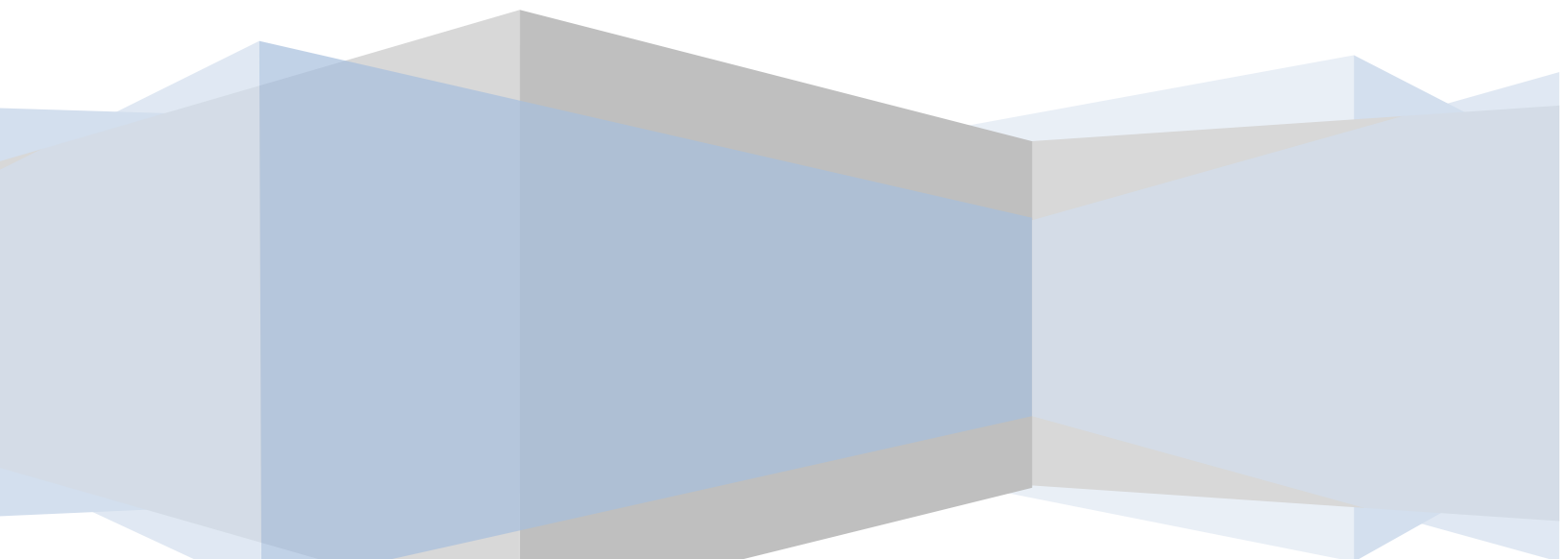




Benchmarks and Self- Assessment Frameworks for Democratic Parliaments

*A Background Publication prepared for the International Conference on
Benchmarking and Self-Assessment for Democratic Parliaments*



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The analysis and recommendations of this report do not necessarily reflect the views of the United Nations Development Programme, its Executive Board or the United Nations Member States. The report is an independent publication by UNDP and reflects the views of its author.

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FOREWORD

In the words of the participants at the Second World Conference of Speakers of Parliaments at the United Nations: *Parliament embodies democracy. Parliament is the central institution through which the will of the people is expressed, laws are passed and government is held to account.*¹ The different assessment frameworks described in this publication, and the principles that underpin them, are helping to further define our shared vision of what constitutes a democratic parliament.

The United Nations Development Programme (UNDP) recognizes the vital role parliaments can play in sustaining democratic governance and the millennium development goals. In 1999, UNDP, with funding support from the Government of Belgium, launched the Global Programme for Parliamentary Strengthening (GPPS). UNDP now works with parliaments at the global, regional and country level, and supports over 50 parliaments around the world. Parliamentary development is one of the fast growing areas of UNDP's democratic governance practice, with the number of projects doubled from a decade ago.

Over the last three years, UNDP has sought to support the efforts of its partners, particularly inter-parliamentary organizations such as the Inter-Parliamentary Union (IPU), the Commonwealth Parliamentary Association (CPA), the Assemblée Parlementaire de la Francophonie (APF), the Southern African Development Community (SADC) Parliamentary Forum, among others, in their quest to identify the key characteristics of a democratic parliament, regardless of the system of government within which it operates. As a result, the APF and the CPA have developed a set of evaluative criteria and benchmarks respectively, and SADC PF is in the process of developing benchmarks from a regional perspective. At the same time, the IPU has developed a self-assessment toolkit based on a collection of good practice from over half of its member parliaments. In the future, UNDP expects these tools to inform and improve south-south cooperation and UNDP's own parliamentary development programming.

As demonstrated in this publication, many areas of consensus have already emerged within the different assessment frameworks. These include principles related to parliaments' core representative, legislative, and oversight functions, parliamentary committees and their work, parliaments' staff and infrastructure needs, parliaments' budgetary autonomy, parliament's ability to set their own agenda, and many others.

While still in early stages, these assessment frameworks are now beginning to be tested voluntarily by parliaments in different areas of the world. Many of these initial case studies will be presented at the upcoming *International Conference on Benchmarking and Self-Assessment Frameworks for Democratic Parliaments* (March 2010) in an attempt to draw lessons of experience. 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.

This publication was written by Lisa von Trapp. It aims to provide a comprehensive review of this work so far and serves as the background paper for participants in the aforementioned *International Conference*. Special thanks go to following colleagues who provided comments and support in the production of this publication Kevin Deveaux, Franklin De Vrieze, Diane Sheinberg, and Marilyn Cham (UNDP), Niall Johnston (WBI), and to our partners in the IPU, CPA and NDI.

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¹ <http://www.ipu.org/splz-e/sp-conf05/declaration.pdf>

ACRONYMS

ACT – Australian Capital Territory

APF – Assemblée Parlementaire de la Francophonie

ASGP – Association of Secretary Generals of Parliament

ASGPF – Association des secrétaires généraux des parlements francophones

CDI – Centre for Democratic Institutions

CIDA – Canadian International Development Agency

CPA – Commonwealth Parliamentary Association

CoE – Council of Europe

CSO – Civil Society Organization

GPPS – (UNDP) Global Programme for Parliamentary Strengthening

ICNRD – International Conference of New or Restored Democracies

ICT – Information and Communications Technology

IDB – Inter-American Development Bank

IFES – International Foundation for Electoral Systems

International IDEA – International institute for Democracy and Electoral Assistance

IPU – Inter-Parliamentary Union

OAS – Organization of American States

OECD – Organisation for Economic Co-operation and Development

OIF – Organisation Internationale de la Francophonie

OSCE – Organisation for Security and Co-operation in Europe

PACE – Parliamentary Assembly of the Council of Europe

PILDAT – Pakistan Institute of Legislative Development and Transparency

MLA – Member of the Legislative Assembly

MP – Member of Parliament

NDI – National Democratic Institute for International Affairs

SADC PF – Southern African Development Community Parliamentary Forum

TI – Transparency International

UN – United Nations

UNDP – United Nations Development Programme

USAID – United States Agency for International Development

WBI – The World Bank Institute

INTRODUCTION

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

Elections provide a basis for rule by the people, but they do not guarantee that citizens are effectively represented. True democracy requires that those who are freely elected have the power, and the political will, to fulfill their constitutionally mandated responsibilities. Faced with challenges such as declining public confidence and executive dominance, parliaments worldwide must ensure that they function in an internally democratic manner, and have the necessary authority and resources to carry out their representative, legislative, and oversight functions.²

Many parliaments today are seeking to improve their performance – among other things, to become more open, independent, accountable, and responsive. Although every parliament is a product of its own country’s history and culture, and there is no magic formula or checklist for developing a democratic and effective parliament, there is emerging international consensus that certain norms and standards regarding democratic parliaments transcend the particularity of political and legislative systems. Context matters enormously, but a benchmarking or self-assessment exercise, if well done, should allow for context to be fully explored.

International consensus has emerged over time on a standards-based approach in the areas of human rights and elections³ (despite the wide variation in electoral systems), but until recently, a standards-based approach around what constitutes a democratic parliament, arguably the central institution of any representative democracy, has lagged behind. And the corresponding approach to parliamentary strengthening has been fairly relativistic. Today a range of international parliamentary organizations, (such as the Inter-Parliamentary Union (IPU), the Commonwealth Parliamentary Association (CPA), l’Assemblée Parlementaire de la Francophonie (APF), Southern African Development Community Parliamentary Forum (SADC PF) and their partners such as the World Bank Institute⁴ (WBI) and the United Nations Development Programme⁵ (UNDP)) recognize that the development of standards and assessment frameworks can contribute to parliament’s own evaluative and reform efforts, as well as guide parliamentary development practitioners and donors in designing more appropriate support programmes. More generally, the act of consensus-building around standards is useful in further internationalizing the debate on what constitutes a democratic parliament and democracy in general.

It is to be expected that this type of consensus building is a long-term process and, as with elections, there may never be one universally agreed-upon set of standards. It is also important to note that just as there is a wide variety of organizations contributing to this work, there is a wide variety of terminology being used, including standards, benchmarks, norms, criteria, indicators, principles, and good practice.

² Parliament and legislature are used interchangeably.

³ See for example, the [International Election Standards: Guidelines for reviewing the legal framework of elections](#) (International IDEA, 2002); and the [Declaration of Principles for International Election Observation and Code of Conduct for International Election Observers](#) (2005), which was developed through a multi-year process involving more than 20 intergovernmental and international nongovernmental organizations including the CPA, IPU, NDI, and SADC PF among others.

⁴ For more about WBI’s Parliamentary Strengthening Programme see: <http://www.worldbank.org/wbi/governance/parliament/>

⁵ For more about UNDP’s Global Programme for Parliamentary Strengthening (GPPS) please see: <http://www.undp.org/governance/sl-parliaments.htm>

Nevertheless, given their shared goals and increasingly coordinated approach, the work of these different organizations has been mutually reinforcing and there is a significant level of commonality between the different assessment frameworks in terms of content. The reasons for this are threefold, (1) the frameworks have all drawn on, or been influenced by, one another (for example, the National Democratic Institute for International Affairs (NDI) provided technical support to the IPU as they developed their good practice guide, and the IPU guide was one of the resource documents, together with an NDI discussion paper, used by the CPA parliamentary study group on Benchmarks for Democratic Legislatures); (2) all of the frameworks cover the core functions of Parliament, namely approving legislation, representing citizens, overseeing the executive and approving the budget; and (3) there is a common understanding of what, in negative terms, does not constitute a democratic parliament, often based around specific issues such as executive dominance and corruption of MPs and parliamentary officials. As such, variations in vocabulary aside, it is not unthinkable that there could eventually be a set of overarching principles or standards for democratic parliaments.

A brief overview of the process to date

2004 saw the beginning of a more structured, coordinated, multi-actor process, with the Commonwealth Parliamentary Association (CPA) and the World Bank Institute (WBI) jointly hosting a meeting entitled *Parliamentary Standards for Democratic Legislatures*, with representatives of fifteen interested organizations in Washington DC.⁶ Since then, a series of study groups, workshops and other fora have allowed various organizations to make significant advances in this domain, a brief overview of which is provided below.

From 2006-2009 the National Democratic Institute for International Affairs (NDI) developed a suggested set of *Minimum Standards for Democratic Legislatures*, as well as a *Standards-based Questionnaire* which attempts to determine perceptions of both a legislature's formal powers and actual practice. The *Questionnaire* has been tested in several countries in Latin America and the Balkans.

A 2006 Commonwealth Parliamentary Association (CPA) parliamentary study group produced a set of *Recommended Benchmarks for Democratic Legislatures*. The Benchmarks are currently being examined and adapted at the regional level in CPA's Pacific region and Asian regions (Asia, India and South-East Asia), and several countries, including Canada and some Pacific legislatures, have tested the Benchmarks at the national level. Using the CPA Benchmarks as a starting point, given that their membership overlaps broadly, the SADC PF (which has a significant overlap in membership with the CPA with 12 of its 15 members being in the Commonwealth) drafted a first set of regional benchmarks during two workshops in 2007 and 2009 respectively. Prior to the workshops, the SADF PF also hired two consultants who researched best practices in the region and relevant constitutional and legal frameworks.

The Assemblée Parlementaire de la Francophonie (APF) also used the CPA benchmarks as a foundation for the development of their own set of criteria to suit the traditions and practices of Francophone parliaments. Working through their Political Affairs Commission, Parliamentary Affairs Commission, and

⁶ Participating organizations in this first meeting included the: Centre for Democratic Institutions (CDI), Canadian International Development Agency (CIDA), Canadian Parliamentary Centre, Constitution Unit (University College, London), CPA, International Foundation for Electoral Systems (IFES), Inter-American Development Bank (IDB), IPU, National Council of State Legislatures, National Democratic Institute for International Affairs (NDI), Parlantino, UNDP, United States Agency for International Development (USAID), United States State Department, and WBI.

their network of Women's Parliamentarians, the APF developed and then adopted, *La réalité démocratique des Parlements: Quels critères d'évaluation?*, during their Annual Assembly in Paris in July, 2009. The *critères* were disseminated to APF member parliaments and the Association des secrétaires généraux des parlements francophones (ASGPF) among others.

The Inter-Parliamentary Union (IPU) collected examples of good practice from 75, or around half, of IPU's member parliaments. These examples formed the basis for the 2006 IPU publication *Parliament and democracy in the 21st century: a guide to good practice* and the IPU's subsequent *Self-assessment Toolkit* in 2008. While the IPU's approach has been somewhat different from that of its partners, they nevertheless sought to base the toolkit on "universal democratic values and principles...relevant to all parliaments, whatever political system they adhere to, whatever their stage of development". The toolkit was presented to IPU members during a special workshop at their 2008 Annual Assembly, and has been used by the parliaments of Rwanda, Sierra Leone, the Cambodian Senate, a Pakistani think tank, and the institutional performance task team in the South African Parliament. Assessments are also underway for the parliaments of Ireland and Andorra. In October 2009, the IPU and the Association of Secretaries General of Parliaments (ASGP) convened a one day meeting with partners including the CPA, NDI, and the APF, on *Evaluating Parliament: Objectives, methods, results and impact*. Based on trials with staff in Algeria and Sri Lanka, the ASGP is also working on a similar toolkit targeted at the parliamentary administration.

In addition to these efforts, WBI and Griffith University convened a smaller international *Workshop on Legislative Benchmarks and Indicators* in Brisbane in 2008, which brought together several of the above organizations with other legislative development practitioners, academics, and CSO representatives to discuss ways to assess legislative performance and the effectiveness of legislative strengthening programmes. At the close of the workshop, participants identified a series of steps to take this work forward. These included: (1) the creation of a small Steering Committee to coordinate efforts⁷; (2) promoting a research agenda to apply the different frameworks at the country level; and (3) holding a larger international conference in early 2010 to take stock of developments, identify areas of broad consensus, and begin to draw lessons of experience from applications at the national level.

Following the Brisbane workshop, this work was also presented in several larger forums, including a Wilton Park Conference on *Enhancing the Effectiveness of Parliaments* and the second *Donor Coordination Meeting on Parliamentary Development* in October 2008.

The next step in this larger process, the March 2010 *International Conference on Benchmarking and Self-assessment for Democratic Legislatures* in Paris⁸, is a result of the Brisbane meeting and the work of the steering committee. The conference objectives include:

- Identifying areas of internationally agreed consensus among the current sets of standards and principles, and areas of potential further consensus.
- Examining national case studies and drawing a first set of lessons of experience.
- Broadening the research agenda and encouraging future applications of the different frameworks at the national level.

⁷ The IPU, CPA, NDI and others participate actively in this Steering Committee or Working Group as it is sometimes called.

⁸ The conference is being organized by WBI and UNDP in partnership with the Ministère des affaires étrangères et européenne, the European Parliament Office for the Promotion of Parliamentary Democracy, APF, CPA, IPU and NDI in Paris on March 2-4, 2010. This paper will serve as the main background publication for the conference.

- Bringing in regional perspectives to the dialogue on standards for democratic parliaments.
- Inviting additional regional inter-parliamentary organizations to join the process to ensure broad representation and ownership.

Box 1: Process Events Timeline

2003

- The Parliamentary Centre and WBI develop the Parliamentary Report Card methodology and related indicators of parliamentary performance in the budget process.

2004

- September – CPA holds a panel discussion on *Benchmarks for Democratic Legislatures* during the 50th CPA Annual Conference (Canada).
- December – WBI/CPA host a meeting on *Parliamentary Standards for Democratic Legislatures* (Washington DC).

2006

- IPU publishes *Parliament and Democracy in the Twenty-first Century: A guide to Good Practice*
- NDI publishes first draft of its discussion document *Towards the Development of International Standards for Democratic Legislatures*
- October – CPA holds a Parliamentary Study Group on *Benchmarks for Democratic Legislatures* (Bermuda)
- December – CPA publishes their *Recommended Benchmarks for Democratic Legislatures*

2007

- January – NDI publishes *Toward the Development of International Standards for Democratic Legislatures*
- May – DFID, UNDP and WBI hold the first *Donor Consultation on Parliamentary Development and Financial Accountability* (Brussels)
- September – CPA holds a Panel Discussion of the CPA Benchmarks during the 51st CPA Annual Conference (India)
- November – SADC Parliamentary Forum holds a workshop on *Benchmarks for Democratic Legislatures in Southern Africa* (Pretoria)

2008

- July – APF begins their benchmarks process
- September – IPU publishes its *Self-Assessment Toolkit for Parliaments*; NDI develops the first draft of its *Minimum Standards Assessment Survey* and tests it in the Balkans; WBI/Griffith University hold a *Workshop on Legislative Benchmarks and Indicators* (informal Steering Committee formed) (Brisbane)
- October – IPU holds an *Assembly Workshop on Self-Assessment* during their Annual Assembly (Geneva); partners participate in the Wilton Park Conference on *Enhancing the Effectiveness of Parliaments* (Wilton Park); and DFID, UNDP and WBI hold the *Second Donor Coordination Meeting on Parliamentary Development*, (London)
- December – IPU holds a training workshop for facilitators on the use of IPU's *Self-Assessment Toolkit for Parliaments* (Geneva)

2009

- March – the IPU drafts *Carrying out a self-assessment: preparation note for parliaments*; APF holds a Séminaire de synthèse *La réalité démocratique des Parlements : Quels critères d'évaluation* (Fribourg) ; and the Pakistan Institute of Legislative Development and Transparency (PILDAT) publishes *State of Democracy in Pakistan : Evaluation of the Parliament 2008-2009*, using the IPU Self- Assessment Toolkit
- April – APF holds a Séminaire de synthèse *La réalité démocratique des Parlements : Quels critères d'évaluation* (Luang Prabang)
- June – CPA, WBI and the Centre for Democratic Institutions (CDI) hold a first workshop on *Pacific Benchmarks for Democratic Legislatures*, following a CDI Professional Development Course for *Parliamentary Speakers from Pacific Island Countries* (Brisbane)
- July – the APF Annual Assembly adopts *La réalité démocratique des Parlements : Quels critères d'évaluation* (Paris)
- September – CPA drafts the *CPA Benchmarks for Democratic Legislatures: Self-Assessment Guidance Note*
- October – IPU/ASGP hold a one-day conference on *Evaluating parliament: objectives, methods, results and impact* (Geneva).
- November – Parliamentary Studies Centre of Australia National University holds a workshop on *Benchmarking of Parliamentary Performance* (Canberra) for the New Zealand Parliament and the Australian National and State Parliaments. The Australian Capital Territories (ACT) Legislative Assembly had previously undertaken a CPA benchmarking exercise, staff from the Australian Parliament prepared a self-assessment using the IPU toolkit, and the South Australia Parliament undertook as CPA benchmarking exercise as part of the preparation for this meeting.; CPA holds a *Pacific Regional Benchmarks Meeting* during the Forum Presiding Officers and Clerks (FPOC) Annual Meeting (Cook Islands). Preparation for the meeting including national benchmarking exercises in Kiribati, Nauru, Niue and Tuvalu.

2010

- January – CPA *Regional Workshop on Benchmarks for Democratic Parliaments for the Asia, India and South-East Asia Regions* (Dhaka)
- March – WBI, UNDP and partners hold an *International Conference on Benchmarking and Self-Assessment for Democratic Legislatures* and DFID, UNDP and WBI hold the *Third Donor Coordination Meeting on Parliamentary Development* (Paris)

It should be noted that since the WBI/Griffith University Workshop in Brisbane in 2008, the partners have promoted an ongoing research agenda to pilot the different frameworks at the country level (in established, new, large, and small legislatures), if possible comparatively. This has led to publications about individual parliaments but also more comparative research such as the MPA Capstone, London School of Economics and Political Science paper on *Parliamentary Assessment - An Analysis of Existing Frameworks and Application to Selected Countries* (prepared in 2009 for WBI).

KEY ACTORS AND ASSESSMENT FRAMEWORKS

The main actors in this process are organizations or associations of parliaments or parliamentarians. These organizations represent a broad spectrum of parliaments and parliamentarians from across the globe and are able to bring their members views to bear in the discussion. They are well placed to understand both the shared traits and the diversity represented in parliamentary democracies today. Other actors, such as UNDP and WBI have played a supportive role, mobilizing resources and providing expertise as appropriate. UNDP, WBI, NDI and others bring valuable experience from their own parliamentary strengthening work with a range of legislatures.

The frameworks described below are “living documents” or “works in progress” open to eventual adaptation and elaboration. As they are discussed internationally and regionally, and applied at the national level, it is expected that they will change. Indeed, specific regional considerations have already been identified and new benchmarks have been suggested during the SADC PF workshops, and the CPA Pacific and Asian regions (Asia, India and South-East Asia) workshops. Moreover, just as legislatures are continuously evolving, standards will likely evolve and presumably rise. In future, some organizations may even choose to develop more aspirational benchmarks.⁹

NDI International Standards for Democratic Legislatures

Founded in 1983, NDI describes itself as “a nonprofit, nonpartisan organization working to support and strengthen democratic institutions worldwide through citizen participation, openness, and accountability in government”. Their work on legislative strengthening falls under their Democratic Governance Program, and they have worked with individual Members, parliamentary leaderships, committees, and political party caucuses in national and regional-level legislatures in more than 60 countries.¹⁰

In January 2007 NDI published *Toward the Development of International Standards for Democratic Legislatures*. The process leading up to this publication involved a broad survey of existing documents from a range of organizations such as the IPU, CPA, the Organisation for Security and Cooperation in Europe (OSCE), the Organization for Economic Cooperation and Development (OECD), SADC, the International Conference of New or Restored Democracies (ICNRD), the Community of Democracies, and the United Nations. As such, the 88 standards identified in the NDI publication are an attempt to codify already widely agreed principles. The standards are grouped into four main categories: (1) election and status of legislators; (2) organization of the legislature; (3) functions of the legislature; and (4) values of the legislature.

⁹ For example, the Parliamentary Assembly of the Council of Europe (PACE) is looking at ways to “assess the strengths and weaknesses of parliaments and to elaborate on this basis a model for an exemplary parliament.” PACE Committee on Rules of Procedure, Immunities and Institutional Affairs, *Draft minutes of the meeting held in London on 7 December 2009* (unpublished).

¹⁰ www.ndi.org

Box 2: Overview of Categories Covered in NDI Standards Publication

<p>PART I ELECTION AND STATUS OF LEGISLATORS</p> <p>1. Election and Status of Legislators</p> <p>1.1 The Election of Legislators</p> <p>1.2 Candidate Eligibility</p> <p>1.3 Incompatibility of Office</p> <p>1.4 Immunity</p> <p>1.5 Remuneration and Benefits</p> <p>1.6 Resignation</p> <p>PART II ORGANIZATION OF THE LEGISLATURE</p> <p>2. Procedure</p> <p>2.1 Rules of Procedure</p> <p>2.2 Sessions</p> <p>2.3 Plenary Agenda</p> <p>2.4 Plenary Debate</p> <p>2.5 Plenary Voting</p> <p>2.6 Presiding Officers</p> <p>3. Committees</p> <p>3.1 Organization</p> <p>3.2 Powers</p> <p>4. Political Parties, Party Groups and Interest Caucuses</p> <p>4.1 Political Parties</p> <p>4.2 Party Groups</p> <p>4.3 Interest Caucuses</p> <p>5. Parliamentary Staff</p> <p>5.1 Authority</p> <p>5.2 Hiring and Promotion</p> <p>5.3 Organization and Management</p> <p>5.4 Media Function</p>	<p>PART III FUNCTIONS OF THE LEGISLATURE</p> <p>6. Legislative Function</p> <p>6.1 In General</p> <p>6.2 Legislative Procedure</p> <p>6.3 Financial and Budgetary Powers</p> <p>6.4 Delegation of Legislative Power</p> <p>6.5 Constitutional Amendments</p> <p>7. Oversight Function</p> <p>7.1 In General</p> <p>7.2 Commissions of Inquiry</p> <p>7.3 Legislative Ombudsmen</p> <p>7.4 Public Accounts Committees or Audit Committees</p> <p>7.5 No Confidence and Impeachment</p> <p>7.6 Legislative-Judicial Relationship</p> <p>8. Representational Function</p> <p>8.1 Representational Nature of the Legislature</p> <p>8.2 Constituent Relations</p> <p>8.3 International Representation</p> <p>PART IV VALUES OF THE LEGISLATURE</p> <p>9. Accessibility</p> <p>9.1 Citizens and the Press</p> <p>9.2 Languages and Disabilities</p> <p>10. Transparency and Integrity</p> <p>10.1 Transparency and Integrity</p> <p>10.2 Pressure Groups and Lobbyists</p> <p>11. Public Consultation and Participation</p> <p>11.1 Citizen Participation</p>
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In 2008-2009, NDI drew on their publication to design a survey tool, the *Standards-based Questionnaire*, which attempts to determine perceptions of the legislature’s (formal) authority, and of its performance (behavior in practice). The survey covers 25 issues often included in benchmarks for democratic parliaments or in parliamentary self-assessment tools.

CPA Recommended Benchmarks for Democratic Legislatures

Established in 1911¹¹, “the CPA is an “association of Commonwealth parliamentarians who, irrespective of gender, race, religion or culture, are united by community of interest, respect for the rule of law and individual rights and freedoms, and pursuit of the positive ideals of parliamentary democracy.”¹² Through a variety of activities, the CPA seeks to “promote the advancement of parliamentary

¹¹ Originally founded as the Empire Parliamentary Association in 1911, the association took its current name, the Commonwealth Parliamentary Association in 1948. The CPA branches are grouped into nine regions - Africa; Asia; Australia; British Islands and Mediterranean; Canada; Caribbean, Americas and Atlantic; India; Pacific, and South-East Asia.

¹² www.cpahq.org

democracy, to build an informed parliamentary community able to defend the Commonwealth democratic commitment, and to further cooperation among its member parliaments and legislatures". CPA's membership comprises around 17,000 parliamentarians from around 175 national, state, provincial, and territorial parliaments in Commonwealth countries.¹³

Following a preliminary discussion panel at the 50th CPA Annual Conference in Canada, and a meeting co-hosted by CPA and WBI in Washington DC, the CPA Executive Committee approved a work programme on benchmarks for democratic legislatures. As a result the CPA convened a Parliamentary Study Group with CPA members representing different Commonwealth regions in November 2006. The Study Group was hosted by the Parliament of Bermuda (allowing for the perspective of a small parliament) and assisted by legislative development specialists from UNDP, WBI, NDI, the European Parliament and academia.¹⁴

The main objectives of the Study Group were to:

- Identify best practice in defining benchmarks across Commonwealth Parliaments;
- Produce recommendations for the establishment of an agreed set of benchmarks and indicators;
- Examine methods of increasing accountability through the use of benchmarks and indicators; and
- Develop the capacity of CPA to assist Branches with assessing levels of parliamentary democracy.¹⁵

Building on the *Commonwealth (Latimer House) Principles on the Accountability of and Relationship between the Three Branches of Government*, the NDI discussion paper¹⁶ and the recommendations of some 26 previous CPA workshops and study groups¹⁷, the Study Group worked to synthesize and codify a set of benchmarks to reflect the current state of good Commonwealth parliamentary practice. They considered the following themes and recommended a set of benchmarks related to each:

- The Representative Aspects of Parliament
- Ensuring the Independence, Effectiveness and Accountability of Parliament
- Parliamentary Procedures
- Public Accountability
- The Parliamentary Service
- Parliament and the Media

The end product is a set of eighty-seven benchmarks that attempt to cover the features of a "fully functioning and empowered democratic parliament".¹⁸ They are divided into four main topical headings: general, organization of the legislature, functions of the legislature, and values of the Legislature.

¹³ *ibid.* This differentiates CPA from the IPU for example, which does not have provincial parliaments as members.

¹⁴ The Study Group included parliamentarians from Bermuda, Canada, Ghana, Pakistan and Scotland.

¹⁵ CPA (2006), *Benchmarks for Democratic Legislatures: A Study Group Report*, London, CPA, p. 8

¹⁶ Many (but not all) of the resulting benchmarks mirror minimum standards found in the NDI standards document.

¹⁷ Several recommendations were taken specifically from the CPA (2005) *Study Group Report on the Financing and Administration of Parliament*, Zanzibar, CPA

¹⁸ von Trapp, L (2007) *Donor Consultation on Parliamentary Development and Financial Accountability -Report*, Brussels, DFID/UNDP/WBI, p.20. The Benchmarks were also reviewed by senior Parliamentary Clerks from New Zealand and the United Kingdom.

Box 3: Overview of Categories Covered in the CPA Benchmarks for Democratic Legislatures

<p>I. GENERAL</p> <p>1. GENERAL</p> <p>1.1 Elections</p> <p>1.2 Candidate Eligibility</p> <p>1.3 Incompatibility of Office</p> <p>1.4 Immunity</p> <p>1.5 Remuneration and Benefits</p> <p>1.6 Resignation</p> <p>1.7 Infrastructure</p> <p>II. ORGANIZATION OF THE LEGISLATURE</p> <p>2. PROCEDURE AND SESSIONS</p> <p>2.1 Rules of Procedure</p> <p>2.2 Presiding Officers</p> <p>2.3 Convening Sessions</p> <p>2.4 Agenda</p> <p>2.5 Debate</p> <p>2.6 Voting</p> <p>2.7 Records</p> <p>3. COMMITTEES</p> <p>3.1 Organization</p> <p>3.2 Powers</p> <p>4. POLITICAL PARTIES, PARTY GROUPS AND CROSS PARTY GROUPS</p> <p>4.1 Political Parties</p> <p>4.2 Party Groups</p> <p>4.3 Cross Party Groups</p>	<p>5. PARLIAMENTARY STAFF</p> <p>5.1 General</p> <p>5.2 Recruitment</p> <p>5.3 Promotion</p> <p>5.4 Organization and Management</p> <p>III. FUNCTIONS OF THE LEGISLATURE</p> <p>6. LEGISLATIVE FUNCTION</p> <p>6.1 General</p> <p>6.2 Legislative Procedure</p> <p>6.3 The Public and Legislation</p> <p>7. OVERSIGHT FUNCTION</p> <p>7.1 General</p> <p>7.2 Financial and Budget Oversight</p> <p>7.3 No Confidence and Impeachment</p> <p>8. REPRESENTATIONAL FUNCTION</p> <p>8.1 Constituent Relations</p> <p>8.2 Parliamentary Networking and Diplomacy</p> <p>IV. VALUES OF THE LEGISLATURE</p> <p>9. ACCESSIBILITY</p> <p>9.1 Citizens and the Press</p> <p>9.2 Languages</p> <p>10. ETHICAL GOVERNANCE</p> <p>10.1 Transparency and Integrity</p>
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The benchmarks are phrased as statements rather than questions and no specific system or methodology to code/categorize responses to these benchmarks is provided in the Benchmarks document. However, a *Guidance Note* subsequently produced by CPA explains that the Benchmarks are a useful tool to launch a debate, to provide a basis for measuring parliamentary effectiveness, or to help leverage reforms. It identifies several ways Parliaments could undertake a "Benchmarks" self-assessment (discussed later in this paper) as well as recommendations on the potential composition of an assessment panel.

According to CPA practice, the Benchmarks are not formally adopted and are intended as the beginning of a larger discussion rather than an end in themselves. It is expected that the development of regional versions of the CPA benchmarks, reflecting the practices and priorities within the Commonwealth's diversity, will also contribute to the evolution of the benchmarks. The CPA Pacific¹⁹ and Asian regions (Asia, India and South-East Asia) have developed regional versions of the benchmarks which affirm the

¹⁹ Commonwealth Parliamentarians and Clerks participating in the Rarotonga meeting came from: Cook Islands, Kiribati, Nauru, Niue, Samoa, Tonga, Tuvalu, Vanuatu, and Papua New Guinea and its Autonomous Region of Bougainville. Non-Commonwealth participants came from the Assemblies in the Marshall Islands, Tokelau and the Federated States of Micronesia. The Parliaments of Australia and New Zealand were also represented.

majority of the original benchmarks while adding several new, and sometimes regionally specific, benchmarks. As noted previously, the CPA benchmarks have also been picked up by the SADC PF and the APF. At the same time, the CPA is encouraging individual parliaments to undertake benchmarks self-assessment and to share their experiences with their peers in other Commonwealth parliaments. To date, benchmarks assessments have been or are being conducted by Southern Australia, the Australian Capital Territory, Canada, Kiribati, Nauru, Niue, and Tuvalu.

APF « critères d'évaluation »

Established in Luxembourg in 1967, the APF is the consultative assembly of the Organisation Internationale de la Francophonie (OIF). It brings together 77 parliaments from four geographical regions: Africa, the Americas, Asia-Pacific, and Europe. It works through four standing committees and a network of women parliamentarians. The APF seeks to promote democracy, peace and human rights, to enhance the influence of parliamentarians, and to promote the French language.²⁰ It provides technical assistance to member parliaments and is currently collecting a compendium of parliamentary procedures and practice from among its members. The development of standards, in partnership with UNDP, was therefore seen as a natural extension of the APF's core mission.

In developing their standards or criteria, the APF took the CPA benchmarks as a starting point. They also conducted a comparative study of the Rules of Procedure of several parliaments within the Francophonie, and drew upon the work of the OIF, such as the [Bamako Declaration on democratic practices, rights and freedoms in the Francophone world](#) (Bamako, November 2000) and the [St. Boniface Declaration](#) issued by the Ministerial Conference of la Francophonie on conflict prevention and human security (Canada, May 2006).

A first outline of the criteria was submitted to the APF's Network of Women Parliamentarians for their feedback. The APF then held two seminars, one with the Committee on Parliamentary Affairs in Fribourg, Switzerland on 23-25 March and one with the Committee on Political Affairs in Luang Prabang, Laos on 9-11 April. The committees were assisted in their deliberations by representatives of the Association of Secretaries General of Francophone Parliaments (ASGPF) and academics. The amendments made by these two committees were then sent to the Secretary General of the APF and the branches for comment and a consolidated draft was prepared for examination by the APF Bureau (or executive board).

Many of the APF criteria match, or are similar to, the CPA benchmarks. However the APF has gone further in some areas, for example, developing additional criteria around elections or measures to be included in Parliament's Rules of Procedure, and significantly expanding the number of benchmarks on participation in international affairs.

²⁰ <http://apf.francophonie.org>

Box 4: Overview of Categories Covered in the APF Criteria

<p>1. ELECTIONS AND STATUS OF PARLIAMENTARIANS</p> <p>1.1 Elections 1.2 Eligibility 1.3 Status of Parliamentarians 1.4 Material Situation of Parliamentarians</p> <p>2. RIGHTS AND DUTIES OF PARLIAMENT</p> <p>2.1 Organization of Parliamentary Work 2.2 Legislative Function 2.3 Parliamentary Oversight 2.4 Parliamentary Committees 2.5 International Relations</p>	<p>3. ORGANIZATION OF PARLIAMENT</p> <p>3.1 Status of Political Parties, Parliamentary Groups and the Opposition 3.2 Status of Administrative Staff 3.3 Budget 3.4 Material Resources</p> <p>4. PARLIAMENT AND COMMUNICATIONS</p> <p>4.1 Accessibility of Parliament 4.2 Dissemination of Parliamentary Information</p>
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The final result is 117 criteria formally and unanimously adopted as, "*La réalité démocratique des Parlements: Quels critères d'évaluation?*", during the 35th Session of the APF in Paris on 6 July 2009. During the APF Annual Assembly, the OIF indicated that they would be taking up the *critères* as part of the *Bamako +10 déclaration sur le bilan des pratiques de la démocratie, des droits et des libertés dans l'espace francophone* next year. The APF is in the process of considering potential follow-up initiatives.

IPU Self-Assessment Toolkit for Parliaments

Established in 1889, the IPU is the world's oldest inter-parliamentary organization. The IPU has 152 national parliaments as members and eight regional parliaments as associate members.²¹ Members are divided into six geopolitical groups – Africa, Arab group, Asia-Pacific, Eurasia, Latin America, and Twelve Plus – although some IPU members are not affiliated to any of these geopolitical groups. The IPU's main areas of activity are representative democracy; human rights and humanitarian law; international peace and security; women in politics; sustainable development; and education, science and culture. Three plenary Standing Committees, functioning in accordance with their own Rules, also assist the Assembly in its work: the Committee on Peace and International Security; Committee on Sustainable Development, Finance and Trade; and the Committee on Democracy and Human Rights.²²

As noted earlier, the IPU toolkit developed out of a "major programme of work undertaken by the IPU, to examine what makes a parliament democratic, both in the way it functions and interacts with its electorate, and in its effectiveness in performing its roles within a democratic system of government".²³ The collection of best practice from many of their Members and consultations with an expert working group resulted in the publication of *Parliament and democracy in the 21st century: a guide to good practice* in 2006 which informed the development of the IPU's new *Self-assessment Toolkit* in 2008. The self-assessment toolkit methodology also draws extensively from International IDEA's state of democracy assessment methodology.

²¹ Andean Parliament, Central American Parliament, East African Legislative Assembly, European Parliament, Inter-Parliamentary Committee of the West African Economic and Monetary Union, Latin American Parliament, Parliament of the Economic Community of West African States, Parliamentary Assembly of the Council of Europe

²² www.ipu.org

²³ IPU (2009) *Evaluating parliament: A self-assessment toolkit for parliaments*, note prepared for the Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009, p. 2 Other documents and presentations from this conference are available in English and French at: <http://www.ipu.org/splz-e/asgp09.htm>

The main objective of the IPU self-assessment toolkit is to assist parliaments in a systematic analysis of their performance, to identify strengths and weaknesses, and to formulate recommendations for reform and development.

The 54 questions in the IPU self-assessment tool kit are organized around six categories:

1. The representativeness of parliament;
2. Parliamentary oversight over the executive;
3. Parliaments' legislative capacity;
4. The transparency and accessibility of parliament;
5. The accountability of parliament; and
6. Parliament's involvement in international policy.²⁴

An annex provides an additional nine questions on parliaments' involvement in international (foreign) policy. A second annex provides a Framework on the Parliamentary Contribution to Democracy. The Framework takes the six categories and looks at the requirements, and possible procedural and institutional means for the realization of these objectives or values.²⁵ Many of the procedural and institutional means mirror benchmarks found in the other frameworks discussed earlier. This annex is reproduced as a table in Box Five below.

The questions are framed in the comparative mode ('How effective, adequate, systematic, etc.?). Participants use a five point scale, with 1 being very low/very poor and 5 being very high/very good, to respond to the questions. Further questions then ask for the biggest recent improvement in each respective section, the most serious ongoing deficiency, and potential measures to remedy this. Additional questions can be included as appropriate. The answers are intended to provide the basis for discussion among the participants.

The toolkit suggests a number of possible scenarios for its use but notes that the precise format for using the toolkit will depend on its purpose.²⁶ The IPU believes that parliamentarians themselves are best placed to identify the challenges they face in practice and to suggest ways in which they may be overcome, and that the initiative for self- assessment should come from parliaments themselves. The toolkit suggests that key parliamentarians should be involved, for example members of an existing reform or modernization committee; and that the assessment group should reflect the broadest possible range of perspectives from within the parliament. Some parliaments may choose to work in partnership with an outside organization or outside experts or facilitators. In this case the precise role and scope should be agreed with participants in advance, as should the expected timescale and outcomes of the process.²⁷

The IPU has trained facilitators to assist in the assessment process as requested, and, as the result of lessons learned during a first round of self-assessments in Sierra Leone, Rwanda and several other countries, the IPU drafted *Carrying out a self-assessment: preparation note for parliaments*, to provide further guidance. Promoting the toolkit remains a high priority and in addition to several meetings

²⁴ IPU (2008), [Evaluating Parliaments: a self-assessment toolkit for parliaments](#), Geneva, IPU, p. 5

²⁵ Ibid, pp. 25-27

²⁶ Ibid, p. 12

²⁷ IPU (2009) [Evaluating parliament: A self-assessment toolkit for parliaments](#), note prepared for the Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009, p. 2

during their annual assemblies, the IPU has initiated discussions with regional parliamentary organizations with a view to increasing awareness and use of the toolkit.

Box 5: IPU Framework on the Parliamentary Contribution to Democracy

Basic objectives or values. A parliament that is:²⁸	Requirements	Possible procedural and institutional means for the realisation of these objectives or values
Representative	An elected parliament that is socially and politically representative, and committed to equal opportunities for its members so that they can carry out their mandates.	Free and fair electoral system and process; means of ensuring representation of/by all sectors of society with a view to reflecting national and gender diversity, for example by using special procedures to ensure representation of marginalised or excluded groups. Open, democratic and independent party procedures, organisations and systems. Mechanisms to ensure the rights of the political opposition and other political groups, and to allow all members to exercise their mandates freely and without being subjected to undue influence and pressure. Freedom of speech and association; guarantees of parliamentary rights and immunities, including the integrity of the presiding officers and other office holders. Equal opportunities policies and procedures; non-discriminatory hours and conditions of work; language facilities for all members.
Transparent	A parliament that is open to the nation and transparent in the conduct of its business.	Proceedings open to the public; prior information to the public on the business before parliament; documentation available in relevant languages; availability of user-friendly tools, for example using various media such as the World Wide Web; the parliament should have its own public relations officers and facilities; Legislation on freedom of/access to Information.
Accessible	Involvement of the public, including civil society and other people's movements, in the work of the parliament.	Effective electoral sanction and monitoring processes; reporting procedures to inform constituents; standards and enforceable code of conduct. Adequate salary for members; register of outside interests and income; enforceable limits on and transparency in election fundraising and expenditure.
Effective		
At all levels	Effective organization of business in accordance with these democratic norms and values.	Mechanisms and resources to ensure the independence and autonomy of parliament, including parliament's control of its own budget. Availability of non-partisan professional staff separate from the main civil service. Adequate unbiased research and information facilities for members; parliament's own business committee; procedures for effective planning and timetabling of business; systems for monitoring parliamentary performance; opinion surveys among relevant groups on perceptions of performance.
(a) At the national level	Effective performance of legislative and scrutiny functions, and as a national forum for issues of common concern.	Systematic procedures for executive accountability; adequate powers and resources for committees; accountability to parliament of non-governmental public bodies and commissions. Mechanisms to ensure effective parliamentary engagement in the national budget process in all its stages, including the subsequent auditing of accounts. Ability to address issues of major concern to society; to mediate in the event of tension and prevent violent conflict; to shape public institutions that cater for the needs of the entire population. For parliaments that approve senior appointments and/or perform judicial functions: mechanisms to ensure a fair, equitable and non-partisan process.
(b) In relation to the international level	Active involvement of parliament in international affairs.	Procedures for parliamentary monitoring of and input into international negotiations as well as overseeing the positions adopted by the government; mechanisms that allow for parliamentary scrutiny of activities of international organizations and input into their deliberations; mechanisms for ensuring national compliance with international norms and the rule of law; inter-parliamentary cooperation and parliamentary diplomacy.
(c) In relation to the local level	Cooperative relationship with state, provincial and local legislatures.	Mechanisms for regular consultations between the presiding officers of the national and sub-national parliaments or legislatures on national policy issues, in order to ensure that decisions are informed by local needs.

²⁸ This table is reproduced from the IPU Toolkit, pp. 25-27

PARLIAMENTARY BENCHMARKS AND SELF-ASSESSMENT FRAMEWORKS AS PART OF A LARGER TREND

Several other organizations, such as the Canadian Parliamentary Centre, have also developed parliamentary assessment frameworks. Others, such as the Parliamentary Assembly of the Council of Europe (PACE) have expressed an interest in developing their own evaluative frameworks in the future. Still others are including components on parliament within broader assessment frameworks such as International IDEA's State of Democracy Assessment Methodology or Transparency International's (TI) National Integrity System Assessment. Certain benchmarks or standards around democratic parliaments are reflected in sets of governance indicators such as the World Bank's Actionable Governance Indicators (AGIs).

While there is not space to cover all of these initiatives, a few examples are illustrated below. Other examples of interest are the:

- Parliamentary Powers Index (PPI)
- Congressional Capabilities Index (IDB)
- IFES State of the Parliament Report
- Legislative strengthening indicators developed by UNDP (2001) and other donors such as USAID
- African Legislatures Project Indicators
- Democracy Reporting International Standards for Democratic Governance
- Australian National University's Democratic Audit
- Arab Center for the Development of the Rule of Law and Integrity Parliament/Participation Integrity Principles
- Tools developed by CSOs (e.g. in Uganda, Pakistan, and India)

Parliamentary Centre Report Card Methodology

The Parliamentary Centre has developed a Parliamentary Report Card Methodology (See Figures 1 and 2 below) and a related set of 37 indicators on the budget process.²⁹ The Parliamentary Centre's *Parliamentary Report Card* tests parliamentary performance in four areas of activity that are almost universally regarded as the core functions of parliament: legislation, representation, and oversight, including of the budget. It then evaluates these four lines of service against five performance tests, namely: the level and range of activity; openness and transparency; participation; accountability; and policy and programme impact. The indicators look at parliamentary input in all stages of the budget process including things like whether parliament influences budget priorities, or whether parliament insures public input and participation, particularly of the poor. Several questions relate to parliaments role in the poverty reduction strategy process and one question asks if public loan agreements require parliamentary approval. The indicators are phrased as questions and respondents use a scale of 0-5 with 0 meaning that the performance indicator is not present at all, 5 meaning it is very strongly present, and 2.5 meaning it is somewhat present. The Parliamentary Centre has begun limited field testing the *Parliamentary Report Card* using this first set of indicators in Cambodia and several African countries. To date the methodology has not been widely used but they are now working to refine the methodology

²⁹ For more information see: http://www.parlcent.ca/indicators/index_e.php

and to develop new indicators to better inform their assistance programmes. The two figures below demonstrate the format of the report card itself and sample indicators.³⁰

Figure 1: Parliamentary Report Card

		LEGISLATION	OVERSIGHT	REPRESENTATION	BUDGET
PERFORMANCE TESTS	LEVEL AND RANGE OF ACTIVITY				
	OPENNESS AND TRANSPARENCY				
	PARTICIPATION				
	ACCOUNTABILITY				
	POLICY AND PROGRAM IMPACT				

Figure 2: Sample of Report Card Performance Area and Related Indicators

Accountability	<ul style="list-style-type: none"> - Does parliament have a public accounts committee (PAC) or equivalent that examines past expenditures? - Are measures taken to ensure its independence such as by the appointment of an opposition MP as Chair? - Does the PAC work with independent audit authorities to uncover financial irregularities and promote program efficiency? - Does parliament question government leaders, ministers and officials fully during the budget process? - Does parliament effectively scrutinize departmental work-plans and monitor their implementation? - Does parliament undertake program and policy evaluations? - Does parliament review commitments entered into by senior public servants?
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Parliamentary Assembly of the Council of Europe and Self-Evaluation

PACE is the first European regional parliamentary grouping to explore assessment frameworks. In January 2009 the Bureau of the 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 main proposal contained in this motion is to consider elaborating procedural guidelines for self-evaluation by national parliaments in Europe. The Committee then produced and debated a draft paper entitled *Self-Evaluation by Europe’s national parliaments: procedural guidelines*. The paper takes into account work already done in this field by the IPU and other organizations. The Committee is currently preparing a questionnaire for its members and considering several follow-up steps in this workstream including analyzing the potential for application of the existing self-assessment standards in the parliaments of CoE member states; providing information on the strengths and weaknesses of CoE parliaments and identifying a model for an exemplary parliament; and discussing the appropriateness of procedural guidelines for performance assessment by international parliamentary institutions in Europe.

³⁰ The first can be found on the page listed in footnote 28. The full set of indicators on the budget process can be found at http://www.parlcent.ca/indicators/budget_process_e.php.

International IDEA's State of Democracy Assessment Methodology

As noted earlier, the IPU *Self-assessment Toolkit* draws extensively from International IDEA's *State of Democracy Assessment Methodology* – a reform oriented assessment which is intended to generate debate among stakeholders on various issues identified by the assessment; feed into evidence-based advocacy; contribute to policy reform and raise awareness about the quality of democracy in the country assessed.³¹ International IDEA's assessment framework has four pillars and 15 sub pillars, each of which is assessed by answering a series of questions intended to examine whether certain democratic institutions and processes are in place and how they perform in practice. A sub pillar has been developed on the democratic effectiveness of parliament. This sub pillar includes eight questions reproduced below.

Box 6: International IDEA's Questions on the Democratic Effectiveness of Parliament

Overarching question: Does the parliament or legislature contribute effectively to the democratic process?

2.4.1. How independent is the parliament or legislature of the executive, and how freely are its members able to express their opinions?

2.4.2. How extensive and effective are the powers of the legislature to initiate, scrutinise and amend legislation?

2.4.3. How extensive and effective are the powers of the legislature to oversee the executive and hold it to account?

2.4.4. How rigorous are the procedures for approval and supervision of taxation and public expenditure?

2.4.5. How freely are all parties and groups able to organise within the parliament or legislature and contribute to its work?

2.4.6. How extensive are the procedures of the parliament or legislature for consulting the public and relevant interests across the range of its work?

2.4.7. How accessible are elected representatives to their constituents?

2.4.8. How well does the parliament or legislature provide a forum for deliberation and debate on issues of public concern?

Transparency International's National Integrity System Assessment

In 2009 Transparency International devised new indicators for the pillar “legislature”, now one of 12 institutions assessed by TI's National Integrity System Assessment (NIS).³² In doing so they examined the different parliamentary benchmarks and self-assessment frameworks. Similarly to the NDI Questionnaire, the TI tool indicators attempt to measure both formal powers (law) and practice. The indicators in the example below relate to NDI's Standards 1.5.1, 4.2.3, 5.1.1, 5.2.1, and 6.3.3 ; CPA's Benchmarks 1.5.1, 1.7.1, 4.2.2, 5.1.2, 5.1.4, 5.2.1 and 6.1.2; the APF's Criteria 1.4.1.1, 3.1.2.4, 3.2.1.2, 3.2.2.1, 3.4.1.1, and 3.3.1.1; and the IPU's Toolkit questions 2.6, 2.7 and 2.8.

³¹ More information on IDEA's *State of Democracy Assessment Methodology* can be found at: <http://www.idea.int/sod/framework/>

³² The 12 pillars include the legislature, the executive, the judiciary, the public sector, law enforcement, the electoral management body, the Ombudsman, the audit institution, anti-corruption agencies, political parties, media, civil society, and business. More information on TI's National Integrity System Assessment can be found at: http://www.transparency.org/policy_research/nis

Box 7: Example of Indicators from Transparency International’s National Integrity System Assessment Pillar “Legislature”	
CAPACITY	
Pillar	LEGISLATURE
Indicator number	1.1.1
Indicator name	Resources (law)
Scoring question	To what extent are there provisions in place that provide the legislature with adequate financial, human and infrastructure resources to effectively carry out its duties?
Guiding questions	What are the legal provisions re: resource allocation for legislature? Does the legislature determine its own budget or is it up to the discretion of another institution?
Minimum score (1)	No such provisions exist.
Maximum score (5)	There are provisions in place to ensure that the legislature receives adequate resources to effectively carry out its duties.
Additional data sources	Survey of legislative staff & legislators.
Pillar	LEGISLATURE
Indicator number	1.1.2
Indicator name	Resources (practice)
Scoring question	To what extent does the legislature have adequate resources to carry out its duties in practice?
Guiding questions	Resources include financial, infrastructure and staff. Items to consider are whether journals are published regularly and on time, house resources are adequate (clerks, research, library), committee resources are adequate (facilities, clerks, research), legislators’ resources are adequate (office, staff, equipment, travel, salary, constituency budget), training is adequate.
Minimum score (1)	The existing financial, human and infrastructural resources of the legislature are minimal and fully insufficient to effectively carry out its duties.
Maximum score (5)	The legislature has an adequate resource base to effectively carry out its duties.
Additional data sources	Survey of senior legislative staff. Annual allocation from the state budget (including comparison to previous years).

World Bank’s Actionable Governance Indicators

The World Bank’s Actionable Governance Indicators – described as “narrowly defined and disaggregated indicators that focus on relatively specific aspects of governance and could provide guidance on the design of reforms and monitoring of impacts” – reflect several of the standards identified by parliamentary organizations.³³ For example, the Public Expenditure and Finance Accountability (PEFA) indicators “Legislative Scrutiny of annual budget law” (PI – 27) and “Legislative Scrutiny of external audit reports” (PI – 28) are among indicators directly related to the standards or benchmarks around parliament’s role in the budget process. Human Resource Management (HRM) Performance Indicators and the HRM Diagnostic Instrument also contain indicators that can be linked to standards or benchmarks around recruitment and retention of, and codes of conduct for, parliamentary staff.

THE FRAMEWORKS – COMMONALITIES AND DIFFERENCES

Annex One is a comparison table which takes the CPA Benchmarks as a starting point and compares them to the NDI standards and the APF criteria. While the CPA Benchmarks are presented in order, the NDI standards and APF criteria are not, as they are presented in relation to each other. The table uses a colour coded system. Benchmarks, standards or criteria that match are coded as light gray, those that are very similar are coded as medium gray, and those that are new or that only appear in one set of standards are coded as dark gray. The table allows readers to see the high level of consensus that exists between the main frameworks. Where there are differences between the frameworks, it quickly

³³ For more information see the AGI Definition and Measurement Paper: <https://www.agidata.info/main/video/AGINote.pdf>

becomes apparent that they do not stem from conflicting principles but rather from different areas of focus or parliamentary traditions. For example, greater emphasis is given to ex-post financial oversight and the specific role of Public Accounts Committees in the CPA (and SADC PF) Benchmarks; no doubt because this is the case in most Westminster-based systems.

While the IPU Toolkit does not lend itself to this type of comparison table, certain questions can be matched to the different standards and many of the possible “procedural and institutional means” identified in the IPU Framework on the Parliamentary Contribution to Democracy (reproduced in Box 5 above) mirror the recommended benchmarks. For example, the Framework identifies parliament’s control of its own budget, non-partisan professional staff separate from the main civil service, and adequate unbiased research and information facilities for members as procedural and institutional means for ensuring parliament is effective. All three are covered by the CPA Benchmarks, NDI Standards and APF Criteria.

Over 80% of the CPA Benchmarks and the NDI Standards (described earlier) are the same or similar. Differences include NDI standards (some of which are arguably influenced by the American experience) that legislators’ have the right in non-party list electoral systems to leave their party group (4.2.2); that no partisan or non-partisan staff shall have any legislative or procedural authority, including voting (5.3.2); that the legislature shall have the power to amend the budget (6.3.1); that in the absence of a public referendum, constitutional amendments require the legislature’s approval (6.5.1); that the legislature have a non-partisan ombudsman or similar body that investigates complaints of executive branch malfeasance and makes recommendations and reports directly to the legislature (7.3.1); that the legislature’s consent be required in the confirmation of senior judges and the legislature shall have mechanisms to impeach judges for serious crimes (7.6.1); and that the legislature be accessible to persons with disabilities (9.2.3).

The vast majority of both the CPA Benchmarks and NDI Standards also match or are similar to the APF Criteria. However, the APF has developed around 30 additional criteria. In some cases, this is simply a matter of the APF addressing in two criteria what the CPA combines in one benchmark, or vice-versa. Often new APF criteria focus on specifying that certain aspects be defined in the constitution, by law, or in the Rules of Procedure. This is interesting as other groups shied away from benchmarks which would force changes to the constitution or Rules of Procedure specifically, preferring to leave open a wider range of options. The APF has also developed additional criteria around topics such as elections and significantly expanded the number of benchmarks on parliamentarians’ and parliaments’ participation in international affairs. For example, criteria 2.5.2.3 calls for parliamentarians to be included in government delegations participating in international negotiations. Another significant difference from the NDI and CPA frameworks is that the APF has not adopted criteria on no confidence and impeachment measures. Finally, the APF criteria contain additional benchmarks related to gender equality not found in the CPA or NDI frameworks, such as 3.2.1.5 which calls for representation of women at all levels of the parliamentary administration and 2.1.1.3 which calls upon parliaments to take measures to preserve a balanced representation of women and men at all levels of responsibility within parliament.

Again, there are many areas of consensus between the different standards. For example, all recognize legislators’ right to immunity for speech during the exercise of their duties, and, to reinforce the autonomy of the legislature, all recognize that the executive branch shall have no right or power to lift the immunity of a legislator, with NDI and the APF specifically recognizing the power to lift immunity as exclusive to the parliament itself.

Other measures to increase the autonomy of the legislature addressed by the different standards include providing proper remuneration and reimbursement of expenses to legislators, as well as adequate physical infrastructure, ICT facilities, and nonpartisan professional staff support. In addition, there are standards on the legislature rather than the executive branch controlling the parliamentary service and determining its terms of employment; that the legislature have adequate resources to recruit staff sufficient to fulfill its responsibilities; that the rates of pay for parliamentary staff be broadly comparable to those of the civil service; and that recruitment be based on merit.³⁴ These standards in part seek to address concerns that qualified staff may be deterred from staying in the parliamentary service because of lower pay and benefits, causing parliament to routinely lose staff, particularly those with research and ICT skills, to research institutes or the private sector. Moreover, where the parliamentary service is part of the civil service more generally, and controlled by the executive, there is a risk that staff be moved other areas of the civil service, potentially disrupting the work of parliament.³⁵ Or staff assisting committees to conduct inquiries may feel pressured to tone down resulting reports if they reflect negatively on the executive.

While there may be different funding models, the standards recognize that a legislature's ability to determine and approve its own budget as essential to ensuring its independence. If the legislature is to exercise oversight of the executive branch, the legislature's budget must not be dependent on the executive branch. This is consistent with additional standards recommending that the approval of the legislature be required for the passage of all legislation, including budgets.

There is also broad consensus that only the parliament may adopt and amend its rules of procedure. Similarly there is agreement on standards that the legislature meet regularly at intervals sufficient to fulfill its responsibilities and that the legislature have procedures for calling itself into extraordinary or special session. In addition, the different standards cover legislatures' right to amend the proposed agenda for debate.

Another area of broad consensus can be found around legislatures' right to form permanent and temporary committees, the presumption that the legislature will refer legislation to a committee, and committee's right to amend legislation referred to them.³⁶ Committees, often described as the 'engine room' of the legislature, have emerged as among the most critical tools at legislatures' disposal today. Committees allow for more in-depth scrutiny and, particularly through holding hearings, provide an important avenue for public input (along these lines, the different standards state that committee hearings shall be in public except in clearly defined circumstances provided for in the rules of procedure).³⁷ Working in a committee allows legislators to develop specialized knowledge on matters within the jurisdiction of their committee and work in committee is often viewed as less partisan.³⁸

³⁴ The CPA Study Group referred to their Zanzibar Study Group on the financing administration of Parliament's recommendation that 'The Corporate Body should ensure that the parliamentary service is properly remunerated and that retention strategies are in place'.

³⁵ Annex one of the IPU toolkit also notes the availability of nonpartisan professional staff separate from the main civil service as a possible procedural and institutional means for effective organization of business, p. 26.

³⁶ CPA benchmark 2.4.2, NDI standard 2.3.2 and APF criteria 2.1.5.6 also cover elected legislators right to initiate legislation and offer amendments to proposed legislation.

³⁷ Exceptions may include committee administration procedures, meetings where sensitive material related to national security is being reviewed, or to protect a witness, as noted in the CPA Study Group Report on Benchmarks for Democratic Legislatures, p. 31.

³⁸ For further discussion on committees see for example, Shaw, Malcolm (1998) "Parliamentary committees: a Global Perspective" *The Journal of Legislative Studies*, 4:1, 225-251, and NDI (1996) [*Committees in Legislatures: A Division of Labor*](#), Washington DC, NDI.

In terms of powers, the standards also address committees' right to summon persons, papers and records, and to consult or employ experts. In terms of organization, the standards call for committee membership to reflect the political composition of the legislature.³⁹

Broadly agreed standards related to transparency include standards that votes be public, that the legislature publish records of its proceedings, and that the legislature be accessible to citizens and the media.⁴⁰ Matters of transparency and integrity are also addressed through, for example, standards on public disclosure of financial assets and business interests; requirements that there be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices; and, in the case of CPA and NDI, standards on codes of conduct for legislators and parliamentary staff.

Box 8: The Frameworks and Gender

Gender related concerns have been incorporated into the discussion and development of the different assessment frameworks from the outset. Women parliamentarians comprised almost half of original study group for the CPA Benchmarks for Democratic Legislatures and feedback on the benchmarks was sought from the Commonwealth Women Parliamentarians Steering Committee. The APF asked their Women Parliamentarians Network to review their draft benchmarks, and SADC PF plans to undertake a similar process through their Standing Committee on Democratisation, Governance and Gender Equality and Regional Women's Parliamentary Caucus. The IPU Self-Assessment toolkit includes promoting gender sensitivity in parliament as one of the scenarios for use and provides questions to stir dialogue and debate such as question 3.7 *How careful is parliament in ensuring a gender-equality perspective in its work?*

Specific benchmarks are in place prohibiting restrictions on candidate eligibility based on gender and the SADC PF draft addresses the question of representation through several additional benchmarks, for example: "Parliamentary membership shall reflect the social diversity of the population with respect to gender, language, religion, and ethnicity among other considerations"; or "Parliaments shall enact laws which require political parties to take measures of affirmative action for gender in order to meet the provisions of the SADC Protocol on Gender and Development"; and a benchmark on ensuring that nomination fees are "reasonable and affordable" so as not to "unduly exclude potential candidates".

The APF "critères" and SADC PF draft benchmarks address the need for gender balance in the parliamentary leadership through criteria 2.1.1.3: *Le Parlement doit prendre des mesures significatives visant à établir et préserver une proportion équilibrée de femmes et d'hommes dans ses différentes instances à tous les niveaux de responsabilité* and draft benchmark 4.4.10 (c) *There shall be equitable gender representation in the election of presiding officers*. Similarly both call for gender to be taken into consideration in the composition of parliamentary committees.

Bearing in mind the importance of women's caucuses in many parliaments around the world, the CPA, NDI, and SADC PF drafted benchmarks regarding parliamentarians' right to form cross party caucuses (although it should be noted that CPA's Asia, India and South-East Asia regions removed this benchmark in the regional version). The APF also calls for gender to be taken into account in the composition of any official parliamentary delegations. Finally, all three versions contain benchmarks which prohibit discrimination based on gender in the recruitment and promotion of parliamentary staff and the APF calls explicitly for the representation of women at all levels in the parliamentary staff hierarchy.

³⁹ Very small parliaments may choose to work through a Committee of the Whole.

⁴⁰ CPA and the APF also developed standards relating to the use of multiple languages. See CPA benchmark 9.2.1 and APF criteria 4.1.3.1.

Regional Perspectives

As noted earlier, regional benchmark discussions have both affirmed existing benchmarks and standards, while developing new, and sometimes regionally specific, benchmarks.

The Pacific

In 2008 the Forum Presiding Officers and Clerks Conference mandated its Secretariat to work with CPA, the UNDP Pacific Centre and other to work with partners on a Pacific version of Benchmarks for Democratic Legislatures. Pacific legislators subsequently participated in a June 2009 workshop on Benchmarks in Brisbane and Benchmarks self-assessments were undertaken by the Parliaments of Kiribati Nauru, Tuvalu and Niue Parliament. Finally, in cooperation with the CPA, the 2009 Conference of the Pacific Legislatures for Population and Governance⁴¹ adopted the Pacific Islands Benchmarks for Democratic Legislatures. Among the major additions to the original CPA Benchmarks (on which the Pacific Island Benchmarks are based) are the following:

- 1.5.2 An independent body should determine the appropriate remuneration, benefits and other statutory entitlements of legislators.⁴²
- 7.1.1 The Legislature shall have appropriate legislation or a constitutional provision that clearly determines the size of cabinet which should not exceed one third of the total membership of the Legislature.⁴³
- 7.1.5 The oversight authority of the Legislature shall include meaningful oversight of compliance with international human rights instruments and national constitutional rights, including consideration of gender and socio-economic impact.
- 7.1.6 The oversight authority of the Legislature shall include meaningful and timely oversight of accountability institutions, such as election commissions, human rights commissions, anti-corruption commissions, ombudsmen, information commissions and offices of auditors–general.
- 7.2.2 The Legislature shall have clear procedures requiring government to provide timely responses to parliamentary committee reports and recommendations.

CPA Asian Regions (Asia, India and South-East Asia)

MPs, Regional Secretaries and Clerks from CPA's Asia Regions (Asia, India, and South East Asia) were hosted by the Parliament of Bangladesh in Dhaka for a CPA *Regional Workshop on Benchmarks for Democratic Parliaments* on January 25-29, 2010. The regions established a process by which the Regional Secretaries and Clerks undertook a first review of the original CPA Benchmarks and made recommendations as to potential changes. In preparation for this, several of the Clerks had examined their own parliaments' adherence to the benchmarks. The Regional Secretaries and Clerks were then

⁴¹ Formerly the Forum Presiding Officers and Clerks (FPOC).

⁴² For example, in Samoa, an independent Salaries Tribunal decides on the remuneration of parliamentarians (and government officials). In Fiji and Kiribati, an independent body recommends salaries, but the final amount awarded has to be approved by parliament.

⁴³ Tuvalu parliament oversight function was considered ineffective as the cabinet includes more than half of the Legislature's total membership.

joined by MPs who reviewed the original CPA Benchmarks along with the Clerks' recommendations and finalized a set of *Recommended Benchmarks for Asia, India and South East Asia Regions' Democratic Legislatures*. Participants affirmed the majority of the original benchmarks with some amendments, however after much debate they deleted CPA Benchmarks 1.3.1 (on the grounds that two of the countries present constitutionally required MPs to take a religious oath), 3.1.4, 3.1.5, and 3.2.6 (on the grounds that holding committee hearings and votes in public was not common practice in the region); 4.3.1⁴⁴, and 5.1.3 (considered redundant as parliamentary staff was implicitly understood to be nonpartisan by the workshop participants). Benchmarks 7.1.2 and 7.1.3 were combined into a new 7.1.2 reading, "The oversight authority of the legislature shall include meaningful oversight of the security services and state owned enterprises", and a footnote was added defining "Security services" as in the publication *OECD DAC Guidelines and Reference Series, Security System Reform and Governance*. While the workshop participants agreed to the principle of the independence of the parliamentary service, they recognized cases within the region where members of the parliamentary service were part of the broader public service. As such, CPA Benchmark 5.1.2 was amended to read: "The legislature **shall have an independent** parliamentary service. **In instances where parliamentary services are drawn from the public service, there shall be adequate safeguards to ensure non interference from the Executive.**"

Finally, two new benchmarks were added:

- 1.1.4 Election expenses of candidates shall be monitored by the Election Commission or similar authority.
- 10.1.5 Legislatures should establish a mechanism to oversee the conduct of legislators.

Southern Africa

The SADC Parliamentary Forum's Draft Benchmarks for Democratic Legislatures in Southern Africa are still being discussed, as there is a need for further feedback from their Lusophone members before they can be adopted.⁴⁵ Again, the SADC PF draft Benchmarks affirm many of the original CPA Benchmarks but they have developed scores of additional benchmarks, some of which are specific to issues in the region such as the use of Constituency Development Funds (CDF) or parliamentary approval of international loans. Other draft Benchmarks attempt to address issues of concern to some parliaments in the region such as floor-crossing.

Like the APF, SADC PF has drafted additional benchmarks on elections and participation in international affairs. SADC PF addresses the fact that many of the parliaments in the region receive international assistance through draft benchmark 4.4.3 (b) which states that "The type of assistance, the budget and the use of these funds shall be determined in a transparent and accountable manner within parliament's strategic plan." Similarly to the Pacific version of the CPA Benchmarks, SADC PF draft Benchmark 4.3.1 (b) provides specifically for parliamentary oversight of "all independent governmental bodies and constitutional bodies such as the human rights commission, ombudsman, director of public prosecutions and public protector, among others." Draft Benchmarks 4.3.2 (b) and (c) also provide for parliamentary approval of "presidential appointments for offices that are of a non-partisan nature. These include human rights commissioners, the ombudsman, electoral commissioners, auditor general, director of

⁴⁴ An example of an "interest caucus" might be the Congressional Black Caucus in the United States Congress or any number of All-Party Groups in the UK Parliament.

⁴⁵ The SADC PF draft benchmarks are available in English and Portuguese.

public prosecutions and public protector, among others” and that the “president shall not remove these officials without notification and approval of parliament. “

Among some of the other key changes or additions are the following:

- 1.1 (e) Dress codes in parliament shall be culturally inclusive and shall not unduly limit public access.
- 4.1.1 (c) Parliament shall approve all grants, loans and guarantees, both domestic and international.
(d) Parliaments shall approve all treaties, protocols and conventions.
- 4.2.1 (d) In addition, parliaments shall have a Parliamentary Budget Office with qualified staff to assist in budget analysis and monitoring budget implementation on least a quarterly basis.
- 4.3.2 (a) Parliament shall enact a law to guarantee the right of parliament to create commissions of inquiry. Such commissions shall have the power to compel government officials to appear and give evidence under oath.
- 6.1.1 (g) There shall be a minimum education requirement to determine eligibility to stand for Parliament established by law in accordance with national standards, provided that where a candidate has relevant experience, the education requirement may be waived.
(h) Parliament shall be take appropriate measures to assist MPs to increase their educational qualifications.
(d) Nominated or appointed MPs shall comprise not more than 5 percent of the overall size of the Parliament.
- 6.1.2 (c) Nomination fees shall be reasonable and affordable so as not to unduly exclude potential candidates.
(f) Parliaments shall enact laws which require political parties to take measures of affirmative action for gender in order to meet the provisions of the SADC Protocol on Gender and Development.

Figure 3 below provides a comparative glimpse of the CPA, NDI, APF and the draft SADC PF standards or benchmarks under the general heading of elections, with new standards in bold.

Figure 3: Comparative Table of Standards/Benchmarks or Criteria in the Category “Elections”

Organization	CPA	NDI	APF	SADC PF (draft)
Category	General	Election and Status of Legislators	Elections et Statut des Parlementaires	Elections and Status of MPs
Subcategory	Elections	<i>The Election of Legislators</i>	<i>Elections</i>	<i>Parliamentary Elections</i>
Standard/ Benchmark	1.1.1 Members of the popularly elected or only House shall be elected by direct universal and equal suffrage in a free and secret ballot.	1.1.1 Members of the popularly elected or only House shall be elected by direct universal and equal suffrage in a free and secret ballot.	1.1.1 La Constitution de l’État doit comprendre les règles de base concernant les élections et le statut des parlementaires	(a) Parliament shall enact all necessary laws to establish an independent electoral management body and to ensure free, fair and credible elections.
Standard/ Benchmark	1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.	1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.	1.1.2 Les parlementaires doivent être élus au suffrage universel lors d’élections libres, fiables, transparentes et conformes aux normes internationales et nationales. Cependant, les secondes chambres peuvent être régies par des règles particulières prévues par la Constitution ou les lois propres à chaque pays.	(b) MPs shall be directly elected through universal and equal suffrage in a free and secret ballot in accordance with regional norms and standards for elections.
Standard/ Benchmark	1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.	1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.	1.1.3 Les élections doivent être tenues à intervalles réguliers. La législature doit être limitée dans le temps et, à son terme, donner lieu à de nouvelles élections.	(c) Elections shall be held regularly and periodically.
Standard/ Benchmark			1.1.4 Les élections doivent se dérouler sans aucune entrave ni aucune atteinte à la liberté, à l’intégrité physique, à la liberté d’opinion et d’expression, à la liberté de réunion et de manifestation et à la liberté d’association de tout électeur et de tout candidat.	(d) Nominated or appointed MPs shall comprise not more than 5 percent of the overall size of the Parliament.
Standard/ Benchmark			1.1.5 L’organisation et la gestion des élections, depuis les opérations préparatoires et la campagne électorale, jusqu’au dépouillement des votes et la proclamation des résultats, doivent être confiées à des instances dotées de prérogatives leur permettant d’effectuer un contrôle rigoureux du processus électoral, de garantir la loyauté du scrutin et la pleine participation des citoyens à ce dernier et d’assurer le traitement égal des candidats tout au long des opérations électorales.	(e) The selection of MPs for reserved seats allocated for special groups shall be based on non-partisanship.
Standard/ Benchmark				(f) The main legislative function shall be exercised by the directly elected chamber. Where a second chamber exists, such house shall have a secondary role.
Standard/ Benchmark				(g) There shall be a minimum education requirement to determine eligibility to stand for Parliament established by law in accordance with national standards, provided that where a candidate has relevant experience, the education requirement may be waived.
Standard/ Benchmark				(h) Parliament shall be take appropriate measures to assist MPs to increase their educational qualifications.

INITIAL GUIDELINES FOR USING THE FRAMEWORKS AND EXPERIENCES AT THE NATIONAL/STATE LEVEL

Entry Points for Benchmarking and Self-Assessment Exercises

As noted in the introduction to the IPU Self-Assessment Toolkit, all of the scenarios for self-assessment share two objectives: (1) “to evaluate parliament against international criteria for democratic parliaments” and (2) “to identify priorities and means for strengthening parliament”. These core objectives easily extend to the other assessment frameworks. Several entry points for use of the different frameworks have been identified:

- To help prepare the parliamentary budget and/or strategic plan.
- To stimulate a parliamentary reform process.
- To promote debate.
- To enable new Members of Parliament to discuss key issues.
- To conduct a review or create a baseline for measuring progress.
- To validate the findings of a needs-assessment mission.
- To support a request for external assistance.
- To make a CSO assessment of parliament.
- To promote gender sensitivity in parliament.

NDI also identifies several uses for their questionnaire similar to the above: as a **diagnostic tool** to help identify priorities for legislative strengthening work (a point worth noting for donors); as an **advocacy** tool to support parliamentary reform; and as the **basis for dialogue** between parliamentarians and civil society representatives.⁴⁶

Peer review mechanisms may also find these types of standards or benchmarks helpful, as evidenced by the South Africa case study, in which the assessment of parliament, which drew on the work of IPU and WBI among others, was originally conceived as part of Parliament’s engagement with South Africa’s African Peer Review Mechanism (APRM) process.

Emerging methodologies for use

The different frameworks allow for a great deal of flexibility in how they are used. This is a strength in that it allows for parliaments to adapt the frameworks to their specific needs. However, as the frameworks have begun to be applied at the country level it has become apparent that there is a need for additional guidance in terms of methodology. Given the newness of this work, there are few national case studies to date, and, as the frameworks have been applied differently in different countries it is difficult at this stage to draw strong comparisons or lessons learned. Moreover, even where parliaments have used one of the assessment frameworks, and made recommendations for reform, we have yet to see whether or how they will follow-up on and implement their recommendations over time.

⁴⁶ NDI (2009) [*Survey on the Gaps between Parliamentary Power and Practice Experiences in Colombia, Guatemala, Peru and Serbia*](#), note prepared for the Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009, p. 2

While they have been developed to be as universally relevant as possible, the different benchmarks and standards are seen as a starting point that may need refinement and adaptation at the regional level. Depending on the country using them and that country's particular practices, some may be more relevant than others. Similarly the IPU's toolkit has been designed as a generic document that can be used in many circumstances, however depending on the country using it some questions may be more or less relevant and need to be amended.

The IPU has arguably gone furthest in developing a methodology, which again is based on International IDEA's State of Democracy methodology. Section II of the IPU toolkit itself contains suggestions on how to use the toolkit in terms of how to initiate a self-assessment; potential participants in the process; the questions; the use of facilitators; setting a timeframe for the self-assessment; additional sources of data; ways to document the process; expected outcomes; and issues around publicity.

Based on initial experiences with countries using the toolkit the IPU has gone on to develop *Carrying out a self-assessment: preparation note for parliaments*. The note identifies nine steps for carrying out a self-assessment which could easily be applied to a benchmarking exercise:

1. **Identify the purpose (and expected outcomes) of a self-assessment** (based on the entry points identified above).
2. **Identify a focal point** (the person responsible for the self assessment within the parliament).
3. **Decide who will participate in the self-assessment** (typical options include mandating an existing parliamentary structure such as a House/Business/Modernization Committee); setting up an ad hoc committee responsible for carrying out the self assessment; or inviting all members to participate in a self-assessment seminar. It is important that the broadest possible array of perspectives be reflected and that in the case of bicameral parliaments that both chambers participate in the self assessment together).
4. **Review the questions in the toolkit** (in case questions need to be adapted to the parliament's context or additional questions need to be added).
5. **Distribute the toolkit to participants** (as far in advance as possible so that participants have time to read through the questions and prepare answers or points for discussion).
6. **Answer the questions in the toolkit**
7. **Analyze the responses** (seeking to draw out recommendations to address challenges identified during the discussion).
8. **Prepare the report** (the report may be prepared in house or by an outside facilitator and sent to parliament for review and approval. It should include a summary of the process, conclusions and recommendations).
9. **Follow-up** (parliament should identify how to follow-up on the recommendations depending on the context and purpose of the self-assessment).

The CPA has also prepared a new guidance note in 2009.⁴⁷ The "Benchmarks" are phrased as standards rather than as questions and no system to code/categorize responses to these benchmarks is provided

⁴⁷ CPA (2009), *CPA Benchmarks for Democratic Legislatures Self-Assessment Guidance Note*, London, CPA, p. 3. The APF has not developed similar suggestions although this may be considered as part of their discussion on follow-up. The consultants working on the draft SADC PF Benchmarks wrote a short draft note on *Steps Needed to Adopt and Realise SADC Benchmarks for Democratic Parliaments*, but as the benchmarks have yet to be adopted no firm decisions have been taken on follow-up or methodologies for national application.

in the benchmarks document itself. However the note explains that a "Benchmarks" self-assessment could be conducted at several levels:

- At the most basic, determining whether the parliament or legislature is able to "tick the box" on each of the 87 standards (in this case, if Parliament is not able to "tick-the-box" additional discussion is recommended).
- Assessing how well it meets each one, such as by rating it on a scale of 1 to 5; or
- Devising another method of scoring, such as by setting top scores higher in areas considered more important than others.

The note also provides suggestions for the composition of a benchmarks self-assessment panel – Presiding Officers, government and opposition Members, and Clerks/Secretaries and/or other officials – and notes that the panel may have added credibility if it includes some respected and knowledgeable external assessors, such as judges, senior civil servants, lawyers, academics or former Members or officials.

As noted earlier, NDI has developed a separate questionnaire based on 25 of the standards they identified. For each of these 25 issues, the questionnaire contains two related statements - a Part A statement that has to do with the formal powers of the legislature and a Part B statement that relates to whether the power is used in practice. Participants in the survey are asked to respond to each statement by indicating whether they strongly agree, agree, disagree, or strongly disagree with each of these 25 two-part statements. Participants may indicate that they are unaware of the issue or that the issue is not applicable to their Parliament. The survey is designed to be administered to three groups: parliamentarians, parliamentary staff, and representatives of civil society. Their perceptions are then compared. NDI may also disaggregate survey responses by gender or by other factors such as length of service in Parliament.

In practice so far, NDI has mainly administered the survey as part of multi-day training sessions, with surveys being collected on the first day of the workshop and preliminary analysis of the results being presented on the second and third day. While this approach may limit the sample size, NDI notes that participants have generally found the initial anecdotal data from the surveys useful for launching discussions around potential explanations for the survey results. The survey typically takes each participant 15 to 20 minutes to complete, although in some cases NDI has used a guided interview methodology to administer the survey.

NDI continues to look at refining the survey too and its methodology by:

- Strengthening the statistical analysis of the survey results.
- Re-evaluating whether the 25 issues examined in the survey tool are the most useful.
- Retaining the general approach and methodology, but refining the issues examined in the survey to meet the specific needs and issues facing a specific Parliament.⁴⁸

⁴⁸ NDI (2009) [*Survey on the Gaps between Parliamentary Power and Practice Experiences in Colombia, Guatemala, Peru and Serbia*](#), note prepared for the Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009, p. 3

Examples of Experiences at the National/State Level

The Parliaments of Sierra Leone and Rwanda have used the IPU toolkit to bring fresh perspectives into their strategic planning exercises, while the Cambodian Senate used the IPU toolkit as part of its view for their 10 year anniversary. A Pakistani think tank, the Pakistan Institute of Legislative Development and Transparency (PILDAT), used the IPU toolkit in partnership with Parliament of Pakistan to carry out an NGO assessment of Parliament. The parliaments of Ireland and Andorra are currently using the toolkit to assess elements of their performance. The assessment of parliament by an independent panel in South Africa included elements of the IPU toolkit and the parliament's research unit also prepared a paper on measuring parliamentary performance, which looked examples from the work of the IPU, the Parliamentary Centre and WBI, and the CPA. Finally, the toolkit has also been tested with parliamentary administrations in Sri Lanka and Algeria.

CPA requested that its Members volunteer to "test" the benchmarks and report back. The first parliament to do so was the ACT Legislative Assembly, a state parliament in Australia, in summer of 2008. Since then Canada has also undertaken a benchmarks self-assessment. As part of the lead up to the Pacific Regional Benchmarks Meeting during the Forum Presiding Officers and Clerks (FPOC) Annual Meeting, the parliaments of Kiribati, Nauru, Niue, and Tuvalu also undertook benchmarking exercises with the support of the UNDP Pacific Centre. Staff from the Parliament of South Australia prepared a benchmarking exercise, and staff from the Federal Parliament of Australia applied the IPU toolkit in order to contribute to discussions during a *Workshop on Benchmarking of Parliamentary Performance* for the New Zealand Parliament and the Australian Federal and State Parliaments.

NDI piloted their questionnaire in Bosnia-Herzegovina in 2008, and, following revisions, administered it in Colombia, Guatemala, Peru, and Serbia in 2009.

While there is not room to look at all of these case studies fully, snapshots of a selection of cases are presented below, several of which were discussed at the IPU meeting in Geneva in October.

Cambodia

The Cambodian Senate undertook a self-assessment exercise from late April to mid-October 2009.⁴⁹ As a first step, the Cambodian Senate's Standing Committee established an *ad hoc* commission comprised of the Chairpersons of the nine specialized commissions (and representing all political parties), Directors of all Departments, and experienced officials to oversee their self-assessment. The *ad hoc* commission included a Chair, Vice Chair and one Secretary. Two working groups were formed; Group 1 was in charge of studying and answering questions from sections 1 to 3 of the IPU toolkit and Group 2 was in charge of sections 4 to 6. Senators and senior officials actively participated, despite concerns as to whether or not the evaluation should be public. The working groups' responses to the toolkit questions were submitted to the *ad hoc* commission for further review and improvement. The *ad hoc* commission organized a three-day seminar attended by senators, parliamentary staff from the Secretariat General, and

⁴⁹ For more information see Sarith, O. (2009), [*Evaluating Parliament: objective, methods, results and impact, Senate of the Kingdom of Cambodia*](#), case study prepared for the IPU/ASGP Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009

international development partners to seek further recommendations. The results were then submitted to the Standing Committee for final approval.

The *ad hoc* commission and the working groups identified weak points to be addressed and developed a series of fifteen recommendations for reform for both the Senate and the Secretariat General. For example, they recommended that the Senate organize visits and public consultations in the local commune/sangkat to collect data and opinions on new law requirements and on the impact of existing laws. Recommendations for Senate commissions included that commissions devise clear and accurate work plans. The Secretary-General was called upon to increase the Senate's capacity by updating the strategic framework and plan of action and continuing to seek assistance from other parliaments and development partners.

The Cambodian Senate sees these recommendations as a first step. In the medium and longer term, the *ad hoc* commission noted that it would have to continue its research on legal provisions and procedures stated in the Constitution, internal regulations, Senate election laws, the statutes of Senators, and rules, duties and competencies of the specialized commissions and the Secretary-General. The *ad hoc* commission also plans to study standards and parliamentary procedures regionally and globally.

Rwanda

The Rwandan Parliament approached the IPU in 2008 to facilitate a self-assessment exercise as part of the parliament's review of its 2006-2010 Strategic Plan.⁵⁰ As the parliament is bicameral the self-assessment was done in two stages, with the Senate in December 2008 and the Chamber of Deputies in March 2009. The timing of the self-assessment fell around the middle of implementation of the Strategic Plan and followed on from the 2008 elections for the Chamber of Deputies, which led to a turnover of just over 50% of its Members.

The objectives of the self-assessment were defined as identifying the parliament's strengths and weaknesses in the key strategic orientations; ways to strengthen performance; and ways to incorporate these elements in Parliament's Strategic Plan.⁵¹ The process was slightly different for each chamber but both went through the same five stages:

1. **Appointment of an ad hoc committee** to serve as the principal focus for the self-assessment exercise. Seven Members were nominated but not all participated;
2. **Half a day for the ad hoc committees to examine, amend and adapt the generic questions** in the IPU toolkit in relation to the Rwandan context.
3. **Distribution of the amended questions to Senators and Members.** In the case of the Senate the Chair of the ad hoc committee also convened a plenary session with the 26 Senators to explain the document with the facilitator before asking them to fill in the toolkit questionnaire. The Chamber of Deputies confined the use of the toolkit to the Members of the ad hoc committee, thus limiting the representativeness of the sample.

⁵⁰ For more information see Power, G. (2009), [*The Rwandan Parliament's Self-Assessment Exercise: Insights and Issues*](#), Geneva, IPU

⁵¹ The Strategic Plan has six strategic orientations: improving the legislative process; strengthening oversight; effective supervision of the fundamental principles of the constitution; promoting parliamentary diplomacy and dialogue; and developing parliament's administrative capacity. Ibid, p. 3

4. **Collation and analysis of results.**
5. **Deliberation, discussion and recommendations** by the ad hoc committees and applying these insights to the operation and delivery of the Strategic Plan.⁵²

The Rwandan Parliament identified four key issues or themes that are likely to be of interest to other parliaments, and made recommendations related to all four:

1. Recruiting, training and retaining parliamentary staff.
2. Ensuring that parliamentary procedures are understood and used by politicians (or “closing the gap between having and using powers”).
3. Measures to strengthen Parliament that do require the change of rules (for example, better scrutiny by committees of implementation of legislation).
4. Monitoring and implementation of the Strategic Plan (for example, regular progress reviews or reports by the parliamentary Bureau in conjunction with the Secretary-General).⁵³

Pakistan

In 2008, a prominent Pakistani think tank, PILDAT, undertook an evaluation of the National Assembly of Pakistan using the IPU self-assessment toolkit. PILDAT initiated the evaluation process by taking Assembly leadership into confidence and requesting the parliamentarians be part of the evaluation group. The 20 member evaluation group included 14 parliamentarians from five political parties, two veteran parliamentary reporters, three senior academics, two senior journalists, two lawyers, one former military commander, and two PILDAT staff.⁵⁴ The evaluation group looked at each of the six categories in the IPU self-assessment toolkit and noted an overall score for each section, as well as the weakest and strongest aspects within each section. Based on these results, they then made 11 recommendations:

1. Make it possible for a person of average means to be elected to the parliament.
2. Make the Parliament’s role in the budget process effective.
3. Let Parliament have a role in scrutinizing key appointments.
4. Provide adequate and non-partisan research service in the Parliament.
5. Institute systematic and transparent procedures for consulting citizens groups and experts while framing laws.
6. Attract young people to the working of the National Assembly.
7. Involve the public in the legislative process.
8. Institute transparent and robust procedures and mechanisms to prevent conflicts of financial and other interest in the conduct of parliamentary business.
9. Establish a system of adequate oversight over funding of candidates and parties during and after elections.
10. Set up a system to monitor and review levels of public confidence in Parliament.

⁵² Ibid, pp 9-10

⁵³ Ibid, p. 2

⁵⁴ Karim Kundi, F, (2009), *Evaluation of the National Assembly of Pakistan*, case study prepared for the IPU/ASGP Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009

11. Standing Committee on Foreign Affairs should adopt a proactive role in formulating, shaping, and overseeing the foreign-policy.⁵⁵

Australian Capital Territory (ACT)

The ACT Legislative Assembly was the first to “test” the CPA Benchmarks with the goal of gauging the Assembly’s performance against them and providing analysis as to where the ACT’s form of governance could be improved. The results were presented by Speaker Wayne Berry, MLA, in a paper for the 39th *Presiding Officers and Clerks Conference* in Adelaide in July 2008.

The Assembly was found not to fully meet the spirit and/or the letter of seven benchmarks (6.1.2; 2.5.2; 3.1.2; 5.1.2; 5.4.3; 7.2.2; and 2.6.1) and the paper provides an in-depth discussion of all seven, as well as an Appendix with a full list of the relevant benchmarks and the Assembly’s performance against them. The main conclusion of the exercise is that the ACT Legislative Assembly performs to a high standard against the benchmarks, but that there is still room for improvement. The area noted for immediate attention and potential reform was benchmark 6.1.2 concerning the legislature’s control over its own budget. It was the Speaker’s view that “should the ACT be able to implement changes that provide greater control for the legislature in determining its budget, the Assembly would substantially improve its democratic credentials and give more fulsome expression to the separation of powers doctrine.”⁵⁶

Canada

The Canadian Parliament undertook a benchmarks self-assessment following a request by the CPA in December 2008. The assessment was conducted by representatives from the strategic and corporate planning offices of Canada's Senate and House of Commons, along with subject area experts and procedural officers. They devised a five-point ranking scheme with a score of five indicating that the benchmark was fully met and a score of one indicating that the benchmark was not met and that there were no plans to meet this benchmark in the future. Scores in-between one and five reflected different degrees of compliance and/or plans for compliance. In some cases they also provided an explanation of the rankings. These notes were particularly helpful in explaining why and how the Senate and the House of Commons may rank differently on the same benchmark.

The assessment demonstrated the gap between powers and practice in several cases (and why simply “ticking the box” may not be sufficient). For example, the Canadian Parliament cannot override an executive veto (CPA Benchmark 6.2.2) as technically the Crown has supreme veto powers. However in practice the Crown’s veto power is never exercised. On the other hand, certain benchmarks recommended rules of procedure not in place in Canada but which are nonetheless followed in practice. In several cases, the measures prescribed by benchmark were not the responsibility of Canada's Parliament but rather of other organizations or federal agencies. It was therefore important to explain

⁵⁵ PILDAT (2009), *State of Democracy in Pakistan: Evaluation of Parliament 2008-2009*, Islamabad, PILDAT

⁵⁶ Berry, W. (2008), *Rating the ACT Legislative Assembly against CPA benchmarks for Democratic Legislatures – is A minus good enough?*, paper prepared for the 39th presiding officers and clerks conference, Adelaide, ACT Legislative Assembly, p. 8

that although the Parliament is not the body responsible for achieving the goals of those benchmarks, the values underpinning the benchmark may still be accomplished by other means.

The assessment allowed the Canadian Parliament to engage in thoughtful reflection on how it works – “an activity that is not always prioritized amidst the demands of its daily business”. They believe that the opportunity to compare Canadian practices with international standards will provide a useful starting point for any future reforms. While no specific reforms to parliamentary practice are currently envisaged, the results of the assessment have, for example, been provided to the Senate’s Committee on Rules, Procedures and the Rights of Parliament.⁵⁷

Colombia

NDI staff administered its standards-based questionnaire in Colombia using a guided one-on-one interview methodology.⁵⁸ A total of 29 participants – 24 legislators, 11 parliamentary staff, and four CSO representatives – responded in Colombia. NDI staff attempted to select the most representative sample possible, including all parties to ensure that the opinion of each was represented. As Colombia is bicameral, NDI chose to test the questionnaire with Members of the Chamber of Representatives or lower house, as they have primary budget authority. NDI also made an effort to ensure participation of women in all three participant groups.

Initial results suggest the following:

1. Perceptions of legislative power were relatively constant across the three target groups, but perceptions of legislative performance varied widely.
2. While all target groups found a gap between the power and practice of the legislature, CSO representatives perceive this gap as much wider than do legislators and legislative staff.
3. The gaps in perceptions of the three target groups also vary significantly depending on the legislative functions covered in the 25 two-part statements on power and practice.

In Colombia the questionnaire revealed significant gaps between perceived power practice in several areas, for example whether committees of the legislature have the power to summon materials and witnesses from the executive and whether they do so in practice (Statements 7a and 7b). There was also significant convergence of responses with respect to the budget review process, for example 75% of legislators and CSO representatives agreed that the legislature has the power to amend the national budget before approving it, but only 50% agreed that it has actually done so.⁵⁹

In the coming months NDI plans to share significant findings from the questionnaire with partners at the country level in the hope that the data will both contribute to dialogue among the target groups and support coordinated efforts to strengthen the functioning of the legislature. It is anticipated that the data will also be helpful to NDI field staff in their legislative strengthening efforts. For example, as NDI

⁵⁷ Oliver, D. (2009), *Speaking Notes*, case study on Canada’s use of the CPA Benchmarks prepared for the IPU/ASGP Conference on Evaluating Parliament, Objectives, Methods and Results, Geneva, October 2009, p. 6

⁵⁸ Some legislative staff and CSO representatives were permitted to fill out the questionnaire individually if field staff believed that they would be more likely to present their true views while on their own.

⁵⁹ NDI (2009) *Final Report: Questionnaire on International Standards for the Functioning of Democratic Legislatures*, unpublished grant report prepared for WBI, p. 16

staff in Colombia works closely with party caucuses, they are particularly interested in seeing and sharing the data from statements 22 through 25.⁶⁰

CONCLUSIONS

It is critical that parliaments and parliamentarians be engaged in identifying the criteria that they feel are important to a democratic parliament. Over the past few years, several inter-parliamentary organizations representing tens of thousands of parliamentarians worldwide, and their partners, have undertaken a significant programme work in developing assessment frameworks for democratic parliaments. All of the tools look to some degree at legislatures' core functions, that is their representative, legislative, and oversight functions. All place great emphasis on accountability, participation, openness, and transparency. As such, there is significant overlap between the different frameworks in terms of content, particularly between the different versions of the standards/benchmarks/criteria. The Annex to this publication allows readers for the first time to see in a simple and practical way, the broad areas of consensus among the major frameworks in existence today.

As with elections, there may never be one, universally agreed upon set of standards and consensus building is expected to be a long term-process. While supporting a pluralistic approach, the different organizations involved are nevertheless already working in a coordinated, mutually reinforcing manner, and initial feedback at the regional level affirms the frameworks' relevance. Ideally, further regional inter-parliamentary organizations and associations will add their voice to the debate. Just as legislatures are continuously evolving, standards will likely evolve and presumably rise. Indeed, while some parliaments may find the current standards difficult to meet, others see them as not going far enough. In future, some inter-parliamentary organizations may even choose to develop more aspirational benchmarks.

⁶⁰ NDI questionnaire statements 22-25 are the following (reproduced from the questionnaire, pp 9-10):

22a. Formal Power

Legally, legislators may form party caucuses/groups and the rights and responsibilities of those caucuses/groups in the legislature are clearly defined.

22b. Practice

In practice, legislators have formed party caucuses/groups and the rights and responsibilities of those caucuses/groups in the legislature are clearly defined.

23a. Formal Power

Legally, the legislature should provide adequate resources and facilities for party caucuses/groups.

23b. Practice

In practice, party caucuses/groups have adequate resources and facilities.

24a. Formal Power

Legally, party caucuses/groups have control over the selection process, and hiring and dismissal of their own staff.

24b. Practice

In practice, party caucuses/groups control the selection process, and hiring and dismissal of their own staff.

25a. Formal Power

Legally, a legislator may leave his/her party caucus/group and at the same time maintain his/her seat in the legislature.

25b. Practice

In practice, a legislator has left his/her party caucus/group and maintained his/her seat in the legislature.

The frameworks have been designed to be used by parliaments or parliamentarians themselves, but they may also serve parliamentary staff, civil society groups, and practitioners and donors providing support to parliaments. Their use is voluntary – not imposed and they are not an attempt to rank parliaments.

Parliaments should not be discouraged if they do not meet a specific benchmark, rather they should take the opportunity to debate the principle behind the benchmark, the relevance of the benchmark to their specific context, and whether they would benefit from changes that would allow them to meet the benchmark in question.

Parliaments are just beginning to test or apply the different frameworks and to provide feedback on their experiences. Only as the frameworks become more widely used, will they truly be owned by parliaments themselves. And it is only through their use by parliaments that we will be able to validate their relevance and applicability, and draw lessons for modification or adaptation. This is extremely important given the competing demands on parliaments. In addition, the strength of individual benchmarking or self-assessment exercises lies in the willingness of a given parliament and its Members to engage with the issues. Assessments that are part of a larger process of relevance to the parliament, where the results are followed-up, are preferable to one-off exercises.

It is important that donor support to parliaments reflects a shared international consensus on the nature of democratic parliaments – rather than donors consciously or unconsciously seeking to mold parliaments in programme countries in their own image. The work on benchmarking and self-assessment has been followed closely by donors in coordination meetings on parliamentary development. The challenge today is to operationalize the existing frameworks in a coordinated fashion to undertake needs assessments, establish baselines, and more effectively design (and perhaps evaluate) parliamentary strengthening programmes. Questions remain as to what extent donors will take the performance of parliaments against democratic criteria into account when designing their assistance programmes, and whether they will consider the critical role of parliaments from the outset within their broader assistance packages. The donor community is encouraged to support parliaments where requested when seeking to strengthen their performance against international norms and benchmarks, as well as further research in this area. That being said, the standards or benchmarks are not focused on developing country parliaments – any developed country parliaments will fail to meet some of the standards too (for example, control over their own budget).

It is hoped that the March 2010 International Conference on Benchmarking and Self- Assessment for Democratic Parliaments will reinforce this work by exposing it to new actors, drawing lessons of experiences from the first parliaments to have used these frameworks, and allowing participants to reflect further on areas of consensus and a joint vision for how to move forward.

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ANNEX ONE: Comparative Table of the CPA Benchmarks/NDI Standards/APF Criteria⁶¹

⁶¹ In their original language.

CPA Benchmarks

NDI Standards

APF Critères

CPA Benchmarks	NDI Standards	APF Critères
		1.1.1 La Constitution de l'État doit comprendre les règles de base concernant les élections et le statut des parlementaires.
1.1.1 Members of the popularly elected or only house shall be elected by direct universal and equal suffrage in a free and secret ballot.	1.1.1 Members of the popularly elected or only house shall be directly elected through universal and equal suffrage in a free and secret ballot.	1.1.2 Les parlementaires doivent être élus au suffrage universel lors d'élections libres, fiables, transparentes et conformes aux normes internationales et nationales. Cependant, les secondes chambres peuvent être régies par des règles particulières prévues par la Constitution ou les lois propres à chaque pays.
1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.	1.1.2 Legislative elections shall meet international standards for genuine and transparent elections.	See above, APF 1.1.2
1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.	1.1.3 Term lengths for members of the popular house shall reflect the need for accountability through regular and periodic legislative elections.	1.1.3 Les élections doivent être tenues à intervalles réguliers. La législature doit être limitée dans le temps et, à son terme, donner lieu à de nouvelles élections.
		1.1.4 Les élections doivent se dérouler sans aucune entrave ni aucune atteinte à la liberté, à l'intégrité physique, à la liberté d'opinion et d'expression, à la liberté de réunion et de manifestation et à la liberté d'association de tout électeur et de tout candidat.
		1.1.5 L'organisation et la gestion des élections, depuis les opérations préparatoires et la campagne électorale, jusqu'au dépouillement des votes et la proclamation des résultats, doivent être confiées à des instances dotées de prérogatives leur permettant d'effectuer un contrôle rigoureux du processus électoral, de garantir la loyauté du scrutin et la pleine participation des citoyens à ce dernier et d'assurer le traitement égal des candidats tout au long des opérations électorales.
		1.1.6 Tous les partis politiques légalement constitués doivent pouvoir participer à l'ensemble des étapes du processus électoral, dans le respect des principes démocratiques consacrés par les textes fondamentaux et les institutions.
		1.1.7 La gestion du contentieux électoral doit être assurée par une autorité juridictionnelle indépendante et impartiale.
1.2.1 Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or disability.	1.2.1 Restrictions on candidate eligibility shall not be based on religion, gender, ethnicity, race or physical ability.	1.2.1 L'inéligibilité d'un candidat ne doit pas dépendre du genre, de la race, de la langue, de la religion, de la situation économique, d'un handicap physique ou de considérations relevant du respect de sa vie privée.
1.2.2 Special measures to encourage the political participation of marginalized groups shall be narrowly drawn to accomplish precisely defined, and time-limited, objectives.	1.2.2 Measures of positive discrimination used to encourage the political participation of marginalized groups shall be narrowly drawn to accomplish precisely defined and limited objectives.	1.2.2 Nonobstant les dispositions de l'article précédent, la représentation de la diversité nationale ou régionale et de ses composantes peut être assurée par le biais de procédures spécifiques.
1.3.1 No elected member shall be required to take a religious oath against his or her conscience in order to take his or her seat in the legislature.	1.2.3 No elected member shall be required to take a religious oath against his/her conscience in order to take his/her seat in the legislature.	1.3.1.1 Pour siéger au Parlement, un élu ne peut être tenu de se soumettre à un serment religieux allant à l'encontre de sa conscience.
1.3.2 In a bicameral legislature, a legislator may not be a member of both houses.	1.3.1 In a bicameral legislature, a legislator may not be a member of both houses.	1.3.1.2 Dans un parlement bicaméral, un parlementaire ne peut pas être simultanément membre des deux chambres.
		1.3.1.3 Les incompatibilités parlementaires doivent être définies par la loi.

		1.3.1.4 Le contrôle et la sanction des incompatibilités doivent faire l'objet d'une procédure particulière.
1.3.3 A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch.	1.3.2 A legislator may not simultaneously serve in the judicial branch or as a civil servant of the executive branch, except in limited instances involving front-line delivery of public services.	
1.4.1 Legislators shall have immunity for anything said in the course of the proceedings of legislature.	1.4.1 Legislators shall have immunity for speech conducted during the exercise of their duties; former legislators shall never be liable for speech conducted during the exercise of their duties as a legislator.	1.3.2.2 Un parlementaire ne peut être poursuivi, recherché, arrêté, détenu, jugé ni emprisonné en raison des opinions exprimées, par oral ou par écrit devant le parlement, ni des votes émis dans l'exercice de ses fonctions.
1.4.2 Parliamentary immunity shall not extend beyond the term of office; but a former legislator shall continue to enjoy protection for his or her term of office.	1.4.2 Parliamentary immunity shall not be used to place legislators above the law and shall not extend beyond their term of office, though a former legislator shall continue to enjoy protection for his/her term of office.	1.3.2.3 L'immunité parlementaire est liée à la durée du mandat.
1.4.3 The executive branch shall have no right or power to lift the immunity of a legislator.	1.4.3 Only an act or vote of the legislature can lift parliamentary privilege and the immunity of a legislator. The executive branch shall have no right or power to lift the immunity of a legislator.	1.3.2.4 La décision de la levée de l'immunité d'un parlementaire est du ressort exclusif du Parlement.
	1.4.4 After the legislature votes to lift the immunity of a legislator, it has no power to mandate changes to or otherwise affect proceedings involving the legislator before other branches of government.	
1.4.4 Legislators must be able to carry out their legislative and constitutional functions in accordance with the constitution, free from interference.		1.3.2.1 Tout parlementaire doit pouvoir exercer son mandat librement et à l'abri de toute influence ou pression indue.
1.5.1 The legislature shall provide proper remuneration and reimbursement of parliamentary expenses to legislators for their service, and all forms of compensation shall be allocated on a non-partisan basis.	1.5.1 The legislature shall provide all legislators with fair remuneration and adequate physical infrastructure, and all forms of remuneration and infrastructure shall be allocated on a non-partisan basis.	1.4.1.1 Le Parlement doit fournir aux parlementaires une rémunération appropriée et certains avantages matériels facilitant l'accomplissement de leur mandat ainsi qu'un remboursement des dépenses encourues dans le cadre de leurs fonctions. 1.4.1.2 Toute forme de compensation versée au parlementaire par le Parlement doit être allouée de façon transparente sur la base des fonctions exercées.
1.6.1 Legislators shall have the right to resign their seats.	1.6.1 Legislators shall have the right to resign their positions.	
1.7.1 The legislature shall have adequate physical infrastructure to enable members and staff to fulfill their responsibilities.		3.4.1.1 Le Parlement doit bénéficier d'infrastructures physiques et matérielles appropriées afin que ses membres puissent accomplir leur mandat dans des conditions satisfaisantes.
2.1.1 Only the legislature may adopt and amend its rules of procedure.	2.1.1 Only the legislature may adopt and amend its rules of procedure.	2.1.1.1 Tout Parlement – ou, si tel est le cas, chacune des chambres qui le composent – doit rédiger, adopter et amender son règlement.
		2.1.1.2 Le règlement du Parlement – ou, si tel est le cas, de chacune des chambres qui le composent – doit être conforme à la Constitution.
		2.1.1.3 Le Parlement doit prendre des mesures significatives visant à établir et préserver une proportion équilibrée de femmes et d'hommes dans ses différentes instances à tous les niveaux de responsabilité.
2.2.1 The legislature shall select or elect presiding officers pursuant to criteria and procedures clearly defined in the rules of procedure.	2.6.1 The legislature shall elect or select presiding officers and members of a steering body pursuant to criteria and procedures clearly defined in the rules of procedure.	2.1.2.1 Le Parlement – ou, si tel est le cas, chacune des chambres qui le composent – doit désigner un président et au moins un vice-président selon les modalités définies dans son règlement.

2.3.1 The legislature shall meet regularly, at intervals sufficient to fulfill its responsibilities.	2.2.1 The legislature shall meet regularly, at intervals sufficient to fulfill its responsibilities.	2.1.3.1 Les sessions parlementaires doivent se tenir à des intervalles suffisamment réguliers pour permettre au Parlement de s'acquitter de façon appropriée de ses responsabilités.
2.3.2 The legislature shall have procedures for calling itself into regular session.		See below APF 2.1.3.2
2.3.3 The legislature shall have procedures for calling itself into extraordinary or special session.	2.2.2 The legislature shall have and follow procedures for calling itself into extraordinary or special session.	2.1.3.2 Le Parlement doit élaborer des règles de procédure encadrant la tenue d'une session ordinaire ou extraordinaire.
2.3.4 Provisions for the executive branch to convene a special session of the legislature shall be clearly specified.	2.2.3 Provisions for the executive branch to convene a special session of the legislature shall be clearly specified.	2.1.3.5 Les conditions permettant à l'exécutif ou à une partie des membres du Parlement de réunir le Parlement doivent être clairement établies.
		2.1.4.1 L'organisation des séances publiques doit prévoir le temps nécessaire à l'examen des affaires inscrites à l'ordre du jour du Parlement.
		2.1.4.2 L'organisation des séances publiques doit, dans la mesure du possible, éviter d'interférer avec les réunions d'autres organes du Parlement.
2.4.1 Legislators shall have the right to vote to amend the proposed agenda for debate.	2.3.1 Legislators shall have the right to vote to amend the proposed agenda for debate.	2.1.5.1 Le Parlement doit pouvoir intervenir dans l'établissement de son ordre du jour et du temps affecté à chacun des points examinés.
		2.1.5.2 L'établissement de l'ordre du jour doit être confié à une instance parlementaire.
2.4.2 Legislators in the lower or only House shall have the right to initiate legislation and to offer amendments to proposed legislation.	2.3.2 Legislators in the lower or popularly elected chamber shall have the right to initiate legislation and to offer amendments to proposed legislation.	2.1.5.6 Les membres du Parlement ou de la chambre composée de parlementaires élus doivent pouvoir déposer des propositions de loi ainsi que des amendements.
2.4.3 The Legislature shall give legislators adequate advance notice of session meetings and the agenda for the meeting.	2.3.3 The legislature shall give legislators and citizens adequate advance notice of session meetings and the agenda for the meeting.	2.1.5.3 Le Parlement doit informer suffisamment à l'avance les parlementaires de ses réunions ainsi que de leur ordre du jour.
		2.1.5.4 Un calendrier du travail législatif doit être établi afin de permettre une prévisibilité de ce travail.
		2.1.5.5 L'ordre du jour doit faire en sorte que les projets et propositions de loi soient examinés dans un délai raisonnable et doit permettre aux parlementaires de débattre utilement des projets et des propositions de loi.
2.5.1 The Legislature shall establish and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by Members.	2.4.1 The legislature shall create and follow clear procedures for structuring debate and determining the order of precedence of motions tabled by members.	2.2.5.1 Le Parlement doit établir et suivre des procédures claires structurant le déroulement des débats parlementaires et doit déterminer l'ordre de priorité des motions déposées par ses membres.
2.5.2 The Legislature shall provide adequate opportunity for legislators to debate bills prior to a vote.	2.4.2 The legislature shall provide meaningful opportunity for legislators to publicly debate bills prior to a vote.	2.2.5.2 Le Parlement doit fournir à ses membres des opportunités de débattre des projets et propositions de loi avant de procéder à leur vote.
2.6.1 Plenary votes in the Legislature shall be public.	2.5.1 There shall be a presumption that votes in the legislature shall be public; the legislature shall publicly codify any exceptions to the presumption and give advance notice before a non-public vote.	2.2.6.1 Sauf exception clairement explicitée, les votes en séance plénière doivent être publics.
		2.2.7.4 Les débats sur les projets et propositions de loi doivent être ouverts au public.
		4.1.2.2 Les séances plénières du Parlement doivent être publiques
2.6.2 Members in a minority on a vote shall be able to demand a recorded vote.	2.5.2 The legislature shall establish and follow procedures for a minority of legislators to demand that a recorded method of voting be used.	
2.6.3 Only legislators may vote on issues before the Legislature.	2.5.3 Only legislators shall have a vote on issues before the legislature.	2.2.6.2 Seuls les parlementaires peuvent voter au Parlement.
		2.2.6.3 Le vote doit revêtir un caractère personnel et non impératif.

		2.2.6.4 Sauf dérogation clairement prévue par la loi, la délégation du droit de vote doit être proscrite.
2.7.1 The Legislature shall maintain and publish readily accessible records of its proceedings.	5.4.2 The legislature shall maintain a central depository for records of daily proceedings and votes that can be readily accessed by legislators, staff, and citizens.	2.2.7.3 L'information concernant la législation doit être non seulement assurée à l'ensemble des parlementaires, mais également rendue disponible aux citoyens.
3.1.1 The Legislature shall have the right to form permanent and temporary committees.	3.1.1 The legislature shall have the right to form permanent and temporary committees.	2.4.1.1 Le règlement du Parlement doit prévoir la possibilité de constituer des commissions permanentes ou temporaires.
		2.4.1.3 Le déroulement des travaux ainsi que les procédures de vote doivent être conformes au règlement du Parlement.
		2.4.1.4 Le règlement du Parlement doit prévoir avec précision la saisine et la composition des commissions.
		2.4.1.5 Les compétences des commissions doivent être clairement définies afin d'éviter tout conflit de compétence.
3.1.2 The Legislature's assignment of committee Members on each committee shall include both majority and minority party Members and reflect the political composition of the Legislature.	3.1.2 The legislature's assignment of committee seats shall reflect the political party composition of the legislature and shall include both majority and minority party members.	2.4.2.1 La composition des commissions doit refléter le plus fidèlement possible la composition du Parlement et notamment tenir compte du genre.
3.1.3 The Legislature shall establish and follow a transparent method for selecting or electing the chairs of committees.	3.1.3 The legislature shall establish and follow a transparent method for electing or selecting the chairs of committees.	2.4.2.2 Une commission doit choisir ou élire un président et au moins un vice-président conformément au mécanisme défini dans le règlement du Parlement.
3.1.4 Committee hearings shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.	3.1.4 There shall be a presumption that committee hearings are open to the general public; the legislature shall publicly codify any exceptions to the presumption and give advance notice before a non-public committee meeting.	2.4.1.2 Lorsque le règlement du Parlement le prévoit, les séances d'une commission doivent se tenir en public. Toute exception à cette règle doit être encadrée et explicitée dans le règlement.
3.1.5 Votes of committee shall be in public. Any exceptions shall be clearly defined and provided for in the rules of procedure.		2.4.1.6 Le règlement du Parlement doit prévoir les conditions dans lesquelles les commissions peuvent s'exprimer en séance publique.
3.2.1 There shall be a presumption that the Legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly-defined, and extraordinary in nature.	3.2.1 There shall be a presumption that the legislature will refer legislation to a committee, and any exceptions must be transparent, narrowly defined and extraordinary in nature.	2.4.3.1 Le Parlement doit renvoyer l'étude d'un projet ou d'une proposition de loi à une commission. Toute exception à cette règle doit être prévue dans son règlement.
3.2.2 Committees shall scrutinize legislation referred to them and have the power to recommend amendments or amend the legislation.	3.2.2 All committees shall have the power to amend legislation.	2.4.3.2 Les commissions examinent les projets ou propositions de loi qui leur sont renvoyés et ont le pouvoir de leur apporter des modifications.
3.2.3 Committees shall have the right to consult and/or employ experts.	3.2.3 All committees shall have the right to consult and/or hire experts.	2.4.2.3 Les commissions doivent pouvoir recourir aux services d'experts.
3.2.4 Committees shall have the power to summon persons, papers and records, and this power shall extend to witnesses and evidence from the executive branch, including officials.	3.2.4 Committees shall have the power of summons to examine persons, papers and records, including witnesses and evidence from the executive branch.	2.4.3.3 Les commissions peuvent procéder à des auditions et se faire communiquer tout document qu'elles jugent utile au bon déroulement de leurs travaux.
3.2.5 Only legislators appointed to the committee, or authorized substitutes, shall have the right to vote in committee.	3.2.5 Only legislators appointed to the committee shall have the right to vote in the committee.	2.4.3.4 Seuls les parlementaires membres d'une commission peuvent participer au vote organisé en son sein.
3.2.6 Legislation shall protect informants and witnesses presenting relevant information to commissions of inquiry about corruption or unlawful activity.	7.1.4 "Whistleblower" protections shall protect informants and witnesses presenting accurate information about corruption or unlawful activity.	2.4.2.4 Les personnes auditionnées par les commissions d'enquête doivent pouvoir bénéficier d'une forme de protection.
4.1.1 The right of freedom of association shall exist for legislators, as for all people.	4.1.1 The right of freedom of association shall exist for legislators, as for all people.	
4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.	4.1.2 Any restrictions on the legality of political parties shall be narrowly drawn in law and shall be consistent with the International Covenant on Civil and Political Rights.	

		3.1.1.1 Le financement public et privé des partis politiques, lorsqu'il existe, doit se faire selon des critères transparents. Une autorité juridictionnelle compétente et indépendante doit en assurer le contrôle. Un accès équitable au financement public doit être assuré.
4.2.1 Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the Legislature, shall be clearly stated in the rules.	4.2.1 Criteria for the formation of parliamentary party groups, and their rights and responsibilities in the legislature, shall be clearly stated in the rules.	3.1.2.2 Les critères définissant la formation d'un groupe parlementaire, ainsi que les droits et les responsabilités de ce dernier dans le Parlement, doivent être clairement édictés dans le règlement du Parlement.
	4.2.2 In a non-party list electoral system, membership of a parliamentary party group shall be voluntary and a legislator shall not lose his/her seat for leaving his/her party group.	
		3.1.2.1 Les groupes parlementaires doivent jouir d'un statut juridique ou d'une autre forme de reconnaissance.
		3.1.2.3 Tous les groupes parlementaires ont le droit d'inscrire des points à l'ordre du jour, de bénéficier d'un temps de parole et de proposer des amendements aux projets de loi.
4.2.2 The Legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.	4.2.3 The legislature shall provide adequate resources and facilities for party groups pursuant to a clear and transparent formula that does not unduly advantage the majority party.	3.1.2.4 Le Parlement doit fournir de manière équitable des ressources adéquates et des infrastructures aux groupes parlementaires.
4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern.	4.3.1 Legislators shall have the right to form interest caucuses around issues of common concern.	
5.1.1 The Legislature shall have an adequate non-partisan professional staff to support its operations including the operations of its committees.		3.2.1.1 La gestion administrative d'un Parlement doit reposer sur un personnel permanent, professionnel, non partisan afin d'apporter un soutien aux opérations des différents services.
5.1.2 The Legislature, rather than the executive branch, shall control the parliamentary service and determine the terms of employment.	5.1.1 The legislature, rather than the executive branch, shall control its staff.	3.2.1.2 Le Parlement doit, indépendamment du pouvoir exécutif, avoir le contrôle des services parlementaires et déterminer les conditions de recrutement et d'emploi de son personnel.
		3.2.1.3 Le personnel des services du Parlement doit faire preuve d'impartialité et faire preuve d'un devoir de réserve dans l'exercice de ses fonctions.
		3.2.1.5 La représentation des femmes doit être assurée à tous les niveaux de la hiérarchie de l'administration parlementaire.
5.1.3 The Legislature shall draw and maintain a clear distinction between partisan and non-partisan staff.	5.1.2 The legislature shall draw and maintain a clear distinction between partisan and non-partisan staff.	3.2.1.4 Le personnel des services du Parlement doit être clairement distingué du personnel politique (personnes au service exclusif d'un parlementaire ou d'un groupe politique et employés par eux).
5.1.4 Members and staff of the Legislature shall have access to sufficient research, library, and ICT facilities.		
5.2.1 The Legislature shall have adequate resources to recruit staff sufficient to fulfil its responsibilities. The rates of pay shall be broadly comparable to those in the public service.	5.2.1 The legislature shall have adequate resources to hire staff sufficient to fulfill its responsibilities. Non-partisan staff shall be recruited and promoted on the basis of merit and equal opportunity.	3.2.2.1 Le Parlement doit disposer des ressources lui permettant de recruter un personnel parlementaire correspondant à ses besoins. 3.2.2.2 L'échelle salariale du personnel parlementaire doit correspondre à celle que l'on retrouve dans la fonction publique d'État.
5.2.2 The Legislature shall not discriminate in its recruitment of staff on the basis of race, ethnicity, religion, gender, disability, or, in the case of non-partisan staff, party affiliation.	5.2.2 The legislature shall not discriminate in its hiring of any staff on the basis of race, ethnicity, religion, gender, or physical ability. Additionally, it shall not discriminate in its hiring of non-partisan staff on the basis of party affiliation.	
5.3.1 Recruitment and promotion of non-partisan staff shall be on the basis of merit and equal opportunity.	See above, NDI 5.2.1	3.2.2.3 Le recrutement et la promotion du personnel des services du Parlement doivent se faire selon un processus de sélection juste et transparent.

5.4.1 The head of the parliamentary service shall have a form of protected status to prevent undue political pressure.	5.3.1 The legislature shall clearly codify the responsibilities of the semi-independent, nonpartisan secretary-general. The secretary general shall be ultimately accountable to the legislature, and the secretary-general's tenure shall outlast the legislature.	3.2.3.1 Le personnel des services du Parlement doit jouir d'un statut le protégeant de toute forme de pression politique indue.
5.4.2 Legislatures should, either by legislation or resolution, establish corporate bodies responsible for providing services and funding entitlements for parliamentary purposes and providing for governance of the parliamentary Service.		
	5.3.2 No partisan or non-partisan staff of the legislature, including the secretary-general, shall have any legislative or procedural authority, including voting, in the legislature.	
5.4.3 All staff shall be subject to a code of conduct.	5.3.3 All staff shall be subject to a code of conduct.	3.2.3.2 Un mécanisme permettant de prévenir, détecter et traduire en justice le personnel des services ou le personnel politique du Parlement engagé dans des pratiques frauduleuses ou de corruption doit exister.
	5.4.3 Non-partisan staff shall publish transcripts, votes and schedules.	
6.1.1 The approval of the Legislature is required for the passage of all legislation, including budgets.	6.1.1 The approval of the legislature is required for the passage of all legislation, including budgets.	2.2.1.1 L'ensemble des lois ainsi que le budget doivent être votés par le Parlement. Toute exception à cette règle doit être clairement établie.
	6.3.1 The proposed national budget shall require the approval of the legislature, and the legislature shall have the power to amend the budget before approving it.	
		2.2.2.1 Le Parlement doit disposer d'une procédure législative clairement établie qui encadre le dépôt des textes de loi, leur examen par le Parlement et leur promulgation.
6.1.2 Only the Legislature shall be empowered to determine and approve the budget of the Legislature.	6.3.3 Only the legislature shall be empowered to determine and approve the budget of the legislature.	3.3.1.1 Seul le Parlement peut déterminer et voter son propre budget et le pouvoir exécutif ne doit pas être juge de l'opportunité des moyens dont le Parlement a besoin pour l'exercice de ses fonctions.
6.1.3 The Legislature shall have the power to enact resolutions or other non-binding expressions of its will.	6.1.2 The legislature shall have the power to enact resolutions or other non-binding expressions of its will.	2.2.1.2 Le Parlement doit pouvoir adopter des résolutions sans préavis et prendre position sur certains sujets d'intérêt général.
	6.4.1 The legislature shall have the prerogative to delegate legislative functions to the executive branch under legally grounded criteria, for a limited period of time, and for strictly defined purposes.	
6.1.4 In bicameral systems, only a popularly elected House shall have the power to bring down government.	7.5.2 Chambers where a majority of members are not directly elected shall have no power or means to collapse the government.	
6.1.5 A chamber where a majority of Members are not directly or indirectly elected may not indefinitely deny or reject a money bill.	6.1.3 Chambers where a majority of members are appointed and/or enjoy hereditary seats shall have no power or means to permanently deny or reject money bills.	
6.2.1 In a bicameral Legislature there shall be clearly defined roles for each Chamber in the passage of legislation.	6.2.1 In a bicameral legislature, the legislature shall clearly define the roles of each chamber in the passage of legislation.	2.2.2.2 Dans un Parlement bicaméral, le rôle de chacune des chambres doit être clairement défini.
		2.2.2.3 Dans un Parlement bicaméral, une procédure de conciliation doit exister en cas d'absence d'accord entre les deux chambres.

		2.2.3.1 Un organe juridictionnel indépendant est chargé de veiller, par l'exercice du contrôle de constitutionnalité, à la conformité des lois votées vis-à-vis de la Constitution.
		2.2.4.1 Tout parlementaire doit pouvoir déposer des amendements, sous réserve de l'application des règles encadrant leur recevabilité.
		2.2.4.2 Des dispositions réglementaires précises doivent encadrer l'ordre d'appel des amendements et les modalités de leur discussion afin de permettre une organisation claire des débats et favoriser l'expression de toutes les opinions.
6.2.2 The Legislature shall have the right to override an executive veto.	6.2.2 The legislature shall have the right to override an executive veto.	
6.3.1. Opportunities shall be given for public input into the legislative process.	11.1.1 The legislature shall create and utilize mechanisms for receiving and considering public views on proposed legislation.	2.2.7.1 Les citoyens doivent, notamment par l'intermédiaire de leur représentant parlementaire, être associés au processus législatif.
6.3.2 Information shall be provided to the public in a timely manner regarding matters under consideration by the Legislature.	11.1.2 Information shall be provided to the public in a timely manner regarding matters under consideration by the legislature, sufficient to allow the public and civil society to provide their views on draft legislation.	2.2.7.2 Les citoyens doivent être informés, en temps opportun, des questions en cours d'examen par le Parlement.
	6.5.1 In the absence of a public referendum, constitutional amendments shall require the approval of the legislature.	
	7.1.1 The legislature shall have sufficient means and mechanisms to effectively fulfill its oversight function.	2.3.1.1 Le Parlement doit pouvoir contrôler l'action du Gouvernement.
7.1.1 The Legislature shall have mechanisms to obtain information from the executive branch sufficient to exercise its oversight function in a meaningful way.	7.1.2 The legislature shall have mechanisms to obtain information from the executive branch sufficient to meaningfully exercise its oversight function.	2.3.1.2 Le gouvernement doit assurer au Parlement l'accès aux informations nécessaires pour qu'il puisse exercer efficacement ses fonctions de contrôle.
		2.3.1.3 Une procédure rigoureuse et systématique encadrant les questions, écrites ou orales, des parlementaires à l'exécutif doit être établie.
7.1.2 The oversight authority of the Legislature shall include meaningful oversight of the military security and intelligence services.7.1.3 The oversight authority of the Legislature shall include meaningful oversight of state owned enterprises.	7.1.3 The oversight authority of the legislature shall include meaningful oversight of the security and intelligence forces and of state-owned enterprises.	2.3.1.4 Outre une supervision des ministères, la fonction de contrôle du Parlement doit inclure une supervision des entreprises publiques et des agences dépendantes du gouvernement y compris celles relevant du secteur de la défense et de sécurité nationales.
7.2.1 The Legislature shall have a reasonable period of time in which to review the proposed national budget.	6.3.2 The legislature shall have a reasonable period of time in which to review the proposed budget.	2.3.2.1 Le Parlement doit disposer d'une période de temps suffisante pour examiner et discuter le budget de l'Etat.
7.2.2 Oversight committees shall provide meaningful opportunities for minority or opposition parties to engage in effective oversight of government expenditures. Typically, the Public Accounts Committee will be chaired by a Member of the opposition party.	7.4.1 The legislature shall ensure that public accounts committees provide opposition parties with a meaningful opportunity to engage in effective oversight of executive branch expenditures.	2.3.2.2 Les commissions parlementaires doivent permettre à tous les groupes parlementaires, dans le cadre du règlement du Parlement, d'effectuer un contrôle efficace des dépenses gouvernementales.
	7.2.1 The law shall guarantee the right of the legislature to create commissions of inquiry. Such commissions shall have the power to compel executive branch officials to appear and give evidence under oath.	
7.2.3 Oversight committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.	7.4.2 Public accounts or audit committees shall have access to records of executive branch accounts and related documentation sufficient to be able to meaningfully review the accuracy of executive branch reporting on its revenues and expenditures.	2.3.2.3 Les commissions parlementaires chargées spécifiquement d'examiner les dépenses du gouvernement doivent avoir accès à tous les documents nécessaires ainsi qu'aux témoignages des hauts responsables des ministères et agences gouvernementales afin d'exercer un contrôle efficace des dépenses de l'exécutif.

7.2.4 There shall be an independent, non-partisan supreme or national audit office whose reports are tabled in the Legislature in a timely manner.	7.4.3 There shall be an independent, non-partisan Supreme or National Audit Office that conducts audits and reports to the legislature in a timely way.	2.3.2.4 Une instance indépendante et non-partisane (cour des comptes, vérificateur général) doit exister et disposer de ressources adéquates et de l'autorité nécessaire lui permettant d'exercer des fonctions de supervision, d'audit et de vérification. 2.3.2.5 Le Parlement doit être destinataire des rapports de cette instance dans un délai raisonnable pour qu'il puisse efficacement assurer un suivi.
7.2.5 The supreme or national audit office shall be provided with adequate resources and legal authority to conduct audits in a timely manner.		See above, APF 2.3.2.4
		2.3.2.6 Le Parlement doit pouvoir solliciter le concours de cet organe.
	7.3.1 The legislature shall have a non-partisan ombudsman or a similar body that investigates complaints of executive branch malfeasance, makes recommendations and reports directly to the legislature.	
7.3.1 The Legislature shall have mechanisms to impeach or censure officials of the executive branch, or express no-confidence in the government.	7.5.1 The legislature shall have mechanisms to impeach or censure officials of the executive branch and/or express no-confidence in the government.	2.3.3.1 Les institutions doivent prévoir des mécanismes clairs permettant d'instituer un équilibre entre les pouvoirs législatifs et exécutifs.
7.3.2 If the Legislature expresses no confidence in the government the government is obliged to offer its resignation. If the head of state agrees that no other alternative government can be formed, a general election should be held.		
	7.6.1 The legislature's consent shall be required in the confirmation of senior judges and the legislature shall have mechanisms to impeach judges for serious crimes.	
	8.1.1 The number of seats in the legislature shall not be so low, and hence the citizen-legislator ratio so high, as to render impossible meaningful constituent relations.	
8.1.1 The Legislature shall provide all legislators with adequate and appropriate resources to enable the legislators to fulfil their constituency responsibilities.	8.2.1 The legislature shall provide all legislators with sufficient resources to enable the legislators to fulfill their constituency responsibilities, including travel to and from their constituencies.	
8.2.1 The Legislature shall have the right to receive development assistance to strengthen the institution of parliament.	8.3.1 The legislature, including its members and staff, shall have the right to send and receive development assistance, whether technical or advisory in nature, regardless of origin or destination.	2.5.3.1 Dans la mesure de leurs moyens, les Parlements doivent pouvoir apporter une assistance technique à d'autres parlements.
8.2.2 Members and staff of Parliament shall have the right to receive technical and advisory assistance, as well as to network and exchange experience with individuals from other Legislatures.		2.5.3.2 Les membres et le personnel du Parlement doivent avoir le droit de recevoir une assistance technique. 2.5.1.2 Les parlementaires peuvent participer à des structures ou à des manifestations leur permettant d'échanger leurs expériences avec leurs collègues d'autres parlements.
		2.5.1.1 Dans le cadre de la diplomatie parlementaire, les délégations doivent refléter le plus fidèlement possible la composition du Parlement et notamment tenir compte du genre.

		2.5.1.3 Les parlementaires doivent être en mesure de participer à des missions auprès d'autres Parlements et de recevoir des délégations parlementaires étrangères.
		2.5.1.4 Le Parlement doit respecter les obligations qu'il contracte auprès des institutions parlementaires internationales.
		2.5.2.1 Le Parlement peut participer à des organisations régionales et internationales afin notamment de renforcer la composante parlementaire de ces organisations.
		2.5.2.2 Le Parlement doit disposer de l'information, de l'organisation et des ressources nécessaires à l'étude des questions internationales.
		2.5.2.3 Les parlementaires doivent pouvoir être intégrés aux délégations gouvernementales lors de missions ou de négociations internationales.
9.1.1 The Legislature shall be accessible and open to citizens and the media, subject only to demonstrable public safety and work requirements.	9.1.1 The legislature shall ensure that the buildings of the legislature shall be accessible and open to citizens and the press, subject only to demonstrable public safety and work requirements.	4.1.2.1 Le Parlement doit être accessible au public sous la réserve que celui-ci ne nuise pas à la sécurité publique et aux exigences du travail parlementaire.
9.1.2 The Legislature should ensure that the media are given appropriate access to the proceedings of the Legislature without compromising the proper functioning of the Legislature and its rules of procedure.		4.1.1.1 Le Parlement doit veiller à ce que les médias disposent d'un traitement approprié leur permettant l'accès à l'ensemble des activités publiques du Parlement sans toutefois que cela ne compromette son bon fonctionnement.
	9.1.2 The legislature shall not use credentialing of the media in the legislature for the purpose or with the effect of creating a ruling party bias.	4.1.1.2 L'accessibilité des médias au Parlement doit se faire sur des bases non-partisanes et transparentes.
9.1.3 The Legislature shall have a non-partisan media relations facility.	5.4.1 The legislature shall have a non-partisan media relations facility that shall be sufficiently and consistently funded under the administrative budget and operate under the office of the secretary-general.	
9.1.4 The Legislature shall promote the public's understanding of the work of the Legislature.		4.1.2.3 Le Parlement doit disposer de moyens lui permettant de faciliter la compréhension de ses travaux par les citoyens.
		4.2.1.1 Le Parlement doit contribuer à développer l'esprit de tolérance et promouvoir la culture démocratique dans toutes ses dimensions, afin de sensibiliser, par l'éducation et la formation, les responsables publics, l'ensemble des acteurs de la vie politique et tous les citoyens aux exigences éthiques de la démocratie et des droits de l'homme.
		4.2.2.1 Les lois, les projets et propositions de loi, les rapports des commissions et tout autre document parlementaire prévu par le règlement du Parlement doivent être rendus accessibles au public.
		4.2.3.1 Le Parlement doit, par le biais d'outils de communication et d'information accessibles à un large public, encourager la diffusion de ses travaux.
9.2.1 Where the constitution or parliamentary rules provide for the use of multiple working languages, the Legislature shall make every reasonable effort to provide for simultaneous interpretation of debates and translation of records.	9.2.1 The legislature shall 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.	4.1.3.1 Si la constitution ou le règlement du Parlement prévoient l'utilisation de plusieurs langues de travail, le Parlement doit faire les efforts raisonnables pour garantir la compréhension mutuelle entre les membres du Parlement.
	9.2.2 The legislature shall make every reasonable effort to publish all official papers and bills in all working languages recognized by the constitution or in the rules of procedure.	

	9.2.3 The legislature shall make every reasonable effort to accommodate the special needs of persons with disabilities, including wheelchair access, the translation of documents into Braille, and the use of closed captioning in televised broadcasts.	
10.1.1 Legislators should maintain high standards of accountability, transparency and responsibility in the conduct of all public and parliamentary matters.		
10.1.2 The Legislature shall approve and enforce a code of conduct, including rules on conflicts of interest and the acceptance of gifts.	<p>10.1.3 To protect the dignity of the legislature, the legislature shall promulgate and enforce rules to regulate the conduct of legislators.</p> <p>10.2.1 The legislature shall create a system for recording and making public all activities with, and exchange of gifts or favors between, lobbyists and legislators/legislative staff</p> <p>10.1.1 The legislature shall approve and enforce rules on conflicts of interest that promote the independence of legislators from private interests or unreasonable political pressures.</p>	<p>1.4.2.1 Lorsqu'elles ne sont pas déjà édictées par la Constitution ou par la loi, le Parlement peut établir des règles relatives à la transparence et à la conduite des activités publiques et parlementaires, auxquelles chaque parlementaire doit se conformer.</p> <p>1.4.2.5 Un mécanisme légal doit encadrer les rapports entre les titulaires de charge publique et les groupes d'intérêt. Ce mécanisme peut prendre la forme d'un registre public de ces groupes d'intérêt et de leurs activités.</p>
		1.4.2.2 Un parlementaire doit éviter de se placer dans une situation où son intérêt personnel peut influencer sur l'exercice de ses fonctions.
10.1.3 Legislatures shall require legislators to fully and publicly disclose their financial assets and business interests.	10.1.2 Legislatures shall require legislators to fully disclose their financial assets and business interests.	1.4.2.3 Une procédure de déclaration de patrimoine des parlementaires est établie.
10.1.4 There shall be mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.	10.1.4 The legislature shall create legal mechanisms to prevent, detect, and bring to justice legislators and staff engaged in corrupt practices.	1.4.2.4 La législation doit permettre de prévenir et de sanctionner les pratiques frauduleuses des parlementaires.

Stand alone standards
Similar standards
Matching standards

