National Democratic Institute for International Affairs (NDI), the Commonwealth Parliamentary Association (CPA), the *Assemblée parlementaire de la Francophonie* (APF) and the Southern African Development Community (SADC) Parliamentary Forum—to develop key benchmarks for parliamentary democracies. The documents produced in response to that initiative show that parliamentarians agree on a significant number of parliamentary benchmarks. Furthermore, most of them seem to agree with the principles and values

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1. David Beetham. *Parliament and Democracy in the Twenty-First Century. A Guide to Good Practice*, Geneva: Interparliamentary Union (IPU), 2006. Page viii.

underlying the exercise (i.e., responsibility, transparency, accessibility, representativeness, effectiveness).

The distinctive characteristics of certain regions were also highlighted in the documents. For example, the CPA report pointed out some distinctions between the parliaments of the Pacific, Asian, Caribbean and Southern African States of the Commonwealth. These countries used the basic benchmarks drawn up by the CPA as a starting point. Discussions among parliamentarians led to a reaffirmation of the appropriateness of existing benchmarks, and the development of new, more region-specific benchmarks. According to Geraldine Fraser-Moleketi of the UNDP, “this is perhaps the most important phase, that in which parliaments begin to *use* and *refine* these tools that they have helped develop to determine priorities for strengthening their own institution.”<sup>2</sup>

Although the project is still a recent one, several parliamentarians have begun voluntarily comparing their system to the benchmarks drawn up by the interparliamentary and international organizations and sharing their experience with their counterparts. Some, including the IPU, have developed self-assessment questionnaires. Such tools for parliamentarians are still being developed according to the distinctive characteristics of the different political systems of the world. A report by a CPA study group gives a good summary of the ultimate goal of this exercise: “A framework that sets out what constitutes effective democratic practice in contemporary parliaments would help them measure themselves in their own reform and modernization efforts aimed at making them more effective and democratic institutions. In addition, benchmarks may also serve as a useful tool for parliaments working to establish their independence and powers relative to the government.”<sup>3</sup>

This initiative is entirely compatible with COPA’s mission, one of whose objectives is to contribute “to the strengthening of parliamentary democracy”<sup>4</sup> in the Americas. To that end, interparliamentary cooperation throughout the continent must seek to promote instruments that contribute to achieving that goal. This opportunity is an excellent way for COPA members to join efforts and reflect on ways to help build more effective and legitimate parliamentary institutions in the hemisphere.

COPA member congresses, parliamentary assemblies, regional parliaments and interparliamentary organizations have before them a unique opportunity. First, they have the chance to take part in an unprecedented global reflection process on the development and consolidation of democracy. Second, they will be able to raise

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2. *Benchmarks and Self-Assessment Frameworks for Democratic Parliaments. A Background Publication prepared for the International Conference on Benchmarking and Self-Assessment for Democratic Parliaments*, Brussels/New York: United Nations Development Programme (UNDP), 2010. Page 7.

3. “Recommended Benchmarks for Democratic Legislatures”, *Commonwealth Parliamentary Association (CPA)* [On-line] [http://www.cpahq.org/cpahq/Mem/Document%20Library/Benchmarks\\_for\\_Democratic\\_Legislatures/Recommended%20Benchmarks%20for%20Democratic%20Legislatures.aspx](http://www.cpahq.org/cpahq/Mem/Document%20Library/Benchmarks_for_Democratic_Legislatures/Recommended%20Benchmarks%20for%20Democratic%20Legislatures.aspx). Page consulted on June 21, 2010.

4. “Mission”, *Parliamentary Confederation of the Americas (COPA)* [On-line] <http://www.copa.qc.ca/eng/who/mission.html>. Page consulted on June 21, 2010.

awareness of the distinctive characteristics of the various parliaments of the Americas by adapting and customizing the system of benchmarks already established.

The immense diversity of the Americas must be recognized. The point of the exercise is not to standardize parliamentary systems or promote one single model of “best practices”. Each parliament can have its own way of doing things and be a source of interesting innovations. Furthermore, due to ever-growing popular expectations and the evolution of parliamentary institutions, these benchmarks will always need to be updated and clarified: “Democratization is not a one-off event, but a continuing process, in both recent and long-established democracies.”<sup>5</sup>

The benchmarks presented in the following section are inspired by various documents drafted by interparliamentary and international bodies such as the APF, the NDI, the CPA, the IPU, and by the International Institute for Democracy and Electoral Assistance (International IDEA) and the Parliamentary Assembly of the Council of Europe (PACE). They are also consistent with the principles promoted by the 2001 Inter-American Democratic Charter and the 2004 Inter-American Convention against Corruption.

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5. David Beetham. *Evaluating Parliament. A Self-Assessment Toolkit for Parliaments*, Geneva: Interparliamentary Union, 2008. Page 6.

# **The Contribution of Parliaments to Democracy: Recommended Benchmarks for the Parliaments of the Americas**

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Parity between men and women is a fundamental benchmark of democracy.

## **1. ELECTIONS AND THE STATUS OF PARLIAMENTARIANS**

### **1.1 Elections**

1.1.1 The Constitution of the State must include basic rules to govern elections.

1.1.2 Parliamentarians must be elected through universal suffrage, by free, direct and secret ballot. However, in the case of a bicameral parliament, the second chamber may be governed by special rules provided for in the Constitution or the legislation of the country concerned.

1.1.3 Legislative elections must meet international standards for free, genuine and transparent elections.

1.1.4 The integrity and independence of the body that manages and supervises elections must be guaranteed with respect to its composition, mandate, powers and budget.

1.1.5 Discussion, research and consultation must be encouraged to achieve an electoral system and electoral structures that enjoy broad support within society.

1.1.6 To foster accountability, elections must be held at regular intervals. A legislature must be of limited duration and be followed by new elections.

1.1.7 In order to foster better representation of social diversity, the participation of persons from under-represented groups (e.g., young people, members of minorities, immigrants and persons with disabilities) must be encouraged.

1.1.8 The principles of fair competition and equality must be observed, and general standards of conduct for political actors must be defined during election campaigns.

1.1.9 States must adopt legislation to govern the financing of political parties and election campaigns, and establish an independent body to ensure compliance with such legislation. Each party must develop internal by-laws to ensure compliance with legislation respecting the fair and transparent financing of election campaigns.

1.1.10 Regional and global networks for sharing expertise and developing standards must be promoted.

1.1.11 Legislation must allow international observers to conduct free and independent missions.

## **1.2 Eligibility and Representativeness**

1.2.1 Restrictions on candidate eligibility must not be based on gender, religion, economic status, race, physical disability, or private life considerations.

1.2.2 Notwithstanding the preceding clause, special measures may be taken to ensure the representation of national or regional diversity and its components.

1.2.3 Electoral processes must be fair and guarantee that no voter, candidate or party is penalized or discriminated against.

1.2.4 Seats must be divided among the parties in a manner that reflects as faithfully as possible the votes obtained by each party.

## **1.3 Status of Parliamentarians**

### **1.3.1 Incompatibility**

1.3.1.1 Incompatible<sup>6</sup> parliamentary offices must be defined by law.

1.3.1.2 In bicameral parliaments, parliamentarians may not be members of both chambers simultaneously.

1.3.1.3 A specific procedure must be established to monitor and sanction incompatibilities.

### **1.3.2 Parliamentary Immunity and Privilege**

1.3.2.1 Parliamentarians must enjoy immunity for words spoken in the performance of their duties. Parliamentarians cannot be prosecuted, sued, wanted by the authorities, arrested, mistreated, detained, judged or imprisoned after expressing opinions verbally or in writing before Parliament, or after voting in the performance of their duties.

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6. Incompatible: “Incapable of being held by one person at one time—used of offices that make conflicting demands on the holder” *Cf. Merriam-Webster (2003)*.

1.3.2.2 Parliamentary immunity may not be used to place parliamentarians above the law.

1.3.2.3 Parliamentary immunity does not extend beyond a parliamentarian's term of office. However, former parliamentarians continue to enjoy protection for their term of office.

1.3.2.4 Parliament has exclusive jurisdiction to lift the immunity of a parliamentarian.

1.3.2.5 Parliamentarians must be able to perform the duties of office in accordance with the Constitution, free from any undue influence or pressure.

## **1.4 Individual Rights of Parliamentarians and Party Discipline**

1.4.1 Parliamentarians may only be expelled from their party in accordance with the party's internal by-laws, which must guarantee fair treatment, including the right to defend oneself.

1.4.2 Expulsion from a party must not automatically result in the loss of a parliamentarian's seat, or a reduction of his or her term, in violation of the right to free expression.

1.4.3 Only Parliament may decide to exclude a parliamentarian from Parliament under established rules, which must guarantee fair treatment, including the right to defend oneself.

1.4.4 The right of freedom of association exists for parliamentarians, as for all people.

## **1.5 Material Resources Provided to Parliamentarians**

### **1.5.1 Indemnities**

1.5.1.1 Parliament must provide parliamentarians with appropriate and fair remuneration, proper material infrastructure and reimbursement for expenses incurred in the performance of their duties.

1.5.1.2 Any form of compensation paid to parliamentarians by Parliament must be allocated in a transparent manner on the basis of the duties performed.



## **1.5.2 Conflict of Interest and Corruption**

1.5.2.1 Parliament must establish rules, applicable to all parliamentarians, to govern transparency and the conduct of public and parliamentary activities.

1.5.2.2 There should be a legal mechanism to govern relations between public office holders and interest groups. The mechanism may be a public register of such interest groups and their activities.

1.5.2.3 Conflict of interest rules must be established to foster the independence of parliamentarians as regards private interests and undue political pressure.

1.5.2.4 Parliamentarians must avoid placing themselves in situations in which their personal interests may influence the performance of their duties.

1.5.2.5 A financial asset and business interest declaration procedure must be established for parliamentarians.

1.5.2.6 There must be legislation to prevent and sanction fraudulent practices by parliamentarians.

1.5.2.7 Preventive and repressive measures to fight corruption must be reinforced and enforced. Independent disciplinary bodies must be put in place to investigate corruption.

## **1.6 Resignation**

1.6.1 Parliamentarians must be able to resign their seat at any time.

1.6.2 A replacement procedure must be established to fill vacant seats.

## **2. PARLIAMENTARY PREROGATIVE**

### **2.1 Organization of Parliamentary Proceedings**

#### **2.1.1 General**

2.1.1.1 Only Parliament—or, as the case may be, each of the Houses of Parliament—may adopt or amend its rules of procedure.

2.1.1.2 The rules of procedure of Parliament—or, as the case may be, of each of the Houses of Parliament—must be consistent with the Constitution.

2.1.1.3 Parliament must take special measures in order to establish and maintain an equal proportion of women and men at all levels of responsibility throughout its organization.

#### **2.1.2 Presiding Officers**

2.1.2.1 Parliament—or, as the case may be, each of the Houses of Parliament—must elect or select a presiding officer and at least one deputy presiding officer pursuant to criteria and procedures clearly defined in its rules of procedure.

#### **2.1.3 Legislative Sessions**

2.1.3.1 Parliament must meet regularly, at intervals sufficient for it to fulfill its responsibilities.

2.1.3.2 Parliament must establish procedures for calling itself into regular or extraordinary session.

2.1.3.3 Provisions allowing the executive branch or a group of Members to convene Parliament must be clearly specified.

#### **2.1.4 Plenary**

2.1.4.1 The plenary must be organized in such a way as to allow enough time for the items on Parliament's agenda to be examined.

2.1.4.2 Interference between the timing of the plenary and other parliamentary organs must be minimized.

## **2.1.5 Parliamentary Agenda and Calendar**

2.1.5.1 Legislators must have the right to vote on the agenda and the time allowed for each item.

2.1.5.2 Parliament must give its Members and the public sufficient advance notice of meetings and the agenda for the meetings.

2.1.5.3 A calendar of legislative work must be set so that the legislative schedule is known.

2.1.5.4 The agenda must ensure that proposed legislation is carefully examined in a reasonable time frame by parliamentarians.

## **2.2 Legislative Functions**

### **2.2.1 General**

2.2.1.1 Members of Parliament or of the elected House must have the right to introduce legislation and amendments.

2.2.1.2 All legislation, as well as the budget, must be passed by Parliament. Exceptions to this rule must be clearly laid down.

2.2.1.3 Parliament must have the power to adopt resolutions without advance notice, and to take a stand on certain issues of general interest.

2.2.1.4 Parliament must have the prerogative, under specific legal criteria, to delegate legislative functions to the executive branch for a limited period of time and with a view to achieving a clearly-defined goal.

### **2.2.2 Legislative Procedures and Bicameralism**

2.2.2.1 Legislative work must be governed by a clear set of rules that cover the introduction of bills, their consideration and their enactment.

2.2.2.2 In a presidential system, Parliament must have the right to override a veto of the executive branch.

2.2.2.3 In a bicameral parliament, the role of each of the Houses must be clearly defined.

2.2.2.4 In a bicameral parliament, a conciliation process must be in place to resolve potential disagreements between the two Houses.

### **2.2.3 Constitutionality of Legislation**

2.2.3.1 An independent judiciary must be made responsible for constitutional review, that is, for verifying whether laws that have been enacted are consistent with the Constitution.

### **2.2.4 Power of Amendment**

2.2.4.1 Every parliamentarian must have the right to propose amendments, in accordance with the rules governing their admissibility.

2.2.4.2 In order for debate to be organized and all opinions expressed, the order of amendments and the terms for discussion of amendments must be governed by strict regulatory provisions.

### **2.2.5 Debates**

2.2.5.1 Parliament must establish and follow clear procedures for structuring debate and determining the order of precedence of motions introduced by Members.

2.2.5.2 Parliament must provide adequate opportunity for Members to debate proposed legislation prior to a vote.

### **2.2.6 Votes**

2.2.6.1 Only Members of Parliament may vote in Parliament.

2.2.6.2 Except for certain clear exceptions, plenary votes must be public.

### **2.2.7 The Legislative Process and the General Public**

2.2.7.1 Citizens must be involved in the legislative process, through their representatives in Parliament or alternative means.

2.2.7.2 The public must be made aware in a timely manner of the issues being debated in Parliament. Enough information must be made available to allow civil society to express its opinions regarding bills.

2.2.7.3 Information regarding legislation must be accessible not only to all parliamentarians, but also to the general public.

2.2.7.4 Debates on proposed legislation must be open to the public at some stage in the legislative process.

2.2.7.5 In the absence of a referendum, amendments to the Constitution must be approved by the Members of Parliament.

## **2.3 Parliamentary Oversight**

### **2.3.1 General**

2.3.1.1 Parliament must be empowered to oversee the actions of the Government.

2.3.1.2 The Government must provide Parliament with sufficient information for it to exercise its oversight function effectively.

2.3.1.3 A rigorous, systematic procedure must be established to govern questions (both written and oral) addressed to the executive branch by parliamentarians.

2.3.1.4 In addition to its oversight of government departments, Parliament must oversee publicly-owned enterprises and government agencies, including those in the defence and national security sectors.

2.3.1.5 In presidential systems, where ministers are not Members of Parliament, nominations for high-ranking positions within the executive branch must be subject to parliamentary approval following an in-depth examination of the nominee's fitness for the post.

### **2.3.2 Budget Review and Financial Control**

2.3.2.1 Parliament must be given sufficient time to review and discuss the budget.

2.3.2.2 The law must guarantee the right of parliamentarians to create commissions of inquiry. Such commissions must have the power to compel persons outside of Parliament, including executive branch officials, to appear and give evidence under oath. Persons testifying before a commission of inquiry must benefit from a form of protection.

2.3.2.3 Parliamentary committees specifically tasked with reviewing government expenditures must, in accordance with Parliament's rules of procedure, allow all

parliamentary groups an in-depth review of government spending. They must have access to all necessary documents and the power to hear high-ranking officials within government departments and agencies.

2.3.2.4 An independent, non-partisan body (a Tribunal of Accounts or Auditor General) must be put in place and provided with adequate resources and legal authority to carry out oversight and audit functions.

2.3.2.5 This body must report to Parliament in a timely manner so that follow-ups may be conducted effectively.

2.3.2.6 Parliament must have the power to solicit the help of this body.

### **2.3.3 Relationship with the Executive Branch**

2.3.3.1 In Westminster-style parliamentary systems, clear mechanisms must be put in place to ensure a measure of independence between the legislative and executive branches.

2.3.3.2 In presidential systems, an appropriate level of coordination must be established between the legislative and executive branches. To that end, the creation of special coordinating bodies or committees may prove essential.

## **2.4 Parliamentary Committees**

### **2.4.1 General**

2.4.1.1 The rules of parliamentary procedure must provide for the creation of standing or temporary committees.

2.4.1.2 Where stated in the rules of procedure, the sittings of a committee must be public. Exceptions must be clearly defined and provided for in the rules of procedure.

2.4.1.3 Committee proceedings and voting procedures must be consistent with the rules of procedure.

2.4.1.4 The rules of procedure must clearly describe the mandate and composition of committees.

2.4.1.5 To avoid conflicts of jurisdiction, committees must have clearly-defined areas of competence.

2.4.1.6 The conditions under which a committee may vote in public must be outlined in the rules of procedure.

## **2.4.2 Selection of Committee Members**

2.4.2.1 The membership of a committee must reflect that of Parliament as closely as possible, with special consideration given to gender.

2.4.2.2 Committees must select or elect a chair and at least one vice-chair, according to the method described in the rules of procedure.

2.4.2.3 Committees must have the power to hire experts.

## **2.4.3 Terms of Reference**

2.4.3.1 Proposed legislation must be referred to a committee for consideration. Exceptions to this rule must be transparent, clearly outlined in the rules of procedure and extraordinary in nature.

2.4.3.2 Committees examine the bills referred to them and have the power to amend them.

2.4.3.3 Committees have the power to hold hearings and to summon any papers and records they require.

2.4.3.4 Only the members of a committee, or authorized substitutes, have the right to vote in committee.

## **2.4.4 Decision Making**

2.4.4.1 Whenever possible, committees must strive for consensus in decision making.

## **2.5 Public Protector**

2.5.1 Parliament must also exercise the function of public ombudsman, by creating an independent body with the power to receive complaints from citizens who believe that they have been unfairly treated by the State or one of its bodies, and to watch out for and correct inequities, injustices, abuses and violations of rights committed by the State or one of its bodies.

2.5.2 This body must be completely independent from the Government.

2.5.3 It must have broad investigative powers.

2.5.4 It must be provided with the necessary resources and be cost-free for complainants.

2.5.5 It must be easily geographically and electronically accessible.

2.5.6 It must report to Parliament and be accountable to it.

## **2.6 Fostering political appeasement**

2.6.1 Parliament must at all times serve the public interest and protect the welfare of citizens. It is responsible for fostering political appeasement by supporting democratic institutions and processes throughout the country.

2.6.2 Parliament must help settle political conflict in its country democratically, through dialogue and compromise.

## **2.7 International Relations**

### **2.7.1 Parliamentary Diplomacy**

2.7.1.1 Delegations operating within the framework of parliamentary diplomacy must reflect the membership of Parliament as closely as possible, with special consideration given to gender.

2.7.1.2 Parliamentarians may take part in opportunities to share their experiences with Members of other parliaments.

2.7.1.3 Parliamentarians must be prepared to take part in missions to other parliaments and to welcome delegations of foreign parliamentarians.

2.7.1.4 Parliament must fulfill its obligations towards international parliamentary institutions.

### **2.7.2 Participation in International Affairs**

2.7.2.1 Parliament may participate in regional and international organizations, particularly in order to strengthen the parliamentary component of these organizations.

2.7.2.2 Parliament must have access to the necessary information, organization and resources for examining international issues.



2.7.2.3 Parliamentarians must have the opportunity to be included in government delegations during missions or international negotiations.

### **2.7.3 Participation in the Regional Integration Process**

2.7.3.1 Mechanisms must be put in place to facilitate cooperation between parliaments, in order to make coexistence with a regional parliament possible.

### **2.7.4 Cooperation and Support**

2.7.4.1 Parliaments must be prepared to offer the best possible technical assistance to other parliaments.

2.7.4.2 Members of Parliament and parliamentary personnel must have the right to benefit from technical assistance.

## **3. ORGANIZATION OF PARLIAMENT**

### **3.1 Status of Political Parties<sup>7</sup>**

#### **3.1.1 General**

3.1.1.1 Any conditions on the legality of political parties must be narrowly drawn in law and must be consistent with the International Covenant on Human and Political Rights.

3.1.1.2 Where it exists, public and private funding of political parties must conform to norms of transparency and accountability. A competent, independent judicial authority may oversee such funding. Equal access to public funding must be assured.

3.1.1.3 Parliament must encourage political parties to base their by-laws on principles of due process, clarity, transparency and accountability.

#### **3.1.2 Functions of Political Parties**

3.1.2.1 Political parties may promote democratic values, human rights, tolerance and the right to dissent.

#### **3.1.3 Rights and Obligations of Political Parties**

3.1.3.1 Political parties must be legally recognized and their legal existence certified by the State.

3.1.3.2 Political parties must be free to organize as they see fit, so long as they do not undermine the fundamental rights of members or other citizens, or run counter to the principles of the rule of law.

3.1.3.3 Political parties have a duty to act within institutional channels, using peaceful means to promote and achieve their political vision and objectives. Their actions vis-à-vis other parties must be respectful of democratic rules and procedures.

3.1.3.4 Political parties must uphold democracy within their organization, that is, they must adhere to democratic procedures and protect the fundamental rights of their members.

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7. The term “political party” also refers to other political entities (e.g. citizen movements and associations).

## **3.2 Status of Parliamentary Groups**

3.2.1 Parliamentary groups must be granted legal status or some other form of recognition.

3.2.2 The criteria for forming a parliamentary group, as well as the rights and responsibilities of such groups, must be clearly stated in the rules of procedure.

3.2.3 All parliamentary groups have the right to place items on the agenda, to take part in debates and to propose amendments to bills.

3.2.4 Parliamentary groups must be provided with adequate resources and facilities according to a clear, transparent and equitable formula.

## **3.3 Status of the Opposition**

3.3.1 The role of the opposition must be seen as beneficial to the democratic process.

3.3.2 Parliament must encourage conditions that guarantee a place for opposition parties in democratic parliamentary life.

## **3.4 Balancing personal life and parliamentary life**

3.4.1 Parliament must be organized in such a way as to facilitate the participation of parliamentarians and allow them to fulfill their role while maintaining a balance between their parliamentary life and personal life.

## **3.5 Status of Administrative Personnel**

### **3.5.1 General**

3.5.1.1 The administrative management of Parliament must be left to permanent, professional, non-partisan personnel providing support for the various services.

3.5.1.2 Parliament must have control of parliamentary services and determine the terms of employment of its personnel, independently from the executive branch.

3.5.1.3 Parliamentary personnel must carry out their functions with impartiality and mindful of their duty of restraint.

3.5.1.4 A clear distinction must be drawn and maintained between parliamentary service employees and political personnel (persons employed by a parliamentarian or parliamentary group and working exclusively for them).

3.5.1.5 Women must be adequately represented at all levels of parliamentary administration.

### **3.5.2 Recruiting and Promotion**

3.5.2.1 Parliament must determine the terms for recruiting its permanent personnel, independently from the executive branch.

3.5.2.2 Parliament must be provided with the resources necessary for recruiting the personnel it needs.

3.5.2.3 The recruitment and promotion of non-partisan personnel must be based on merit, and the selection process must be fair and transparent.

3.5.2.4 When hiring or promoting employees, Parliament must not discriminate based on gender, religion, financial situation, race or physical handicap.

### **3.5.3 Organization and Management**

3.5.3.1 The status of parliamentary service employees must protect them from any form of undue political pressure.

3.5.3.2 Neither partisan nor non-partisan personnel may have any legislative or procedural authority, including a vote in Parliament.

3.5.3.3 Permanent and political personnel must be subject to a code of conduct. A mechanism must be put in place to deter, detect and bring to justice any parliamentary employee engaged in fraudulent or corrupt practices.

## **3.6 Budget**

### **3.6.1 Control of Parliament's Internal Budget**

3.6.1.1 Only Parliament may determine and approve its budget, and the executive branch may not question the appropriateness of the means required by Parliament for the exercise of its functions.

## **3.7 Material Resources**

### **3.7.1 Facilities**

3.7.1.1 Parliament must have access to the physical and material facilities necessary for its Members to carry out their functions under appropriate conditions.

## **4. PARLIAMENTARY COMMUNICATIONS**

### **4.1 Accessibility**

#### **4.1.1 The Media**

4.1.1.1 Parliament must recognize access to information as a fundamental right of citizens. To allow this right to be fully exercised, Parliament must ensure that the media are given appropriate access to the proceedings of Parliament and its committees without, however, compromising its proper functioning.

4.1.1.2 Access by the media must be based on transparent, non-partisan criteria.

4.1.1.3 Parliament must promote new information and communication technology and seek out ways in which technological advances could reinforce the democratic process and improve individual participation and decision making.

4.1.1.4 Parliament must promote freedom of expression.

#### **4.1.2 The Public**

4.1.2.1 The proceedings of Parliament and its committees must be accessible to the public, as long as this accessibility does not interfere with public security or parliamentary business.

4.1.2.2 Plenary sessions of Parliament must be open to the public.

4.1.2.3 Parliament must have access to resources for helping citizens understand its proceedings.

4.1.2.4 Parliament must ensure that the interaction between political parties and civil society is based on dialogue and cooperation.

#### **4.1.3 Language**

4.1.3.1 Parliament must facilitate the use of all working languages recognized by the Constitution or in the rules of procedure, including simultaneous interpretation in debates and proceedings and the enactment of laws in all working languages.

## **4.2 Dissemination of Parliamentary Information**

### **4.2.1 General**

4.2.1.1 Key decision-making processes must be presented in detail when they are officially recorded.

4.2.1.2 Parliamentarians must disclose their assets before, during and at the end of their term.<sup>8</sup>

### **4.2.2 Democratic Values**

4.2.2.1 Parliament must foster a spirit of tolerance and promote all aspects of democratic culture in order to educate and raise awareness among public officials, political actors and citizens about the ethical requirements of democracy and human rights.

4.2.2.2 Any restriction of freedom of expression must be prescribed by law. If restrictions prove necessary (for reasons of national security or to protect rights or reputations, for example), they must be proportional to their objectives.

### **4.2.3 Access to Legislation**

4.2.3.1 Laws, proposed legislation, committee reports and any other parliamentary document provided for by the rules of procedure must be made accessible to the public.

### **4.2.4 Access to Open Sitings and Committee Debates**

4.2.4.1 Parliament must encourage the use of widely-available information and communication tools to broadcast its proceedings.

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<sup>8</sup> The extent of public disclosure of assets depends on the standards adopted by each Parliament.