



UNION INTERPARLEMENTAIRE

INTER-PARLIAMENTARY UNION

Constitutional & Parliamentary Information

Half-yearly Review of the Association of Secretaries General of Parliaments

Welcome and Presentation of the Parliamentary System in Serbia
(Mr Srdjan SMILJANIC, Serbia)

Reducing the length of debates in public sittings – the new reform to the rules
(Mr Christophe PALLEZ, France)

New code of conduct in the Dutch Senate
(Mr Remco NEHMELMAN, Netherlands)

Immunity of MPs: what are proper boundaries in an era of transparency and accountability?
(Mr Charles ROBERT, Canada)

The importance of training in strengthening the capacity of the Parliament of Georgia
(Mr Givi MIKANADZE, Georgia)

Recruitment of parliamentary staff
(Mr José Manuel ARAÚJO, Portugal)

Role of HR in building the capabilities of the members and employees of the Shura Council
(Mr Ali Nasir AL-MAHROOQI, Oman)

Implementation of the law: methods of scrutiny for Parliaments
(General debate)

Assessment of public awareness on the work of Parliament: results from a four-year long study
(Ms Penelope Nolizo TYAWA, South Africa)

Rajya Sabha Television and its role in strengthening trust between Parliament and the people
(Mr Desh Deepak VERMA, India)

Making parliamentary work accessible to disabled people: best practice
(General debate)

Accessibility management and the accessibility plan of the Senate of Brazil – best practice
(Ms Karin KÄSSMAYER, Brazil)

The Parliament of Bahrain's experiment in promoting parliamentary culture
(Mr Rashed ABUNAJMA, Bahrain)

The Status of the parliamentary opposition in the Maghreb Constitutions
(Mr Said MOKADEM, Maghreb Consultative Council)

The upgrade process of the Chilean Senate: main objectives
(Mr Raúl Guzmán URIBE, Chile)

ASSOCIATION DES SECRETAIRES
GENERAUX DES PARLEMENTS

UNION INTERPARLEMENTAIRE



ASSOCIATION OF SECRETARIES-
GENERAL OF PARLIAMENTS

INTER-PARLIAMENTARY UNION

MINUTES OF THE AUTUMN SESSION

BELGRADE

14 – 16 OCTOBER 2019

INTER-PARLIAMENTARY UNION

Aims

The Inter-Parliamentary Union, whose international Statute is outlined in a Headquarters Agreement drawn up with the Swiss federal authorities, is the only world-wide organisation of Parliaments.

The aim of the Inter-Parliamentary Union is to promote personal contacts between members of all Parliaments and to unite them in common action to secure and maintain the full participation of their respective States in the firm establishment and development of representative institutions and in the advancement of the work of international peace and cooperation, particularly by supporting the objectives of the United Nations.

In pursuance of this objective, the Union makes known its views on all international problems suitable for settlement by parliamentary action and puts forward suggestions for the development of parliamentary assemblies so as to improve the working of those institutions and increase their prestige.

Membership of the Union

Please refer to IPU site (<http://www.ipu.org>).

Structure

The organs of the Union are:

1. The Inter-Parliamentary Conference, which meets twice a year;
2. The Inter-Parliamentary Council, composed of two members of each affiliated Group;
3. The Executive Committee, composed of twelve members elected by the Conference, as well as of the Council President acting as *ex officio* President;
4. Secretariat of the Union, which is the international secretariat of the Organisation, the headquarters being located at:

Inter-Parliamentary Union
5, chemin du Pommier
Case postale 330
CH-1218 Le Grand Saconnex
Genève (Suisse)

Official Publication

The Union's official organ is the *Inter-Parliamentary Bulletin*, which appears quarterly in both English and French. The publication is indispensable in keeping posted on the activities of the Organisation. Subscription can be placed with the Union's secretariat in Geneva.

ASSOCIATION OF SECRETARIES GENERAL OF PARLIAMENTS

Minutes of the Autumn Session 2019

Belgrade
14-16 October 2019

List of attendance

MEMBERS PRESENT

NAME	COUNTRY
Mr Abdul Qader ARYUBI	Afghanistan
Mr Abdul Muqtader NASARY	Afghanistan
Mr Temor Shah QAWIM	Afghanistan
Mr Gjonçaj GENCI	<i>Albania</i>
Mr Salah SALEM	Algeria
Dr Juan de Dios CINCUNEGUI	Argentina
Mr Juan Pedro TUNESSI	Argentina
Mr Tigran GALSTYAN	Armenia
Mr Alexis WINTONIAK	Austria
Mr Rashid BUNAJMA	Bahrain
Dr Zafar Ahmed KHAN	Bangladesh
Mr Chencho TSHERING	Bhutan
Mr Sergio Sampaio CONTREIRAS DE ALMEIDA	Brazil
Mrs Stefana KARASLAVOVA	Bulgaria
Mrs Rakèta ZOROME	Burkina Faso

Mr Renovat NIYONZIMA	Burundi
Mr Marc RWABAHUNGU	Burundi
Mr OUM Sarith	Cambodia
Mr SRUN Dara	Cambodia
Mr Charles ROBERT	Canada
Mr Raul GUZMAN URIBE	Chile
Mr Miguel LANDEROS PERKIC	Chile
Mr Jean NGUVULU KHOJI	Congo (Democratic Republic of)
Mr Socrates SOCRATOUS	Cyprus
Mr Jan MORAVEK	Czechia
Mr Torben JENSEN	Denmark
Mr Mahmoud FAWZI	Egypt
Mr Kayima KEBEDE	Ethiopia
Mr Christophe PALLEZ	France
Mr Girard SCHROEDT-GIRARD	France
Mr Michel KENGUEL	Gabon
Mr Edmond SOUMOUNA	Gabon
Mr Givi MIKANADZE	Georgia
Dr Lorenz MÜLLER	Germany
Mr Cyril NSIAH	Ghana
Mr Georgios MYLONAKIS	Greece
Mr Sherlock E. ISAACS	Guyana, Co-operative Republic of
Dr Jean Rony GILOT	Haiti

Mr György SUCH	Hungary
Mr Þorsteinn MAGNÚSSON	Iceland
Mrs Snehlata SHRIVASTAVA	India
Mr Desh Deepak VERMA	India
Mrs Damayanti HARRIS	Indonesia
Mr Gholamreza NOURI GHEZELGEH	Iran
Mr Serwan Abdullah ISMAIL	Iraq
Ms Elaine GUNN	Ireland
Mr Firas ADWAN	Jordan
Mr Mohamed ALI	Kenya
Mrs Serah KIOKO	Kenya
Mr Jeremiah M. NYEGENYE	Kenya
Mr Michael SIALAI	Kenya
Mr Yoo Ihn-tae	Korea (Republic of)
Mr Allam Ali Jaafer AL-KANDARI	Kuwait
Ms Lelde RAFELDE	Latvia
Mr Molete SELETE	Lesotho
Mrs Daiva RAUDONIENE	Lithuania
Mr Calvin RANDRIAMAHAFANJARY	Madagascar
Mrs Fiona KALEMBA	Malawi
Ms Fathimath NIUSHA	Maldives
Mr Modibo SIDIBE	Mali
Mr Aleksandar JOVIĆEVIĆ	Montenegro

Mr Najib EL KHADI	Morocco
Mrs Lydia INDOMBO	Namibia
Mrs Lydia KANDETU	Namibia
Mr Manohar Prasad BHATTARAI	Nepal
Mr René BERCK	Netherlands
Dr Remco NEHMELMAN	Netherlands
Mr Nelson AYEWOH	Nigeria
Mr Patrick A GIWA	Nigeria
Mr Mohammed Ataba SANI-OMOLORI	Nigeria
Ms Cvetanka IVANOVA	North Macedonia
Sheikh Ali bin Nasir bin Hamed AL-MAHROOQI	Oman
Mr Muhammad ANWAR	Pakistan
Mr Tahir HUSSAIN	Pakistan
Mr Ibrahim KHRISHI	Palestine
Ms Myra Marie VILLARICA	Philippines
Mr José Manuel ARAÚJO	Portugal
Mr Fahad ALKHAYAREEN	Qatar
Mr Gennadiy GOLOV	Russian Federation
Mr Mohamed ALMETAIRI	Saudi Arabia
Mr Baye Niass CISSÉ	Senegal
Mr Srdjan SMILJANIC	Serbia
Mr Paran Umar TARAWALLY	Sierra Leone
Ms Ursula ZORE TAVCAR	Slovenia

Ms Penelope TYAWA	South Africa
Mr Masibulele XASO	South Africa
Mr Manuel CAVERO	Spain
Mr Dhammika DASANAYAKE	Sri Lanka
Mr Philippe SCHWAB	Switzerland
Mrs Pornpith PHETCHAREON	Thailand
Mr Sorasak PIENVEJ	Thailand
Mr Mehmet Ali KUMBUZOĞLU	Turkey
Ms Jane LUBOWA KIBIRIGE	Uganda
Mr Paul GAMUSI WABWIRE	Uganda
Mr Ahmed Shabeeb AL DHAHERI	United Arab Emirates
Mrs Cecelia MBEWE	Zambia
Mr Kennedy Mugove CHOKUDA	Zimbabwe

ASSOCIATE MEMBERS

Mr Said MOKADEM	Maghreb Consultative Council
Mr Sergey STRELCHENKO	Union of Belarus & the Russian Federation

SUBSTITUTES

Mr DUBA (for Mr Sangay DUBA)	Bhutan
Mr David Robert AMORIN (for Mr Jose Luis MONTALES)	Philippines
Ms Natalia JASKIEWICZ (for Ms Agnieszka KACZMARSKA)	Poland
Ms Agata KARWOWSKA-SOKOŁOWSKA (for Mr Jakub KOWALSKI)	Poland

Mr Luis do NASCIMENTO (for Dr Cedeliza Faria DOS SANTOS)	Timor Leste
Mr Jake VAUGHAN (for Simon BURTON)	United Kingdom
Mr Matthew HAMLYN (for Dr John BENDER)	United Kingdom
Mr DON Tuan Phong (for Mr NGUYEN Hanh Phuc)	Vietnam

ALSO PRESENT

Ms Reinhilde DEBOUTTE	Belgium
Mr Janakman PRADHAN	Bhutan
Ms Edith MENDOZA	Bolivia
Ms Karin KÄSSMAYER	Brazil
Mr João Pedro DE SOUZA LOBO CAETANO	Brazil
Mr Chhim SOTHKUN	Cambodia
Mr Irakli BROKISHVILI	Georgia
Mr Bhupendra SINGH	India
Mr Abdullah AMAL	Libya
Ms Jovana KOVAČEVIĆ	Montenegro
Tousy NAMISEB	Namibia
Mr Tim FONCK	Netherlands
Ms Cherry DE DIOS	Philippines
Ms Aren G. JIMENEZ	Philippines
Ms Olga FOLOMEEVA	Russian Federation

Mr Habimana AUGUSTIN	Rwanda
Mr Dino OEDIT	Suriname
Mr Russdy KHANTANIT	Thailand
Ms Pathomporn RAKSAPOLMUANG	Thailand
Mrs Phinissorn SIKKHABANDIT	Thailand
Mr Winai YAEMWONG	Thailand
Mr Pinto Cardoso SUARES	Timor Leste
Ms Amal AL HADABI	United Arab Emirates
Mr Ndamuka MARIMO	Zimbabwe
Mr Charles N. KADONYA	East African Legislative Assembly (EALA)
Ms Emiliana TUHOYE	East African Legislative Assembly (EALA)
Mr Dmitry KOBITSKY	Interparliamentary Assembly of Member Nations of the Commonwealth of Independent States (IPA CIS)
Mrs Mireille EZA	Parliamentary Assembly of francophone countries
Ms Yapoka MUNGANDI	Southern African Development Community (SADC)
Ms Boemo SEKGOMA	Southern African Development Community
Mr Hognon Adrien KOHOUE	West African Monetary and Economic Union (WAEMU)

APOLOGIES

Ms Claressa SURTEES	Australia
Mrs Barbara DITHAPO	Botswana
Dr Georg KLEEMANN	Germany
Dr Ute RETTLER	Germany

Dr Horst RISSE	Germany
Ms Bridget DOODY	Ireland
Mr Peter FINNEGAN	Ireland
Mr Martin GROVES	Ireland
Mr Satoru GOHARA	Japan
Mr Noriharu OKADA	Japan
Mr Takashi OKAMURA	Japan
Mr Jose Luis MONTALES	Philippines
Ms Agnieszka KACZMARSKA	Poland
Dr John BENDER	United Kingdom
Mr Simon BURTON	United Kingdom
Ms Sarah DAVIES	United Kingdom
Mr Edward OLLARD	United Kingdom
Dr José Pedro MONTERO	Uruguay

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FIRST SITTING

Monday 14 October 2019 (morning)

Mr Philippe SCHWAB, President, was in the Chair

The sitting was opened at 11.03 am

1. Opening of the session

Mr Philippe SCHWAB, President, opened the session and welcomed members of the Association, especially new members.

He thanked the Serbian hosts for their warm welcome and for the excursion which had been arranged the previous day.

He reminded members to check the details relating to them in the membership list and to alert the secretariat to any errors or omissions.

2. Members

Mr Philippe SCHWAB, President, said that the secretariat had received requests for membership which had been put before the Executive Committee and agreed to, as follows:

For membership:

Mr Abdul Qader ARYUBI	Secretary General of the House of the People, Afghanistan
Mr Salah SALEM	Secretary General of the Nat. Peoples' Assembly, Algeria
Mr Raul GUZMAN URIBE	Secretary General of the Senate, Chile
Mr Cyril NSIAH	Acting Clerk of Parliament, Ghana
Mr Georgios MYLONAKIS	Secretary General of the National Assembly, Greece
Mrs Ragna ÁRNADÓTTIR	Secretary General of Parliament, Iceland
Mr Thorsteinn MAGNÚSSON	Deputy Secretary General of Parliament, Iceland
Mr Serwan Abdullah ISMAIL	Secretary General of the Council of Reps., Iraq
Mr Takeaki YAOITA	Dep. Secretary General of the House of Reps., Japan
Mr Abdualla ALMASRI	Secretary General of the National Assembly, Libya

Mr Calvin RANDRIAMAHAFANJARY	Secretary General of the National Assembly, Madagascar
Mrs Luvsandorj ULZIISAIKHAN	Secretary General of the National Assembly, Mongolia
Mr René BERCK	Dep. Secretary General of the House of Reps., Netherlands
Mr Muhammad ANWAR	Secretary General of the Senate, Pakistan
Mr Quibián PANAY	Secretary General of the National Assembly, Panama
Mr Giovanni Carlo A. FORNO FLOREZ	Secretary General of the Congress of the Republic, Peru
Mr Jose Luis MONTALES	Secretary General of the House of Reps., Philippines
Mr Gennadiy GOLOV	Secretary General of the Fed. Council, Russian Fed.
Mr Srdjan SMILJANIC	Secretary General of the National Assembly, Serbia

3. Orders of the day

Mr Philippe SCHWAB, President, read the proposed orders of the day as follows:

Monday 14 October (morning)

9.30 am

- *Meeting of the Executive Committee*

11.00 am

- *Opening of the session*
- *Orders of the day of the Conference*
 - *New members*

- *Welcome and presentation on the parliamentary system in Serbia by Mr Srdjan SMILJANIC, Secretary General of the National Assembly of the Republic of Serbia.*

Theme: In the news

- *Communication by Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly: Reducing the length of debates in public sittings – the new reform to the rules of the French National Assembly.*

- Communication by Mr Remco NEHMELMAN, Secretary General, Senate of the Netherlands: New code of conduct in the Dutch Senate

Monday 14 October (afternoon)

2.30 pm

Theme : Officials and Parliamentarians : Expectations and Protections

- Communication by Mr Charles ROBERT, Clerk of the House of Commons, Canada: The immunity of parliamentarians: what are the proper boundaries in an era of transparency and accountability?
- Communication by Mr. Givi MIKANADZE, Secretary General of the Parliament of Georgia: The importance of training in Strengthening the Capacity of the Parliament of Georgia

Remarks by Mr Martin CHUNGONG, Secretary-General of the Interparliamentary Union

- Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: Recruitment of parliamentary staff
- Communication by Mr Ali Nasir AL-MAHROOQI, Secretary-General of the Shura Council of Oman: The Role of Human Resources in Building the Capabilities of the Members and Employees of the Shura Council

Tuesday 15 October (morning)

9.30 am

- Meeting of the Executive Committee

10.30 am

General debate: The implementation of the law : methods of scrutiny for Parliaments

When the texts of laws are not published, it is a problem for their implementation. A failure to publish execution decrees, or a delay, has several negative impacts: on judicial security, on respect for the law, on the image of state institutions and on the confidence citizens have in Parliament. This general debate will look at solutions to combat this problem. Solutions might for example include accompanying draft bills with draft decrees; setting out deadlines by which application texts must be adopted; and strengthening Parliamentary control over the application of the law, for example by scrutiny in Committee.

- Moderator: Mr Najib EL KHADI, Secretary General of the Chamber of Representatives of Morocco

Tuesday 15 October (afternoon)

2.30 pm

Theme : Open Parliament

Communication by Ms Penelope Nolizo TYAWA, Secretary General to the Parliament of South Africa: "Assessment of Public awareness on the work of parliament: results from a four year long independently commissioned study for the Parliament of South Africa."

- *Communication by Shri Desh Deepak VERMA, Secretary-General, Rajya Sabha, India : Rajya Sabha Television and its Role in strengthening trust between Parliament and the People*

General debate: Making Parliamentary work accessible to disabled people: best practice.

- *Moderator: Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly.*

Parliaments increasingly need to respond to the legitimate expectations of disabled people; in particular, to ensure that they may, in accordance with their basic rights, participate in Parliamentary work, attend sittings, and find out about what Parliaments do. This is a matter of importance for Parliamentarians, for those who work with them and for Parliamentary employees, and most of all for the public who come to Parliament or who follow its proceedings. It is a considerable challenge for Parliaments to respond effectively to this range of stakeholders, and to the variety of disabilities that may be relevant (including impaired mobility, sensory impairments and learning disabilities). From the layout of a Parliament's buildings to that of its website, these challenges are many and concrete. This general debate will aim to gather and share best practice in making Parliamentary work accessible to disabled people.

- *Communication by Ms Karin KÄSSMAYER, Federal Senate of Brazil: Accessibility in the Federal Senate of Brazil – best practices: presentation of the Accessibility management and the Accessibility Plan of the Federal Senate*

Wednesday 16 October (morning)

9.30 am

- *Meeting of the Executive Committee*

10.30 am

Theme: Parliamentary Culture

- *Communication by Mr. Rashed ABUNAJMA, Secretary General of Bahrain's Council of Representatives: The Parliament of Bahrain's Experiment in Promoting Parliamentary Culture*
- *Communication by Mr Saïd MOKADEM, Secretary-General of the Maghreb Consultative Council: The Status of the Parliamentary Opposition in the Maghreb Constitutions*
- *Communication by Mr Raúl Guzmán URIBE, Secretary General of the Senate of Chili: "The upgrade process of the Chilean Senate: main objectives".*

Wednesday 16 October (afternoon)

2.30pm

- *Presentation on recent developments in the IPU*
 - *Administrative questions*
- *Draft agenda for the next meeting in Geneva (Switzerland), April 2020*

4.30 pm

Leave for visit to the National Assembly of Serbia, followed by a cocktail reception hosted by the Secretary General, Mr SMILJANIC

The agenda for the Session was agreed to.

Mr Philippe SCHWAB, President, reminded members that the usual time limits would apply: 10 minutes for a moderator introducing a general debate, plus a further 10 minutes at the end of the general debate; 10 minutes for the introduction of a communication and five minutes for all other interventions.

Morning sessions would finish at 12.30pm. Afternoon sessions would begin at 2.30pm and finish at 5.30pm. A joint conference with the IPU would take place on Thursday from 11.00am to 1.00pm.

He invited members to consider subjects for debate in the course of the next session, which would be held in Geneva in April 2020.

4. Collaboration with the IPU

Mr Philippe SCHWAB, President, noted that the ASGP would work together with the IPU during the session and announced that at 3pm the Secretary-General of the IPU would come to address the plenary session.

He added that representative of the IPU would also come to update the Association on their recent work on Wednesday afternoon.

He noted that some Secretaries-General were heavily involved in work on the Centre for Innovation in Parliament. Several meetings would be organized for Secretaries-General involved in leading regional hubs. Members who wished to hear more about the project could content Mrs Irena MIJANOVIC of the IPU secretariat who was present in the room.

5. Financial matters

Mr Philippe SCHWAB, President, reminded members that the Association had modified its rules to tackle the recent rise in non-payment of subscriptions. Members in three or more years of arrears of payment would have their membership suspended. He invited any member unsure of whether their subscription payments were up to date to speak to the ASGP Secretariat.

6. Official languages

Mr Philippe SCHWAB, President, announced that during the present session, interpretation would be provided in English, French and Arabic. Interpretation in

Arabic was generously provided by the Association of Secretaries-General of Arab Parliaments. Interpretation would also be provided in Serbian.

7. Welcome from the Secretary General of the Parliament of Serbia

Mr Philippe Schwab, President, welcomed Mr Srđan SMILJANIĆ, Secretary-General of the Parliament of Serbia.

Mr Srđan SMILJANIĆ spoke as follows:

Allow me to bid you welcome to Serbia on behalf of the National Assembly of the Republic of Serbia and on my own behalf. It is my great pleasure to be your host. I hope that during your stay in Serbia you will have an opportunity to experience hospitality and cordiality of our people. Our country, as a part of former Yugoslavia, already hosted the 52nd Assembly of the Inter-Parliamentary Union back in 1963.

I will avail myself of this opportunity to draw your attention to some of the important topics we are to deal with in the next few days, such as parliamentary oversight role, parliamentary openness and accessibility of the parliament to persons with disabilities. I am also pleased to be able to inform you about the parliamentary system in Serbia and to discuss it with you later.

By its constitutional arrangement, the Republic of Serbia is a parliamentary democracy. As you know, such a system is based on the principles of separation of powers and the rule of law. It entails a set of values such as freedom, equality, pluralism, respect for human and minority rights and solidarity, which are an integral part of basic principles applied by all state authorities. Prescribed procedures and established institutions are crucial to meeting the needs of each individual as well as of the society as a whole. Only a regulated state, with a strong Parliament at its foundation, makes the parliamentary democracy strong and stable.

Parliamentarism in Serbia has a long tradition. With the advent of the modern Serbian state, at the beginning of 19th century, the Assembly of local princes was established in 1804. Let me remind you that it was only 15 years after the French Revolution and adoption of the United States of America Constitution. This was when the first Ministries were established, and in February 1835, the Grand National Assembly adopted the first Constitution, which provided for the separation of powers with a clearly defined role of the National Assembly. The National Assembly further developed in the second half of the 19th century, by adopting a series of regulations that laid the foundation of a genuine representative system in Serbia. That is when the secret ballot was introduced for the first time, the Parliament got its Rules of Procedure and parliamentary committees, as well as the authority to oversee the work of the Government. The 1903 Constitution provided the Parliament with the role it has today. After the Second World War, in 1946, women and soldiers voted for the first time in the parliamentary elections in Serbia. Under the Communist rule, the Assembly

operated on the principles of a delegate system within only one party. The first multi-party elections for the National Assembly of Serbia after the Second World War were held in December 1990.

Today, Serbia is one of the countries where citizens are free to participate in political and party life. It has been almost thirty years since the reintroduction of multi-party system, so we can say that the basic democratic institutions have been re-established and strengthened, and the oversight mechanisms sufficiently developed to successfully oversee the functioning of the ongoing processes within the social and political systems. Yet, as I have mentioned, parliamentary democracy includes a set of institutions, procedures and standards that must be continually improved in order to meet contemporary challenges. We are aware that despite the great progress made, there is always enough room for further improvements.

I would now like to briefly introduce you to the role and structure of the National Assembly. The role of the National Assembly is laid down by the Constitution of the Republic of Serbia. The National Assembly is the supreme representative body and holder of constitutional and legislative power in the Republic of Serbia. The National Assembly, within its competence, has representative, legislative, electoral and oversight functions. Its acts and decisions are final and generally binding and can only be challenged before the Constitutional Court.

The National Assembly is unicameral and has 250 Members of Parliament. The Speaker, who may be substituted by five Deputy Speakers, chairs the National Assembly. When it comes to gender structure - majority of MPs are men – 157 MPs or 62.8%, while there are 93 women or 37.2%, which ranks our Assembly 27th in the world, out of 192 parliaments, according to the IPU data as of 1 July this year. The National Assembly is chaired by a woman, and women occupy two of the five Deputy Speaker's seats, and they also chair eight out of 20 committees and four out of 14 parliamentary groups. There are 40 or 16% of young MPs, up to 40 years of age.

The most visible part of the parliamentary work takes place in plenary sessions. Besides being active in the plenary, MPs also fulfil their parliamentary duties by participating in the work of 20 committees, two subcommittees, three working groups and two commissions.

With regard to international cooperation, the National Assembly is a member of 11 international parliamentary organisations and several regional initiatives, and it has established friendship groups with 83 countries.

In order to carry out their parliamentary duties, MPs are assisted in their work by about 400 employees who perform professional and other tasks for the needs of the National Assembly and form the National Assembly Service that I manage. In this job, I am assisted by a deputy and four assistants who also manage four sectors.

Allow me give you a quantitative example of the plenary work of the National Assembly. I will give you an example from last year, 2018, when we had 19 plenary sessions of the National Assembly, during which 271 law proposals were submitted,

nearly 17 thousand amendments (16,891) and 218 laws and 80 decisions and other acts were passed.

The National Assembly, like every Parliament in the world, is most recognisable for passing laws and representing citizens. With greater needs of the society, the roles of the National Assembly expanded. The National Assembly today is the place where the most important officials of the other two branches of power are elected, as well as independent state bodies, institutions and authorities - including the appointment of the Prime Minister, Ministers, Governor of the National Bank, Ombudsperson, President of the State Audit Institution, as well as judges who are elected for the first time to a judicial function, presidents of courts, public prosecutors and others.

Since the National Assembly is vested with elective powers when appointing the highest executive bodies, it also has performs oversight of the executive power. In this way, MPs can pass a motion of confidence or no-confidence in the Government or certain Ministers. They have a possibility of interpellation as well. Every Tuesday and Thursday, when the National Assembly is in session, Members of Parliament use the right to request from the individual ministers and other government officials the necessary information and explanations that they need for carrying out their parliamentary duties. In addition to individual Ministries, MPs can also address other state authorities through parliamentary questions. Every last Thursday of the month, members of the Government attend the National Assembly sessions when they answer parliamentary questions. At the level of parliamentary committees, quarterly briefing reports on the work of ministries are regularly examined. Committees and the Plenary also examine the reports of important independent institutions, state authorities and regulatory bodies of the Republic of Serbia, such as the Ombudsperson, the Commissioner for Information of Public Importance and Personal Data Protection, the Commissioner for Protection of Equality, the Anti-Corruption Agency, the Fiscal Council, and the State Audit Institution. This is followed by adoption of special conclusions whose implementation is further monitored.

Like many other parliaments in the world, our Assembly faces a number of challenges. They certainly include openness, greater involvement of citizens in the work of Parliament and efforts we invest to improve the representative and oversight role of the Parliament. In recent years, great progress has been made in these areas with the support of numerous partners from the country and abroad such as UNDP, OSCE, Westminster Foundation and others.

Adopting the model of the British Parliament in 2010, the institute of public hearing was introduced as a unique forum for discussions between MPs, executive authorities, experts in particular fields and non-governmental organisations.

In terms of transparency, I need to point out that, according to numerous studies, the National Assembly is one of the most transparent state institutions in the Republic of Serbia. The sessions of the National Assembly are broadcast live by the national public broadcaster and on our website, as is the case with the sittings of committees and other working bodies, committee sittings outside the seat of the Assembly, public hearings, press conferences and other activities of the National Assembly.

The sittings of the working bodies at the National Assembly are, upon invitation, attended by representatives of independent state bodies, organisations and authorities, as well as representatives of the civil society, when discussing issues relevant to their work.

With regard to the openness of the National Assembly, I would underline that we have enabled an engagement of citizens in public hearings and debates through the National Assembly's web page which provides them with an opportunity to ask questions and make suggestions on the issues being discussed, and to watch live streaming of the public hearings. The number of visits to the building of the National Assembly, which during 2018 was almost ten thousand (9577), of which over five thousand were pupils and students (5457), testify to the openness of the National Assembly.

In order to enable MPs to have direct contact with citizens from the places where they live and discuss with them current issues within their jurisdiction, a successful project was launched in 2009 to set up parliamentary offices across Serbia, the number of which amounts to 50 today.

It is this kind of approach and the results that have improved the practice and made the work of the National Assembly an example of good practice at the global level. The National Assembly has been mentioned repeatedly as an example of good practice in the 2017 Global Parliamentary Report, jointly prepared by the IPU and UNDP. I will reiterate that it is our goal to increase the citizens' participation in the National Assembly's activities and to develop a more positive image of our work in the public. We have also received commendations from the Secretariat of the Open Government Partnership (OGP) for the results we have achieved, and we have adopted the Openness Action Plan, which is an integral part of the Government's openness plan, in accordance with the Secretariat's guidelines.

I now come to the points of interest for the development of the National Assembly in the coming period. These are, of course, further strengthening of the oversight role and technological improvement of the National Assembly's activities.

In terms of improving oversight of the executive, in addition to parliamentary questions and committees' activities, there are special fields also covered by informal parliamentary groups, such as Women's Parliamentary Networks, GOPAC Serbia (Global Organisation of Parliamentarians against Corruption), Energy Forum, Economic Caucus, Green Network and Focus Group on Sustainable Development Goals.

Moreover, as a National Assembly Service, we are committed to continuously improving procedures and strengthening administrative capacity in order to be able to respond to new challenges and needs. In this regard, we also consider that the technical modernisation achieved by improving IT and software tools, introducing new equipment and operating tools, is very important. Then there is the digitisation – let me remind you that *e-parliament* was introduced in the National Assembly in 2013, which significantly facilitates work and reduces costs. Our goal is to make the Service highly efficient, professional and with high level of expertise, and high work ethics, committed to achieving the highest professional standards.

Regarding the promotion of parliamentarism, I would like to inform you that since 2015 we have been regularly organising “Parliament Week” with our local partners, modelled on the British example, and we are the only Parliament in the region with such a practice. In cooperation with numerous institutions, local governments, schools, universities and non-governmental organisations, special educational activities are designed for young people, including free discussions on parliamentarism, democracy and political participation of citizens.

Finally, speaking about the prospects for the further development of the National Assembly and its Service, we have in mind the 2030 United Nations Agenda and particularly the Goal 16 - “Peace, justice and strong institutions”. As you know, this Goal is to promote peaceful and inclusive societies for sustainable development, to reject violence, to promote the rule of law and political participation, to ensure access to justice for all and to build effective, reliable, transparent and inclusive institutions, etc.

We are aware that our response to the challenges of the times ahead needs to be in the implementation of this very Goal and in building up a good and accountable administration, a strong Parliament, as well as in strengthening other institutions, improving the electoral process and in investing daily efforts to increase citizens’ confidence in the Assembly. The National Assembly needs to be flexible and open to all citizens. We will achieve this by involving citizens more in political processes, and when they begin to perceive the National Assembly as their institution.

Mr Philippe Schwab, President, thanked Mr SMILJANIĆ for his remarks and invited questions.

Dr. Jean Rony GILOT (Haiti) asked how the Prime Minister was chosen. Was it simply a ratification of the President’s choice or a genuine election?

Mr Srđan SMILJANIĆ (Secretary General) and Mr Branko MARINKOVIĆ (Vice Secretary General) (Serbia) responded that there were regular elections every four years based on party lists. In 2016 there were more than 20 party lists. They were closed lists where 250 candidates were proposed. In order for a party to enter Parliament, the votes of 5% of the electorate were required, although the rule was different for national minorities. Between 12,000 and 14,000 votes were needed. If a party came from the majority national group, it would have either no seats or at least 12, and this varied for the minorities.

Mrs Cecilia MBEWE (Zambia) asked for clarification. The Speaker was assisted by 5 deputies. Were they in any order of seniority? Was there any legal requirement that they be of different genders? How busy were they – what else did they do apart from presiding in the absence of Speaker? In the Zambian Parliament, the two Deputy Speakers were not very busy.

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) replied that when the Speaker was elected, the National Assembly had a separate decision to make on the number of Deputy Speakers, which could be between 4 and 7 – it

depended on the number of Parliamentary groups. After a recent election, Parliament could have had 7 Deputy Speakers but only appointed six as one party did not want to offer their candidate. Voting was by acclamation. If the Speaker was away, the replacement was decided by colloquium.

Mr José Manuel ARAÚJO (Portugal) asked whether there was a rule on the number of times each Minister had to attend the Committee?

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) said that every time a Minister gave a report, they then had to attend.

Mr Lorenz MÜLLER (Germany) asked who ran the network of Parliamentary offices.

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) said that there was no constituency system so offices were located near where MPs lived. They met citizens there. This was still developing as a system. In some cities there were several MPs. They had larger joint offices managed by one person.

Mr Najib EL-KHADI (Morocco) asked for more details about the Parliamentary information service. He was also interested in the Parliamentary forum: how often did it meet and what subjects did it cover?

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) said that this was used for two purposes – law making and also a cultural function. It served to gather input from government and other sources.

Mr Dhammika DASANAYAKE (Sri Lanka) asked whether there was an action plan to promote Open Parliament?

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) said Parliament Week was more informal. Events could be organised by stakeholders of all kinds. It was a good way to present the work of the year in a way that was close to citizens.

M. Serwan Abdullah ISMAIL (Iraq) asked that the Association take an interest in the protection of Syrian civilians.

Mr Philippe SCHWAB (President) noted that Members understood their colleague's preoccupation but this was not the forum for discussing this matter, and that other methods existed for highlighting the issue within the IPU. He asked members to return to the theme in hand.

Mr Jean NGUVULU KHOJI (Democratic Republic of Congo) asked how citizen participation was organized, in particular by students. He wanted to know more about how the principle of transparency applied in the Serbian Parliament.

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) said that every couple of months Serbia organised an internship for students. Citizens could visit the National Assembly to seek information from staff concerning the work of MPs. On the topic of financial transparency, they explained that reports were filed to the administrative committee of the assembly. On the topic of transparency of public procurements, they noted that full details were submitted to the National Assembly.

Mr Ahmed Shabeeb AL DHAHERI (United Arab Emirates) asked whether Ministers were subjected to oral or written questions.

Mr Abdul NASARY (Afghanistan) asked about the open government programme – what approach had been used and what milestones had been met?

Mr Srđan SMILJANIĆ and Mr Branko MARINKOVIĆ (Serbia) said that every Tuesday and Thursday oral questions were asked. On other days, “Article 204” could be used to pose written questions. In each case Ministers were obliged to reply within 15-30 days.

8. Communication by Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly: Reducing the length of debates in public sittings – the new reform to the rules of the French National Assembly

Mr Philippe SCHWAB, President, invited Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly, to give his presentation.

Mr Christophe PALLEZ (France) spoke as follows:

In June 2017, following the election of Mr. Emmanuel Macron as President of the Republic, the parliamentary elections led to a change of governing majority in the French National Assembly and to the election of many MPs who had never sat there previously. Elected, in particular, on the promise to change political practices, the new MPs of the newly-elected governing majority arrived with the ambition of carrying out an in-depth modification in the method of functioning of the National Assembly, and more generally, of Parliament. Although a reform of the Constitution has not, for the moment, been implemented, that of the Rules of Procedure of the National Assembly, championed by the President of the Assembly, Mr. Richard Ferrand, was passed in June 2019 after a reflection process which brought together all the political groups, even though a debate in standing committee and in plenary sitting could not escape the divisions between the governing majority and the opposition. Indeed, although one of the stated objectives of this reform, the third significant one in ten years, is to strengthen the rights of the opposition, the latter, by voting against the motion for a resolution, considered that its ability to express itself was weakened by the provisions aimed at reducing the length of the debates in plenary sitting in an attempt to make them more fluid and dynamic.

1. An attempt to reduce the length of the debates in plenary sitting

Any observer of the National Assembly could easily point out the following reality: the debates given over to the examination of bills, which take up the largest amount of time in plenary sitting, have become longer and longer over the years. The main reason for this is an increasing number of amendments submitted for discussion. Some statistics testify to this change, without even having to go back to the beginning of the Fifth Republic (1958):

- 1981-1986 Term of Parliament: 38,997 amendments examined
- 2007-2012 Term of Parliament: 75,909 amendments examined
- 2012-2017 Term of Parliament: 112,693 amendments examined

At the current rate which has been witnessed since June 2017, nearly 150,000 amendments will have been examined by 2022 at the end of this term of Parliament. In the 1980s, the tabling of 200 to 300 amendments on a bill marked the unusual importance of an issue and the will of the opposition to put up a fight on it. In the present context, there are not many substantial Government bills which are subject to fewer than a thousand amendments, mainly coming from opposition MPs but also from those of the ruling majority, anxious to draw attention to their initiatives and their activity.

The amendment is, of course, a determining factor in the length of the debate (if not the only one) since the defense of an amendment by its author, the expression of the opinions of the standing committee and of the government, the opinions for or against put forward by other MPs, lead to spending 5 to 10 minutes on each amendment. It should be noted, however, that the mass deposit of identical or very similar amendments is no longer, as it once was, a means of obstruction since the reform of the Rules of Procedure in 2009 which established the set-time plenary debate procedure, that is to say, an organization of the debates in which each political group has a maximum length of speaking time which it can use freely but beyond which it cannot defend any of its, as yet, unexamined amendments.

This reform put an end to the extreme forms of obstruction that had been encountered in the past (more than 100,000 amendments on a gas privatization bill) but only managed to keep within acceptable limits (two or three weeks of debate in plenary sitting) the discussion of the most controversial bills, since the calculation of the quotas of speaking time allocated to the opposition groups was made on a very generous basis. *With the present reform, the scale that sets these times has been revised downwards and the maximum overall length of speaking time allotted to groups has decreased from 50 to 40 hours (i.e. a discussion period for a bill of about 60 hours).*

This slightly modified procedure concerns only a limited number of bills, but it is true, they are the most important ones. The reform of the Rules of Procedure more significantly affects the speaking time of the ordinary procedure for discussing Government bills and members' bills. In this procedure, the discussion of the amendments is preceded by a preliminary phase which, in addition to the presentation of the bill by the Government and of the opinion of the standing committee by the *rapporteur*, includes the examination of two procedural motions, one of which aims

at rejecting the bill from the beginning of its examination, the other at referring it back to committee. *From now on, the motion to refer back to committee is deleted: only the motion for prior rejection remains. In addition, the defense of a motion for prior rejection cannot exceed 15 minutes on first reading instead of the current 30-minute limit.*

After the examination of the motions there is a general discussion, in which one or several speakers from each political group speak for a duration proportional to the group's numbers. The typical duration to be divided between the groups is currently 1 hour 30. Each group has the same minimum time, the distribution of this duration of 1 hour 30 ensures a speaking time of 10 minutes for the smaller groups of the opposition. *The entry into force of the new Rules of Procedure should lead to a significant reduction in the length of the general discussions during which each group will now be allocated a time period of five or ten minutes depending on the bills. (When this time amounts to ten minutes, the groups may designate two speakers).*

Regarding the discussion of the amendments, there are few major changes in the reform of the Rules of Procedure. The most important one concerns the currently unlimited possibility for MPs to speak for 2 minutes on each of the articles in the bill under discussion. It is not difficult to see how this very flexible rule allows for a significant lengthening of the debate when twenty or thirty MPs enroll to speak on an article (such enrolment can continue until the very last minute). *With the new Rules of Procedure, enrolment will continue to be possible until the very last minute but the speeches of the MPs on an article will be limited to one speaker per political group and to one non-aligned MP (these “non-aligned” MPs, are more and more numerous and more and more active).*

Another change that could have had a significant impact is the fact that *the new Rules of Procedure only allow the President to give the floor to one speaker per political group to defend a series of identical amendments.* However, this restriction has been rendered almost unimplementable on account of the interpretation given by the Constitutional Council which makes it only possible to avail of it in the case of an obviously abusive use of these identical amendments in an obvious attempt at obstruction.

However, another abuse of procedure can be more effectively combated: the point of order or the right granted to any MP to be given the floor at any time during a debate, to call into question the procedure used in its running on the basis of a provision of the Rules of Procedure. This is an effective method of paralyzing the examination of a bill, as shown by the 321 points of order made in July 2018 on the Constitutional Revision Bill, which greatly contributed to it becoming stalled. *With the new Rules of Procedure, the MP must explicitly base his/her point on the provision of the Rules of Procedure whose disregard motivates his/her point. If the subject matter of the point of order is identical to that of a previous point of order, the President may withdraw the floor from the MP who requested it. The President may also refuse to give the floor when several requests for points of order from MPs of the same group are clearly intended to call into question the order of business.*

In addition, a procedure for the examination of texts in plenary sitting without the discussion of amendments has been set up. It aims at avoiding duplications between the reading in committee and that in plenary. *This procedure known as “legislation in committee” makes it possible to decide that the right of amendment of the MPs and of the Government be only exercised in committee for all or part of a bill and reduces the duration of the discussion in plenary sitting. Nonetheless, political groups have the possibility of preventing its implementation.* This right of veto would suggest that the procedure will only apply to bills in which little is at stake politically and will have no significant effect on the overall number of amendments.

It can thus be observed that all these new rules aim at correcting certain excesses of parliamentary debate in the National Assembly, in accordance with the principle stated by a great parliamentarian of the French Revolution, Saint-Just, who said that "the prize of eloquence shall be awarded to brevity". However, as they may be considered as a reduction in the right to expression by the opposition, they are accompanied, in the interests of balance, by the strengthening of the other rights of that very opposition.

2. Strengthening the rights of the opposition

In accordance with the Constitution, opposition groups already have specific rights which are recognized by the Rules of Procedure, such as the chairmanship of the Finance Committee, the inclusion of a subject for assessment or monitoring on the order of business of the week reserved each month for the monitoring of the Government or the right to obtain the setting-up of a commission of inquiry or of a fact-finding mission once per session.

Without bringing any major upheavals, the changes introduced in June 2019 follow this line. For example, the days reserved for parliamentary groups allow the opposition to have its legislative proposals examined. Nonetheless, the almost systematic adoption of procedural motions leading to the rejection or postponement of such bills even before the examination of their articles, limits the exercise of this constitutional right. *The tabling of motions is, as of now, forbidden during such reserved days.*

Although an opposition group can obtain the right to the setting-up of a commission of inquiry or a fact-finding mission, the ruling majority generally reserves for itself the key function of *rapporteur*, leaving for the political group which is at the initiative of the commission, the less decisive function of chair. This position is less decisive as it does not entail the power of carrying out “on-site and off-site” investigations. *As of now, the opposition group will be able to obtain, if it so wishes, the position of rapporteur.*

In fact, the most important change concerns the procedure of questions to the government which currently takes place every week, on Tuesday and Wednesday afternoon, for one hour. These questions are of a spontaneous nature; they are neither tabled nor announced, nor published in advance. The time spent on each question, including the minister's reply, is 4 minutes, with 2 minutes for the question and 2 minutes for the reply, unless the Prime Minister answers, and this allows 15 questions per sitting. The questions are divided equally between the ruling majority and the

opposition. Thus, equality of time is maintained over the two sittings with 15 questions for the ruling majority and 15 for the opposition.

Although the spontaneous nature of the questions and the presence of all the members of the Government ensure a large audience during these sittings which constitute a highlight of the parliamentary week, this procedure is the subject of recurrent criticisms, notably concerning the repetitive nature of the exercise over two sittings, the excessive number of questions asked by the MPs of the ruling majority and the sometimes disappointing level of the ministers' replies.

As of October 2, 2019, the rules of the game have changed: instead of two one-hour sittings, a single two-hour sitting will be held on Tuesday at 3 pm, during which 26 or 27 questions will be asked: 15 by the opposition and the rest by the ruling majority. MPs will have the right of reply, i.e. to retake the floor after the minister's response. The minister can then make a counter-reply, a reply to the reply, provided, however, that each remains within the overall limits of their speaking time of 2 minutes. The questioner must therefore be careful to keep part of his/her time for a reply and the minister must also limit the length of his/her first answer if he/she wishes to have the final say in such an exchange.

In spite of this undoubted progress in the rights of the opposition which should clearly modify the rhythm and the style of the French "Question time", in spite of the other more modest advances enumerated above, in spite of the fact that *from now on MPs will be able to table written contributions on the bills on the order paper*, the opposition groups voted against this reform of the Rules of Procedure which they claim has, as its only goal, the fact of allowing the Government to have its bills passed more easily and more swiftly.

The experience of previous reforms of the Rules of Procedure shows that in this area the consensus that would be desirable is practically impossible to achieve, but that the opposition, when it returns to power and, in its turn, assumes the responsibilities as the governing parliamentary majority, is not keen to deprive itself of the instruments of rationalization of the parliamentary debate which were implemented by those who preceded it and were then in control of the chamber.

Mr Manuel CAVERO (Spain) wanted to know how time spent in committee discussion compared to time spent in plenary debate. Such a long and detailed debate in plenary session seemed odd by comparison to the Spanish model where in-depth analysis took place in committees, with less time allocated to considering the text in plenary sessions.

Mr PALLEZ said that the National Assembly had indeed hoped to rebalance the time spent in debate between committee and plenary sessions, and that this had been an objective of major reforms which had taken place in 2008, but had been a complete failure in this regard. Time spent in committee debate had indeed been lengthened, with many amendments proposed during this stage. However the number of amendments proposed during the plenary stage had not reduced; rather, it had increased, with many discussions which had already taken place in committee

being reprised in plenary debates. He noted that new reforms permitted a process of “legislation in committee”, but he doubted they could succeed in the face of opposition disagreement.

Mr Desh Deepak VERMA (India) said every Parliament had this kind of problem. In India, for any Bill that was to be discussed, Parliament fixed the amount of time that would be given to each Bill, then within that, a proportion was allocated to each party, and then each party leader had to decide who would speak – would that be a good way to make sure bigger parties were not disadvantaged?

Mr Muhammad ANWAR (Pakistan) asked whether Parliamentarians had to give their questions in advance.

Mr Modibo SIDIBE (Mali) was astonished to hear that 2600 amendments could be proposed during a plenary session, and noted that in his country this would be considered very far-fetched. Most debates took place at the committee stage.

Mr Thorstein MAGNUSSON (Iceland) asked how much difference this reform had really made to the French Parliament. For how long could the opposition delay a controversial proposition?

Mr Kennedy Mugove CHOKUDA (Zimbabwe) said he was intrigued by the use of a points of order to delay a Bill. How could the Speaker handle this without being perceived as politically biased?

Mr PALLEZ confirmed that the tabling of 2600 was unfortunately all too real, and that the work of the French co-secretary of the ASGP, Mrs Perrine PREUVOT, in the table office, consisted in part of processing these thousands of amendments, requiring her to regularly work through weekends.

He admitted that Parliamentary obstruction remained possible despite reforms. He explained nevertheless that within the framework of the programmed legislation, opportunities for obstruction were limited because if a limit of 50 hours had been fixed across 3 weeks for an important Bill, a group which had 15 hours at its disposal to deal with 2000 amendments could easily have used this up after 1500 of them. It would therefore be totally pointless to table thousands of supplementary amendments because they would be unable to present them in plenary sessions.

He noted that the question about points of order was highly relevant. In summer 2018, 321 points of order in relation to a proposed constitutional reform had paralyzed the public session and contributed to the failure of the reform. According to the new changes to standing orders in the National Assembly, the Speaker would have the power to suspend the right of intervention from members who raised points of order with the sole aim of causing obstruction.

Mr Philippe SCHWAB, President, thanked Mr PALLEZ for his communication.

9. Communication by Mr Remco NEHMELMAN, Secretary General, Senate of the Netherlands: New code of conduct in the Dutch Senate

Mr Philippe SCHWAB, President, invited Mr Remco NEHMELMAN, Secretary General, Senate of the Netherlands, to make his communication.

Mr Remco NEHMELMAN (Netherlands) spoke as follows:

First of all, I would like to emphasize that it is a great pleasure for me to be here again. The meeting in Doha in April of this year marked my first participation in an ASGP-meeting and I am very glad to join to again here in Belgrade. Also, I would like to extend my gratitude to our Serbian hosts and the ASGP secretariat for organizing this conference in an excellent way.

In the summer of 2013, the Group of States against Corruption (GRECO) concluded that the level of public trust in the Dutch parliament is fairly high, in spite of “relatively few regulations and even less supervision to integrity issues”.

Nevertheless, GRECO concluded that the lack of formal rules on integrity issues was risky, and issued several recommendations with regard to the position of members of parliament:

1. To develop formal codes of conduct for MPs;
2. To improve the current disclosure requirements;
3. To set up a system of supervision and enforcement;
4. To appoint an integrity advisor;
5. To provide MPs with periodic training on integrity.

In October of 2013, the Dutch Senate set up a temporary committee to study GRECO’s recommendations and prepare a response for the plenary.

The temporary committee presented its report to the plenary in May 2014. The Senate adopted the report and amended its internal Rules of Procedure. It introduced a specific chapter on integrity, including provisions on conflicts of interests, gifts, trips abroad, ancillary positions and the handling of confidential information. The Senate furthermore recommended political parties to develop their own internal regulations on integrity and to publish these on the Senate’s website.

The Senate choose not set up a formal system of supervision and enforcement and opted against formal sanctions in case of violations of the Rules of Procedure.

In the years after, GRECO noted in its compliance reports that several of the 2013 recommendations had not yet been implemented satisfactorily. In general, GRECO felt that the Senate put too much trust in the willingness of parliamentary parties and individual senators to cooperate, and should adopt a more active stance itself.

Since 2010, Dutch governments have generally struggled to win a majority of seats in the Senate. Since all government bills have to be approved by both the House AND the Senate, this has led to increased media attention for the work of the Senate. This has in turn contributed to greater scrutiny by the media of senators' ancillary positions and possible conflicts of interest. The case of a senator whose company provided a ministry with legal advice about a bill that was later discussed in the Senate was widely covered by media in 2018.

In response to this incident and GRECO's recommendations, the Senate decided to evaluate the provisions on integrity in its Rules of Procedure and the level of compliance by senators once again. As part of this evaluation, a public round-table discussion with experts was organised in the Senate.

In February 2019, the Senate set up another temporary committee which was charged with developing a specific Code of Conduct for the Senate. The committee presented its report, including a draft Code of Conduct, on 16 April 2019. The Code of Conduct was adopted by the Senate by unanimous vote. It entered into force on 11 June 2019, the day on which the newly elected Senate was installed. The Code of Conduct comprises 12 articles with explanatory notes.

The Code of Conduct replaces the previous provisions in the Rules of Procedure. The provisions on conflicts of interests, gifts, trips abroad and ancillary positions have been tightened. For instance, senators should now even avoid the semblance of a conflict of interest. The Code of Conduct furthermore now provides senators with guidelines on contacts with third parties, including lobbyists.

But most importantly, the Code of Conduct has set up a system of supervision and enforcement. The Internal Committee, of which the President and both Vice-Presidents of the Senate are members, is tasked with monitoring whether senators act in accordance with the Code. Upon a request from one or more members, or by its own initiative, the Internal Committee can judge whether the Code of Conduct has been violated in specific cases. It can also issue recommendations. Senators who disagree with a Committee judgment can ask the plenary for a decision, after which the plenary can only confirm or reject the judgment. As soon as it has become definitive, the judgment is made public.

The Senate has deliberately chosen recommendations over sanctions. Formal sanctions such as suspensions and stripping a senator of his or her membership would violate the free mandate that members of the Senate have and that is protected by the Constitution.

The Senate furthermore intends to appoint an independent integrity advisor who can act as a sparring partner for senators. The appointment of such an advisor is mandatory under the new Code of Conduct.

Thank you for your attention. I am happy to hear your comments or your questions on this topic now, or later in the margins of our meeting. Thank you very much.

Mr Thorstein MAGNUSSON (Iceland) asked about the internal committee set up to discuss whether MPs were acting in accordance with code of conduct – had there not been any pressure to set up an external committee to look at this?

Mr NEHMELMAN said this was a good question and had been discussed in the internal committee. It was a compromise to decide that the highest committee in the Senate, President and two deputies, should be the final arbiter. They had to remember that they represented the House, not their parties. He, as Secretary-General, offered advice – but this was a very valid point to consider.

Mr Muhammad ANWAR (Pakistan) asked about the functions and powers of the Senate and the other House, especially in terms of financial powers.

Mr NEHMELMAN said that the Netherlands Senate had a full veto right – they couldn't amend or initiate legislation. This did not often happen – Senators knew their role. They were elected by regions. But it did happen occasionally. This rule had existed since 1815 and the constitution was very difficult to amend.

Mr Saïd MOKADEM (Maghreb Consultative Council) asked whether the decision taken against a member of the Senate could be appealed against, and if so, in what place.

Mr NEHMELMAN said the final judgement was made by the Chamber. Naming and shaming was therefore the end result – Senators had to be careful, because the judgement was made public either way. This was a new system and it would be interesting to see how it would develop.

Mr Miguel LANDEROS PERKIC (Chile) asked about what happened when a senator had a conflict of interest – what was the system?

Mr NEHMELMAN said this was a difficult question to answer and this was the kind of thing he hoped to seek information on from colleagues at ASGP – he would welcome advice!

Mr Philippe SCHWAB, President, thanked Mr NEHMELMAN for his communication.

6. Concluding remarks

Mr Philippe SCHWAB, President, closed the sitting.

The sitting ended at 12.37 pm.

SECOND SITTING

Monday 14 October 2019 (afternoon)

Mr Philippe SCHWAB, President, was in the Chair

The sitting was opened at 2.35 pm

1. Introductory remarks

Mr Philippe SCHWAB, President, opened the sitting, explaining that the thematic debate would be briefly interrupted by an address from Mr Martin CHUNGONG, Secretary-General of the IPU.

2. Theme: Officials and Parliamentarians: Expectations and Protections

Communication by Mr Charles ROBERT, Clerk of the House of Commons, Canada: The immunity of parliamentarians: what are the proper boundaries in an era of transparency and accountability?

Mr Philippe SCHWAB, President, invited Mr Charles ROBERT, Clerk of the House of Commons, Canada, to make his communication.

Mr Charles Robert (Canada) spoke as follows:

Introduction: Stars Aligned?

The incorporation of the *Canadian Charter of Rights and Freedoms*¹ into the patriated Canadian constitution in 1982 was a turning point in Canadian law, shifting it to a “constitutionally entrenched rights-based legal system.”² The *Charter* protects Canadians’ rights to be treated equally under the law (it also guarantees broad equality rights and other fundamental rights such as the freedom of expression, freedom of assembly and freedom of religion) by governments and related public bodies.

One area that has received increased attention since the advent of the *Charter* is the relationship between the *Charter* and parliamentary privilege, “the sum of the privileges, immunities and powers enjoyed by the Senate, the House of Commons and provincial legislative assemblies, and by each member individually, without which they could not discharge their functions.”³ The role of the courts is to determine the

¹ *Canadian Charter of Rights and Freedoms*, part I of the *Constitution Act, 1982*, being Schedule B to the *Canada Act 1982 (UK)*, 1982, c 11, reprinted in RSC 1985, Appendix II, No 44.

² 2015 Senate Report p. 18: <https://sencanada.ca/content/sen/Committee/412/rprd/rep/rep07jun15-e.pdf>

³ *Canada (House of Commons) v. Vaid*, [2005] 1 SCR 667, 2005 SCC 30

existence and scope of a claimed privilege while the exercise of a privilege is within the exclusive jurisdiction of parliament. Since the *Charter* the Supreme Court has issued four substantive judgements on parliamentary privilege, focused on how to balance parliamentary privilege with the fundamental rights and freedoms protected by the *Charter*.

While the courts have become more adept at reconciling parliamentary privilege with *Charter* rights, now may be an opportune time for Canada's houses of Parliament to evaluate how best to exercise their privileges (that are immune from court review) in a way that is consistent with the values of the *Charter* and contemporary norms of transparency, accountability, and respect for the rule of law. Indeed, this was the intent of the House of Commons Standing Committee on Procedure and House Affairs in 2004, when it recommended to the House that a committee be appointed to undertake a comprehensive review of parliamentary privilege with a focus on the impact of the *Charter* on the exercise of privilege. However, the 37th Parliament was dissolved before the recommendation could be adopted.⁴

More recently, Canada's Upper Chamber, the Senate, has studied the issue (twice) and expressed its interest in embarking on such a comprehensive review. Indeed, in June 2019 the Standing Senate Committee on Rules, Procedures, and the Rights of Parliament tabled an interim report titled *Parliamentary Privilege: Then and Now*.⁵ The report recommends that following the general election being held in October 2019, both Houses of Parliament should join together to study parliamentary privilege in its contemporary context, as "both Houses have a common interest to share a contemporary understanding of the exercise of parliamentary privileges". With this invitation, the 43rd Parliament may see the House and Senate join forces in evaluating the exercise of parliamentary privilege in a *Charter* context.

Privilege and Parliament

The Canadian federation is more than 150 years old, making it one of the world's older continuous democracies. The *British North America Act, 1867* (now the *Constitution Act, 1867*)⁶ adopted by the British Parliament was an innovative proposal to join several colonies into one nation. It was the first time that Britain approved the creation of a parliamentary government that was federal in structure with shared and divided jurisdiction between a central/federal government and sub-national provincial governments. The effort begun so many years ago has been largely successful.

Canada's government is modelled on Westminster and is centered on Parliament composed of the Crown, an appointed Senate, exercising the role of an Upper House, and an elected House of Commons. And like Britain itself, many of its most important features operate through convention and tradition. This includes the office of the Prime Minister as the executive head of government and the principle of ministerial

⁴ [Eighth Report](#) of the House of Commons Standing Committee on Procedure and House Affairs, para 11 and 13, presented to the House on March 8, 2004 (*Journals*, [p. 146](#)).

⁵ Eleventh Report of the Senate Standing Committee Rules, Procedures and the Rights of Parliament "[Parliamentary Privilege: Then and Now](#)", tabled in the Senate on June 20, 2019.

⁶ [The Constitution Act, 1867 \(UK\)](#), 30 & 31 Victoria, c 3

accountability exercised through responsible government as determined through confidence votes in the House of Commons.

The adoption of this British parliamentary model included an authorization to claim the privileges, rights, immunities, and powers held and exercised by the Westminster House of Commons and its members. This grant was originally fixed to the privileges in existence in 1867, but it was subsequently made more flexible to allow Canada to claim any privilege through legislation that might be afterwards identified by Westminster post 1867.⁷ This blanket authorization to claim privilege was similar to what had been allowed by Britain when approving constitutions for several Australian colonies ten years earlier and the practice continued when legislation was adopted creating governments for New Zealand, the Australian Commonwealth as well as the Irish Free State and Northern Ireland in 1921. Canada laid claim to these privileges through the enactment of the *Senate and House of Commons Act* (now the *Parliament of Canada Act*) in 1868⁸ and they have been in force without any significant change ever since. Section 1 of the 1868 Act (now section 4 of the *Parliament of Canada Act*) simply reiterated the language of section 18 of the *Constitution Act, 1867* giving these privileges statutory force.

Canada benefitted greatly by keeping to the British parliamentary model. This applied equally to the scope and content of parliamentary privilege. Freedom of speech, control over proceedings, and the power to discipline were accepted without question as valid privileges to protect and sustain the authority and dignity of Parliament and its members. Such privileges were confidently asserted by Parliament and confirmed by the courts.

Lessons from the United Kingdom's Studies on Parliamentary Privilege

The United Kingdom has undertaken four major studies on parliamentary privilege over the last fifty years. This proactive approach was an attempt to anchor the understanding of parliamentary privilege in a contemporary environment. Without denying parliamentary privilege's history, rooted in controversy with the Crown, the UK sought to define it in terms of Parliament's relationship with the greater public.

Actually, sensitivity to the public interest in matters within the realm of parliamentary privilege in the UK can be traced back to the 1839 landmark case of *Stockdale v. Hansard*.⁹ The courts in this case held that Thomas Hansard, the House's publisher, was not protected from an action for defamation regarding a report published by order of the House (holding that while parliamentary privilege protected papers printed by order of the House for its own members, this protection did not extend to papers made available outside the House to members of the public). This result had a negative consequence: it did not take into account the interest of the public to know what was

⁷ Section 18 was repealed and re-enacted by the *Parliament of Canada Act, 1875*, 38-39 Vict., c. 38 (U.K.), reprinted in RSC 1985, Appendix II, No 13.

⁸ *An Act to define the privileges, immunities and powers of the Senate and the House of Commons, and to give summary protection to persons employed in the publication of Parliamentary Papers* (SC 1868 c. 23).

⁹ *Stockdale v. Hansard* (1839) 9 Ad & E 1, (1839) 112 ER 1160 (*Stockdale v. Hansard*)

being debated and enacted in Parliament.¹⁰ In response to the court decision, Parliament enacted the *Parliamentary Papers Act 1840*, which set out in statute that such reports would be protected by privilege.

Still, the court decision in *Stockdale* set out two fundamental principles as to how courts would evaluate parliamentary privileges more than a century later: proof of the history of the privilege, and demonstration of its necessity for the legislature to function:

“The privilege, or rather power (for that is the word used), which that resolution declares to be an essential incident to the constitutional functions of Parliament, is attempted to be supported, first, by shewing that it has been long exercised and acquiesced in; secondly, that it is absolutely necessary to the legislative and inquisitorial functions of the House.” (*Stockdale v. Hansard*, at p. 1189).

The use of necessity to determine the existence and scope of a claimed privilege is a keystone of contemporary approaches to privilege.

Returning to the UK’s contemporary reviews of parliamentary privilege, the first two studies on privilege were undertaken by a special committee of the House of Commons, while the latter two were by a special joint committee with the House of Lords. The basic thrust of these reports was to examine if and how privilege should be adapted to better conform to modern expectations. For example, the first report of the UK House of Commons’ Select Committee on Parliamentary Privilege, produced in 1967 (though never formally adopted by the House), proposed relaxing the use of the contempt power with respect to critical accounts of Parliament by the press. It also recommended that legislation be introduced to extend and clarify the scope of privilege, with an underlying understanding that the recognized rights and immunities of the House “will and must be enforced by the courts as part of the law of the land.”¹¹ This and similar recommendations were reiterated in a subsequent report produced in 1977 by the Committee of Privileges and adopted by the House.¹²

The 1999 Special Joint Committee report was more comprehensive and bolder in its approach to parliamentary privilege. Among other things it suggested that Parliament only retain the rights and immunities necessary for it to carry out its functions (echoing, in a sense, *Stockdale v Hansard*); that “proceedings in Parliament” and

¹⁰ This point was emphasized in the 1999 UK study on parliamentary privilege, which noted that “Parliamentary freedom of speech would be of little value if what is said in Parliament by members, ministers and witnesses could not be freely communicated outside Parliament. There is an important public interest in the public knowing what is being debated and done in Parliament.” (Joint Committee on Parliamentary Privilege (UK), *Parliamentary Privilege – First Report – Volume 1*, 9 April 1999, at para 341).

¹¹ United Kingdom, House of Commons, Report from the Select Committee on Parliamentary Privilege, Together with the Proceedings of the Committee, Minutes of Evidence Taken Before the Select Committee on Parliamentary Privilege in Session 1966-67, and Appendices, December 1, 1967 (reprinted 1971), pp. xiii-xiv, par. 38.

¹² May, *Erskine May’s Treatise on the Law, Privileges, Proceedings and Usage of Parliament*, 24th ed., p. 218: for the 1976-77 report see House of Commons Paper 417 (1976-77); for the House adoption see Journals of the House of Commons (1977-78) 170.

“place out of Parliament” be defined in statute; and that Parliament’s power to imprison for contempt be abolished and that its penal powers over non-Members be transferred to the courts.¹³ In addition, the report recommended the codification of privilege in statute. The objective of this proposal was to “make it easier to understand that parliamentary privilege matters not just to members of Parliament but to the electorate.”¹⁴

The fourth and most recent UK report on privilege, from 2013,¹⁵ came about in response to the spending scandal in 2009 involving improper expense claims by members and peers. Despite the government’s commitment to codify privilege, the joint committee determined that there was no real requirement to do this. In taking this view, it indirectly rejected the proposal made fifteen years before to codify privilege in a way that circumscribed its scope and focused it on necessity. Still, the 2013 Joint Committee Report did reaffirm necessity as the basis for parliamentary privilege and explicitly endorsed the Supreme Court of Canada’s interpretation of necessity in the *Vaid* case.¹⁶

Historically, in comparison with Westminster, the approach of the Canada’s houses of Parliament to parliamentary privilege might be described as relatively relaxed. This could be because parliamentary privilege in the UK evolved through struggle between the Crown, Parliament, and the courts, whereas Canada did not have such a history.¹⁷

More recently, parliamentary privilege has attracted some attention by parliamentarians particularly over the past 15 years following Supreme Court decisions on parliamentary privilege and the *Charter*. As noted above, in 2004, the House of Commons Standing Committee on Procedure and House Affairs recommended that the House of Commons consider the appointment of a committee to undertake a comprehensive review of parliamentary privilege in the era of the *Charter*:

The time is perhaps appropriate for the Canadian Parliament to undertake a systematic review of its privileges and those of its members. Not only has such a review not been conducted in many

¹³ Joint Committee on Parliamentary Privilege (UK), *Parliamentary Privilege – First Report – Volume 1*, 9 April 1999 (1999 UK Joint Committee).

¹⁴ Joint Committee on Parliamentary Privilege (UK), *Parliamentary Privilege – First Report – Volume 1*, 9 April 1999 (1999 UK Joint Committee) at para 39.

¹⁵ Joint Committee on Parliamentary Privilege (U.K.), *Parliamentary Privilege: Report of Session 2013–14*, 18 June 2013 (2013 UK Joint Committee).

¹⁶ Stating at paras 24 and 25: 24. We endorse the approach adopted in *Vaid*. Absolute privilege attaches to those matters which, either because they are part of proceedings in Parliament or because they are necessarily connected to those proceedings, are subject to Parliament’s sole jurisdiction. 25. One of the advantages of the “doctrine of necessity” is that it ensures a degree of flexibility. The working practices of Parliament change, and our understanding of what is or is not subject to Parliament’s sole jurisdiction needs to adapt and evolve accordingly.

¹⁷ See for example Peter Doherty, “What is this ‘Mysterious Power’? An Historical Model of Parliamentary Privilege in Canada” (2017), 11 *J.P.P.L.* 383, at p. 390.

*years, but the introduction of the Canadian Charter of Rights and Freedoms and parliamentary developments, such as the broadcasting of proceedings, have inexorably affected the environment within which we operate.*¹⁸

Unfortunately Parliament was dissolved before any substantive study could be undertaken. Over a decade later, the Senate took up the issue, first in 2015 and again in 2019. The Senate reports are discussed below.

Action, Reaction, and Codification: Parliamentary Privilege in Australia and New Zealand

Both Australia and New Zealand have codified parliamentary privilege. In both cases the respective legislatures reacted to court decisions that they felt intruded on the realm of parliament's exclusive jurisdiction. The reactive measures taken by the legislatures of Australia and New Zealand overturned the "problematic" court decisions, but at a cost. Because they focused on the perceived intrusions into privilege their responses were to boldly assert privilege. They were not focused, unlike the UK studies on privilege, with how parliamentary privilege ought to be exercised in a contemporary, rights-based legal context.

In Australia, Parliament reacted to two decisions collectively referred to as *R. v. Murphy*.¹⁹ At issue was whether testimony given in a parliamentary committee could be admitted in court proceedings. The court decisions held that parliamentary statements and parliamentary evidence could be admitted in court proceedings insofar as they were not the basis of the claim at issue. These decisions sought to balance privilege of freedom of speech, that "debates or proceedings in Parliament ought not to be impeached or questioned in any court or place outside of Parliament"²⁰ with a public interest in using material from parliament. The concern from parliamentarians following *R. v. Murphy* was that plaintiffs and defendants in various court cases would use committee evidence in a way that essentially attacked parliamentarians by questioning the truthfulness and motivations of their comments made in Parliament. Parliamentary studies followed and the *Parliamentary Privileges Act 1987* overturned the two *R. v. Murphy* decisions by, among other things, enacting a broad interpretation of Article IX, with the effect of limiting the use of parliamentary evidence in court proceedings.

New Zealand also put its privileges in statute in reaction to court decisions. In the 2011 decision of *Gow v. Leigh*²¹, the New Zealand Supreme Court found that advice given to a Minister (both orally and in a note) by an official in order to help the Minister answer questions in the New Zealand legislature were not protected by absolute privilege against claims for defamation arising from what was said to the Minister.

¹⁸ [Eighth Report](#) of the Standing Committee on Procedure and House Affairs, para 11 and 13, presented to the House on March 8, 2004 (*Journals*, [p. 146](#)).

¹⁹ The first judgement is unreported. The citation for the second decision is *R. v. Murphy* (1986) 5 NSWLR 18.

²⁰ As set out in Article IX of the *Bill of Rights 1689 (An Act Declaring the Rights and Liberties of the Subject and Settling the Succession of the Crown)*, 1 William & Mary Sess 2 c 2.

²¹ Attorney General and Gow v. Leigh [2011] NZSC 106 (*Gow v. Leigh*).

Instead, the public servant was protected by a qualified privilege (that would require evidence of deliberate malice to obtain a conviction for defamation). The Court found that it was not *necessary* for the public servant to benefit from absolute privilege in order for the New Zealand House of Representatives to function properly. Following *Gow v. Leigh* the House of Representatives undertook a study of parliamentary privilege. Writing to the committee, a group of Canadian Senators observed that the Supreme Court in *Gow v. Leigh* had appropriately balanced parliamentary privilege with the rights of the individual who had allegedly been defamed.²² However, in reaction (in part) to *Gow v. Leigh*, New Zealand passed its *Parliamentary Privilege Act 2014*, which incorporated a broad interpretation of the privilege of freedom of speech and Article IX of the Bill of Rights, and more fully set out the scope of what courts or tribunals could not do in terms of impeaching or questioning proceedings in Parliament. The 2014 Act effectively extended privilege beyond members of the legislature by extending absolute privilege to the situation contemplated in *Gow v. Leigh* (overturning the decision).

Canadian Jurisprudence: Necessity and Jurisdiction

Court involvement in Canada on the subject of privilege was fairly limited. Indeed, aside from a collection of early cases setting out the rights of provincial legislatures to exercise privileges, powers over non-members who interfere with parliamentary duties, and the basic role of the courts vis-à-vis privilege, the Supreme Court of Canada did not issue any substantive decisions on parliamentary privilege for almost a century.

The incorporation of the *Canadian Charter of Rights and Freedoms* into the patriated Canadian constitution in 1982 created new opportunities for the court to engage in the subject of parliamentary privilege. The four cases that have been decided by the Supreme Court in the era of the *Charter* demonstrate an evolution in the Court's approach to necessity and particularly the rights of non-Members vis-à-vis parliamentary privilege. The Court has shown that it will, insofar as possible, try to reconcile parliamentary privilege and the *Charter*.

Still, the Court has also clearly stated that Parliament retains exclusive jurisdiction over areas that are properly within the realm of parliamentary privilege (necessary for the functioning of parliament). The Court has noted that in the areas of exclusive parliamentary jurisdiction it is up to Parliament itself to determine the exercise of its privileges in a way that is consistent with the *Charter*.

Necessity: *New Brunswick Broadcasting Co. v. Nova Scotia (Speaker of the House of Assembly)* [1993] 1 SCR 319.

At issue in *New Brunswick Broadcasting* was whether television camera operators had the right, under the *Canadian Charter of Rights and Freedoms*, to film proceedings of the Nova Scotia legislative assembly, or whether the assembly had the

²² Letter to the Hon. Christopher Finlayson, MP, Chairperson, Privileges Committee, New Zealand, by Senators David Smith (then Chair of the Senate's Standing Committee on Rules, Procedures and the Rights of Parliament) and George Furey (then Head, Working Group on Parliamentary Privilege), co-signed by Senators Gerald Comeau, Serge Joyal and David Braley, 29 November 2012.

right to exclude them from filming from the public galleries. In this case, the Nova Scotia legislature refused to allow video cameras inside the assembly, prompting the Canadian Broadcasting Corporation to take the Speaker of the Assembly to court.

“Necessity” was held to be the core test to determine the assembly’s powers. Justice McLachlin (writing for the plurality) noted the following about the “necessity” test to determine the sphere of parliamentary jurisdiction:

The test of necessity is not applied as a standard for judging the content of a claimed privilege, but for the purpose of determining the necessary sphere of exclusive or absolute "parliamentary" or "legislative" jurisdiction. If a matter falls within this necessary sphere of matters without which the dignity and efficiency of the House cannot be upheld, courts will not inquire into questions concerning such privilege. All such questions will instead fall to the exclusive jurisdiction of the legislative body. Thus the test of necessity for privilege is a jurisdictional test.

Here the Court concluded that the legislative assembly of Nova Scotia possessed an inherent constitutional right to exclude strangers from its chamber (the case did not address whether legislated privileges also had constitutional status).

Charter and Legislated Privileges: *Harvey v. New Brunswick (Attorney General)*, [1996] 2 SCR 876

In *Harvey*, decided a few years after *New Brunswick Broadcasting*, the Court considered whether New Brunswick’s electoral law violated the *Charter* rights of a member of the Legislative Assembly as it required that he vacate his seat and be barred from contesting an election for five years following his conviction for an illegal practice (inducing a person who was not of voting age to vote).

The majority in *Harvey* did not address privilege at all, focusing on sections 1 and 3 of the *Charter*. However, Justice McLachlin would have decided the case based on inherent parliamentary privilege. In her separate concurring opinion she developed a more nuanced “balancing” approach that attempted to reconcile parliamentary privilege with *Charter* rights, where they come into apparent conflict. She argued that the constitutional principles should be reconciled:

Because parliamentary privilege enjoys constitutional status it is not “subject to” the Charter, as are ordinary laws. Both parliamentary privilege and the Charter constitute essential parts of the Constitution of Canada. Neither prevails over the other. While parliamentary privilege and immunity from improper judicial interference in parliamentary processes must be maintained, so must the fundamental democratic guarantees of the Charter. Where apparent conflicts between different constitutional principles arise, the proper approach is not to resolve the conflict by subordinating one principle to the other, but rather to attempt to reconcile them.

Justice McLachlin then added that privilege should not be used to trump legitimate *Charter* interests: This is where the Court plays an important role, to determine whether (and the extent to which) a claimed privilege exists.

Necessity and Non-Members: *Canada (House of Commons) v. Vaid*, [2005] 1 SCR 667, 2005 SCC 30

The *Vaid* case was fundamental in terms of setting out the role of the courts in determining the existence and scope of a privilege, grounded in a concept of necessity. It arose from complaints of discrimination and harassment made by the former chauffeur of the Speaker of the House of Commons, Mr. Satnam Vaid, against both the Speaker and the House of Commons after Mr. Vaid's position was declared surplus. Mr. Vaid sought to have his complaints investigated by the Canadian Human Rights Commission (CHRC), but the Speaker and the House asserted parliamentary privilege in relation to "management of employees" in order to block any investigation for lack of jurisdiction.

Building on principles set out in *New Brunswick Broadcasting* and *Harvey*, the Supreme Court held, in a unanimous decision, that the claimed privilege of "management of employees" did not qualify as an established or necessary privilege. Justice Binnie reiterated that proof of necessity is required only to establish the existence and scope of a category of privilege, that the role of the courts is "to ensure that a claim of privilege does not immunize from the ordinary law the consequences of conduct by Parliament or its officers and employees that exceeds the necessary scope of the category of privilege." (para 11)

In a sense Justice Binnie also invited Parliament to consider the application of human rights and civil liberties, such as set out in the *Charter*, in its exercise of parliamentary privilege. He reiterated that once the category (or sphere of activity) is established, it is for Parliament, not the courts, to determine whether in a particular case the exercise of the privilege is necessary or appropriate, adding that, "in matters of privilege, it would lie within the exclusive competence of the legislative assembly itself to consider compliance with human rights and civil liberties." (para 30).

The Senate Standing Committee on Rules, Procedures and the Rights of Parliament (Rules Committee): 2015 Interim Report on Parliamentary Privilege

The Senate Rules Committee's took the statement made by Justice Binnie in *Vaid*, regarding the exclusive competence of Parliament itself to ensure compliance with human rights and civil liberties, as a challenge for Parliament to examine itself. *Vaid* demonstrated that the courts will intervene where they can – where there is no well-established claim to privilege that meets the necessity test.²³ Yet it is up for Parliament to reconcile *Charter* rights and parliamentary privilege within Parliament itself.

²³ The privilege claim made by the House of Commons in *Vaid* was unnecessarily broad and was unproven – in terms of the claimed necessity for privilege to immunize parliamentary action regarding parliamentary employees.

In the committee's interim report on privilege (2015) it recommended that the federal houses of Parliament should proactively re-evaluate and reconsider parliamentary privilege in the Canadian context, building on the framework set out in *Vaid*. This would involve reassessing the *exercise* of privilege in a way that allows Parliament to function properly without infringing the rights of others.

The interest in re-evaluating parliamentary privilege in a *Charter* context was piqued again most recently by the Supreme Court of Canada in *Chagnon*.

Taking it further: *Chagnon v. Syndicat de la fonction publique et parapublique du Québec*, 2018 SCC 39

In *Chagnon* the Supreme Court held in a majority decision that the dismissal of three security guards employed by the National Assembly was not protected by parliamentary privilege. The case, originating from Quebec, is the most significant decision regarding parliamentary privilege since *Vaid*, and is the first time that the court has reconsidered parliamentary privilege since then.

The President [Speaker] of the National Assembly objected to the labour grievances brought by the security guards, asserting that the decision to dismiss the guards was immune from review as it was protected by the parliamentary privilege over the management of employees and the parliamentary privilege to exclude strangers from the Assembly.²⁴

In concluding that parliamentary privilege does not apply to the management of security guards, Justice Karakatsanis noted that while guards perform important tasks that are connected to the National Assembly's constitutional functions, that is not sufficient to sustain a claim of privilege. According to Karakatsanis, "immunity from outside scrutiny in the general management of the security guards is not such that, without it, the Assembly could not discharge its functions" (para 44, citing *Vaid* at para. 72). She added that "permitting the enforcement of basic employment and labour protections for the security guards would not undermine the independence required for the Assembly to fulfil its mandate with dignity and efficiency" (ibid). Such "unreviewable authority" is "not necessary in light of the purpose of inherent legislative privileges" (ibid).

Looking Inward

The observations of Justice Karakatsanis in *Chagnon* are important – Courts will intervene where they can, particularly to uphold the *Charter* rights of non-Members

²⁴ He made this assertion of parliamentary privilege notwithstanding the fact that the *Act respecting the National Assembly* ("ARNA"), passed by the National Assembly, set out that all employees of the National Assembly are managed in accordance with general law and, as such, are generally subject to a labour relations regime unless they are exempted by regulation, which was not the case here. There was no regulatory exemption for security guards, suggesting that the National Assembly did not appear to view exclusive control over their management to be necessary to its autonomy.

of a legislature where a claim of privilege is not established or not deemed to be necessary.

However, Parliament still retains “unreviewable authority” with regard to matters that are properly in the purview of parliamentary privilege, such as parliamentary proceedings. How should the rights and values set out in the *Charter* be enforced within Parliament itself?

The Examples of George and Wong

Two examples of potential abuse are those of journalist Jan Wong and former Royal Canadian Mounted Police Deputy Commissioner of Human Resources Barbara George.

Jan Wong, a journalist, wrote an article in September 2006 entitled “Get under the desk” that was featured in a national newspaper, and which had generated controversy across the country. The incident ultimately culminated in a motion passed unanimously by the House of Commons on September 20, 2006 which stated that “[...] apologies be presented to the people of Quebec for the offensive remarks of Ms. Jan Wong in a Globe and Mail article [...].”²⁵ This resolution was passed only 4 days after the article was first published. Following this incident and the political fallout because of it, Ms. Wong’s health suffered and she was eventually fired from her job.²⁶ Neither Ms. Wong nor the Globe and Mail apologized as requested by the House of Commons motion. She stated that she was silenced and felt that her right to free speech as a journalist was restricted.²⁷

Some months later Deputy Commissioner George testified before the Standing Committee on Public Accounts on February 21, 2007 regarding its investigation on the administration of the RCMP pension and insurance plan. Over the course of several meetings, the committee determined that during her testimony, D/Commr. George had given false or misleading statements.²⁸

On February 12, 2008, the Committee unanimously tabled its third report entitled “The Testimony of Deputy Commissioner Barbara George Before the Public Accounts Committee”, in which they recommended that “the House of Commons find Deputy Commissioner Barbara George in contempt of Parliament for providing false and misleading testimony to the House of Commons Standing Committee on Public Accounts on February 21, 2007; and that the House of Commons take no further action as this finding of contempt is, in and of itself, a very serious sanction.”²⁹

On April 10, 2008, the House unanimously agreed with the committee’s recommendation and found D/Commr. George in contempt of Parliament.³⁰ Due to the Parliamentary privilege enjoyed by Members, however, D/Commr. George was unable to defend herself or present evidence to respond to the accusations the House had levied against her. Following this occurrence, D/Commr. George left her role in

²⁵ House of Commons Journals, September 20, 2006, p. 403.

²⁶ Paul Gessell, “Jan Wong’s blues”, *Ottawa Citizen*, May 6, 2012

²⁷ Jan Wong “Out of the Blue” (2012), p. 252-4

²⁸ Rob Walsh, “Fairness in Committees”, *Canadian Parliamentary Review*, Vol. 31 No. 2, 2008, p. 23.

²⁹ Canada, Parliament, House of Commons. Standing Committee on Public Accounts. (2008). *The Testimony of Deputy Commissioner Barbara George Before the Public Accounts Committee*. 39th Parl., 2nd sess. Rept. 3, p.15.

³⁰ House of Commons Journals, April 10, 2008, p. 685.

the RCMP stating that her credibility had been ruined.³¹ On March 27, 2007, over a year before the House would adopt its resolution to hold D/Commr. George in contempt, Borys Wrzesnewskyj, the Member for Etobicoke Centre, reiterated the Committees' accusations against her in media interviews.³² As these interviews were not part of a Parliamentary proceeding, his privilege of freedom of speech was not in effect, and thus allowed for D/Commr. George to sue him for defamation in July 2008. They later settled the case out of court.³³ As part of this settlement, Mr. Wrzesnewskyj issued an apology, stating that "[...] deputy commissioner George has suffered a personal and professional injustice."³⁴ This apology, however, did not change the contempt order levied against D/Commr. George by the House. It is important to note that the motions against both Jan Wong (September 20, 2006) and Barbara George (April 10, 2008) were moved and passed without any notice and without any debate. Here, the House "with one voice, accuses, condemns and executes" (*Stockdale v. Hansard*, at p. 1171). In doing so it did not, in any way, engage in a rights-based legal approach to exercise of parliamentary privilege as should be expected in the 21st century.

In its 2015 interim report, the Senate Rules Committee took note of these examples, and stated that:

*Parliamentarians and third party witnesses at committees accused of contempt or a breach of privilege may suffer damage to their reputations, employment prospects, and more. Counterpart jurisdictions have considered how to ensure that procedures undertaken by Parliament against individuals are based in some understanding of procedural fairness. The Subcommittee [of the Rules Committee] agrees with the assertion that "the boundaries of parliamentary privilege and the need to protect a person's fundamental rights ought to be examined with regard to what is necessary to both govern effectively and preserve the public trust."*³⁵

The Rules Committee added that:

*In the post-Charter and post-Vaid context, it is the Rules Committee's opinion that Parliament must ensure that privileges "are fair and reasonable in a modern context by balancing the institutional imperatives of a parliamentary body with the need to minimally impair individual rights and freedoms."*³⁶

Looking Ahead

The importance of protecting the rights of third parties was reiterated in the Rules Committee's most recent 2019 report on parliamentary privilege. The Committee recommended:

³¹ Amy Minsky, "Disgraced former RCMP deputy commissioner demands justice", *Global News*, September 13, 2012.

³² Cynthia Munster, "Former RCMP deputy commissioner sues Liberal MP and CBC", *The Hill Times*, March 29, 2009.

³³ Amy Minsky, "Disgraced former RCMP deputy commissioner demands justice", *Global News*, September 13, 2012.

³⁴ Colin Freeze, "Former Mountie wants her apology after being found in contempt", *Globe and Mail*, November 2, 2012.

³⁵ Senate Rules report 2015 at p. 65, citing Roger Macknay, "Oversight as it intersects with Parliament", *Australasian Parliamentary Review*, Vol. 28, No. 2, Spring 2013, pp. 56-70, at p. 69.

³⁶ Citing Charles Robert and Vince MacNeil, "Shield or Sword? Parliamentary Privilege, Charter Rights and the Rule of Law", *supra*, at p. 37.

Given the insightfulness of the witnesses' arguments and the importance for third parties to have their fundamental rights protected, the Committee believes that it would be worthwhile to continue this study in the future, focusing on this particular issue. (p. 20 of 2019 report)

The latest decision of the Supreme Court in *Chagnon* offers an opportunity for Parliament to review how it exercises its properly-held privileges in a way that is consistent with the *Charter*. Indeed, this is the fundamental conclusion reached by the Senate Rules Committee in its report on parliamentary privilege published in the spring of 2019, building on the work done in 2015. The Rules Committee recommended that:

Following the next general election, since both Houses have a common interest to share a contemporary understanding of the exercise of parliamentary privileges, that the Senate invite the House of Commons to participate in a special Joint Committee on this subject.

The mandate of the Special Joint Committee would be: to review the recent judicial decisions of the Supreme Court of Canada and Federal Court of Appeal on the criteria defining parliamentary privileges; to evaluate the scope of parliamentary privileges in relation to electronic communications and devices, Internet sites, social media platforms, and other electronic supports used by parliamentarians, if any; to evaluate the need to clarify the applicable rules; and to consider the various initiatives that could be undertaken to protect third party rights and freedoms in regard to parliamentary privileges.

The Supreme Court, in its four decisions issued on parliamentary privilege since the passage of the *Charter*, has consistently reiterated how it is up to Parliament to determine whether and how to reconcile the exercise of its privilege with the rights-based *Charter*. Over the past 15 years both houses of Parliament have expressed interest in taking up the challenge. Perhaps, in line with the Senate Rules Committee's most recent recommendations, the 43rd Parliament will see the stars aligning for a comprehensive study of parliamentary privilege in the era of the *Charter*.

3. Communication by Mr. Givi MIKANADZE, Secretary General of the Parliament of Georgia: The importance of training in Strengthening the Capacity of the Parliament of Georgia

Mr Philippe SCHWAB, President, invited Mr Givi MIKANADZE, Secretary General of the Parliament of Georgia, to make his communication.

Mr. Givi MIKANADZE, Secretary General of the Parliament of Georgia, spoke as follows:

Training is an organized activity aimed at imparting information to improve the performance of target group and help attain a required level of knowledge and skills.

Training process moulds thinking of employees and leads to their quality performance. Therefore, training is a substantial part of any business, including Parliament.

Despite potential drawbacks, training provides with benefits that make the cost and time worthwhile investment for both, the individual and the institution, as a whole. Training serves as a beneficial tool for implementing new reforms and improving quality of activities. Among others, the most noticeable benefits of training activities can be listed as:

- (a) Improved performance of staffers and their increased productivity;
- (b) Improved employee satisfaction;
- (c) Addressing weaknesses;
- (d) Tracking employees' skills;
- (e) Delivering happier customers.

The Parliament of Georgia, likewise many legislatures worldwide, puts high importance on regularity training activities for the MPs and the staffers. However, unlike the majority of Parliaments, Georgia established its own Parliamentary Training Centre (PTC) rather than outsourcing the training activities.

The PTC was established in Georgia in 1996. Initially, until 2005, it was a division of the IT Department that offered only basic computer literacy courses. Later, when it became a structural unit of the Human Resource Department, the PTC has organized English classes for the MPs and the staffers of the Parliament's Administration and started cooperation with the donor and partner organizations for holding trainings on various topics. It should be mentioned that until 2018 the PTC activities were mostly depending on the donor support.

PTC provides clear mission, as follows:

- (a) Develop a study plan and targeted training programs in accordance with the Parliament's individual development plans for civil servants and professional development/trainings needs identified upon request by structural units of the Parliament's Administration;
- (b) Organize, coordinate and control implementation of targeted training programs and evaluate training results; and
- (c) Organize internship programs at structural units of the Parliament's Administration.

The mission of the PTC is to define and develop effective system of target groups. Based on its mission the PTC carries out needs analysis of educational programs, in order to further offer training programs and other types of educational products (including e-courses) to the target groups on a regular basis.

Provision of regularity of training activities is much depending on developing the in-house trainers' team, which was not the case in the Parliament of Georgia until 2018. In 2018, in close cooperation and assistance of NDI and UKaid, the in-house trainers'

development program was created. In accordance with the established qualification requirements for the in-house trainers, out of 94 applicants only 35 were successfully selected. Based on six months regular training, coaching and shadowing activities, 13 out of 35 candidates have successfully completed the program and formed in-house trainers' team of the PTC. In April 2019 a new phase of the similar long-term program has been launched, with the participation of 15 staffers of the Parliament's Administration. All 15 have successfully completed the program and joined the team of in-house trainers. Accordingly, the PTC is now having 28 in-house trainers (19 female and 9 male trainers).

In-house trainers are in charge of conducting various training activities as at the PTC premises, as well as in the regional offices of the Parliament. There are 95 offices (bureaus) country wide with up to 350 staffers, who serve 73 MPs elected in the majoritarian constituencies. Main topics of the trainings conducted in regions by in-house trainers are related to the new Rules of Procedures of the Parliament, state procurement, financial reporting, case management and skills related to the interaction with the citizens. These trainings had a significant impact on improving the quality of quarter reports by the regional bureaus, as well as on the proper procurement procedures held by them.

2018 was transitional year for the PTC in respond to the increased demands from the Parliament of Georgia. In parallel to the establishing of the in-house trainers' team, the templates for the training programs and syllabuses have been designed and adopted. There were developed and put in practice 7 training programs in 2019.

In January 2019 first ever Annual Calendar of training activities has been developed, including obligatory and optional training programs. The obligatory training programs were mostly related to the results of the evaluation carried out by the HR Department among the staffers of the Administration. As regards to the optional training programs for the MPs and the staffers, the following trainings have been offered to the target audience:

- (a) Effective communication;
- (b) Effective presentation;
- (c) Time management; and
- (d) Stress management.

It is important to mention that the first ever sign language trainings were organized for the staffers. Two groups, each of 13 staffers from various structural units of the Administration of the Parliament have participated in the basic 3-months training program and graduated successfully. This component is of high importance due to the established and developed concept of making the Parliament of Georgia more accessible leading state institution, capable to provide access and relevant services to all persons with various forms of disabilities.

Five weeks training program for the interns and 2-weeks induction training program for the newly recruited staffers of the Parliament have been developed, piloted, updated and put into regular practice. Twice a year the Parliament runs 6 months internship program with the fixed dates (1st January – 30th June and 1st July – 31st December). Each internship starts with 5-weeks training program, followed by 20

weeks practice at relevant units of the Parliament, under daily supervision of mentors. Mentorship programme has been launched in the Parliament of Georgia in 2019, which made internship program more result oriented, providing tangible results. There are 27 mentors operating in the Parliament, who have been nominated by different structural units of the Parliament in accordance with relevant qualifications. As a result of successful internship, 8 interns with best performance were recruited in the various structural units of the Parliament during the period of April-July 2019.

Considering increased demand on training activities by the staffers, as well as deriving from the results of the annual evaluation of staffers, decision to introduce the blended learning has been taken by the management of the Administration of the Parliament. The IT Department has been developing an e-learning platform based on Chamilo during first half of 2019; in parallel the PTC has been working on materials to be used for off-line and on-line educational activities. In that regard, with UNDP/EU project support, 11 educational films on various topics from the Rules of Procedures of the Parliament have been recorded. In-house trainers developed online materials and relevant online tests for distance learning component within the framework of the PTC. The first blended learning activities have been launched in the Parliament of Georgia in September 2019 with participation of staffers located in the Palace of the Parliament and those working in various municipalities and cities of Georgia. Fifty out of ninety-five regional offices were covered at initial stage by distance learning activities. It is planned that by the end of 2020 all regional bureaus will be provided with the possibility to enrol e-learning.

It is planned to expand e-learning activities in 2020 and develop new training modules not only for staffers and MPs, but provide special trainings regarding Parliament and its functions to the public, including schoolchildren, students, media, civil society and etc. Those modules focused on general public, will have sign language translation and subtitles, as well as be available in number of foreign languages, which will raise awareness about the Parliament of Georgia worldwide.

Along with ongoing educational activities, the PTC has developed partnership with the number of vocational and tertiary institutions. In May-June 2018 the MoUs on partnership and cooperation has been signed with 22 vocational training centres and academies functioning under various governmental agencies. In a term of a year, after signing above mentioned MoUs, 14 trainings by 7 vocational training institutions were conducted for the MPs and staffers of the Parliament. This cooperation provides mutual benefits - from one side, the MPs and the Parliamentary staffers are offered free of charge trainings by experts from particular fields who have not only theoretical, but also practical knowledge of the subject; from another side, this process is beneficial for the partner governmental agencies, as their trainers have possibility to highlight and focus attention of the MPs and staffers on problematic and challenging issues they face in practice and deriving from acting legislation. In a longer perspective, it establishes grounds for more understanding of the draft bills initiated by the Government and more chances to be supported and adopted by the Parliament.

If we compare the PTC activities before 2019 with the data for the first 6 months of 2019, it shows how active the PTC has become after establishing in-house trainers' team and starting cooperation with other training institutions. 592 MPs and staffers

(among them 371 female (63%) and 220 male (37%)) were trained in total, in 2017-2018, while from 1st January to 30th June 2019, 40 trainings with participation of 383 staffers (among them 240 female (63%) and 143 male (37%)) were conducted.

At the end of 2018 the PTC Strategy for 2019-2024 and two years Action Plan (2019-2020) was developed. The document outlines strategic objectives of the PTC and the AP for achieving these objectives. Implementation of the Strategy and AP is monitored by the Secretary General personally on a quarterly basis.

The document highlights seven main strategic objectives:

- (1) Professional development of PTC human resources and promotion of its activities
- (2) Needs assessment of educational projects (programs, courses, master-classes, meetings, public lectures, internship programs and etc.), development of new training programs and quality assurances
- (3) Introduction/implementation of innovative technologies in learning process
- (4) Creation and development of a pool of in-house trainers and mentors
- (5) Infrastructural development and financial support
- (6) Expanding strategic cooperation with partner organizations
- (7) Development of the Internship Program

Results of the study of the implementation of the AP for the first half of 2019, made it obvious that 90% of planned activities have been fully implemented (33 activities out of planned 37), 5% partially (in progress) and 5% have not been implemented yet.

As a structural unit of the Administration of the Parliament, the PTC has never had a budget for recruitment of external trainers and mostly depended on the donor and international organizations' support. In June 2019 the Parliament of Georgia has approved Parliament's budget for 2020 and first time ever defined a special budget line for the PTC with the amount of 30.000 USD for recruitment of external trainers upon request and need.

Last, but not least, it should be noted that the training is not about teaching MPs and staffers how to do their job, it's about teaching them how to perform better and thus benefit the overall activities of the Parliament.

Considering new partnerships with the vocational and tertiary institutions, establishing in-house trainers' team, introducing new technologies in educational process (blended learning), having sustainable donor support and allocating budget for recruitment of external trainers, it gives me a possibility to have increased expectations from the PTC. The PTC with its mission is a central unit of the Parliament, related to all the reforms and improvements, which are taking place and will be planned in future in the main legislative body of Georgia. Therefore, strengthening the capacity of the PTC will have direct impact on the activities of the Parliament and today, I tried to present obvious results, achieved in such a short period of time, as a justification of this statement.

Thank you for your kind attention and would be more than happy to answer your questions.

Mr Mehmet Ali KUMBUZOĞLU (Turkey) said that all Parliaments must take education very seriously. Turkey didn't have any problems training staff – but MPs were another matter. Did MPs in Georgia ask for training? And if so, on what topics did the Georgian Parliament provide training?

Mr Matthew HAMLYN (United Kingdom) asked about training for MPs. Did Georgia mandate any training for Members and if so, how did they enforce it?

Mr Charles ROBERT (Canada) said that training for new MPs in Canada was practically compulsory – but there were now conduct issues, around sexual harassment for instance, on which training for MPs was mandatory. This was key to protect the reputation of Parliament. Did Georgian training cover this sort of delicate issues?

Mr Najib EL-KHADI (Morocco) pointed out that Parliaments sometimes arranged training within their organisations, and sometimes used external providers. He suggested the ASGP should return to this subject and should carry out a comparative study, which would allow the production of a guide to induction for Parliaments.

Mr MIKANADZE thought it would be a very good idea, as Mr Al-Khadi had suggested, to carry out a comparative study of training provided to MPs by in-house units. It could be difficult to exercise quality control and to find the right way to proceed when training was outsourced. Georgia would certainly be willing to participate.

Turning to training for MPs, that was not mandatory in Georgia. Only training for staff was compulsory, based on the results of HR assessments. It was a positive development in his view that many male MPs were in fact requesting training on gender related matters. One male Deputy Speaker had been on training about gender equality. This has been publicised among other MPs. In general, most requests for training from MPs related to language lessons. About 10% of MPs in Georgia were taking English lessons. Georgia offered blended and distance learning. It was now developing apps and other ways for MPs to access training on their mobiles and tablets so that they could study while travelling. This fitted in well with MPs' busy lives. They could study at a time which suited them.

Turning to newly elected MPs, induction training was offered, but it was not mandatory. Nearly all participated. On the topic of sexual harassment, several donor organisations were working with the Parliament to make distance learning training available to MPs and staff as well.

Mr Lorenz MÜLLER (Germany) said that the presentation had been very impressive. He wondered if Georgia's Parliament did any joint work with Government on training? This worked well in Germany.

Mr Muhammad ANWAR (Pakistan) noted it was not just MPs and staff but also Government functionaries who needed training so that they understood Parliamentary procedure. Was any training provided for Government staff?

Ms PN TYAWA (South Africa) noted that Georgia had some partnerships with outside educational institutions. Did these institutions insist on having their own content and curriculum included in the training? Did Georgia rely on donors or fund training via the budget? How did Georgia deal with requests from Members who wanted training which would benefit their later careers?

Mr Calvin RANDRIAMAHAFANJARY (Madagascar) asked how the areas in which staff had to undergo training were determined.

Mr MIKANADZE said that it was indeed important to involve Government officials in training. Every ministry had a minister whose job it was to present Bills to Parliament. The legal department or other ministry staff would support them, and Georgia was designing a programme, in tandem with the Government, to support these staff. This would also be offered to municipal staff, working in local legislative bodies, via distance learning. Issues covered would include state procurement processes. The first pilots would begin in 2020.

With regard to orientation, the Parliamentary training centre provided materials to newly elected MPs. The programme was planned a year in advance of each regular election. A Parliamentary publishing house had recently been created so that printouts in Georgian and in the languages of national minorities could be provided on the spot.

With regard to partnerships with vocational and tertiary training providers, they provided their services for free, but this benefited both parties, as people working in the field at the sharp end of legislation were able to give staff and members a better understanding of issues on ground. There was now a new budget line for training in the Georgian Parliament.

There were two types of training, mandatory following appraisal process, and optional, which depended on research. The training centre carried out regular surveys on training needs. Some aspects were prioritised depending on the number of requests, and then these were built in to the plan for the year. Constitution, procedure, implementation of oversight mechanisms and other matters important for the Parliament's working were all covered.

Mr SCHWAB thanked the presenters for their communications.

4. Remarks by Mr Martin CHUNGONG, Secretary-General of the Interparliamentary Union

Mr Philippe SCHWAB, President, invited Mr Martin CHUNGONG, Secretary-General of the Interparliamentary Union, to make his remarks.

Mr Martin CHUNGONG said how happy he was to be able to attend and discuss collaboration between the ASGP and the IPU, something he had not had the

opportunity to do for several years. He was pleased to greet the assembled Secretaries-General and new members of the ASGP.

He looked forward to the next Conference of Speakers which would take place in Vienna in August 2020. This conference took place every five years and would be held in the seat of the United Nations. A committee was already working to prepare the programme, and it would meet for the second time in Geneva in November. He said that the IPU was counting on Secretaries-General to make sure that delegations were well prepared to take part in the work. He emphasized that proposals for themes could still be suggested and noted that a joint conference on the topic was planned for the following session in Geneva.

He then turned to the project on transparency, inclusion and open Parliaments, three values which the IPU was actively promoting. A consultant was carrying out an evaluation in order to design best practice recommendations and she might approach secretaries-general to seek their advice on the subject.

He thanked the ASGP for its support in the preparation of the Global Parliamentary Report, saying that the two best editions had been published with ASGP help. He explained that secretaries-general were the real repositories of Parliamentary practice and experience, making them invaluable in the preparation of these reports.

Another subject on the agenda was relations between the IPU and Parliaments and the United Nations. He thanked the Parliaments which had participated in events to celebrate the 130th anniversary of the IPU, which also provided an opportunity to reflect on the links between the United Nations and Parliaments. He perceived a clear improvement over the last two decades, but it was also important to note that challenges remained, especially in the arenas of politics and programmes. Usually, things went well when Parliaments lent their support to the UN's agenda in the national sphere. However, when political questions were discussed in New York, that was not always the case. When heads of state and governments had agreed on their sustainable development goals, the final result made no mention of the role of Parliaments or that of the IPU, even though Parliaments played a clear role in formulating them. This underlined the fact that the UN did not always realise the importance of Parliamentary support if its work was to succeed. The fact that the UN's final declaration did not mention the contribution made by Parliaments had to be seen as a failure.

He noted that even though governments directed politics, it was vital that electorates' voices should be heard, through their Parliaments, and said that the IPU planned to work to ensure that more consideration was given to Parliamentary support in the work of the UN. To this end, a researcher was working on the topic in order to devise a new strategy for co-operation between Parliaments and the UN. He had suggested that the results of this work should be presented to the ASGP.

Mr Philippe SCHWAB (President) thanked Mr Chungong for his interest in the work of the ASGP and the confidence he expressed in its members. Ambitious programmes of work were indeed underway and the IPU could count on the ASGP to continue to support and contribute to the various projects mentioned.

Mr Christophe PALLEZ (France) asked what topics were planned for discussion at the Conference of Speakers.

Mr Martin CHUNGONG said that the list of topics was still under discussion but possible themes included the need to affirm the importance of multilateralism, the fight against terrorism, the need for Parliaments to become ever more democratic, the impact of science and technology on humanity, and the need for good oversight of innovation.

Mr Jose Manuel ARAÚJO (Portugal) said it had been suggested that a good topic to discuss would be how to engage young people with the work of Parliaments.

Mr Martin CHUNGONG agreed this would be a very good idea. He had just been to a meeting of the forum of Young Parliamentarians where he had been encouraging them to take a leading role.

Mr Philippe SCHWAB thanked Mr CHUNGONG.

MR CHUNGONG wished the ASGP every success in its work.

*** Coffee break until 4.21 pm ***

5. Communication by Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal: Recruitment of parliamentary staff

Mr Philippe SCHWAB, President, invited Mr José Manuel ARAÚJO, Deputy Secretary General of the Assembly of the Republic of Portugal, to present his communication.

Mr José Manuel ARAÚJO (Portugal) spoke as follows:

In an ever-evolving world, it is constantly necessary to increase our responsiveness to new challenges in a wide range of professional contexts. Therefore, there needs to be a special focus on recruitment in order to ensure the quality of Parliaments' Services.

Parliaments are the cornerstones of legislative power and political control in a State based on the rule of law, and they are responsible for keeping up with this evolution, as well as anticipating it. Therefore, it is essential to create procedures aiming at ensuring the integration and subsequent permanence of empowered staff equipped with up-to-date and specialised knowledge allowing them to respond to the various changes in the social paradigm.

In addition to the training that is often made available to parliamentary staff as a vehicle to update and upgrade their professional skills, recruitment procedures for new staff are key in rejuvenating teams, increasing working ability and introducing innovative concepts, methodologies and resources.

However, we need to be aware that it is not enough to recruit. The essential rules of recruitment must include a rigorous and impartial examination of the candidates who have made it clear that they have the most appropriate technical, psychological and inter-relationship skills for the career and duties concerned. New human resources need to be able to combine these factors in order to adapt themselves to perform tasks in a number of Parliament Services.

SPECIAL RECRUITMENT SYSTEM AT THE ASSEMBLY OF THE REPUBLIC OF PORTUGAL

As protector of the quality of the services provided, selection procedures at the Assembly of the Republic of Portugal are set out in a set of specific rules, specially established for parliamentary careers.

These rules are enshrined in two essential documents:

- Statute governing Parliamentary Staff (2011)
- Regulation governing competition procedures for parliamentary careers, approved by the President of the Assembly of the Republic (2019)

Opening a Competition

Opening any competition procedure at the Assembly of the Republic in order to fill positions to carry out parliamentary activities requires authorisation by the Secretary-General, following an opinion issued by the Board of Administration. These positions must be provided for in the staff chart adopted in the Budget of the Assembly of the Republic.

Authorisations to open a competition procedure must include the following information:

- The composition of the appointment panel responsible for its details (one chair, two members and two alternates);
- The identification of the career and area of the position to be filled;
- The number of open positions; and
- The general and specific requirements for admission.

In addition, the Secretary-General is responsible for authorising the gradual use of selection methods whenever the number of admitted candidates is in excess of 100 (one hundred).

The members of the appointment panel in the procedure may not be in a career below that of the vacancy concerned by the procedure, with the exception of senior officials.

All of the decisions by the appointment panel, regardless of the recruitment procedure phase, must be taken by a majority of votes, always by roll call, and must be recorded in writing and include their reasoning. For reasons of procedural transparency, all decisions, as well as all documents relating to the procedure, may be accessed by/made available to the candidates who request it, including for the purposes of appeal, provided that they are not of a confidential nature and that doing so does not constitute a breach of data protection rules.

Competition procedures begin with the publication in the *Diário da República* (Official Journal of Portugal) of an initial announcement, which shall contain all relevant rules, phases and details of the procedure. At the same time, a specific tab for each competition, containing a copy of the above-mentioned announcement and application form, is made available on the website of the Assembly of the Republic. This tab is kept up to date with all relevant information pertaining to the recruitment process it refers to (namely the list of successful/excluded candidates; notices of meeting; rules on the taking of tests). Communications between the appointment panel and the candidates shall preferably take place by electronic means, either by consulting/using the aforementioned tab, or by sending/receiving emails, the latter being the usual manner in which candidates are notified.

Tests in the Competition

In accordance with the Statute and the Regulation, candidates must undergo five mandatory selection methods:

- Written knowledge test;
- Psychological evaluation;
- Written and oral test of English or another language deemed appropriate;
- IT literacy test;
- Interview to evaluate the competencies required.

Where very specific recruitment procedures are concerned (e.g. designer), in addition to these tests, others may be included, of an optional or complementary nature.

All selection methods are of an eliminatory nature, and the order in which they are carried out, their proportion in the final selection formula, their degree of complexity, the specific nature of the subjects/concepts evaluated, and the profile of the candidate sought are set out in advance and made public in the initial announcement opening the competition, depending on the career and specific area in question.

For reasons of technical rigour and in order to ensure full assessment ability, the “psychological evaluation” and “written and oral test of English or another language deemed appropriate” selection methods must be carried out by certified external bodies. The appointment panel may, in any case, and where necessary, also use the services of external bodies to assist in or to carry out other selection methods.

Procedure completion

After completion of the selection methods, the appointment panel will draw up the final draft list ranking the candidates who have successfully completed all selection methods in the procedure, which, after the phase for audiences with interested parties, is approved by the Secretary-General. The approved final ranking is notified by email to all candidates, including those who have been excluded in the course of the selection methods, and published on the website of the Assembly of the Republic, as well as in the *Diário da República*.

Pursuant to the Regulation, the Assembly of the Republic may make use of the recruitment pool, within 24 months of publication of the approved final ranking, and may therefore call, during that period and adhering to the ranking, candidates who have been successful in all selection methods.

Finally, successful candidates are contacted in order to enter into a parliamentary labour contract at the Assembly of the Republic, as provided for in the Statute, under a trial internship scheme, the purpose of which shall be to use the trial period format to prove whether the intern possesses the competencies and profile required for the post he/she is to fill.

Internship

Upon conclusion of a competition procedure, successful candidates enter into an employment contract under a trial internship scheme. This internship aims to:

- Prove whether the intern possesses the competencies and profile required for the post he/she is to fill;
- Prepare the intern and provide him/her with theoretical and practical training for the effective and continuous pursuit of his/her functions as a parliamentary staff member; and
- Evaluate his/her suitability for and capacity to adapt to service at the Assembly of the Republic.

Rules governing the internship:

- Duration of 18 months (a 6-month theoretical and practical phase, and a 12-month practical stage), justified by the special career nature;
- During the theoretical and practical phase, there is a specific training course with a final evaluation;
- The intern shall be monitored by a supervisor appointed for the purpose;
- The internship evaluation is carried out by the supervisor and by the head of the department or service in which the intern was placed, and is the result of the weighted average of the evaluation of the specific training course test, the supervisor's evaluation of the final report submitted by the intern and the performance evaluation made by the head of the department or service. The evaluation shall take account of the final report, the intern's assiduity and punctuality, the results of the training actions attended, and the information provided by the heads of the departments or services in which the intern served;
- The trial period shall be deemed to have been successfully concluded when the parliamentary staff member obtains a score of not less than fifteen points.

NEW RULES IMPLEMENTED AT THE ASSEMBLY OF THE REPUBLIC OF PORTUGAL IN 2019

In recent times, the Assembly of the Republic has experienced significant developments in the implementation and revision of arrangements, measures and procedures for admitting and welcoming human resources.

In view of the latest developments in this area, we would like to highlight the entry into force in 2019 of the new Regulation governing competition procedures for parliamentary careers, as well as the Regulation governing curricular, extra-curricular and professional internships.

The Regulation governing competition procedures for parliamentary careers, which came into force in January of this year, is one of the main examples of this adaptation and search for solutions that better respond to parliamentary specificities and needs.

Although recent, this Regulation is now being fully implemented in two competitions, and highlights two major developments compared to the previous scheme:

Swiftness – the entire recruitment process is now swifter, and a significant reduction is already being achieved in the average duration of previous procedures of similar nature and length (over six months). The current Regulation makes it possible, for example, to condense various selection methods in the same period, with their results being notified only after they have been carried out, allowing the subsequent deadlines for requests to review tests and hierarchical appeals to coincide, thereby reducing the number of challenge phases throughout the entire competition process.

Dematerialisation – nowadays, the entire recruitment process is predominantly carried out by electronic means, from the publication of the open competition procedure to the publication of the approved final ranking. All announcements, notifications of meeting, communications, requests for clarification and replies shall preferably be made via the email set up for each procedure, as well as the webpage of the Assembly of the Republic, in a specific tab for each competition. This dematerialisation mechanism not only makes it possible to save time in the various procedures linked to any communication, but it also gives a very positive response to the environmental sustainability policy we intend to implement in our Parliament.

CONCLUSION

Recruitment, which is one of the factors contributing to the success of an institution, is a key element in allowing us to have parliamentary staff serving parliamentarians in a competent, exempt and socially responsible manner.

In fact, in addition to competence and knowledge, as well as functional versatility and polyvalence, staff are required to be able to engage in a close but equidistant relationship with parliamentarians, which is the only way to win the respect of the members of the body that exercises sovereign power, i.e. Parliament.

Therefore, in addition to the above, recruitment must be able to select the best candidates, ensuring then that, in the course of the staff's professional life, they have the right motivation and appropriate training to ensure the quality of the Services.

Mr Charles ROBERT (Canada) noted that recruitment to the procedural service was different because it attracted a certain sort of individuals, who often were happy to stay throughout their career. In HR or IT, by contrast, one must compete against a market in terms of pay, promotion etc and this was becoming more and more difficult, because IT in particular was key to everything the Parliament did. Did Portugal face similar problems?

Mr Mehmet Ali KUMBUZOĞLU (Turkey) said that in Turkey after 5 years contracted staff working for an MP had their contracts terminated – this was 2000 out of 7600. Of course if MPs were re-elected they could re-appoint the same staff. But some staff had worked for 10 or 15 years for the same member and they thought they should “have tenure” and be given jobs within the administration. Did this problem arise in Portugal?

Thorstein MAGNUSSON (Iceland) asked whether the different types of recruitment tests used, including psychological tests, were used for all levels of staff? He also wanted to hear more about the selection panels.

Mr Said MOKADEM (Maghreb Consultative Council) asked whether the methods described applied to all levels of staff? Also, if a member of staff was appointed to an internship and then he did not perform to a satisfactory level, what was the process? He also noted that 8 months for staff recruitment seemed a very long period.

Mr José Manuel ARAÚJO (Portugal) said he would start with the IT question. In the Portuguese Parliament, IT professionals did not have different terms and conditions to other specialists, and this posed no problem. It was true that some staff were recruited by other firms but this was true for other specialisms too. Rules for competitions for public employment were strict.

Regarding the question about methods of testing, it was true that all methods were used for all levels including psychological testing delivered by a private company.

Turning to the composition of the appointment panel, the director of the area of business would propose the makeup of the panel, always including a HR professional, and the Secretary General would approve the proposal.

On the question of long service by political staff, the same problem arose in Portugal. People working for a political group might stay for 15 or 20 years. Even if one member left, they could often find work with another MP. The rule in Portugal was that if people had been in the Parliament since 1993, then even if the MP they worked for no longer wanted them, the group would employ them – but this had transitory effect and would soon cease to be relevant.

If the satisfactory completion of the internship period was not achieved, the intern could be dismissed without any compensation.

Mr Givi MIKANADZE (Georgia) asked if there was a probation period after recruitment and how appraisal worked during this time. He also asked whether any external members sat on recruitment panels – in the Georgian Parliament this was the practice.

Mr Calvin RANDRIAMAHAFANJARY (Madagascar) said that budget was often a barrier to recruitment. He wanted to know whether the Portuguese Parliament consecrated a regular budgetary line to resourcing recruitment. He also wanted to know how the 18-month training programme was arranged.

Mr Miguel LANDEROS PERKIC (Chile) asked about career planning over a period.

Mrs PN Tyawa (South Africa) asked whether psychometric assessments were used as in South Africa the feedback was only used to assess training requirements and it was only applied to the top few candidates. She was also interested to hear that a person could be dismissed after 18 months – as in South Africa after 12 months a person was assumed to have the right to remain and would certainly complain to an employment tribunal if dismissed without reason.

Mr SAMPAIO (Brazil) asked what percentage of people, after one year of probation, were retained.

Mr José Manuel ARAÚJO (Portugal) noted that in Portugal trainees were not subject to recruitment competition. The budget did indeed include a ringfenced amount for recruitment. However, from 2011 to 2016 no recruitment had taken place due to countrywide difficulties with the budget. It would be useful to have annual recruitment but budget problems made that hard.

In the case of poor performance, there was a probation period of 60 days. At the end of that time such a person could be dismissed if they were not able to meet the required standard. After the initial career phase, performance was assessed annually.

Interview panels were appointed by the Secretary General and usually they were all in-House staff – but it was possible to have an outside expert to help with producing the written test or to attend to assist with the interview where technical skills were key – but this was not obligatory.

Psychological evaluation was used to give a grade. Five selection methods were used – one after the other – first written test, then psychological, etc. An average was taken. With regard to the proportion not staying after 18 months, this was very small – only 1 in 50 or 60 over the last couple of years.

6. Communication by Mr Ali Nasir AL-MAHROOQI, Secretary-General of the Shura Council of Oman: The Role of

Human Resources in Building the Capabilities of the Members and Employees of the Shura Council

Mr Philippe SCHWAB, President, invited Mr Ali Nasir AL-MAHROOQI, Secretary-General of the Shura Council of Oman, to make his presentation.

Mr Ali Nasir AL-MAHROOQI (Oman) spoke as follows:

The General Secretariat is a technical and administrative body that plays a vital role in supporting the Parliament's legislative and oversight functions. It revises the level of service provided, develops the performance of its employees, enables them to carry out their tasks and responsibilities efficiently, makes new ideas to support the development of human cadres. Eventually, this leads to creating a working environment distinguished by its excellence and high performance.

The employees of the General Secretariat of the Council are one of the main components that contribute to the overall outputs of the Council. Developing them periodically and continuously through the annual plan set by the Assistant General Secretariat for Administrative and Financial Affairs in coordination with all administrative divisions of the Council, is among the top priorities of the Council. The Council qualifies its employees through training courses, workshops and scholarships in different disciplines and fields. There are two types of training in the Council: theoretical training through training courses in various fields, and practical training through on-the-job training in various institutions and parliaments in friendly countries.

A) Annual Training Plans:

The Council makes annual training and qualification plans which have been strengthened by new targeted outcomes and more financial allocations. Those training programs focus on parliamentary, economic, financial, accounting, legal and life skills, as well as computer and language programs. Other courses in administrative and financial filed are provided such as archives, public relations, procurement and warehousing .The training courses are always linked to the career path of the employees.

Those plans provide workshops and specialized training courses in various fields that serve the work of the Council, as well as on-the-job training in the Gulf and Arab parliaments and other institutions inside and outside the Sultanate. The General Secretariat is keen to establish cooperation with the Gulf, Arab and international parliaments, bodies and organizations that and sign bilateral agreements with them in the field of training and exchange of expertise and information.

B) Oman Council Training Centre:

Oman Council Training Centre was established to enable MPs (of both Houses) to exercise their legislative and oversight role and to sharpen the parliamentary skills of MPS and staff. The Centre aims to:

1. Establishing a base of responsible and thorough parliamentary practice through objective and scientific review of various national issues.
2. Raising awareness of the functions of parliamentary institutions and rooting the parliamentary culture in accordance with sound concepts, values and principles based on mutual respect among members of society.
3. Raising the political awareness of MPs of both Houses and community institutions to face the political changes at the regional and international level.
4. Providing MPs of both Houses with the necessary tools and knowledge to help them practice their legislative and oversight functions efficiently and effectively.
5. Building the research capacity and expertise of the staff both Houses to enable them playing their role of providing technical support to MPs of both Houses.
6. Providing a comprehensive induction program at the beginning of each Term to MPs of both Houses, including the competencies of Oman Council and tools and means of practice, in addition to the rights and duties of MPs.
7. Enhancing cooperation and exchange of experiences with similar international institutions.
8. Rationalizing external training expenditure and directing those funds to build specialized national institutions that employ national cadres.

The proposed training fields of Oman Council Training Centre:

#	Topic	#	Topic
1	Modern practices in the parliamentary system	11	Analysis of general budgets and final accounts
2	Methods of parliamentary research and mechanisms of committees work	12	Evaluation of feasibility studies
3	Measurement and analysis of public opinion	13	Investment and Economics Analysis
4	Presentation skills	14	Analysis and review of draft laws
5	Meetings and teams management	15	Review of the side effects of legislations
6	Etiquette and protocol	16	Legal and legislative drafting
7	Future scenarios and economic forecasting	17	Professional media skills
8	Analysis of ministerial statements	18	Parliamentary diplomacy
9	Parliamentary Media Skills	19	Parliamentary oversight tools
10	Analysis of Parliamentary press		

C) Joint Training and Qualification Committee of the GCC Secretaries General:

The GCC parliaments jointly organize courses in various fields that serve the interest of their parliamentary activities such as:

- Community engagement programs and their role in introducing GCC parliaments.

- Enhancing the parliamentary diplomacy skills of the GCC parliaments employees.

D) Specialized Training:

The training programs are not limited to those offered by training institutes in the Sultanate, but also outside the country such as:

- International Monetary Fund for Economy and Finance(Kuwait)
- Arab Planning Institute (Kuwait)
- Research, Information and Parliamentary Training Centre (Cairo)
- Parliamentary Training Centre (India)
- And other countries like Singapore and Malaysia.

The Council also offers on-the-job-training in specialized institutions or in other Gulf and Arab parliaments.

E) Induction Program for the New Employees:

This program includes the training of newly recruited staff in the Council for a period of four months, which is the probationary period prescribed in the regulation of the Council's personnel affairs .The new staff shall be introduced to the functions, competencies and mechanisms of work of the departments to which they belong according to a program designed for this purpose.

Mr Najib El-KHADI (Morocco) noted that training and recruitment were very closely linked and their importance would only increase. It was important to have the right staff to cope with the demands of Parliamentarians. The work was of a specific nature. Staff in Parliament were very different from those in Government or elsewhere. Ethical questions were key. He asked if it was possible to transfer staff from other organs of the state to work in Parliament.

Mr Muhammad ANWAR (Pakistan) asked whether there was any procedure for choosing who should go on delegation visits.

Dr. Jean Rony GILOT (Haiti) observed that parliamentarians often complained that the administration wanted to “teach them lessons” and asked what solutions existed to overcome their resistance.

Mr Fahad AL-KHAYARIN (Qatar) asked whether new parliamentarians also had to attend these training sessions, and whether there were differences in aptitude between newer and more established members.

Mr Ali Nasir AL-MAHROOQI (Oman) said he agreed with what Mr El-Khadi had said. Everyone had the right to apply for any vacant position, including employees of other state organs, but candidates would only be considered if they matched the requirements. If people were moved between departments, they had the right to keep the same grade. They might then receive further training depending on the demands of the new role.

Among elected members, some were already very experienced, but new members could benefit from training. This allowed Parliament to represent all parts of society.

Mr Philippe SCHWAB thanked Mr AL-MAHROOQI for his presentation.

7. Concluding remarks

Mr Philippe SCHWAB (President) closed the sitting.

The sitting ended at 5.21 pm

THIRD SITTING

Tuesday 15 October 2019 (morning)

Mr Philippe SCHWAB, President, was in the Chair

The sitting was opened at 10.36 am

1. Introductory remarks

Mr Philippe SCHWAB, President, invited members to take their seats.

2. Members

Mr Philippe SCHWAB, President, said that the secretariat had received requests for membership which had been put before the Executive Committee and agreed to, as follows:

For membership:

Mr Mahmoud FAWZI	Secretary General of the House of Reps., Egypt
Mr Patrick A. GIWA	Secretary General of the House of Reps., Nigeria
Mr Mohamed ALI	Deputy Secretary General of the Senate, Kenya
Mr Namiseb TOUSY	Secretary General of the National Council, Namibia
Mr Paran Umar TARAWALLY	Clerk of Parliament, Sierra Leone
Ms Amal AL HADABI	Dep. SG of the Fed. National Council, United Arab Emirates

For Associate membership:

Mr Hognon Adrien KOHOUE	Sec. Gen. Interparliamentary Committee of the West African Economic and Monetary Union (WAEMU)
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The new members were agreed to.

3. Agenda

Mr Philippe SCHWAB, President, noted that there had been some changes to the agenda for Wednesday afternoon's session.

The Communication from Mr Sergio SAMPAIO CONTREIRAS DE ALMEIDA, Director-General of the Brazilian Chamber of Deputies, had been withdrawn from the agenda.

The visit to the National Assembly of Serbia had been brought forward from 5.30pm to 5.00pm. As a result, the group would depart from the conference centre at 4.30pm.

Tuesday 15 October (morning)

9.30 am

- *Meeting of the Executive Committee*

10.30 am

General debate: The implementation of the law : methods of scrutiny for Parliaments

When the texts of laws are not published, it is a problem for their implementation. A failure to publish execution decrees, or a delay, has several negative impacts: on judicial security, on respect for the law, on the image of state institutions and on the confidence citizens have in Parliament. This general debate will look at solutions to combat this problem. Solutions might for example include accompanying draft bills with draft decrees; setting out deadlines by which application texts must be adopted; and strengthening Parliamentary control over the application of the law, for example by scrutiny in Committee.

- *Moderator: Mr Najib EL KHADI, Secretary General of the Chamber of Representatives of Morocco*

Tuesday 15 October (afternoon)

2.30 pm

Theme : Open Parliament

Communication by Ms Penelope Nolizo TYAWA, Secretary General to the Parliament of South Africa: "Assessment of Public awareness on the work of parliament: results from a four year long independently commissioned study for the Parliament of South Africa."

- *Communication by Shri Desh Deepak VERMA, Secretary-General, Rajya Sabha, India : Rajya Sabha Television and its Role in strengthening trust between Parliament and the People*

General debate: Making Parliamentary work accessible to disabled people: best practice.

- *Moderator: Mr Christophe PALLEZ, Secretary General of the Questure of the French National Assembly.*

Parliaments increasingly need to respond to the legitimate expectations of disabled people; in particular, to ensure that they may, in accordance with their basic rights, participate in Parliamentary work, attend sittings, and find out about what Parliaments do. This is a matter of importance for Parliamentarians, for those who work with them and for Parliamentary employees, and most of all for the public who come to Parliament or who follow its proceedings. It is a considerable challenge for Parliaments to respond effectively to this range of stakeholders, and to the variety of disabilities that may be relevant (including impaired mobility, sensory impairments and learning disabilities). From the

layout of a Parliament's buildings to that of its website, these challenges are many and concrete. This general debate will aim to gather and share best practice in making Parliamentary work accessible to disabled people.

- Communication by Ms Karin KÄSSMAYER, Federal Senate of Brazil: Accessibility in the Federal Senate of Brazil – best practices: presentation of the Accessibility management and the Accessibility Plan of the Federal Senate

Wednesday 16 October (morning)

9.30 am

- Meeting of the Executive Committee

10.30 am

Theme: Parliamentary Culture

- Communication by Mr. Rashed ABUNAJMA, Secretary General of Bahrain's Council of Representatives: The Parliament of Bahrain's Experiment in Promoting Parliamentary Culture
- Communication by Mr Saïd MOKADEM, Secretary-General of the Maghreb Consultative Council: The Status of the Parliamentary Opposition in the Maghreb Constitutions
- Communication by Mr Raúl Guzmán URIBE, Secretary General of the Senate of Chili: "The upgrade process of the Chilean Senate: main objectives".

Wednesday 16 October (afternoon)

2.30pm

- Presentation on recent developments in the IPU
 - Administrative questions
- Draft agenda for the next meeting in Geneva (Switzerland), April 2020

4.30 pm

Leave for visit to the National Assembly of Serbia, followed by a cocktail reception hosted by the Secretary General, Mr SMILJANIC

The Agenda was agreed to.

4. General debate: The implementation of the law : methods of scrutiny for Parliaments

Mr Philippe SCHWAB, President, invited Mr Najib EL KHADI (Morocco) to introduce the General Debate.

Mr Najib EL KHADI (Morocco) introduced the general debate. He explained that the debate related to the problem of application of laws and monitoring this. He would start in Arabic and then switch to French. He would consider the legal rules

for economic and social dealing between economic, social and political parties. The law had no meaning unless it was implemented and put into practice. Parliaments set the rules – but must also verify that they are being applied properly.

Mr El KHADI opened the debate with the following remarks:

I. Importance of the legal code

There can be no doubt that the legal code has been enacted to govern the relationships between different physical and moral persons in their relationships with one another or with third parties.

What confers a more significant dimension on this legal code, making it stronger, more effective, with more influence and impact, is the degree to which they are realised and put into force, reinforcing their effect in every part of society, which makes them all subject to the their effects and constrained by their contents.

II. Issue of delay or non-publication of implementation decrees

If the non-execution of laws has several aspects and forms, the non-publication of implementation decrees is considered as being one of the real issues in the execution of laws and the realisation of their intended effects, whether in the case of laws when they are first passed, or those that have been amended, extended or changed.

In this sphere, delayed publication of implementation decrees, or the failure to publish them, has repercussions and negative effects, among which we can count the following :

- The impact on the public image of State institutions, and particularly the legislative institution, as well as on the construction of the state of justice, the law and of institutions ;
- The impact on public confidence in the national legislature ;
- The impact on juridical and judiciary security ;
- The possible negative impact on the practice of the law and of liberties ;
- The impact on commercial and economic transactions, both externally and internally, etc ...

As a result, non-execution of laws leads us to ponder the question of the utility of all the scrutiny and discussion of laws within the parliament, with all their details and processes, and of all the technical, financial and political efforts that accompany them, if at the end of the day these laws are not equipped with implementation decrees.

III. Possible solutions

In order to avoid these eventualities, which have attracted a great deal of interest recently, we have turned our attention to developing a body of ideas and proposals on

this topic. As well as mechanisms relating to the publication of implementation decrees, the following points are suggested:

- The need to accompany bills intended for Parliamentary scrutiny with the implementation decrees they require ;
- The need to stipulate deadlines for the publication of implementation decrees and other legal instruments which make reference to them ;
- Making use of the scrutiny mechanisms at Parliament's disposal in order to keep up the pressure on the Government to bring agreed legislation into force and publish implementation decrees ;
- Consideration by committees of the conditions and context of the application of a given legislative text ;
- Holding regular sessions with the government, in its capacity of prime responsibility for the publication of implementation decrees, to ensure, under the authority of its head, the execution of laws, and also to discuss the overall picture with regard to the publication of implementation decrees and future perspectives.

Mr Rashid BUNAJMA (Bahrain) noted that there was a principle of separation of powers. Once the law was made, Parliament had the authority to monitor it – what were the tools that could be used?

Mr Mohamed ALMETAIRI (Saudi Arabia) said that laws did not always commence from the date of passage, but might contain a later commencement date. Sometimes bylaws and other elements were required for implementation. He asked, if the time set by the law was not enough for the necessary processes, how could this be monitored?

Mr Baye Niass CISSÉ (Senegal) explained that according to the internal rules of the Senegalese National Assembly, the Delegations of Powers Committee was responsible for both following up and scrutinizing the laws passed by the National Assembly. This Committee even had the power to sit in recess in order to continue its followup work.

Dr Jean Rony GILOT (Haiti) said that the Haitian Parliament had only very limited means, beyond classic methods like written or oral questions, to apply pressure in order to make sure laws it passed were observed. He asked whether other Parliaments sometimes passed motions of censure on Governments linked to the application of laws, and invited other members to highlight the tools their Parliaments had in this area.

Mr Manuel CAVERO (Spain) noted that there were two areas to consider. On the one hand, what could Parliament do when a law had not been published? In Spain, as long as a law had not been published, it was not valid, in accordance with the constitution. The King had 15 days to sign the law and had to respect this. The publication of the official journal however depended on the Government and could generate a delay even after the King had signed a law.

On the other hand, there was the question of the application of the law with implementation decrees. He explained that in Spain, Committees, as well as the plenary, could follow up on the application of laws in the usual ways (questions, reports) but there was no specific method of scrutiny for the application of laws.

Mr Desh Deepak VERMA (India) noted that lawmaking was the core function of any Parliament. Bills were brought forward by Minister or private members, then approved by the President, when they became Acts. Legislative Committees played a key role. Once a committee had examined a Bill it would be brought before the House. Sometimes, there would be intricate details which had not been considered by the Committee, and these would be covered by delegated legislation. This latter had become increasingly complex. Parliament was now making use of subject experts to advise on delegated legislation. The “subordinate legislation committee” oversaw this process.

It had 15 members and it ensured the Government provided what was necessary. Six months after the passage of an Act, the Government had to make any delegated provisions and had to bring them before Parliament. The mandate of the Committee included considering whether delegated legislation covered matters which were ultra vires or which would more properly be dealt with in primary legislation. This stopped Government overstepping the mark and making rules to deal with matters which ought to be for Parliament to consider. The Committee also had to consider any reasons given by Government for delay, and whether they were sufficient.

As there was now a considerable volume of secondary legislation, it was all the more important for the House to assure its quality. There was now work to investigate the impact of legislation, which might be undertaken by a third party.

Mr Gholamreza NOURI GHEZELGEH (Iran) noted that monitoring was as important as legislating. In Iran there were various methods for this, including providing a certificate. If there was a delay, the Speaker of Parliament could follow it up. Parliament could monitor the publication of bylaws. There was a Committee in Parliament charged with this. It supervised the consistency of bylaws with primary legislation and could refuse bylaws. Ministers could be called to Parliament to answer for the quality of legislation. Ministers could be given a yellow card or even impeached if their work was not up to scratch. Ten MPs were needed to vote for impeachment, and then a Minister would be summoned to Parliament. He could be dismissed and replaced if he did not convince Parliamentarians. This would even apply to the President, who could be called to Parliament to answer impeachment questions.

Mr Abdul NASARY (Afghanistan) wondered how much role Secretaries-General really had in this process. It did not seem like something which was really a matter for Secretaries-General to discuss, in his view. In Afghanistan there was really no role for a Secretary-General in such matters. Other priorities should be discussed.

Mr Muhammad ANWAR (Pakistan) said that in Pakistan, most Bills, except Finance Bills, could be introduced in either House. Bills were either Government Bills or not. Standing Committees were well placed to collect the views of stakeholders. When a Committee report was presented in the House, members of the House could then propose amendments. Then, the same process was followed in the other House. If the two Houses did not agree they could discuss the matter in a joint sitting. The Bill would then go to the President who had 10 days to consider the Bill and either approve it or send it back with observations or suggested amendments. But Parliament was not obliged to act on the President's suggestion. Even if it sent back an unchanged Bill, the President then had no option but to approve it. Post-legislative scrutiny was the topic here. Parliament's authority had no limits and Parliament had various tools to ascertain whether or not an Act was working as intended. Standing Committees were in the best position to scrutinise this, in his view. Further amendments might be needed to fulfil the intention of the legislation. Post-legislative scrutiny was more and more important these days.

Mr Jake VAUGHAN (United Kingdom) noted that the UK also had specialised Committees for considering delegated legislation. Recently Royal Assent had become controversial. Prorogation had recently been challenged in the court and declared to be illegal. Royal Assent to a piece of legislation had also been annulled, therefore. Luckily the new Act had not had an immediate implementation date. But the Parliament had had to ensure that the Act received a correct Royal Assent. It had certainly made him think about the complex interaction between Parliament and the Courts.

Mr Lorenz MÜLLER (Germany) said that the system in Germany was very similar to that in Spain except with a President rather than a King. The majority of Bills were presented by Government, so it was likely they would indeed be implemented. There were a few interesting considerations. An Audit Committee monitored Government management of the budget. There was also a security committee. Another committee decided on the admissibility of actions by intelligence services. A panel investigated Customs Services, and the Federal Government had to report to this panel on any matters infringing privacy. Another tool which ensured oversight was that the Parliament had obliged the Federal Government to report on its enforcement of certain important laws.

The Association took a coffee break until 11.53am.

Mr El-KHADI invited members to resume their seats so that the General Debate could continue, and called Mr José Manuel ARAÚJO.

Mr José Manuel ARAÚJO (Portugal) wanted to consider two different aspects of the matter: the formal application of laws, and post-legislative evaluation. He explained that since 2004 the Portuguese Chamber of Deputies had required the production of a report on the application of laws, prepared by a legislative information service. It was carried out a check of all laws passed and all texts which had to be adopted, and verified whether or not they had in fact been adopted. If the

Chamber determined that there were delays, then recommendations were sent to Government, which also received the report sent by the Speaker.

The Chamber had also put in place a website alert system, which citizens could use to find information about a law and check whether implementation decrees had been published or not.

Turning to evaluation, he emphasized that the key was to know whether Parliament was satisfied with the practical application of a law it had passed. This was a qualitative matter – for instance, it would be important to know whether the law had produced the intended economic effects. He had observed that in practice it was often difficult to find sufficient capacity within Parliamentary services to produce such analysis.

Mr Jean NGUVULU KHOJI (Democratic Republic of Congo) stressed the need to support the work of Parliament to make sure it produced the right impact on society. Secretary-Generals needed to assist Parliamentarians in their work, especially in the legislative function. This was bound to lead them to playing a role in ensuring that laws passed were accompanied with adequate supports. He noted that the Chamber could for example in plenary sessions try to remedy any difficulties in legal implementation by adopting resolutions or declarations

Mr Firas ADWAN (Jordan) said that in Jordan laws once approved were submitted to the King who could ratify them or return them with his comments to Parliament. Parliament could approve those comments, or insist on its view. There was a department which followed implementation. The Government had to report to a specialised Committee. If legislation was not followed they could report to the Council.

Mrs Damayanti HARRIS (Indonesia) said that in Indonesia there was a Committee to monitor the enforcement of law. The Legislative Committee also planned the National Legislative Programme, prioritising Bills to be discussed in the next 5 years and giving reasons. The result of post-enactment scrutiny would be discussed with relevant counterparts. The Legislative Committee was supported by specialist staff, in the Unit of Legal Implementation Monitoring. This provided the required expertise to see if laws were achieving their intended purpose. There was an annual monitoring plan which gave priority to laws which had financial or constitutional import. Evaluation reports could be read by the public online.

Mr Miguel LANDEROS PERKIC (Chile) said that Chile had ten years ago created a department which focused on the implementation of the law. In his view, this was the most important part of the legislative cycle. The department looked at what problems the legislation was designed to solve, and collected the views of civil society networks – reports were created on this, about 20 per year. It was very important to understand the impact of law on society. The system was very similar to that in Spain. It was common in many countries to deal with all the details in delegated

legislation but in Chile this was kept to a minimum, which meant laws themselves were often very long and detailed – and this in turn made it difficult to promote public understanding of the law. The OECD had produced a report to which interested parties might refer.

Mr EL-KHADI thanked members for their varied contributions. He recalled that the birth of modern Parliaments had come about in the context of the budgetary function, and then the legislative function which had greatly evolved. Today the function of Parliamentary scrutiny and evaluation was becoming vitally important. This was all the more true when the legislative aspect did not depend on Parliament alone, for example in the case of European legislation. The contribution of Parliament to the legislative process therefore reduced, whereas the scrutiny function gained importance.

He noted that some of the models presented by members had demonstrated quite well developed processes for following up on the application of laws, using Committees specially devoted to the task.

The question of the application of laws was not one which depended only on executive powers. The rigid separation of powers which had been able to hold sway in the 18th century was no longer relevant, and today the collaboration of powers must prevail. Therefore, ensuring the application of laws must be a governmental preoccupation as much as a parliamentary one.

The end of this discussion allowed participants to reflect on this problem, and particularly on the evaluation of the law. During the application of a law in its particular social, political, economic and cultural context, unexpected difficulties could arise. Tracking was therefore all the more necessary, and it should be done in a multi-disciplinary way because the analysis of sociologists and historians could add extra value to technical consideration.

4. Announcement of meetings of regional hubs linked to the Centre for Innovation in Parliament

Mr Philippe SCHWAB, President, announced that several meetings of regional hubs linked to the Centre for Innovation in Parliament would take place that day. He informed members of the times and places of the various meetings.

5. Concluding remarks

Mr Philippe SCHWAB, President, thanked Mr EL-KHADI for chairing the debate and thanked members for their contributions.

The sitting ended at 12.23 pm

FOURTH SITTING

Tuesday 15 October 2019 (afternoon)

Mr Philippe SCHWAB, President, was in the Chair

The sitting was opened at 2.35 pm

1. Introductory remarks

Mr Philippe SCHWAB, President, welcomed everyone back.

Theme: Open Parliament

2. Communication by Ms Penelope Nolizo TYAWA, Secretary General to the Parliament of South Africa: “Assessment of Public awareness on the work of parliament: results from a four year long independently commissioned study for the Parliament of South Africa.”

Mr Philippe SCHWAB, President, invited Ms PN TYAWA (South Africa) to present her communication.

Ms PN TYAWA (South Africa) spoke as follows:

1. Introduction

This paper concern itself with the assessment of public awareness on the work of the South African parliament. The paper is aimed at sharing the results from a four year long independently commissioned study for the Parliament of South Africa. The next section after this introduction provides a conceptual and contextual overview of public participation in the South African Parliament. It is in the third section of this paper that the South African Parliament’s public participation model is discussed. Section four of this paper deals with the public surveys and the work of the South African Parliament. The subsequent section concludes the paper and offers some recommendations.

Undoubtedly, institutions of governance and representation such as Parliaments are an integral part of citizens’ lives. Political scientists agree that, from time immemorial, one of the most important questions of political life – perhaps the most important of

all time has been that of the nature, extent and strength of relationship between people and government, between rulers and ruled”.³⁷ Correspondingly, history shows that, since antiquity, this relationship between the rulers and the ruled has always formed an integral part of people’s assemblies or deliberative bodies like Parliaments. In fact, ‘there is evidence that gathering of leaders to discuss and decide matters of importance and citizens’ assemblies were held in ancient Mesopotamia (modern-day Syria and Iraq) as far back as 2500 BC’.³⁸ The Athenian and Roman parliaments were characterised by deliberative, consultative, and judicial assemblies of different forms- hence ancient Greece and Rome entered the annals of history as the cradle of democracy.³⁹

But what is important to note though is that, these deliberative structures or people’s tribunals did not disappear with archaic societal evolutions and political winds of change- instead- the ideas of democracy and parliaments travelled in time to modernity. Hence, it can be argued with a certain degree of certainty that, to this day and age, at the heart of most democracies are parliaments and as Kopechy (2005) posits, modern democracies are unthinkable without parliaments.⁴⁰ Today, these bodies do not only serve as the cornerstone of different political systems, but they also serve as mirrors through which the nature of the state, party systems, and political culture are reflected.⁴¹

Moreover, there seems to be a general acknowledgement that the centrality of a parliament in any given polity is best demonstrated by its role in representation.⁴² As the key structure of representation, parliament also links society with other democratic institutions, the executive, judiciary or state bureaucracy.⁴³ Max Sisulu, the former Speaker of the South African National Assembly, shared the same view and

³⁷ Mafunisa, M and Maphunye, K, J. 2005. Public Participation in Decision-Making in the Gauteng Provincial Legislature. Accessed on 28 July 2019, available at: http://repository.hsrc.ac.za/bitstream/handle/20.500.11910/7255/2943_Mafunisa_Publicparticipation.pdf?sequence=1&isAllowed=y

³⁸ Parliament of Australia. Closer Look Series – produced by the Parliamentary Education Office | Available at www.peo.gov.au (Accessed on 20 December 2016)

³⁹ Dunn John. 2005. Democracy: A History. New York, Atlantic Monthly Press, 2005

⁴⁰ Kopecky, Petr. Parliaments in Central and Eastern Europe: Changing Legislative Institutions. Sociologický Časopis / Czech Sociological Review, Vol. 41, No. 3 (JUNE 2005), pp. 361-373

⁴¹ Salih Mohamed [ed]. 2005. African Parliaments: Between governance and government. Palgrave Macmillan, New York

⁴² Kopechy, 2005

⁴³ Kopechy, 2005

argued that ‘parliamentarians, as the elected representatives of the people, were the link between the electorate and the government’.⁴⁴

However, in modern politics and history, while on one hand national assemblies and/or parliament still serve, in part, the same purpose of representation, on the other hand, they have “metamorphosed” into totally different entities. Today, a modern parliament has three functions: representing the electorate, making laws, and overseeing the government.⁴⁵ In addition to the original parliamentary concepts of assembly, representation and legislation, which hark back thousands of years ago, oversight and facilitating public participation were added as additional parliamentary duties and/or responsibilities and these find expression in many constitutions around the world today. As veritable hubs of democracy, besides representation and safeguarding their power of the purse, modern day parliaments, are expected to also play a more meaningful role not only in carrying people’s hopes and aspirations- but also in harnessing developmental efforts by, amongst others, providing a platform for people to influence and shape decision-making processes about development of their communities.

In our most recent post-1994 democratic history in South Africa, Parliament has always occupied the space of ultimate representation and has always been positioned as a true tribune of the people. In fact, the vision of Parliament, since the first democratic Parliament of the Republic of South Africa, was and remains that of building a truly representative people’s Parliament. However, a “People’s Parliament” requires an institution that prioritises and seeks active engagement with the public, and that is receptive and responsive to the needs of the people and it can be said without fear of contradiction that the drafters of our constitution were mindful of this- thus, the constitutional injunctions that guide the work of our parliament require it to be grounded in public engagement and ensuring that decisions taken, policies and legislation adopted and general discourse is intrinsically tied to the public.⁴⁶

⁴⁴ Sait Lynette. 2015. Strategies for the National Assembly to Ensure the Effective Implementation of the National Development Development Plan of South Africa. Thesis submitted in fulfilment of the requirements for the degree Master of Technology: Public Management in the Faculty of Business and Management Sciences at the Cape Peninsula University of Technology

⁴⁵ Parliament of Australia. Closer Look Series – produced by the Parliamentary Education Office | Available at www.peo.gov.au (Accessed on 20 December 2016)

⁴⁶ Doyle, M. 2017. Public Participation in Parliament: A Survey of Participants. Parliamentary Monitoring Group, Cape Town

Our first generation of law-makers in the democratic dispensation were cognisant of the fact that, an effective avenue for the provision of public participation is one of the hallmarks of a democratic government.⁴⁷ Building on the work of this first generation of post-Apartheid legislators and mindful of the impetus and increased attention that was being placed on the notion of public participation worldwide as evinced by international and regional agreements such as the Manila Declaration on People's Participation and Sustainable Development and the African Charter for Popular Participation in Development and Transformation (just to mention a few), there was an increased resolve in the institution to codify and develop common nomenclature on this important aspect of parliamentary work. This is why today, South is in a unique position in that public participation is constitutionally entrenched in the country and there are mechanisms to ensure that the public is included in all processes of law making.⁴⁸

But what is important to highlight at this end is that, while public participation has always remained central to the mandate of the South African Parliament, the nature of public participation has evolved since the dawn of democracy. It would be recalled that the nature and focus of public participation changed dramatically with the drafting of South Africa's new constitution in 1996. Before the democratic order that was heralded by the first democratic elections in 1994, the policy making was a closed affair with very little, if any public participation.⁴⁹ This changed with the new South African Constitution, which asserts that South Africa is a representative and participatory democracy and for the first time, the country's Parliament created an avenue for public access to and involvement in the legislative process.⁵⁰ Participation in the legislative process was open to all including the organised and powerful, the marginalised and unorganised- including the civil society, which to this day, remains a key conduit for public participation in the country.⁵¹

In the context of a representative and participatory democracy, over the years the South African Parliament has sought to increase access and improve the quality of

⁴⁷ Doyle, 2017

⁴⁸ Doyle, 2017

⁴⁹ South African Legislative Sector Association. Public Participation Framework for the South African Legislative Sector. June, 2013,

⁵⁰ SALS, 2013

⁵¹ Doyle, 2017

participation through various programmes such as public hearings, petitions, lobbying, submissions, “Taking Parliament to the People” and sectoral engagements- with the aim being that of deepening participatory democracy. Nevertheless, the shortcoming that was identified was that, while Parliament and provincial legislatures have various public participation mechanisms in place, processes to develop norms and standards to regulate the implementation of these mechanisms were are still underway. The National Parliament has since developed its own Model that seeks to outline and mainstream norms and standards for public participation processes in Parliament.

To this end, one would assume, as it is to be expected, that given the strides that have been made since the dawn of democracy to develop systems and build models in order to improve efforts aimed at facilitating and deepening public involvement and/or participation in parliamentary process and to entrench that constitutional imperative in the institutional systems and processes- by now most citizens would be aware of Parliament and its mandate. And off course, at the core of that assumption would be a view that- all other things being equal- levels of awareness will correspond to levels of public participation. But according to statistical evidence, that has not been the case in the context of the South African Parliament. Superior logic would dictate that in order for people to participate in parliamentary activities, they first need to be aware about the institution and its mandate.

Normatively speaking, public awareness precedes public participation. But as observed in the outcomes of independent surveys conducted in the South African parliament, the opposite can happen- which means that the relationship between levels of public awareness and participation will not always be a linear and simple one (people can participate in parliamentary processes even though they are not fully aware about Parliament and its constitutional duties).

2. Public Participation in the South African Parliament: A Conceptual and Contextual Overview

According to the South African Legislative Sector, “public participation is the process by which Parliament and provincial Legislatures consult with the people and

interested or affected individuals, organisations and government entities before making a decision”.⁵² As Southall (2003) and Scott (2009) rightfully point out, “Public participation is a fundamental dimension of democracy” and an important factor in the strengthening and maturing of democracies”.⁵³ In addition, the South African legislative Sector views public participation as a two-way communication and collaborative problem solving mechanism with the goal of achieving representative and more acceptable decisions.⁵⁴

The International Association for Public Participation has developed what it considers to be generally accepted core values and principles for the practice of public participation, the purpose of which is to help make better decisions that reflect the interests and concerns of potentially affected people. According to these values and principles, public participation:

- Is premised on the belief that those who are affected by a decision have a right to be involved in the decision-making process;
- Includes the notion that the public’s input will be considered;
- Promotes sustainable decisions by recognising and communicating the needs and interests of all participants and decision makers;
- Seeks to facilitate the involvement of those potentially affected by or interested in a decision;
- Seeks input from participants in designing how they participate; and
- Provides participants with the information they need to participate in a meaningful way; and communicates to participants how their input fashioned the decision,

What is important to note in this regard is that, in South Africa, public participation is not just a mere abstract construct or academic term-but rather, it is as constitutional imperative and a call into action. The South African Constitution underscores the need for the realisation of a participatory democracy which calls for the active involvement

⁵² SALS, 2013

⁵³ See Southall, R. The Challenge of Public Participation in Africa. Paper delivered at The Conference on Public Participation: Growth through participation, held in Durban 24 to 25 June 2003, Report of the Centre for Public Participation. And Scott, R. An Analysis of Public Participation in the South African Legislative Sector, Thesis submitted in partial fulfilment for the degree of Master of Administration, Stellenbosch University, March 2009.

⁵⁴ SALS, 2013

and participation of the citizenry.⁵⁵ The Constitution makes provisions with regards to public participation in the National Assembly (the lower house of Parliament), the National Council of Provinces (the upper house of Parliament) and the provincial legislatures in Sections 59, 72 and 118 respectively. It provides for facilitation of public involvement in the legislative and other processes of the legislatures and their committees and mandates the respective Houses or committees to conduct their business in an open manner.

In particular, Section 59 of the Constitution, on public access to and involvement in National Assembly, states as follows⁵⁶:

- (1) The National Assembly must:
 - (a) facilitate public involvement in the legislative and other processes of the Assembly and its committees; and
 - (b) conduct its business in an open manner, and holds its sittings, and those of its committees, in public, but reasonable measures may be taken to
 - (i) regulate public access, including access of the media to the Assembly and its committees.
- (2) The National Assembly may not exclude the public, including the media, from a sitting of a committee unless it is reasonable and justifiable to do so in an open and democratic society.

Moreover, Section 70 of the Constitution, on internal arrangements, proceedings and procedures of National Council, states as follows:

- (1) The National Council of Provinces may –
 - (b) make rules and orders concerning its business, with due regard to representative and participatory democracy, accountability, transparency and public involvement.

Equally important to note is that, promoting public participation in the legislatures, according to the Constitutional mandate, is not only important to promote a people-centred democracy, it is also critical because it strengthens the functioning of the

⁵⁵ (Scott, 2009).

⁵⁶ South Africa. 1996. Constitution of the Republic of South Africa, Act No. 108 of 1996. Pretoria: Government Printer.

legislatures.⁵⁷ This stems from a realisation that, firstly, a “People’s Parliament” requires an institution that prioritises and seeks active engagement with the public, and that is receptive and responsive to the needs of the people and secondly, an acknowledgement that “effective public participation can improve the capacity of legislatures to fulfil their role to build a capable, accountable and responsive state that works effectively for its citizens.”⁵⁸

As pointed out by Sefora (2017), the fourth democratic parliament was marked by the development of the Public Participation Framework (PPF) for the legislative sector public participation process within the sector.⁵⁹ The goal of the PPF was to provide a universal approach and set of minimum standards for public participation in the sector. The PPF was intended to guide Parliament and legislatures to develop their public participation models (PPM) in order to adopt a unified approach to the way public participation is conducted.⁶⁰ And in line with the sector-wide PPF and pursuant to the achievement of Parliament’s strategic objective of increasing access and improving the quality of participation through enhanced programmes, during the 5th Parliamentary term the institution completed its own PPM.

But in a more analytical vein, all of these developments in the sector and the institution around development of frameworks and/or models seem to have coincided with a burgeoning jurisprudence on the issue of public participation as a constitutional imperative- all of which has some to have a bearing on how parliament and the broader legislative sector discharge this constitutional responsibility. A closer look at the country’s most recent case law would show that the constitutional requirement for Parliament and provincial legislatures to facilitate public involvement has been a subject of many court cases and in some instances, Parliament has been found not to have discharged its constitutional responsibilities in an adequate and/or satisfactory manner.

For instance, in the Supreme Court of Appeal in *King and Others v Attorneys Fidelity Fund Board of Control and Another*, the court found that the above mentioned value

⁵⁷ SALS, 2013

⁵⁸ SALS, 2013

⁵⁹ Sefora, M. Public Participation in Parliament– Perspectives on Social Media Technology (SMT). Study presented in partial fulfilment of the requirements for the degree Masters in Public Administration in the Faculty of Economic and Management Sciences at Stellenbosch University, December 2017

⁶⁰ Scott, 2009

is contained in the constitutional requirement that the rules and orders of the National Assembly for the conduct of its business must be made with due regard not only to representative democracy but also to participatory democracy. The Court further found that; “[i]t also finds expression in the National Assembly’s power to receive petitions, representations or submissions from any interested persons or institutions, its duty to facilitate public involvement in its legislative and other processes and of those of its committees, its duty generally to conduct its business in an open manner and hold its sittings and those of its committees in public, and its duty, generally, not to exclude the public or the media from sittings of its committees.”

The Supreme Court of Appeal had an opportunity to give content to the concept of public involvement in the case of *King*. It defined it in the following terms:

‘Public involvement’ is necessarily an inexact concept, with many possible facets, and the duty to facilitate it can be fulfilled not in one, but in many different ways.

Public involvement might include public participation through the submission of commentary and representations: but that is neither definitive nor exhaustive of its content. The public may become involved in the business of the National Assembly as much as by understanding and being informed of what it is doing as by participating directly in those processes. It is plain that by imposing on Parliament the obligation to facilitate public involvement in its processes, the Constitution sets a base standard, but then leaves Parliament significant leeway in fulfilling it. Whether or not the National Assembly has fulfilled its obligation cannot be assessed by examining only one aspect of public involvement in isolation of others, as the applicants have sought to do here. Nor are the various obligations section 59(1) imposes to be viewed as if they are independent of one another, with the result that the failure of one necessarily divests the National Assembly of its legislative authority.”

The above definition was endorsed by the Constitutional Court in *Doctors for Life International v Speaker of the National Assembly and Others* and in *Matatiele Municipality and Others v President of the RSA and Others*. The judgement of the Court in *Doctors for Life* explains the meaning of public involvement and gives guidance on what is expected of legislatures in fulfilling this obligation. The Court found that the plain and ordinary meaning of the words ‘public involvement’ or ‘public participation’ refer to the process by which the public participates in

something. “Facilitation of public involvement in the legislative process, therefore, means taking steps to ensure that the public participate in the legislative process. That is the plain meaning of section 72(1) (a).” In other words, the duty to facilitate public involvement in the processes of Parliament, either House of Parliament of a provincial legislature envisages action on the part of the Parliament, the relevant House or a provincial legislature that will result in the public participating in the law-making and other processes.

The Court in *Doctors for Life* indicated that legislatures have a significant measure of discretion in determining how best to fulfil their duty to facilitate ‘public involvement’ in its processes. Furthermore, although the measures required by the constitutional obligation may vary from case to case, a legislature must act reasonably. What is ultimately important is that a legislature has taken steps to afford the public a reasonable opportunity to participate effectively in the law-making process.

As pointed out by Du Plessis (2018), more recently, the Land Access Movement of South Africa (Lamosa), concerned with the poor facilitation of public participation by the National Council of Provinces during the process of passing the amendment the Restitution of Land Rights Act, approached the Constitutional Court to have the amendment act declared unconstitutional.⁶¹ In grappling with the matter, the judgment made it clear that "South Africa's democracy contains both representative and participatory elements", implicating that the public has a right to participate in the legislative process and not just leave the legislation making to the elected parliamentarians. In fact, these two processes "support and buttress one another", and Parliament must also facilitate this process, as it is a constitutional right.⁶²

But what is observable from all these court cases and notwithstanding some concerns about what some analysts have called “judicial overreach”, there seem to be a semblance of respect by the judiciary of the legislature as an independent arm of the state with legislative authority. In fact, as Du Plessis (2018) rightfully observes, the courts in our South African context seem to accept that Parliament have the power to determine how participation will be facilitated and they tend to limit their inquiry to

⁶¹ Du Plessis, 2018

⁶² Du Plessis, 2018

the rules adopted for this purpose, the nature of the legislation, and the need and urgency for its adoption.⁶³ In assessing whether Parliament facilitated public participation, the court always have regard to time constraints and potential expense, and the importance of the legislation and its impact on the public.⁶⁴ Put differently, “the courts therefore always have to tread carefully between upholding the Constitution by ensuring that Parliament does not infringe on rights, and by ensuring that in the process, it does not interfere in the legislative process”.⁶⁵

3. Parliament’s Public Participation Model

As alluded to above, Parliament represents the people to ensure government by the people under the Constitution, as well as to represent the provinces and local government in the national sphere of government.⁶⁶ The facilitation of public participation and involvement in its processes remain central to the mandate of Parliament within the context of a participatory and representative democracy. Sections 59 and 72 of the Constitution compel Parliament to facilitate public involvement in its legislative and other processes.⁶⁷ Thus, over the years Parliament has had various public participation mechanisms in place.

The Public Participation Model recognises informing, consulting, involving and collaborating as stages of effective public participation. In line with the minimum public participation standards articulated above, informing and educating are undertaken under the informing stage of public participation. Meaningful opportunity to participate is provided for under the consulting, involving and feedback stages of public participation. Although the informing stage is a prerequisite for public

⁶³ Du Plessis, 2018

⁶⁴ Du Plessis, 2018

⁶⁵ Du Plessis, 2018

⁶⁶ Parliament of the Republic of South Africa. 2017. Public Participation Model. Cape Town, South Africa

⁶⁷ Ibid

participation, the other stages can be deployed based on the context and the public interest generated by contextual issues at hand.⁶⁸

In respect of the above-mentioned stages, the following applies⁶⁹:

- Parliament cannot provide feedback to the public without first informing, consulting and involving;
- Parliament cannot involve the public without first informing and consulting;
- Parliament cannot consult the public without first informing the public; and
- informing therefore becomes an absolute prerequisite for effective public participation.

As a result, each stage has a corresponding increase in the opportunity for partnering and for the public to influence or make an input into the relevant process output/outcome. Meaningful public participation must ensure that the appropriate stage of participation is utilised. A public participation process should therefore provide for stages of participation that are commensurate with the level of public interest. Parliament, in meeting its obligation of involving the public, must endeavour to satisfy all of these stages that are depicted in figure 1, as they apply to a given context of facilitating public participation.⁷⁰

4. Public Surveys and the Work of the South African Parliament

As it has been mentioned numerous times above, in our South African context, public participation has always been one of the sacrosanct constitutional injunctions guiding

⁶⁸ Ibid

⁶⁹ Ibid

⁷⁰ Ibid

the work of parliament. But as pointed out earlier on, while public participation has always remained central to the mandate of the South African Parliament, the nature of public participation has evolved since the dawn of democracy. The changing nature of parliamentary business and the evolution of the practice of public participation necessitated that, from time to time, the Parliament of the Republic of South Africa take a stock and reflect on its performance in this area. In part, until recently, this entailed gauging several metrics to understand if the institution is achieving its strategic goal of enhancing public involvement and participation.

In 2017, the Parliament of the Republic of South Africa commissioned an independent market research company to conduct a nationally representative survey which provides an inclusive and truly South African perception of Parliament. The broader objective of this research was to assist Parliament to realize its vision by placing people at the center of all its efforts.⁷¹

Undoubtedly, “citizen engagement in policymaking and the design of public services is the recognition that citizens in a democracy have both rights and duties, and that democratic governance provides opportunities for citizens to participate actively in shaping their country”.⁷² Such public participation entails identification and incorporation of the views and concerns of the public into the law-making process and the work of Parliament. To this end, during the 5th Parliamentary term, there was a realisation that to enhance Parliament’s vision, there is a need to ensure that public participation and involvement is encouraged and facilitated by all stakeholders. But in turn, to fully realise that objective, Parliament therefore required research to measure levels of public participation and understanding, as well as other related matters, which may then be used to track the effectiveness of Parliament’s interventions. It is this realisation that led to the commissioning of the external service provider to conduct an independent survey.

The public participation survey was developed according to the new developmental approach adopted by Parliament to achieve the strategic priority on public involvement and participation and with the following institution’s five strategic priorities in mind:

⁷¹ Parliament of the Republic of South Africa Public Participation Survey Report. January, 2019, Fourways, Johannesburg, South Africa

⁷² IPSOS Report, 2019

- Strengthening oversight and accountability;
- Enhancing public involvement and participation;
- Deepening engagement in international mediums;
- Strengthening co-operative government; and
- Strengthening legislative capacity

At a general level, the survey analysed the perceptions of South African's regarding Parliament's contribution to promoting public involvement in law making, monitoring the government's actions and the implementation of laws. It focused on the representational role of Parliament, thereby examining how it is perceived as responding to the growing public pressure for greater involvement, information, accountability and better service delivery to South African citizens. The survey also illustrated the different channels that parliament can use to better engage with the citizens to fulfil its role of public involvement. Furthermore, the survey measured South African citizens' understanding of parliament's mandate, their awareness of Parliament and perceptions of the performance of parliament.

But in particular, the main objectives of the survey were to:

- Establish the level of public awareness and knowledge of Parliament;
- Ascertain public understanding of Parliament's three-legged mandate consisting of lawmaking, oversight, and promotion of public involvement;
- Gain an understanding of the citizens who rate Parliament's performance positively on its constitutional mandate;
- Determine which portion of the population know how to participate in Parliament processes;
- Understand the portion of the population which currently has access and participates in the processes of Parliament;
- Establish the preferred medium of communication between Parliament and the electorate.

4.1 Public Survey Research Methodology

The following methodology was adopted for this particular survey. Firstly, the Parliament's Public Participation Survey was placed on an all-inclusive omnibus

survey. Thus, it formed part of a questionnaire that was posed to randomly selected adult South Africans. This section of the questionnaire was designed by Parliament with input from the researchers. In-home face-to-face CAPI (Computer Assisted Personal Interview) interviews were used to complete the survey. The total questionnaire was on average 45 minutes in length and respondents could choose to have the interview administered in English, Afrikaans, Zulu, Xhosa, Setswana, Sepedi or Sesotho.

Secondly, interviews were conducted amongst a nationally representative sample of adult South Africans (aged 15 years and older), including all population groups in all provinces and amongst all community sizes, ranging from metropolitan to rural areas. Fieldwork took place between the 25th of October to the 4th of December 2018. A total of 3,571 interviews were conducted in a nationally representative manner. This was then weighted and projected so that the results represented the entire adult South African population (15 years of age and older). The study was conducted over a period of two phases in the financial year 2017-2018 and it is also currently commissioned for the current financial 2019-2020.

4.2 Results of the Recent Surveys and future implications for the work of the South African

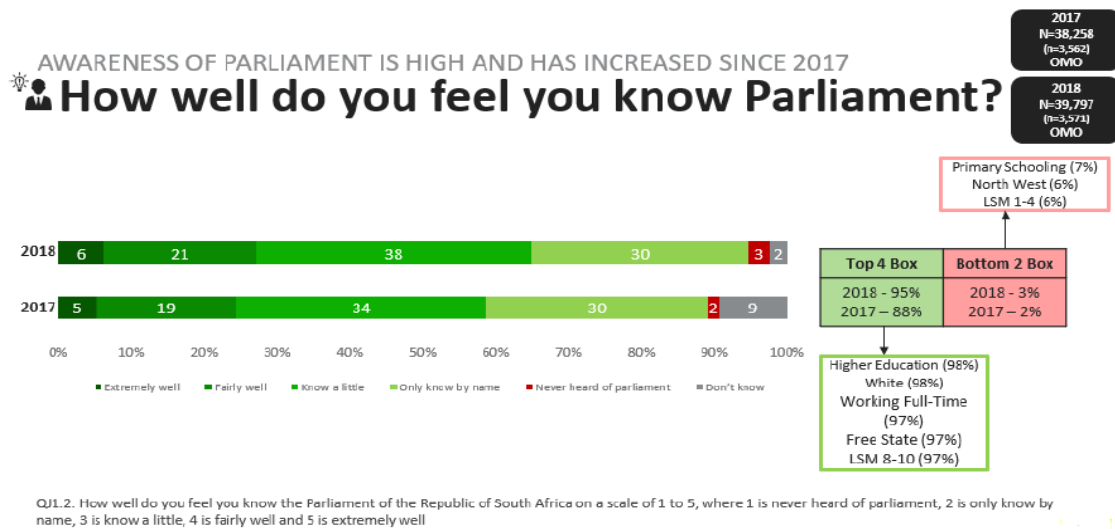
While the survey focused on public participation broadly, its findings were grouped into the following six thematic areas:

- Awareness of Parliament;
- Familiarity with Parliament;
- Understanding of Parliament's mandate;
- Evaluation of Parliament's performance in achieving its functions;
- Preferred medium of communication between Parliament and the electorate
- Action and participation in processes or activities of Parliament

4.2.1 Awareness of Parliament

In 2018, a number of developments with far reaching implications happened in the country's political landscape. In fact, 2018 entered the country's historical annals as a

turbulent period, with many major political shifts and reshuffles deepening the already complex political landscape.⁷³



In fact, as a result of the major political changes which occurred in 2018, such as the resignation of the then president of South Africa and the implementation of land redistribution without compensation, South African were more aware of Parliament when compared to 2017. In percentage terms, 95% of South Africans aged 15+ were aware of the existence of Parliament, 7 percentage point higher than the awareness levels in 2017. The number of people who felt unsure about how well they know Parliament also improved, decreasing from 9% in 2017 to 2% in 2018.

In as far as provincial variables, such as gender, age and racial awareness of Parliament is concerned, there were some noticeable disparities.

For instance, while in 2018, awareness levels were relatively stable across different age groups, racial communities, and geographic locations, nonetheless, the highest was skewed towards Coloured communities (98%) and within the Northern Cape (97%) and the lowest among 17-18-year olds (91%). In terms of gender, awareness levels were the same for both males and females at 95%. It was also noted that awareness of Parliament seems to decrease with age, with 94% (1 percentage point lower than the national average) of 18-24-year-olds and 91% (4 percentage points lower than the national average) of 15-17 years olds being aware of Parliament. In terms of race, white South Africans were found to have the lowest levels of awareness of Parliament when

⁷³ IPSOS Report, 2019

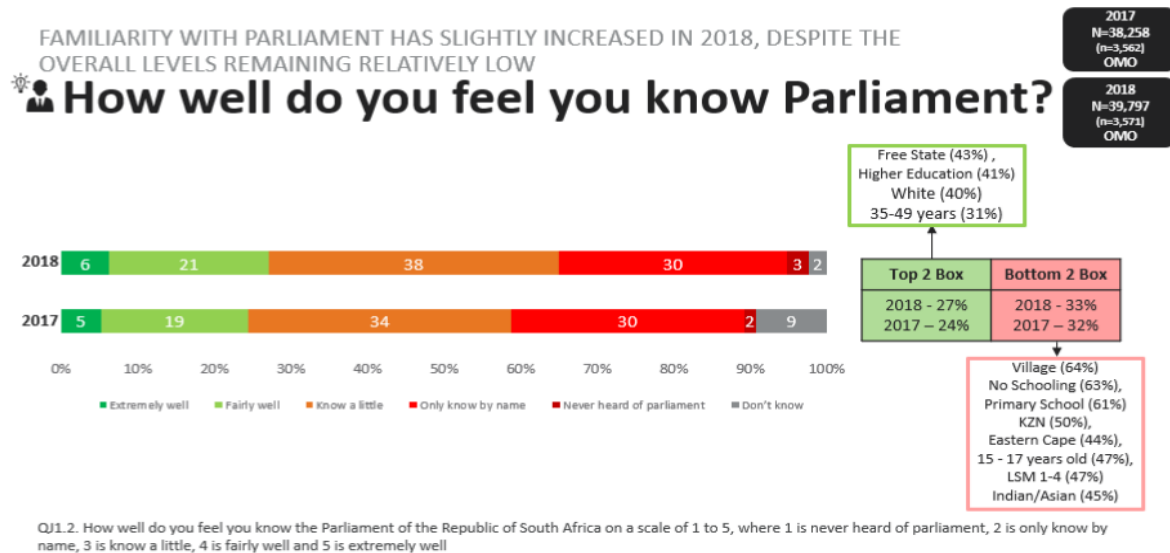
compared to other race groups at 92% (3 percentage points lower than the national average). Regionally, Gauteng had the lowest levels of awareness.

Still on the very same theme of awareness of parliament, the survey also took a comparative approach and in comparing the South African Parliament to the European Parliament, the survey found that the awareness of the latter was high, with 93% of EU citizens claiming to be aware of their Parliament. In part, this can be explained by, firstly, the demographics that vary between South Africa and Europe. Secondly, the European Parliament's awareness campaigns were found to be effective since they invested heavily in publications, information, and participation in public events, organizing seminars, symposia, and cultural activities. When comparing the awareness levels of parliament in South Africa (95%) to that of the European Parliament (93%), the South African Parliament performed very well, trailing slightly ahead of the European Parliamentary awareness. The positive performance of the South African Parliament followed a lower performance in 2017 at 88%, indicating that in 2018 the South African Parliament has improved greatly in ensuring the public awareness generation.

4.2.2 Familiarity with Parliament

Opportunities for the public to engage in governance and participate in political and decision-making processes depend largely on whether they are familiar with parliament and understand their right to participate in formal or informal engagement – this is beneficial for a vivid and resilient democracy⁷⁴.

⁷⁴ Ibid



In 2018, knowledge of Parliament remained low, with only 3 in every 10 (27%) South Africans indicating that they know Parliament “extremely well”/ “Fairly well” and one third (33%) “knowing it by name”/“Never heard of it”. The familiarity of Parliament improved most within the Free State and decreased most in KwaZulu Natal. Familiarity, among the Indian/Asian population, also declined, with 45% having very limited awareness (“knowing it by name”/ “Never heard of it”).

4.2.3 Understanding of Parliament’s mandate

Parliament’s constitutional mandate includes: serving as a national platform for dialogue on issues affecting South Africans, a forum for the participatory formulation of appropriate legislation, a council to provide oversight as well as to hold the executive accountable.

IN 2018 SOUTH AFRICANS ARE MORE ABLE TO IDENTIFY WHAT THE ROLE OF PARLIAMENT IS

2018
N=39,797
(n=3,571)
OMO

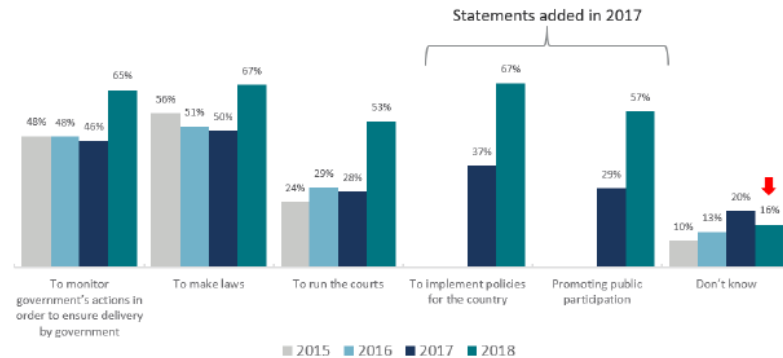
What is the role of Parliament?



Please Note: The question wording for QJ3.1 was slightly altered in 2018, in order to ensure more accurate responses. This change might have had an impact on the results obtained.

FUNCTIONS OF PARLIAMENT

1. Pass legislation or laws
2. Scrutinise and oversee the executive and organs of state
3. Facilitate public participation and involvement in the legislative and other processes
4. To participate in, promote and oversee co-operative government
5. To engage and participate in international participation



2018: QJ3.1. For each of the following statements about the role of Parliament could you please tell me whether you think it is true or false.
2017: QJ3.1. What is the role of Parliament? Choose all that you think are applicable.

In 2018, South Africans were more able to identify the roles and functions of Parliament. This finding was interesting when considering that the level of familiarity of Parliament remained low. The survey found that 63% of South Africans agreed that they have a firm understanding of the roles of Parliament. Most South Africans considered Parliament's mandate to be to make laws (at 67%) and to implement policies for the country (at 67%). This was closely followed by the oversight of government performance to ensure service delivery by the government (at 65%).

Despite improved understanding of what the roles of Parliament are, it was noted that on average only 49% of the Indian/Asian population was able to successfully identify the roles and functions of Parliament, this population group was also found to be less able to identify the roles of Parliament when compared to other race groups. This indicates that the Indian/Asian population is in critical need of attention as both familiarity of Parliament and understanding of the roles of Parliamentary functions of Parliament is low.

Furthermore, despite residents of the Free State having the third highest familiarity of Parliament, knowledge of the roles of Parliament in this province also demonstrated lower levels of awareness, when compared to other provinces. It was found that 50% (1 out of 2) of South Africans living in the Free State were able to identify the roles of Parliament – 13 percentage points lower than the national average. These results also

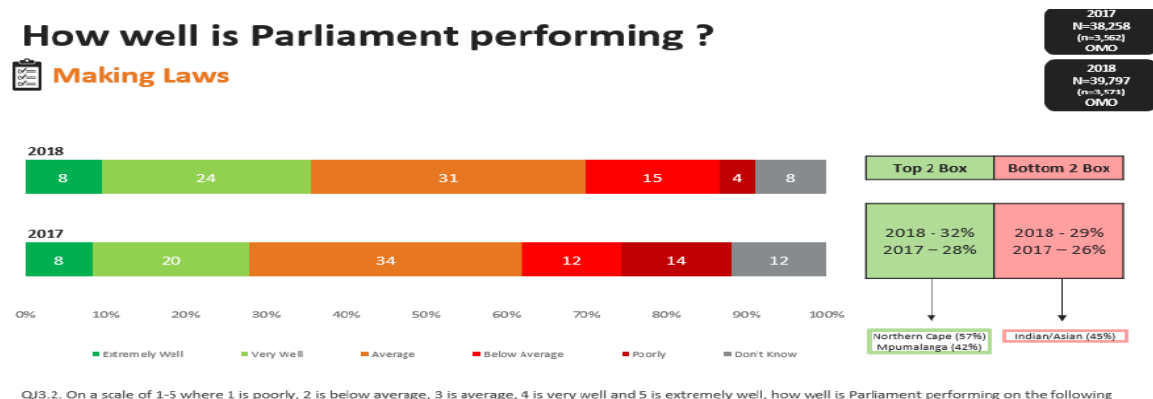
indicated that while the people in Free State were aware of Parliament, they were unsure of the role Parliament plays within the South African context.

4.2.4 Evaluation of Parliament's performance in achieving its functions

The evaluation of Parliament's performance in achieving its mandates revealed a diverse range of opinions, with the general trend leaning towards a slightly more negative evaluation. Just over 1 quarter (28%) of South Africans felt that Parliament was performing extremely well/very well. Conversely, 3 out of every 10 South Africans (31%) agreed that parliament is not achieving its mandate and is performing below average or poorly. The remaining third (32%) took a neutral approach.

Racial, age and geographic demographics revealed a similar trend, with a slightly more negative evaluation of Parliament. The only exception to this trend was found among 25-34 years' old's, residents of the Western Cape, Mpumalanga, Limpopo, and Northern Cape, these population groups felt slightly more positive towards Parliament's performance. Of those rated Parliament as performing extremely/very well, those who reside in the Northern Cape felt the most positive with just over half (55%) of residents rating Parliament as performing extremely/very well. Of those South African's who have a strong negative opinion regarding Parliament's performance, most 41% were Indian/Asian, 39% reside in the North West and 37% reside in the Eastern Cape.

As shown below, in terms of the mandates of Parliament, making laws is the only role which Parliament was evaluated in a slightly more positive way, with 32% feeling that this mandate is being executed extremely/very well.

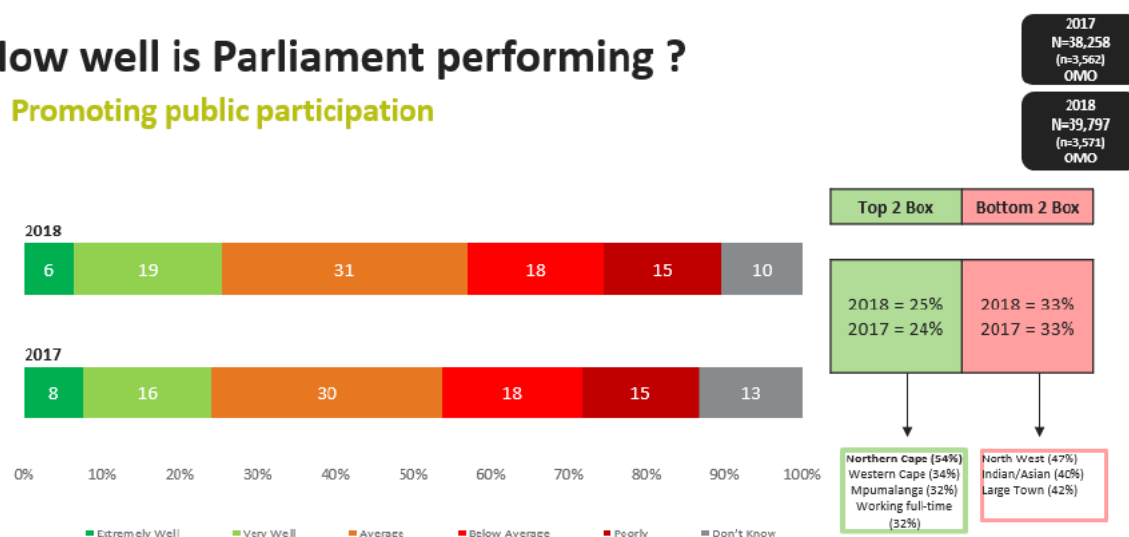


Other mandates such as promoting public participation and monitoring government actions to ensure service delivery by government, yielded more negative ratings. Promoting public participation was identified as a mandate in need of critical attention as 40% of the Indian/Asian community and 42% of South African's who live in large towns rated Parliament as performing below average/poorly.

How well is Parliament performing ?



Promoting public participation

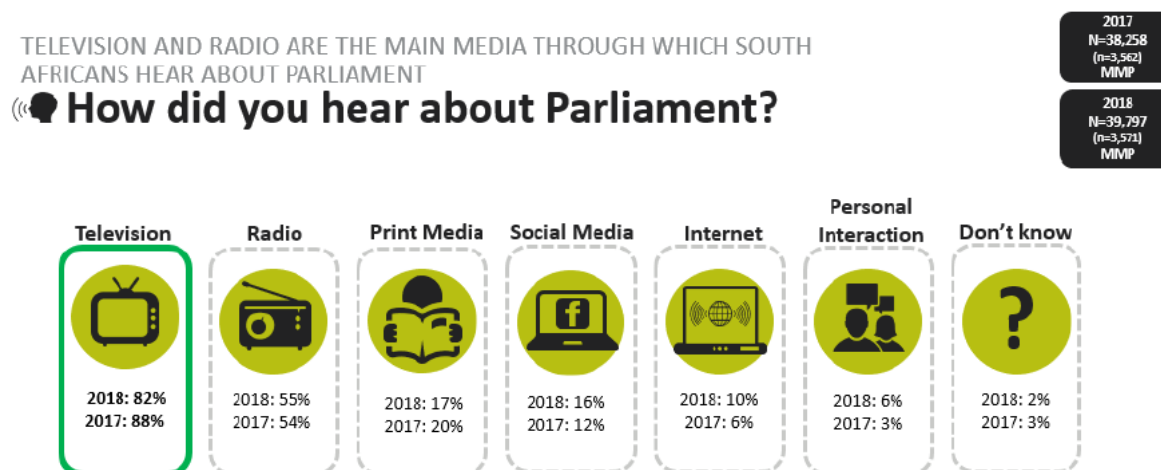


QJ3.2. On a scale of 1-5 where 1 is poorly, 2 is below average, 3 is average, 4 is very well and 5 is extremely well, how well is Parliament performing on the following

The varying opinions of South Africans revealed that Parliament might be neglecting certain areas and not providing consistent and equal fulfilment of its roles and functions. It is also interesting to note that while Parliament continues to have relatively low levels of awareness, knowledge of what parliament is required to do has drastically increased. It can be said that the negative evaluation of Parliament's performance in terms of delivering its mandate, could be highlighting areas of concern for South African's regardless of whether they are fully aware of Parliament as a whole.

4.2.5 Preferred medium of communication between Parliament and the electorate

Similar to 2017 findings, in 2018 there was a good alignment in terms of the communication platforms used and those preferred; with 82% of South Africans having heard about Parliament through television medium and 82% selecting television as their preferred method of receiving communication from Parliament.



QJ1.3. How did you hear about Parliament?

According to the survey findings, Radio also continued to function as an important medium of communication with 55% hearing about Parliament through radio and 57% selecting radio as a preferred medium to hear about Parliament. While Parliament seems to understand which media channels South African's prefer, communication regarding how to engage with Parliament remained low in 2018 – with 8 out of every 10 South Africans being uninformed about how to participate in Parliament and almost 3 quarters (72%) not having participated in any Parliamentary activities.

4.2.6 Action and participation in processes or activities of Parliament

According to the survey findings, while most (41%) of South Africans agreed that they were fairly well informed about Parliament's activities - there was still a notable number (35%) who felt that they were not at all well informed. Being informed about

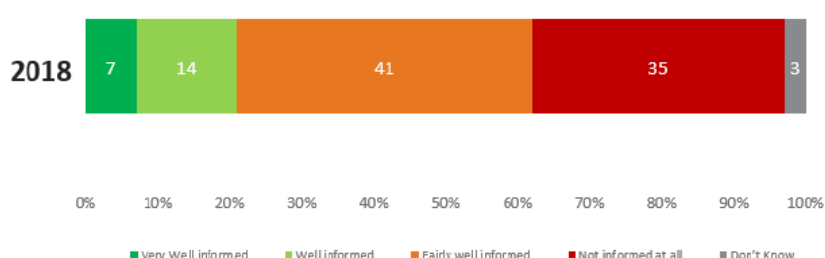
Parliamentary activities varied based on age, race, education, household income, and geographic location. With the most critical groups (in terms of being not at all well informed) including youth (aged 15-17 years), Indian/Asian and Coloured communities, individuals with a poor educational background (no schooling / primary schooling only) and residents of KwaZulu Natal and the Eastern Cape.

Participating in Parliamentary Processes

2018
N=39,797
(n=3,571)
OMVO

👁️ How well informed are you about Parliaments activities?

NEW QUESTION



QJ8. In general, how well informed are you about Parliaments activities?

Almost half (48%) of South Africans were interested in learning more about the activities of Parliament. Residents of the North West (61% very interested) and those that have no household income (61% very interested) were most interested in developing their knowledge of Parliament. While most South Africans indicated that they would like to know more about Parliament, there was a notable number (27%) that was not at all interested in knowing more about Parliament. Of those who were least interested, 48% had no formal schooling and 44% were Indian/Asian. These findings indicate that not only are those with limited education and those who are part of the Indian/Asian community the least informed about Parliament's activities, but they are also the least interested in finding out about Parliament's activities. This demonstrates a barrier to engaging with these individuals.

5. Conclusion

As this paper has sought to illustrate, as veritable hubs of democracy, besides representation and safeguarding their power of the purse, modern day parliaments,

are expected to also play a more meaningful role not only in carrying people's hopes and aspirations- but also in harnessing developmental efforts by, amongst others, providing a platform for people to influence and shape decision-making processes about development of their communities.

Our first generation of law-makers in the democratic dispensation were cognisant of this fact and were aware that an effective avenue for the provision of public participation is one of the hallmarks of a democratic government. This is why public participation was constitutionally entrenched in the country remained one of the constitutional imperatives guiding the work of the South African Parliament. But as discussed in the paper, while public participation has always remained central to the mandate of the South African Parliament, the nature of public participation has evolved since the dawn of democracy. It is that evolution, the need for harmonization and standardization of practices, together with emerging jurisprudence that necessitated the development of public participation frameworks and models, But development of models and mechanisms for deepening public participation alone was not enough, the institution needed to gauge its performance in implementing such mechanisms and in discharging its constitutional duty of facilitating meaningful public involvement. This is why the independent survey was commissioned- which revealed a mixture of realities (both the positives and negatives) regarding the work of the institution on this area of public participation.

6. Recommendation

Firstly, the research findings showed that South Africans what the roles and functions of Parliament are but they struggle to grasp what the concept of Parliament is. As such, the recommendation is that, in our context, our Parliament would need to initiate campaigns that aim to inform South Africans about the basic principles of Parliament such as what it is and how does it work- doing so in a user-friendly and engaging manner.

Secondly, the survey also demonstrated that South Africans are interested to learn more about Parliament and to play a more active role in Parliamentary activities. However, limited knowledge of how, where, when and why to engage acts as a major barrier. As such, the recommendation is that, in our context, our Parliament would need to implement public participation strategies that inform the public why they

should participate and clearly outline the steps of how to find and participate in parliamentary activities.

Lastly, since the survey discovered that parliamentary roles and functions can easily become intertwined with the roles and functions of political parties- there is a need to distinguish and separate the roles and functions of Parliament from the socio-political agendas of political parties.

Mr Calvin RANDRIAMAHAFANJARY (Madagascar) noted that openness of Parliament to the public and transparency posed challenges in Madagascar. He asked what the South African Parliament published about its organisation and its work. In particular, he wanted to know whether the Parliament's website made information available about all the interventions made by Parliamentarians, or indeed statistics about their attendance rates at sittings or Committees.

Mr Muhammad ANWAR (Pakistan) said that this was a very important subject. The link between public and Parliament was key. Parliaments had to face many problems and challenges while trying to promote public engagement. What challenges was South Africa facing and how was it tackling them?

Dr Jean Rony GILOT (Haiti) insisted that the prime factor in the transparency of a Parliament was the principle of the public nature of public sittings. He noted that more and more often, security concerns were leading Parliaments to close plenary sessions to the public. He asked the speaker whether, before considering the more sophisticated ways in which the public could participate in Parliament's work, this principle of public access to the Chamber had been guaranteed, or whether it was also under threat for "security reasons."

Mr Ali bin Nasir bin Hamed AL-MAHROOQI (Oman) said that the study in South Africa had given some very clear information. Many people benefited from TV and Radio. In Oman hashtags were used on social media and the public invited to interact when a new Bill was proposed. Then a specialist group was convened. In a large country it was hard to bring everyone to the location of Parliament and difficult for MPs to move about – so social media was a useful substitute.

Mrs TYAWA said all meetings, plenary and committee, were open to public view except for the committee on security. Lists of which members had attended were published. South Africa had eleven languages.

Turning to the question from Pakistan, when Members and Committees went out into the public, people expected them to address their problems, whether or not they were within the competencies of the visiting Member or Committee. Parliament was now tracking the implementation of commitments. She was making sure her researchers in Parliament could track the performance of departments and ensure effective oversight. Ministers had to be held responsible for what they had promised. Some Committee members from ruling party had a tendency to ask "sweetheart" questions that were too soft. Each regional Parliament had outcomes and there was a need to make sure these built up to a national agenda.

People were welcome to come to Parliamentary sittings but Cape Town was a long way for many – so Members had to go to the people. There was a plan for six months to be spent in Parliament and six months in the constituency – as splitting the week between the two did not really work. Interaction with constituents needed to be genuine and have proper time allowed to it.

Turning to social media, this was indeed a useful tool and South Africa also welcomed the IPU's hubs.

3. Communication by Shri Desh Deepak VERMA, Secretary-General, Rajya Sabha, India : Rajya Sabha Television and its Role in strengthening trust between Parliament and the People

Mr Philippe SCHWAB, President, invited Mr Desh Deepak VERMA (India) to present his communication.

Mr Desh Deepak VERMA (India) spoke as follows:

I

Introduction

One of the prerequisites of a parliamentary democracy is to provide constant channel of communication between people and Parliament and sustain their interest in the functioning of democratic institutions, especially Parliament. Thus, dissemination of information regarding functioning of parliamentary institutions is of utmost relevance. An informed citizen is an invaluable participant in the political process and is less likely to develop a cynical orientation towards it. Britain's parliamentary think tank, the Hansard Society, rightly puts it: 'familiarity breeds support'. The importance of informed debates in strengthening democracy has been aptly highlighted by the UN Human Development Report 2002 which *inter alia* states "Informed debate is the lifeblood of democracy. Without it, its citizens and decision makers are disempowered lacking basic tools of informed participation and representation". Therefore, it is necessary that the two-way connection between people and legislative institutions is nourished and sustained by print and electronic media, including parliamentary television channels. Parliaments across the world have been endeavouring to develop more imaginative and attractive ways to enhance parliamentary coverage so that people are encouraged to take greater interest in their country's apex democratic forum.

Against this backdrop, parliamentary television channels have got the onerous responsibility for enriching democracy by providing linkages between people and Parliament, highlighting legislature's positive contributions and raising the trust quotient between the legislature and the public. In this regard, the television channel of the Upper House of the Indian Parliament or the Rajya Sabha has become an important tool for Parliament's engagement with the public.

II

Mechanisms for interface between the citizens and the Parliament

Both the Houses of Indian Parliament have their own time-tested mechanisms to ensure proper interface between the citizens and the Parliament. The Parliamentary Committees establish linkages with the people by articulating public concerns through deliberations in the committee, besides giving citizens opportunity to depose before the committees and participate in the legislative process. Both Houses have also redesigned their websites to provide a plethora of information about the business transacted in the plenary and in the Committees and about every individual Member of Parliament. Besides, we have the public gallery in each House providing direct access to interested members of the public to witness the proceedings. However, only a limited number of people resort to these modes of keeping connected with the Parliament.

Mass media, the most preferred way of reaching out to the larger sections of the populace

The role of mass media in reaching out to the larger sections of the populace and in strengthening the democratic edifice has been well recognised. Providing access to the media to report about the parliamentary functioning constitutes an important aspect of building an effective relationship between Parliament and media. Indian Parliament provides access to media to report the proceedings of both Houses. In fact, statutory protection through the Parliamentary Proceedings (Protection of Publication) Act, 1977 has been given to the publication in newspapers or broadcasts by wireless telegraphy of substantially true reports of any proceedings of either House of Parliament, provided the reports are for public good and are not actuated by malice. Furthermore, article 361A of the Constitution states:

“No person shall be liable to any proceedings, civil or criminal, in any court in respect of the publication in a newspaper of a substantially true report of any proceedings of either House of Parliament or the Legislative Assembly, or, as the case may be, either House of the Legislature of a State, unless the publication is proved to have been made with malice.”

In each House, there is a gallery which is intended for providing access to journalists from both print and electronic media from where they observe the parliamentary proceedings live and then report the same. The Media, Education and Audio Visual Unit of Rajya Sabha Secretariat and its counterpart the Press and Public Relations (PPR) Wing of Lok Sabha Secretariat act as the nodal sections to liaise with the media agencies, correspondents and journalists, both print and electronic, and for providing them access to the Press Gallery for the full coverage of proceedings in each House, respectively. Thus, the freedom enjoyed by the press or media and the protection accorded to it for covering the proceedings of Parliament are considered indispensable for enriching interactions between Parliament, media and the citizens, and for strengthening democracy.

IV

Need for a dedicated parliamentary channel

Although the Media Units of both Secretariats liaise with different news agencies, newspapers, correspondents of electronic and print media for giving wide publicity to various parliamentary activities, a need was felt to have a dedicated

parliamentary television channel to reach out to a larger audience. Moreover, today, despite a large number of theme based television channels catering to various segments of society, parliamentary functioning fails to get due coverage. Only the adversarial part of political life gets undue publicity, relegating the serious parliamentary debates to the margin. The way the television channels present incomplete/lopsided view of a complex and much larger process of parliamentary deliberation and law making only contribute to lowering of the image of Parliament in the estimation of the people. To make up for this inadequate/lopsided portrayal in the mainstream media and television channels, it was thought to telecast live the parliamentary proceedings and to set up dedicated parliamentary television channels to that effect.

Besides, the Parliamentary Committees that produce important reports are hardly noticed by the mainstream TV channels. Therefore, there is a need to give due publicity to the Committee reports. Moreover, there is a general view that Parliament functions only during the session period. This is a misconception as Members transact a lot of work throughout the year in the parliamentary committees, delegation level visits to international fora and in many other parliamentary activities, which largely go unnoticed by the people and the media as well. For these reasons, it was thought that a dedicated television channel which would televise the proceedings of the Parliament and report on the related programmes to make people aware of the actual parliamentary working and to stimulate public interest in members of Parliament and their work. This helps in highlighting that Parliament and its Members function all through the year.

Launch of Dedicated Parliamentary Television Channels in India

With the objective of making the citizens aware of the functioning of our Parliament, necessary measures have been taken over the years to broadcast the parliamentary deliberations. A beginning was made way back in 1989 when the President's Address to the members of both Houses of Parliament was telecast and broadcast live for the first time by the national television broadcasters - Doordarshan and the All India Radio. Thereafter, the Question Hour and the presentation of the budget was also telecast live in 1991 and 1992, respectively. The live telecast of Parliament proceedings within a radius of 15 kilometers was formally started from August 1994. Encouraged by the public response, two separate dedicated satellite Channels for telecasting live the entire proceedings of the two Houses of Parliament nationwide were launched by Doordarshan in December 2004. This was a giant leap towards the direction of bringing Parliament closer to the people. Going a step further, the Lok Sabha Television (LSTV) Channel was launched by the Lok Sabha Secretariat as a 24-hour Channel on 11 May 2006. Following this, the Rajya Sabha Television (RSTV) Channel was launched in November 2010 by the Rajya Sabha Secretariat.⁷⁵ While the LSTV is tasked with telecasting the proceedings of the lower chamber and is under the command and control of the Speaker, Lok Sabha, the RSTV which is 24 hour channel, telecasts the proceedings of the upper chamber and is under the command and control of the Chairman, Rajya Sabha. To run the channel, in-house programming, engineering and technical units for each House have been created. The RSTV became a 24x7 channel on 18 December, 2011. The RSTV and LSTV are truly unique as they

⁷⁵ Brief on Lok Sabha Television, Lok Sabha Secretariat

are owned and operated by a legislature. The outreach and appeal of these Parliamentary TV Channels are steadily increasing.

V

India's internet user base and Use of social media

The unprecedented growth in Information and Communication Technologies (ICTs) including internet and social networking sites has facilitated to engage people particularly the youth with the democratic institutions and processes. Internet as a means of transcending representative structures, has been seen as a tool for refashioning and strengthening the hitherto weak and neglected relationship between the representatives and the represented. India has the second largest Internet user base in the world.⁷⁶ The Internet and social media usage particularly among the youth in the country is constantly on the rise and internet users in India is estimated to reach 627 million by the end of 2019⁷⁷. The country is witnessing a major demographic transition with a significant rise in the population of youth. This section, which is young and alert is inquisitive to know about the functioning of the legislatures and their members. The needs of more assertive and demanding electorates call for more public engagement *vis-à-vis* the legislatures. In an era of e-democracy, Parliament is also using social media to reach out to this young audience. The simultaneous webcasts of the live streaming on Rajya Sabha and Lok Sabha sites besides YouTube, Facebook and Twitter interfaces have contributed to the wider outreach of these channels. In fact, Rajya Sabha has the distinction of being the first House of our Parliament to have started webcasting of the proceedings by any legislature in India.

Value-added programmes of parliamentary channels especially RSTV

In addition to the live telecast of proceedings of the Parliament, these channels also broadcast other significant events in Parliament, such as the Address of the President to both Houses of Parliament and other important parliamentary functions. Live telecast of proceedings, however, alone may not be sufficient to inform the public unless efforts are made to make it comprehensible to the people who are not familiar with the workings of a Parliament through appropriate programming. That is why RSTV presents incisive analysis of the proceedings of the House and other day-to-day parliamentary events and developments, especially the functioning of and developments related to Rajya Sabha. For instance, 'Prashankaal'/Question Hour, 'Sansad Parisar se'/Parliament update and 'Sansad is hafte'/ Parliament This Week, Laws in the Making, Parliament 24x7, to name a few.⁷⁸

Besides, RSTV attempts to educate the people through an array of value-added programmes on issues of prime concern to the common people. For instance, 'The Big

⁷⁶ Top 20 countries with the highest number of Internet users, <https://www.internetworldstats.com/top20.htm>

⁷⁷ Internet users in India to reach 627 million in 2019, <https://economictimes.indiatimes.com/tech/internet/internet-users-in-india-to-reach-627-million-in-2019-report/articleshow/68288868.cms>

⁷⁸ Annual Report, 2018, Rajya Sabha Secretariat

Picture'⁷⁹ and '*Desh Deshantar*'⁸⁰ (India and Abroad) features panel discussions on national and international issues in English and Hindi respectively besides analyzing issues related to Parliamentary democracy from time to time as and when warranted; 'Laws in the Making' is a panel discussion on various contentious laws of the country;⁸¹ *Sarokaar*,⁸² a weekly audience based panel discussion on current issues; 'Policy Watch'⁸³, a weekly show featuring discussion of national economic policies; '*Sara Jahan*' (Entire World), a weekly roundup of world news and analysis. Special programmes focused on elections to the State Assemblies are also broadcast educating the citizens about the electoral process.

The programmes of RSTV specially focus on the Bills, upcoming as well as the ones under consideration of the Parliament. Programmes on science, health, economy and social issues are also quite regular and special focus is given on the programmes related to various developments in the States. The channel also makes a sincere attempt at projecting the diversity and vibrancy of Indian society through its programmes and shows based on art and culture. For instance, programmes in which conversation with eminent personalities are held like *Virasat*⁸⁴ (Heritage), *Guftagoo*⁸⁵ (In Conversation), *Shakhsyat*⁸⁶ (Personality), etc. The channel also produced a tele-serial titled *Samvidhan- the Making of the Constitution of India* in 2014. Directed by acclaimed film maker Mr. Shyam Benegal, it recreated the debates on important issues that took place in the Constituent Assembly during the framing of the Constitution of India. This tele-serial was well received by the viewers due to its rich historical and educative content.

The RSTV believes in infusing freshness in its programme schedule. To this effect, the channel produces 47 hours of fresh programmes per week and 38.5 hours of additional fresh programmes are also added to this during the Parliament Sessions.⁸⁷

The RSTV has been well received by the viewers for its quality programmes. Unlike some of the private channels, the RSTV plays a positive and constructive role

⁷⁹ On topics like Prime Minister's US visit; The Third Child Norms; Ban on e-cigarettes; Energy Security

⁸⁰ On topics like Indian diaspora and importance; New steps to boost economy; Subsidy vs Income; Growing drinking water crisis

⁸¹ On topics like Electoral Reform; Consumer Protection Bill, 2018; Supreme Court on Section 498A; Wildlife Protection in India

⁸² On topics like Reservation Policy in India; Begging and Solutions; Right to Privacy; New Education Policy

⁸³ On topics like Public Private Partnership in Railways; India's Wind Energy Potential; Social sector Reforms, etc

⁸⁴ On personalities like Rabindranath Tagore (Nobel laureate), Shailendra (lyricist), Jagjit Singh (ghazal maestro); S.D. Burman (great music composer), etc

⁸⁵ On personalities like Gulzar (renowned lyricist); Sanjay Mishra (acclaimed actor); Irfan Khan (acclaimed actor); Jawed Habib (renowned hair stylist)

⁸⁶ On personalities like Zahida Hina (noted columnist), Abida Parveen (veteran singer), Pirzada (noted scholar and poet), Kailash Satyarthi (Nobel laureate)

⁸⁷ Annual Report, 2018, Rajya Sabha Secretariat

by presenting the issues in proper perspective and by refraining from theatrics and scripted news to capture the attention of its audience. Their anchors are good listeners as well. The RSTV puts things in a better perspective on many sensitive issues. During the last two years, the viewership of RSTV has increased substantially. With 3.52 million YouTube subscribers, RSTV is among the leading TV Channels in the News and Current Affairs genre.

VI

Parliamentary television channels as a Public Broadcaster

(i) Complete professional independence

Though owning a television channel may be seen as an attempt by the Parliamentarians to present refined images of themselves, yet, complete professional independence has been given to maintain the channels' credibility. Due care is taken to ensure that these channels are run on professional lines and neither used as the Government's propaganda mouthpieces, nor their professional judgment is influenced by pressures from political, commercial or other sectional interests or their own. The Ministry of Information and Broadcasting of the Government of India has no control over them. Thus, the channels are immune from interference from the executive. The Speaker/Chairman holds the final authority.

(ii) Free from commercial considerations

A large number of countries throughout the world allow television cameras and radio microphones to record the proceedings of their legislatures, but only extracts of the proceedings and commentaries are made available to the people. According to the world e-Parliament Report 2012, only 35 per cent of the countries out of the 156 countries surveyed by the UN and IPU had parliamentary television channels. The RSTV and LSTV channels are free from general commercial considerations. These are not revenue earning channels on the line of private channels, but work on the principles of a public broadcaster to further public interest. Being State funded means they don't need to care about advertisement revenue so they don't need to sensationalise to get TRPs (Television Rating Points) in order to get ads. Both these channels accept advertisements only from the Government and Public Sector entities and such advertisements are aimed at informing the general public about developmental policies and programmes.

VII

Public Response/reach of RSTV

One definitive barometer of the success of a TV channel is its distribution. RSTV has a wide reach cutting across regions, age, gender, etc. Although the channel is not subject to the dictates of rating and the lure of advertisement revenue, its viewership has been rising over the years. The RSTV alone had over 3.5 million YouTube subscribers⁸⁸ and over 582 million views⁸⁹ till date. RSTV also received a 'YouTube Gold Award' from YouTube after it crossed a million subscribers in June 2018. In fact, RSTV's YouTube channel had gained nearly 1 lakh new organic subscribers a month

⁸⁸ <https://www.facebook.com/RajyaSabhaTV/>

⁸⁹ <https://youtube.com/user/rajyasabhatv/about>

on an average.⁹⁰ RSTV has also 1.37 million⁹¹ and 8 million followers⁹² on Facebook and Twitter respectively. In addition, several verified handles started following the RSTV's Twitter handle, which includes several Members of Parliament.

RSTV is way ahead of several prominent private channels and has emerged as the sixth fastest expanding channel leaving many other behind. The growing popularity of RSTV can be attributed to the incisive analysis of parliamentary issues; non partisan, civilized and informative debate/ discussion on national and international issues and; selection of topics of contemporary interest. The Cable Television Networks (Regulation) Act, 1995 has been amended making it compulsory for every cable operator to carry RSTV and LSTV on its network.

For further improving the content and coverage planning, RSTV has recently joined BARC (Broadcast Audience Research Council) platform for assessing viewers' response to each of its shows.⁹³

Aware of the importance of safe and secure data in building trust with its clients, RSTV website has ensured the same by shifting from <http://rstv.nic.in/> to <https://rstv.nic.in/>.

Impact on the functioning of the House

One positive impact of parliamentary Channel can be seen in the increase in the number of issues of public importance especially those concerning constituencies or States being raised by members through 'Zero Hour Submissions' and 'Special Mentions' to bring such issues to the attention of the Government for their redressal. In this electronic age, Members want to be seen visually by their constituents as to how they are articulating their concerns and meeting their expectations as people's representatives, and thereby securing people's trust in them.

Another positive impact that has been noticed is that there is now a tendency among the Members to speak in their mother tongue or local language as they want to directly communicate with their constituents. In India, we have 22 Scheduled languages in our Constitution as official languages of various States. Members are allowed to speak in their regional languages either if they cannot adequately express themselves in Hindi or English, which are the two working languages of the Parliament or like to speak in their mother tongue for connecting with the people. Now with the availability of interpretation facility in all 22 languages in Rajya Sabha, Members have shown keen interest in speaking in their local language. Chairman of Rajya Sabha, Mr. M. Venkaiah Naidu has also been encouraging the Members to speak in their mother tongue. This has resulted into positive outcome as the constituents get a sense of parliamentary debates and discussions. Issues raised by Members in Parliament also get coverage in local media which assumes importance in addressing the challenges of development and governance faced by different regions and States.

With the live telecasting of the proceedings of the House, Members conduct inside the legislature has been subjected to intense public scrutiny. The Presiding Officer reminds the Members about the live-telecast of the proceedings being seen by the people across the country whenever there is disruption in the House and cautions against such disruptive behaviour which lowers the image of Parliament in the

⁹⁰ Annual Report, 2018, Rajya Sabha Secretariat

⁹¹ <https://www.facebook.com/RajyaSabhaTV/>

⁹² <https://twitter.com/rajyasabhatv>

⁹³ BARC is a reliable television audience measurement system for India

estimation of the people. Chairman of Rajya Sabha, Mr. M. Venkaiah Naidu is very sensitive to and has expressed his concern on the issue of disruption reminding the Members to uphold the dignity and decorum of the House and to meet the expectations of the citizens.

Conclusion

With their credible and objective role as a disseminator of news, purveyor of information and educator of public, parliamentary channels, especially the RSTV has contributed in developing an informed citizenry and has attempted to act as a bridge between the elected representatives and the citizens. Since its launch in 2010, the RSTV has carved out a niche for itself. In an era of proliferating electronic media, the channel has managed to increase its viewer base in a short span. The success of the channel has contributed in narrowing the trust deficit between the public and the Parliament in two ways. It has helped people to understand the work of the Parliament and their elected representatives in a much better way while addressing the disadvantage it suffered due to its skewed portrayal in the mainstream television channels. Besides, it has raised the awareness of the people and the youth, in particular, about the functioning of parliamentary democracy and the broader political process, paving the way for broadening and strengthening relationship between Parliament and the people. It has the potential for enhancing the public image of Parliament and deepening democracy with an enlightened citizenry and lively and animated political discourse. The RSTV has shown how the legislatures can increase involvement of the public and their confidence in the legislative institutions to meet people's expectations, which is a prerequisite for a successful democracy.

RSTV is endeavouring to further enhance programme content related to the functioning of legislatures both at the Central and State levels.

Mr Philippe SCHWAB (President) invited members to pose their questions.

Mr Givi MIKANADZE (Georgia) noted that audience figures were impressive. Were any assessments carried out among the population in different regions to see how the viewing figures varied? He assumed the Parliament Channel would be expensive but it offered benefits – at least Parliament wouldn't be displaced by the world cup! However, was the channel being broadcast at all times even when Parliament didn't sit? Finally, were there opportunities for parties not represented in Parliament to participate in the channel?

Mr Matthew HAMLYN (United Kingdom) asked how much the channel cost to run as a percentage of Parliament's total budget, and how the channel ensured the editorial content of the channel was balanced and did not constitute propaganda?

Mrs Jane LUBOWA KIBIRIGE (Uganda) asked whether there were any guidelines on how the channel was used by members of Parliament to avoid party propaganda?

Mr Muhammad ANWAR (Pakistan) asked what the procedure was for controlling the use of the channels. He also wondered whether the constitution of India specified the status of the two Houses, and what the difference in powers was between the two Houses.

Mr Desh Deepak VERMA (India) said that YouTube subscribers to the channel were analysed by a private sector company which usually advised on advertising, but the Parliament only used this to work out which programmes had the widest appeal. The channel was indeed available 24/7. During proceedings, Parliament was telecast throughout its sitting. Before a sitting began, there would be pre-analysis on the channel. After a Bill had been passed the channel would discuss the issues covered, with experts in the field, and proponents and opponents. This gave viewers real insight. During non-sitting times, several other programmes were offered, for example explanations of key issues, such as scientific matters. Some programmes were repeats, especially at night.

Turning to the question of giving a voice to parties not represented in Parliament, this was a priority – such people were encouraged to come and speak to the channel. The channel had a free editorial policy without government control. Even diehard opponents of the Government were allowed to express a view.

The cost of the channels was indeed high. The Government was thinking of having two channels for live and other programmes. The channel had no editorial line – it just brought together experts. For example, genetically modified crops were being covered at the moment. Experts would be asked to comment, without editorial control. The channel was headed by an editor-in-chief. Funding was provided by both Houses so the Government had no control. The content advisory committee included MPs from all parties and this ensured bias was avoided.

Turning to why the Rajya Sabha was the upper House – this was simply customary – but he would offer no observations in case he offended his colleague from the Lok Sabha who was a very good friend!

Ms Snehlata SHRIVASTAVA (India) said that the Lok Sabha, unlike the Rajya Sabha did accept advertising on its channel and it made a healthy revenue from this.

Mr Desh DEEPAK VERMA (India) gave some observations on the respective powers of the two Houses in India.

Mrs Penelope TYAWA (South Africa) asked whether the live feed from the Indian Parliament was available to independent channels.

Mr VERMA said it was not.

Mrs Penelope TYAWA asked whether there was a public service broadcaster in India funded by Government. South Africa had such a broadcaster, although it could also take advertising.

Mr Mehmet Ali KUMBUZOĞLU (Turkey) said that Turkey also had Parliament TV and it was very effective in bringing public and Parliament together, and it had good ratings. Did fights and quarrels take place in the Indian Parliament and if so were they broadcast on the TV?

M. Janakman PRADHAN (BHUTAN) said that Bhutan did allow TV channels to broadcast Parliamentary proceedings live. It had considered having its own channel but the idea had been put on hold because it was too expensive. The Parliament of India had provided a good example to look at. Since it was broadcast 24/7, he wondered whether there any possibility in future of televising committee proceedings too – as a lot of Parliament’s business took place in these forums?

Mr VERMA (India) said that fighting in the Chamber had actually increased once televising started, as constituents were rather pleased to see their representatives fighting on their behalf. Then the practice had been changed, so that only the Member speaking was televised. This reduced fighting again.

Turning to public service broadcasting, a government-funded channel did exist but it was a good thing to have an independent Parliamentary alternative.

Considering committee broadcasting, these sessions were deliberately not televised, because during them MPs often rose above party considerations in order to come up with very positive suggestions. It would be a shame to broadcast them because this would encourage members to take a more party political line for the cameras and inevitably would decrease the utility of proceedings.

The Association took a coffee break until 4.18pm

4. General debate: Making Parliamentary work accessible to disabled people: best practice.

Mr Philippe SCHWAB, President, invited Mr Christophe Pallez, Secretary General of the Questure (France) to introduce his general debate.

Mr Christophe PALLEZ began his introduction by referring to the case, which had been widely reported, of the election to the Japanese Parliament of two very severely disabled Members. It was sometimes necessary for Parliaments to adapt very quickly to be inclusive.

He explained that he had collected in a table a variety of different kinds of disability and those involved in the challenges of accessibility, and he presented what he had found. [[Please follow this link to view the table](#)]

He emphasized that the cost of making things accessible was a barrier. The cost of adapting a building, especially an old one, to make it accessible to physically disabled people was also very large. He cited other examples of costs incurred in securing accessibility, such as the installation of an induction loop system which had cost 9000 euros, or the recruitment of a sign language interpreter for a Committee session which cost 900 euros.

After this introduction and before opening the debate, he invited Mrs Karine KASSMAYER, from the Senate of Brazil, to present her communication.

5. Communication by Ms Karin KÄSSMAYER, Federal Senate of Brazil: Accessibility in the Federal Senate of Brazil – best practices: presentation of the Accessibility management and the Accessibility Plan of the Federal Senate

Ms Karin KÄSSMAYER (Brazil) spoke as follows:

The National Congress holds federal legislative powers in Brazil. It is composed of two legislative houses: the Chamber of Deputies and the Federal Senate. It therefore is a bicameral system.

The senators of the Republic, elected according to the majority principle to represent the states and the Federal District, perform the functions of the Federal Senate. Each state and the Federal District elect three senators each for an eight-year term. Representation is renewed every four years, alternately by one and two thirds. Each senator is elected with two substitutes. The Federal Senate, therefore, is composed of 81 Senators. The typical functions of the Legislative Branch are oversight and legislation drafting.

The administrative structure of the Federal Senate is aligned with managerial actions of the House, which follow its strategic planning, with Strategic Guidelines approved by a Measure of the Steering Committee ratifying the continuity of the accessibility plan. The Charter of Commitments of the Federal Senate emphasizes the Commitment to Accessibility. It prioritizes the autonomy and dignity of all employees and citizens.

Supported, therefore, by values embraced by the Senior Management of the House, the Federal Senate develops accessibility actions using a management tool called "Accessibility Plan". It aims to promote accessibility for people with disabilities and reduced mobility.

The Senate has been active in accessibility since 2005, when it created the Program for Accessibility and Empowerment of the Person with Disabilities. The Senate carried out several actions, such as hiring Libras (the Brazilian sign language) interpreters, holding weeks of empowerment for people with disabilities and implementing structural adjustment works.

The Accessibility Policy, established by Measure No. 15 of 2013 of the Steering Committee, determined principles, guidelines and objectives to guarantee the rights of people with disabilities or reduced mobility in the Federal Senate. The Center for Coordination of Social and Environmental Actions (NCAS in the Portuguese acronym) became responsible for accessibility actions from its creation in 2014.

NCAS prepared the Accessibility Plan, in the format it appears today. It was adopted by the Federal Senate in 2016 and is already in its third edition. The first version

presented actions built in a shared way with different departments of the House and with employees with disabilities. The 2018 version of the Accessibility Plan was prepared considering the results obtained over the twelve months of the document's existence.

The Accessibility Plan for 2019-2020, presented here, has six pillars: Infrastructure; Access to Information; Mobility; People Management; Education for Accessibility; and Accessibility Management. The Infrastructure pillar includes actions related to the elimination of architectural and urban barriers, among which we highlight the proposition of an architectural project for accessibility of the large circulation areas of the Federal Senate. Once this project is completed, it will outline the difficulties and possible solutions for promoting accessibility to physical spaces.

Under Access to Information, there are actions to promote communication accessibility in the various places where there is personal or virtual interaction. These include building entrances, the Senate TV, Internet and intranet sites, social media and the Institutional Guided Tours Program. The Mobility pillar covers actions to enable the free circulation of persons with disabilities and reduced mobility. Under People Management, initiatives aimed at employees with disabilities are under consideration. Finally, Education for Accessibility includes training and awareness actions for the staff. The actions already implemented by the departments of the House have been included into the Accessibility Management pillar for monitoring purposes.

With this management initiative, which requires monitoring, as well as participation of those affected and transparency, the Federal Senate offers its good accessibility practices.

Mr Jake VAUGHAN (United Kingdom) said that in the UK House of Lords, there was a need to create an inclusive working environment for everyone – members, staff and public – through a plan, “Focus on Inclusion.” It had included encouraging flexible working. Efforts were being made to get better data on staff who were disabled. Inclusion passports had been introduced so that support followed staff around as they moved roles. Equality Networks included “ParliABLE” which supported staff with disabilities and contributed to “Equality Impact Assessments” for new policies.

Many members of the House of Lords were disabled. They brought the perspective this gave them to their scrutiny of Government policy. Lots of tailored support was offered to these Members. Procedures had been adapted to accommodate their needs, for example by allowing a Member’s speech to be read out by someone else. Work was also ongoing to make Parliament’s work accessible to the public, for instance through the website.

Lots of accessibility challenges were caused by the building – for Members (who could not sit with their own party if they used a wheelchair) and for the public (because of all the stairs, and the over-the-top style of decoration which could be difficult for people with sensory processing issues. Special “Autism-Friendly Tours” were now being offered. New inclusive design guidance would help ensure that buildings refurbished were much more accessible.

With the huge project of Restoration and Renewal approaching, improving accessibility was at the forefront of design. Disabled Members were being asked to lead “inaccessibility tours” to show designers and architects what needed to change in the refurbishment.

Mr Manuel CAVERO (Spain) said he had been very impressed by his colleagues’ remarks. It sounded as though they had had to deal with these issues for some time. However, this was a new challenge for Spain. In a recent Parliament, two senators had been disabled. It was a real challenge to support these two ladies to perform their roles.

For one lady who was deaf, two sign language interpreters were provided – a relatively simple fix. But for one lady who had an 83% disability and who needed to use a mobility tricycle, it was very difficult – the rostrum needed to be modified to allow her to access it. She stood as Speaker – had she been elected, more modifications would have been needed. Offices, toilets, lifts, all needed to be modified. For this individual this was her main political purpose – to force the Senate to reform. In a 16th century building this was of course hugely expensive.

A specialised firm had now audited the Chamber and found it had a double A accessibility rating. Subtitles were used for Parliament’s TV channel. Specialist sign language interpretation was offered. A more comprehensive plan was now needed for the future, but over four years real improvements had been made.

Ms Cvetanka IVANOVA (North Macedonia) spoke as follows:

At the beginning, allow me to express my satisfaction that in this session we discuss and share good parliamentary practices on the accessibility for people with disabilities.

Parliaments should increasingly respond to the expectations of people with disabilities, to enable them to participate in the parliamentary work, attend the sessions and to closely get acquainted with what parliaments do.

The Republic of North Macedonia proved to be a good example of including people with disabilities in our society. At the initiative of Polio Plus – movement against handicap in May 2003, following the example of Disability Intergroup in the European Parliament, in the Republic of North Macedonia emerged a new model through which citizens with disabilities can successfully act and convey their message and needs to the executive branch. It is an Interparty Parliamentary Group for the Rights of the People with Disabilities (IPPG) which has been operating successfully since then and has grown into a real movement and accelerator for launching a number of initiatives as drivers of the needs and issues concerning people with disabilities. The idea of this initiative was to increase with dialogue between the organizations of people with disabilities and MPs, as well as to put the issue of disability on the agenda of the MPs.

The MPs in the Assembly of the Republic of North Macedonia participate at their own will, conviction and approach to IPPG. Respecting the rights of others and recognizing the rules of parliamentary struggle, they protect this vulnerable group of our fellow citizens, thus building a more just society.

With the new parliamentary term, IPPG was restructured for the seventh time. Currently in this group are actively involved 48 MPs, regardless of affiliation, orientation and motive, these MPs decided to pursue one goal: protection of the rights and dignity of people with disabilities and their active inclusion in all social trends. With an absolute voluntary approach in their activities, these MPs represent an example of an institution from a different point of view. The IPPG action is a movement that will reaffirm democracy in practice. This composition will also continue with the commitment to build a complete, comprehensive society for people with disabilities. The activities of IPPG are aimed at concrete impacts precisely on the wider group in terms of providing conditions that will contribute to building a more stable and happier future for people with disabilities.

Within the group it has been agreed with the MPs-chairmen of some of the Committees to also include the organizations in the hearings of parent Committees of the Assembly, with the opportunity to give proposals for legal solutions of their interest, as well as for expanding the number of over 20 civil society organizations that work on and for the rights of people with disabilities, in the work of the IPPG.

Throughout these years, these 7 compositions of the IPPG for the rights of people with disabilities have created a critical mass of people from different structures who are ready to commit to this mission: impacting and advocating for amending the legislation in this area, and also for changing public awareness.

A special mark of the IPPG is its heterogeneity. And through it, the Republic of North Macedonia once again demonstrates functionality and inexhaustible opportunities for tolerance and respect of human rights. In 2014, for the first time was also engaged a person from the Assembly of the Republic of North Macedonia as a connection point between the core and the Technical Committee of the IPPG.

The Assembly unanimously adopted the first Declaration on the rights of people with disabilities with specific responsibilities also for the Assembly and the Government of the Republic of North Macedonia. Several laws with incorporated standards for equalizing the rights of these people have been adopted. Upon a civic initiative was adopted the Law on the Rights and Dignity of People with Disabilities. Amendments in the legislation include a range of laws, including: Amendments to the Law on Employment of People with Disabilities; Amendments to the Law on Construction; Amendments to the Rulebook on Procurement of Orthopedic Devices; Amendments to the Law on Social Protection (including the educational part of the educational work of people with severe mental disabilities); Amendments to the Law on Road Traffic Safety (the right to mobility and parking lots); Law on Public Roads; Law on Prevention and Protection Against Discrimination; Law on Health Care; Law on Housing. Also, were included in the promotion of the concept of independent living of people with disabilities, as well as launching and acceleration of the process of the deinstitutionalization process of people with disabilities. In the past years IPPG has submitted more than 50 initiatives and amendments. IPPG members have worked hard for the ratification of the Convention on the rights of people with disabilities, and a breakthrough in the media and raise of public awareness for the rights of people with disabilities has been achieved etc.

All these IPPG strides have been noted in the past European Commission Reports for our country, which on the other hand means a greater responsibility and commitment by us in achieving and meeting the IPPG goals.

This model of functioning has been recognized also by other groups that following the example of IPPG for the rights of people with disabilities were established in our country and our Parliament. In our region this model is unique which already exists and operates for 16 years. The recognition and functionality has led that also in Serbia, following this example the organizations of people with disabilities to launch an initiative for establishing such a group in the Parliament of the Republic of Serbia.

Pursuant to the Convention on the rights of people with disabilities the issue of disability implies inclusion at all levels and stages by the stakeholders included in the creation of that policy. The Convention underlined the concept of equality and non-discrimination as a goal, and the inclusion of disability in the mainstreaming as a strategy.

Unobstructed access, movement, stay and work for people with disabilities is regulated by this Law for construction which stipulates that the facility for public and business purposes must be designed and constructed so that people with disabilities will be provided with unobstructed access, movement, stay and work to and in the building. The method of providing unobstructed access to and in the facilities is prescribed in the Rulebook on the method of providing unobstructed access, movement, stay and work for people with disabilities to and in the facilities.

The Assembly of the Republic of North Macedonia, in line with the construction project of 2005, following the good practices, constructed the access ramps for unobstructed access of people with disabilities (access ramps, moving platforms, elevators) and marked a parking lot in front of the Assembly. In 2016 a toilet was constructed in the upgraded part of the Assembly, in line with the standards and needs of people with disabilities. Currently is taking place the adaptation of a part of the halls for access of people with disabilities with appropriate platforms. Within the Parliamentary Institute of the Assembly, the Constitution and the educational material for the Parliament have been translated into Braille and an audio transcript of them has been posted on the website. Also, posters in sign language with some key words related to the Assembly have been produced. They are used during the open days of the Assembly with the aim of providing the citizens with disabilities the opportunity to have a proper access according to their needs. In the past period within the framework of the Parliamentary Channel, have been broadcasted several educational videos on the Assembly with a voice interpreter.

These are just some examples of the positive changes that can be achieved when organizations, experts and the Assembly work together, following the fundamental principles of human rights and freedoms. The success of our joint efforts to date should make us optimistic.

However, there are many challenges ahead us in strengthening education, information and awareness-raising of citizens on the different aspects of practicing human rights in the social processes and state institutions. We must enable citizens to exercise their human rights and remove all obstacles in the realization of the fundamental rights. It is not a just someone's duty, it is everyone's duty; they are the rights of all of us!

IPPG remains and continues to be the main mouthpiece of people with disabilities with the aim of meeting one of the principles "Nothing for us, without us".

Mrs Cecelia MBEWE (Zambia) noted that some situations could not be anticipated. For instance, recently in the Zambian Parliament, a Member had wanted to move a Private Member's motion. He only had one hand. Normally Members were expected to stand to do this and hold their speech. He came to ask staff for advice. This eventuality had never been considered, so staff asked the Speaker to allow the Member special permission to stand at podium usually reserved for Ministers. Sometimes change had to be responsive!

Mr José Manuel ARAÚJO (Portugal) said he had been very impressed by the strategic plans he had heard about. In Portugal, in 2015, the first MP who used a wheelchair had been elected. The main issue was the podium. They had built three platforms to allow him to access the podium which was quite a challenge and very expensive. Of course, these costs did not attract media scrutiny as some other expenses did.

He had just been saying to Mr Cavero that in recent elections, an MP had been elected who stammered. She had requested an increase to the speech time limit to allow her to make her speeches. Procedural rules were always facing new realities – this had not been envisaged 20 years ago. It was an interesting challenge and he welcomed the opportunity to discuss this, and the analysis offered by Mr Pallez.

Since 2006 the Portuguese Parliament had offered sign language interpretation. The Parliament channel had been a change leader – many other channels had now adopted the same practice which was a very good thing for inclusion.

Mr David Robert AMORIN (Philippines) said there had been several recent relevant laws in the Philippines. A recent act had meant new buildings had to be accessible to disabled people. Local government had to spend money to make government buildings accessible too. Elections had to be accessible. Articles and information had to be distributed in accessible formats. As well, there had been an act to mandate government institutions to offer sign language where possible. The senate had made changes to allow suitable toilets, suitable parking and lifts. There was an opportunity for disabled people to comment on policy formation, via a special agency, the National Council on Disability Affairs. There was also a plan to set up a Parliamentary Committee.

Mr Christophe PALLEZ noted that Parliaments often found themselves reacting to unexpected events, and he praised the plan prepared by Brazil. The adaptation of buildings could be so expensive that it was difficult to recommend that they should be completely renovated to make them more accessible.

It was very interesting to note, with the example of Portugal, that the inclusion of disabled Parliamentarians could also take place by modifying procedural rules, notably in relation to speech time limits for someone with difficulty in speaking.

He concluded by calling attention to the complexity of this problem which raised major financial challenges, and noted that Secretaries-General were motivated to make progress in this area.

Mr Philippe SCHWAB thanked Mr Pallez for chairing the debate, and thanked members for their active participation.

7. Concluding remarks

Mr Philippe SCHWAB, President, closed the sitting.

The sitting ended at 5.13 pm.

FIFTH SITTING

Wednesday 16 October 2019 (morning)

Mr José Manuel ARAÚJO, Vice President, was in the Chair

The sitting was opened at 10.45 am

1. Introductory remarks

Mr José Manuel ARAÚJO, Vice President, welcomed everyone to the sitting. He reported that the President of the Association was at the Executive Committee of the IPU to present the ASGP's update, and that he was in the Chair in his absence. He reminded members that in the afternoon there would be a visit to the Serbian National Assembly. The group would depart from the conference centre at 4.30pm.

2. Orders of the day

Mr José Manuel ARAÚJO, Vice President, presented the orders of the day.

Wednesday 16 October (morning)

9.30 am

- *Meeting of the Executive Committee*

10.30 am

Theme: Parliamentary Culture

- *Communication by Mr. Rashed ABUNAJMA, Secretary General of Bahrain's Council of Representatives: The Parliament of Bahrain's Experiment in Promoting Parliamentary Culture*
- *Communication by Mr Saïd MOKADEM, Secretary-General of the Maghreb Consultative Council: The Status of the Parliamentary Opposition in the Maghreb Constitutions*
- *Communication by Mr Raúl Guzmán URIBE, Secretary General of the Senate of Chili: "The upgrade process of the Chilean Senate: main objectives".*

Wednesday 16 October (afternoon)

2.30pm

- *Presentation on recent developments in the IPU*
 - *Administrative questions*

- Draft agenda for the next meeting in Geneva (Switzerland), April 2020

4.30 pm

Leave for visit to the National Assembly of Serbia, followed by a cocktail reception hosted by the Secretary General, Mr SMILJANIC

The orders of the day were agreed to.

3. Theme: Parliamentary Culture

Communication by Mr. Rashed ABUNAJMA, Secretary General of Bahrain's Council of Representatives: The Parliament of Bahrain's Experiment in Promoting Parliamentary Culture

Mr. Rashed ABUNAJMA (Bahrain) spoke as follows:

To begin with, I would like to extend my sincere thanks and appreciation to the dear friends of the National Assembly of Serbia for hosting the IPU assembly and providing all the facilities, that is organized in an appropriate manner. Furthermore, it is my honor and pleasure to be present among you today for the first time as the Secretary General of the Bahraini Council of Representatives, after I was honored by a Royal Decree of His Majesty King Hamad bin Isa Al Khalifa, the King of the Kingdom, to appoint me in this prestigious position. Whereas, I ask the almighty Allah to help me in serving the Council of Representatives and the Kingdom of Bahrain under the prosperous reign and reform project adopted by His Majesty.

I shall devote my speech to the features of a unique and distinctive experience carried out by the Council of Representatives of the Kingdom of Bahrain during the summer period of this year, in order to disseminate and raise awareness of parliamentary culture, and strengthen community partnership. This comes in line with the framework of the national plan to promote national belonging, loyalty, and consolidation of citizenship values. The Council of Representatives, in cooperation with the Shura Council in the Kingdom of Bahrain, launched a pioneering program unprecedented in the Gulf, and perhaps in the region, titled "Parliamentary Culture", under the directives of Her Excellency Mrs. Fawzia bint Abdulla Zainal, Speaker of the Council of Representatives and His Excellency Mr. Ali bin Saleh Al Saleh, Speaker of the Shura Council. Whereas, this is considered to be complementing the programs and projects packages adopted by the General Secretariats of both chambers in their educational plan, that targets different categories of the society. Moreover, this constitutes one of the most important axes of the strategic plans of the General Secretariats of both chambers for the period from 2018-2022, believing in the importance of raising the level of awareness and knowledge among citizens with the concepts and foundations associated with the work of the legislative authority. The program is a pioneering, ambitious step and a building block in support of the advancement of the student, youth and voluntary march, and the involvement of

various target groups with the parliamentary and legislative experience in the Kingdom of Bahrain.

The program is carried out by involving and exposing the participants with the parliamentary work and the tasks entrusted by the legislative authority, and to make them consolidate and understand the national duties and responsibilities. Furthermore, the participants are provided with skills of public debate, through direct communication with Their Excellency's, the Members of Parliament.

The Parliamentary Culture Program was divided into three stages, the first stage started on July 29, 2019, and it had targeted young people from the age group of 12-18 years. Whereas, more than 100 students participated for a period of three days. The second stage started on August 19, 2019 for a period of three days, targeting the youth category between the ages of 20-35 years. Whereas, about 290 young men and women had participated. The third stage, which began on the September 2, 2019, and lasted for a period of two days, it had targeted the general population from the age group of 36 and above. Whereas, 150 citizens participated. This brings the total number of participants to approximately 550, an excellent figure compared to the population of the Kingdom of Bahrain.

The program was designed by the participation of specialized experts. Whereas, the program had presented a rich educational information to the participants covering the most important topics: the reform project of His Majesty King Hamad bin Isa Al Khalifa, i.e. being taught through the educational curriculum of the Ministry of Education at different levels of education as a tool for political and parliamentary education for the students, the National Action Charter, a review of the constitutional concepts, an explanation of the basic duties of the Council of Representatives and the Shura Council in the main areas of the two chambers work in legislation and oversight on the government action plan and the approval of the state budget. In addition to discussion sessions with Members of Parliamentary Committees in which they were acquainted with the tasks and duties of various committees, their composition, membership and mechanisms of work. Moreover, awareness lectures were conducted by legal advisors and researchers on the powers of the legislative authority, i.e. two chambers, and the role they play in updating and developing legislation and laws in the Kingdom of Bahrain, through the powers and tools defined by the Constitution of the Kingdom of Bahrain. The program had also reviewed the mechanisms and procedures of the secretariats of the both chambers, their roles, administrative and organizational structure, as well as their role in enhancing the performance of the legislative institution and assisting it in carrying out its constitutional tasks. The program also included meetings with members of the Shura Council and the Council of Representatives, a visit to the sitting hall of both chambers. Wherein, a simulation of the sitting was conducted, during which participants from different categories learned how to manage the sittings of both chambers.

In addition, the program was also keen to put forward concepts related to citizenship, the important role and national responsibility of every citizen in the process of construction and progress laid by the reform project of His Majesty King Hamad bin Isa Al Khalifa, the King of the country. Moreover, the National Action Charter that was unanimously agreed upon by the entire people of Bahrain, it constituted a road map

for a comprehensive development process. Furthermore, the program also aims at enhancing parliamentary work in all its fields in accordance with national priorities and the reform project of His Majesty the King, and activating the public participation by citizens in the culture of parliamentary work within the national plan to promote national belonging, loyalty and consolidating the values of citizenship. All of the mentioned above is within the framework of training and awareness programs designed to raise the level of awareness of the culture of parliamentary work and the duties of the Council of Representatives and Shura Council for various sectors of society. In addition to this is the contribution to enhancing the communication and activating the community partnership, developing cooperation and coordination with all segments and youth groups, seeking to identify the visions of the community members, their observations and proposals, and introducing them closely to the parliamentary work and the tasks assigned to both chambers.

To sum up, the Parliamentary Culture Program carried out by the Council of Representatives in cooperation with the Shura Council during the summer period of this year came within the framework of the efforts of both chambers to prepare a generation with a parliamentary culture and a deep understanding of the procedures and mechanisms of constitutional institutions. As well as to enhance the public participation of the people of Bahrain on parliamentary work. The program has expressed the intention of both chambers to design community training programs specifically designed for members of Bahraini society. In addition to contributing to the enhancement of community engagement and activation of the popular partnership, with the aim of developing cooperation and coordination with all segments and groups of young people, youth and the general public. Furthermore, in seeking to discuss the needs and requirements, identify the views, observations and proposals, and familiarize the segments closely with the parliamentary work and the tasks assigned to the Council of Representatives.

Lastly, as I put the aspects of this unique and distinctive experience witnessed by the hallways of the Council of Representatives in the Kingdom of Bahrain during this summer period in your hands, in order to consider how to benefit from them in your national parliaments. Whereas, I would like to extend my sincere thanks and appreciation to you for your kind attention and I wish you every success for the work of this assembly session- Association of Secretaries General of Parliaments (ASGP).

Mr José Manuel ARAÚJO (Portugal) thanked Mr Bunajma for his very interesting presentation and invited colleagues to ask questions.

Mr Mehmet Ali KUMBUZOĞLU (Turkey) said it was very important for young people to learn about Parliament. He had a question about explaining Parliamentary culture to young people. Did Bahrain have a piece of legislation enabling it to do this sort of work – and was it annual or just occasional?

Mr Branko MARINKOVIĆ (Serbia) said that in Serbia Parliamentary culture was the manner in which dialogue was conducted between Government and Opposition. Some rules were written and some were unwritten – mutual respect was key. Of course MPs were politicians and could clash but it was important to be reasonable. In the Serbian Parliament the opposition sometimes pushed the rules to the limit. For

instance, there was a process for suggesting an extra topic for the agenda and making a short speech; recently the opposition had advanced 200 of these in order to create delay and this process took 10 hours in total. Where was the line drawn and when did using procedure become an abuse?

Mr Charles ROBERT (Canada) said that Canada had programmes for students, and also for teachers too. He was curious about whether the event described had been a one off or whether it would be regular, and would it be expanded?

Mr Rashid BUNAJMA said that Bahrain did have legislation and a budget assigned for this work. This was a four-year programme and a lot more initiatives would be launched. There was also a committee for social consultation which visited all the regions of Bahrain. Efforts were made to communicate with all sections of society. Staff dealt equally with Government and Opposition members. Any MP could participate in the programme. New projects envisaged included a WhatsApp project to answer questions. Projects aimed at students were focussed during the summer recess to allow full use of resources.

Mr Ahmed Shabeeb AL DHAHERI (United Arab Emirates) asked whether any other organisations in Bahrain were carrying out political education programmes.

Mr Muhammad ANWAR (Pakistan) said that it was very important to create links between Parliament and the public. Were links used with universities and were internships offered?

Mr Rashid BUNAJMA said that there was an Institution of Political Development in Bahrain which offered courses year round for MPs and aspiring MPs, and also for members of the public. There was a memorandum of understanding with all state and private universities, and this included providing information to students. The Ministry of Education included in its curriculum for schools a topic on Parliament.

Mr ARAÚJO observed that the 2020 Speakers' Conference in August would talk about connecting Parliament with young people and the example of Bahrain would be a very good one to discuss.

4. Communication by Mr Saïd MOKADEM, Secretary-General of the Maghreb Consultative Council: The Status of the Parliamentary Opposition in the Maghreb Constitutions

Mr ARAÚJO invited Mr Saïd MOKADEM (Maghreb Consultative Council) to present his communication.

Mr Saïd MOKADEM spoke as follows:

The Inter-Parliamentary Union (IPU), together with the United Nations Development Program (UNDP), contributed to drawing and radiating the legal system governing to participate effectively to the parliamentary opposition in the national life of many countries, through the organization of a series of regional and international

parliamentary meetings on: 17-19 May 1999, accepted by the Lusaka meeting in June 1995 and the Ouagadougou meeting in March 1996, Up to the convening of the Council of the Inter-Parliamentary Union (IPU) in Berlin, Germany, on 10-16 October 1999, witness to the desire to break with ideas that depend on the coming to power over various illegal means, and to emphasize the active and necessary role of the opposition in democracies, on the horizon of working to remove the caution and aversion and the elimination of convulsion and contempt, which often characterized the relations between the parties of authority and opposition parties, including the parliamentary opposition, which incited in favor of distinguishing their legal status determines their rights, duties and powers according to documents and references including:

I/ The Basic References of Rights and Duties of the Opposition

In the context of the reference of the rights and duties of the political and parliamentary opposition, we can refer to the following:

First: the general principles of democracy, human rights, national practice and experience of countries, enshrined in article 19 of the Universal Declaration of Human Rights. (1).

Second: The International Pact which concern the Civil and Political Rights (United Nations, 1966).

Third: the Declaration about the criteria against which free elections are organized (IPU 1997).

1) United Nations, 10 December 1948. (Article 19) expressly that:

1/Everyone has the right to hold opinions without interference.

2/ Everyone has the right to freedom of expression; this right includes freedom to seek, impart and impart information and ideas of all kinds, regardless of frontiers, either in writing or in print, in the form of art, or by any other media of his choice.

3/The exercise of the rights provided for in paragraph 2 of this article carries with it special duties and responsibilities. Accordingly, they may be subject to certain restrictions, but only if they are prescribed by law and are necessary for two things:

A) To respect the rights or reputations of others;

B) To protect national security, public order, public health or morals.

These are the references that many contemporary countries, including the Maghreb, based on their local realities, whether in the constitutionality of the rights and duties of the parliamentary opposition (2) or in controlling how they are applied in the internal systems of their parliaments; **Provides** basic guarantees for the exercise of its rights freely, within the framework of dealing with the parliamentary majority in respect and cooperation without prejudice to the principle of the mandate of the parliamentary majority and representation determined by the number of seats obtained.

It the legal status which today knows its way to globalization as pointed out by the affirmative decision of the United Nations Human Rights Council held in Geneva in April 2012. Parliamentary opposition has become present in many political systems, and they differ in their form and mechanisms depending on the nature of the

regulations (3), the legal status granted to it and of its representation, as well as its nomenclature (4).

The Democracy today doesn't mean only majority rule, but majority rule while respecting and guaranteeing the opinion of the opposition, including parliament.

The Parliament is the privilege of the institution that embodies society in its diversity, components and opinions,

2) Article 114 of the 2016 Constitution, the Moroccan founder in article 60 of the 2011 constitution, and the Tunisian in article 60 of the 2014 constitution.

3) In parliamentary systems, it is often reflected in practice in minority political parties in terms of representation, as in parliamentary systems or according to the interests and issues discussed and ratified in presidential systems, where lobbyists and even civil society actors have a significant role to play.

4) One of the constitutions stipulated in the phrase: parliamentary opposition or parliamentary minority, as in France since the issuance of Constitutional Council Resolution 2003-470 on 9/4/2003, where you talked about the right of parliamentary opposition and not to affect their rights in the case of a majority resort to Vote no to any question submitted by the opposition.

However, the Constitutional Council amended this decision by a decision dated 22/6/2006 under No. 06-537, considering that Article 4 of the French Constitution of 1958 amended and complemented, especially articles 51/1 and 48 do not distinguish between groups and parliamentary blocs in the exercise of the rights of other parliamentarians, On 23/7/2008, the French founder, under the influence of the globalization of opposition rights, amended Article 4 of the 1958 Constitution with Article 51/1 Article 48 of the Constitution, which has expanded the rights of the opposition and the parliamentary minority, has been amended by granting it exclusively: the right to choose the parliamentary agenda once a month. See the article Bumbahbah as a means. The status of the parliamentary opposition in the Maghreb constitutions. Journal of Legal and Political Sciences. Issue 13, January 2009 Volume 3. Democratic Center. Germany, Berlin, p. 277.

as a link between this diversity in the political process; Social cohesion and solidarity among members of society (5)

In this context, the importance of civil and political rights, in particular the right to vote, and the right to freedom of expression and assembly, getting informations, the right to organize, finance and finance parties, and the moral principles of good governance, which is neutral to guarantee the integrity of democracy.(6)

The respect for freedom opinion and expression, and the right to access to the media, is a requirement of the work of parliamentarians as a whole and the opposition in particular, with a view to enabling them to carry out their responsibility throughout the parliamentary term. On the other hand, like the majority, they should be able to benefit under the same conditions from parliamentary means of communication, if they exist, or those of the state in general, for the purpose of communicating their opinions, criticizing the work of the government, and proposing alternative solutions.

The parliamentary opposition can **in fact** play an important role, especially in the promotion and defense of human rights and fundamental freedoms, and then contribute to ensuring the good functioning of democracy. Therefore, as an opposition and a force, it is required **to give a credible alternative** to the existing majority and hold it accountable. Well prepared for the permanent exercise of the responsibilities it aspires to assume on the other hand, in other words, it is required to acquire a **modern community project**.

With democracy, political life is enriched by the freedom to compete between real political projects.

II/ The values and requirements of the work of the parliamentary opposition

In return for the rights enjoyed by the parliamentary opposition to allow it to fulfill its representative message, it is a demand in practice.

5) In paragraph 10 among the constituents of democracy and its means of practice. Universal Declaration on Democracy, adopted by the Council of the Inter-Parliamentary Union, Cairo, 16 September 1997.

6) Paragraph 12 of the Universal Declaration about Democracy. Ibid

1/ To be responsible and able to work for the nation.

2/ To exercise a constructive and responsible opposition.

3/ To give alternative counter-proposals in its work, and take care not to hinder government work without more benefit, and ensure that it is pushed towards improving it in the public interest.

It is a series of values and basic requirements of free democracy, which the parliamentary opposition shares in its manifestation in practice as a counter-power. When it expresses its concerns and expresses them not only on behalf of its constituents, but also according to the real needs of society as a whole.

Democracy, according to Professor Ian Shapiro in his book: The moral foundations of politics are both the ideology of the opposition and that of the government. (7)

In the context of the demarcation and codification of the rights and obligations of the parliamentary opposition, the Maghreb constitutions have worked to give legal status to the parliamentary opposition in their constitutions and the internal regulations of their parliaments, as follows:

First: the legal status of the parliamentary opposition in Algeria.

Algeria doesn't have a system of rights and duties of the parliamentary opposition, either in principle or in practice, until late, due to the amendment of the 2016 Constitution, or perhaps due to its adoption after the 1962 independence of the principle of unilateralism and syndicalism enshrined in the 1963 Constitution, completed and amended in 1976,

7) Democracy is both an ideology of opposition and an ideology of government. Ian Shapiro, author of the book. The moral foundations of politics. Quote by, Geert Jan A. Hamilton. Clerk of the First Chamber of the States General. The Senate of the Netherlands. Powers and powers of political parties and opposition parties in a multiparty parliament. Communication. ASGP. Inter-Parliamentary Union Session: HANOI. March 2015.

Before the new Constitution of 1989, Article 40 explicitly recognizes, under the effect of a serious crisis of 1988, the principle of **multi-party system and trade-union**, and thus implicitly the parliamentary opposition by virtue of the arrival of deputies under various political parties and colors, exercising the powers conferred on them by the Constitution, as representatives of the people, including for example:

* They have the right to participate in the constitutional sector by voting on draft legal texts on the occasion of their preparation and present them at the level of the commission or during the plenary sessions, or the exercise of the right of legislative initiative by 20 deputies (8) or the right to propose amendments to draft legal texts or on the initiative of 10 deputies who are members of the Grand Chamber (9) and the right to debate and vote on draft legal texts, or exercising the right to control the work of the government by asking oral and written questions to members of the government and the right to put questions to the government by 30 parliamentarians when committees of inquiry were set up by 20 members. Each of the two parliamentary chambers and the right to negotiate the program of the government and vote when it is presented to the Council to grant it and participate in the discussion of the general political statement provided each year by the government at the level of the parliament with these two chambers, and vote by motion of the control, while allowing the minority parties to form parliamentary groups of each 10 deputies (10).

Although the deputies exercised these rights related to their status and their mandate as parliament, they were of a general nature and did not respect the rights related to the parliamentary opposition until the publication of the constitutional amendment of 6th March, 2016, which explicitly stated in Article 114 the most fundamental rights of the parliamentary opposition, the article represents 08 rights ordered as follows:

- ✓ Freedom of expression, opinion and assembly
- ✓ The right to benefit from subsidies granted to elected members of Parliament]
- ✓ participation in legislative works

(8), which was transferred to the members of the Second Chamber (the Council of the Nation) concerning matters relating to local organization and planning, as stipulated in Article 137 of the new Constitution of 2016.

9) This right is refused by a member of the National Assembly in accordance with the provisions of the new 2016 Constitution.

10) That they have the right to participate in the conduct of the structures of the two Chambers by representing them in the office of the two Houses and in committees, as well as parliamentary diplomacy. See in this regard the intervention of Prof. Massoud Chihoub. Parliamentary Opposition in the Algerian Constitution. Al Waseet Magazine N ° 13 of 2016. Ministry of Relations with Parliament. Algeria

- ✓ Active participation in monitoring the work of the government
- ✓ Appropriate representation in the apparatus of both Houses of Parliament.

- ✓ Notifying the Constitutional Council in accordance with the provisions of article 187 / 2.3 of the Constitution concerning the laws passed in Parliament.
- ✓ Participation in parliamentary diplomacy.
- ✓ Each house of Parliament allocates a monthly session to discuss the agenda presented by an opposition group or political opposition groups.

On the other hand, the parliamentary opposition is obliged to remain faithful to its homeland, to preserve its sovereignty and its territorial integrity, to the unity of its people and to all the symbols of the State and to sincerely fulfill its duties to the national group (11), and to remain credible with the people and to fulfill their aspirations, the Member must devote the whole term of office to work. (12)

In order to avoid any ambiguity and different interpretations, Article 114 clarifies the exercise of these rights in the rules of procedure of each of the two Houses of Parliament.

As a result, the Algerian parliamentary opposition enjoys a constitutional legal status that defines its rights and duties, which is undoubtedly a step forward in the Algerian legal system: what happened recently and for the first time in the political and parliamentary history of Algeria allows the (moderate) Islamic movement to lead the Legislative Institution (the Grand Chamber) on 10/7/2019 it is the best proof, as a measure to calm the movement popular who has revolted since the month of February of this year.

Second, in Morocco.

The Kingdom of Morocco has experienced an important political movement, particularly since 1998, with the aim of establishing the political stability of the State and ensuring the peaceful and legitimate transition of the executive and legislative power via the multiparty system and the existence effective opposition, which led to the political opening gradually on the political and partisan opposition, begins to unblock the parliamentary institutions,

11) Articles 75 - 76 of the new Algerian constitution.

12) Article 116 (new) of the constitutional amendment.

Ensuring through participation in elections and elected institutions and allowing him to freely discuss agenda items. (*)

Nevertheless, the Kingdom doesn't know any constitution of the term "parliamentary opposition" until the publication of the recent amendment of the 2011 Constitution (13), which enshrined the principle of its protection, constitutionality and organization in the Rules of Procedure of both Houses of Parliament, including the contents of chapters 10, 60, 69 and 82 of the 2011 Constitution, as well as the requirements of the by-laws of both Houses of Parliament (the House of Representatives and the House of Councilors) (14), which explicitly clarify the rights of the parliamentary opposition and their legislative and regulatory powers.

With regard to the rules of procedure of the House of Representatives of 2017 (15), we find that each group leader, or the representative group and each non-affiliated member or deputy who has opted for the opposition must notify in writing to the presidency of the House of Representatives and declare it in plenary sitting of this notification, it is considered as a necessary condition to allow the opposition to benefit from the rights provided for in chapter 10 of the Constitution.

Among the rights empowered in groups, parliamentary groups, and non-affiliated deputies belonging to the opposition recognized as such, we exercise the following rights:

- Legislation, control, membership of the Constitutional Court, chairmanship of at least two standing committees of the Council, participation in parliamentary diplomacy, being a member of the Council Bureau.

Third: Tunisia:

Article 60 of the 2014 Constitution explicitly affirms the legal status of the opposition as an essential component of the People's Assembly, which has the right to perform its tasks

*)In this context, we indicate the possibility of allowing the opposition party, the Socialist Union, to take power by leading a rotating government after the conflict with the miners, followed by the AKP in 2011 after leading a opposition against successive governments. 13) Published in the Official Journal, number 5964 bis on 30 July 2011. 14) Chapter 10, for example, is included in the general provisions of the Constitution and Chapters 60 and 82 fall under Title IV of the Legislature. The chairman or rapporteur of the parliamentary inquiry committee and the post of leader or rapporteur of an exploratory mission, as well as the chairman or rapporteur of the committee on budgetary control. Chartered accountant and / or the position of Secretary of the Council. It should be noted that these rights established for the parliamentary opposition were included in the rules of procedure of the Parliament and that the founder did not have a special legal text, even though the Constitution did not oppose it. 15) Published after the decision of the Constitutional Court n ° 17/65 of 30/10/2017.

In the context of parliamentary proceedings and ensuring adequate and effective representation in all internal and external structures and activities of the External Relations Council, it also has the right to form and chair an inquiry committee each year.

On the other hand, this obliges the constitution, by virtue of a constitutional obligation, to contribute actively and constructively to parliamentary work (16).

Fourth: Mauritania:

The opposition in Mauritania and its parliament suffered from the political practices of the successive authorities and, consequently, the successive Mauritanian constitutions did not explicitly provide for the legal status of the parliamentary opposition, it was content with the process of democratization, and opening the door to political and media pluralism through the creation of a parliament of two legislative

bodies (the national assembly and the senate) and other constitutional bodies (17), the first modification of the constitution of 2006, in 1991, gave the parliament the right to oppose the decisions of the government or to withdraw all confidence, these modifications created in particular an institution of the democratic opposition (18), directed by the political party of the most representative opposition to the National Assembly (parliament). The 2012 amendments adopted the relativity voting system and prevent political relocation (19), until the 2017 amendments, which included the abolition of the Senate (the Upper House of Parliament) and replace it with regional councils, which monitor the implementation of population development projects in departments and prefectures (20).

As a result, the parliamentary opposition of the Mauritanian Assembly exercises its activity, the affairs of its members belonging to different political or non-political parties; exercise the same rights and duties as members of Parliament.

16) The Tunisian Constitution of 27 January 2014. Published in the Official Journal of the Republic. Special issue of the 10/02/2014.

17) The first amendment to the constitution of 1991 in 2006 was approved by a large majority in a referendum held on 25/06/2006, then in 2012 to the last amendments adopted in 2017, which caused a widespread rejection and a great political discourse because of the rejection and overthrow of most opposition forces. By the Senate when presented to it.

18) Organized by the law n° 2008-019 of May 8th, 2008 modified by the law n° 2012-047 of the 22/7/2012 in accordance with the provisions of the article 1 of this law: to support and to consolidate pluralist democracy and to encourage all political forces in the process of national construction and establish political dialogue within limits The democratic opposition is defined in accordance with the provisions of Article 5 of the law as a group or group of legally recognized political parties who declare their opposition to the government and seek a democratic rotation with them and can be parliamentary or otherwise. Shake the frame of Parliament.

19) Keeping the parliamentary seat of the party and not the person, if the person decides to join another party, and adopting the character of multiculturalism.

20) These amendments raised many conflicts after the opposition forces rejected them and abandoned them in the Senate when they were presented to them.

Conclusion

The parliamentary opposition has an independent legal status in the constitutions and regulations of the parliamentary councils in the recent states of the Maghreb; this has been demonstrated by identifying in a precise and clear way the areas of intervention of the parliamentary opposition, for the purpose to enable them to participate effectively in the legislative and political sectors. However they are Constitutions advanced compared to the other countries of our contemporary world. We found that the Moroccan Constitution, for example, stipulated in four 04 articles, and in particular in Article 10, designated to the list of rights of the parliamentary opposition, which contains 12 clauses, cited by the founder in the section of general provisions (unlike the Algerian founder, who cited it in the legislative branch).

As for the Tunisian founder, less marked than the Moroccan constitution, has consecrated the legal status of the opposition to Article 59, and has classified the

parliamentary opposition to Article 10 in the legislative branch, he described him as the Moroccan founder of "front line" assigned to the chair of the Finance Committee and is the rapporteur of the Committee on Foreign Affairs, and has the right to form and chair a commission of inquiry parliamentary.

And in Algeria, the founder did not note the attribution of these positions to the parliamentary opposition, but by applying the rule of relativity based on the seats of the parliament, the parliamentary opposition can accede to the presidency of several commissions and more than one reporter.

In addition, the Algerian founder did not explicitly refer to the rights granted to the parliamentary opposition, the duties, as in any legal center, according to the Tunisian founder in article 10, for example, when it has forced the opposition to contribute actively and constructively in parliamentary action, and in Morocco the duty to remain faithful to its commitments. This means that the opposition is "constructive", which means that it isn't only closed to criticism. (21)

The purpose of the consecration of the rights of the parliamentary opposition in the constitutions of the Maghreb, they are considered a feat in the way of devoting the virtues of participatory democracy and the way of managing public affairs, it always depends on the proper implementation of these objectives and of the correct interpretation of its texts by the legislator through the internal regulations and the parliamentary councils and the constitutional councils which protect the rights and the liberties, including the rights of the parliamentary opposition.

21) Dr MESSAOUD CHIHOUB *ibid.* p54 and following.

Mr Rashid BUNAJMA (Bahrain) noted that legal rules were for everyone, so having rules in the constitution which specifically referred to the Opposition could be discriminatory. Even opposition members were working on behalf of the whole country, and the position could always change tomorrow with the opposition becoming the party of government.

Mr Muhammad ANWAR (Pakistan) said that some members were independent. What was their position in constitutions of the type described?

Mrs Pornpith PHETCHAREON (Thailand) said that in Thailand the opposition should have the same rights as other MPs. A quota system was used to assure representation on Committees, and Opposition members chaired many committees. Parliamentary diplomacy, such as the IPU, also included opportunities for opposition members. The Thailand Parliamentary Friendship Group was open to all parties. Appointments of constitutional judges were carried out by a committee. It was important to have checks and balances. On issues concerning security and safety and matters of economic importance, the opposition was consulted through an *in camera* process.

Mr MOKADEM said that the comments made by Mr BUNAJMA did not really apply in Bahrain. In fact the idea of giving a status to the opposition in law had been taken from the IPU. There had been meetings and conferences to study this important topic. The approach did not detract from the fact that everybody was of course working for the nation as a whole. Turning to the question from Thailand,

members were treated as members, not as people to be consulted. There were some independent members and they could form a group if they chose. Any group would have all the same rights and facilities. It was the first time the Opposition had been given the right to choose the constitutional council which advised on whether laws were constitutional. He wanted to thank the IPU for its help in spreading Parliamentary culture. He hoped to see the role and capabilities of the opposition grow.

Mr Jean NGUVULU KHOJI (Democratic Republic of Congo) noted that the Communication had covered the constitutions of the Maghreb countries, and asked what status the Opposition had in the Maghreb Consultative Council.

Mr MOKADEM noted that in the Consultative Council the question of the Opposition had not yet been broached. He explained that its rules determined who could be a members of the Council by specifying a certain number of parliamentarians per country. It was the countries themselves that then chose the members who would be sent to sit on the Council, and there were no provisions that they should come from the majority or from the opposition.

Dr Jean Rony GILOT (Haiti) wanted to know whether majority rule applied in the Maghreb Consultative Council.

Mr MOKADEM explained that his presentation had not related to the Maghreb Consultative Council but only to the individual Maghreb countries.

Short break till 11.50

5. Communication by Mr Raúl GUZMÁN URIBE, Secretary General of the Senate of Chili: "The upgrade process of the Chilean Senate: main objectives".

Mr Philippe SCHWAB invited Mr GUZMÁN URIBE to deliver his presentation.

Mr Raoul GUZMÁN URIBE (Chile) presented his communication.

Why are we talking about upgrading a state power, as the legislative branch that works based on centuries-old traditions?

In fact the objective is more than just upgrading; the purpose is to bring parliament closer to citizenship, by using new tools available to people and institutions in the fields of technology, communication, information and even, social sciences.

Why upgrading or why modernize?

Nowadays citizens demand from the state and their governments quick and efficient answers to satisfy the new requirements and needs that emanate from the new forms of social coexistence

As a consequence, if States do not furnish an adequate response to people's demands, the gap between citizens and state, between people and parliamentarians it could lead to severe social dissatisfaction with democracy.

What social signals must be considered

Without a doubt, in this intercommunicated society, in which any action or human perception can be measured and explained, our first objective is to pay attention to citizens' trust levels in its state institutions.

Nowadays, these trust levels in state institutions are considerably below expectations and the reasons must be looked for such as the lack of an adequate civic training in formal education; undue and slander media campaigns; lack of institutionalized channels of citizen participation; fake news, etc. Distrust and low social participation, are high risk indicators that must be considered and addressed.

What aspects should be updated in a representative institution?

We can distinguish 3 areas:

Managerial structure: that is to say, the internal organization that provides support and backing to parliamentarians' legislative task. This field can be broken into two aspects:

a) Administrative staff or Strategic sectors (Legislative Secretariat; Internal Audit; Planning, Management and Monitoring; Legal Department; International Affairs; Strategic and Internal Communication) b) Support and backing sectors (Human Resources Office; Administration; Treasury; ICT)

Personnel management, that is to say, to have an adequate human resource in a suitable working environment, provided with permanent training programs, policies of professional recognition, which allow it to grow professionally internally and externally, with personal projection inside and outside the Senate. (The sheet contains a summary of the conditions, requirements and cycle of people management in the organization)

Legislative management, that is to say, to establish law generation processes that guarantee as much as possible, to have all the background information available for the legislative discussion, with efficient processes (fast and of high quality) with prioritization of urgent legislative discussion, that allow us to be certain that after the respective term has passed there will be a result, a product, a consequence or an effect (a new law or a rejected project), as a consequence of not achieving this in the term. What are the means and what is the objective to achieve the rapprochement with our citizens?

We must declare, recognize and implement what we call “Institutional Values”, closely identified with parliamentary work:

- Probity
- Efficiency
- Transparency
- Credibility
- Citizen involvement

These values will produce INTEGRITY as a necessary step to recuperate citizen’s trust in parliament and parliamentarians. In that way, we will start a process to reach the objective of strengthening parliament’s LEGITIMACY, and a very descriptive concept: institutional REPUTATION.

Nowadays, the Chilean Senate is in a process of modernization, with internal administrative restructuring, generating a people management policy that allows retaining their talents and attracting new external talents; generate an adequate work environment, with an adequate policy of recruitment, training, as well as the discharge of people, working permanently in improvements of the legislative process in general. All of the above, is done with the support of the Presidency and Vice Presidency of the senate, and of the senators that make up the Senate Internal Regime Commission, which relates to the administrative scope of the body.

Mr Philippe SCHWAB (President) asked who had taken the initiative in this process: the Speaker, or the Secretary-General?

Mr Raoul GUZMAN URIBE (Chile) said that the institution needed some change after 200 years. He had chosen a new administrative structure. Communication was very important in the new structure. It was the President of the Senate who had had the idea.

Mr José Manuel ARAÚJO (Portugal) said that he had a question about personnel. Was there a strategic plan for personnel, and who had to approve it?

Ms Penelope TYAWA (South Africa) said that there was a similar administrative structure in South Africa. They had another deputy secretary general who looked after core business. But they had moved towards “shared services” provided by specialist researchers – because many had worked for one House, but had also been free to assist the other House. The result was that one of the deputy secretary general posts would no longer be required. She asked whether there was a balanced scorecard, and whether there was a distinction between objectives driven by politicians and those of the administration? It could be a problem if staff were prevented from meeting their targets for example by political inaction and committees not meeting – which created a labour relations issue.

Dr Juan de Dios CINCUNEGUI (Argentina) asked about opening Parliament to the public. A new law had been passed in Argentina to facilitate this and there was a programme to open to the public. IT was very important in this process. Was it good

for the public to use open benchmarking comparing activities to other parliaments? For example on evidence based policy making. Could this build trust?

Mr GUZMÁN URIBE said that there had been a selection process to name a new Secretary General. The Secretary General presented the strategic plan and it had been approved by senators. The general strategic plan was being prepared by senators, staff and by Mr Guzmán Uribe. The work was only in the Senate not in the lower House.

He had worked in other public institutions where similar reform plans had been very successful. He had taken his ideas from there and was implementing them in the Senate. ICT was indeed very important and there was a role for Artificial Intelligence. The final goal would be achieved when there was a generational change. Lots of people in the institution expected to have a job for life. New generations, like millennials, would only spend 2-3 years in Parliament. Institutions had to adapt to changes like this and become efficient.

Turning to performance management, there was a new department which would look at performance measurement and planning.

Mr Philippe SCHWAB thanked the speaker for the communication and thanked members for their questions. He added that the question from South Africa about measuring performance of colleagues working for Parliamentary organs was worthy of further consideration.

6. Concluding remarks

Mr Philippe SCHWAB closed the session.

Session concluded at 12.25pm.

SIXTH SITTING

Wednesday 16 October 2019 (afternoon)

Mr Philippe SCHWAB, President, was in the Chair

The sitting was opened at 2.33 pm

1. Introductory remarks

Mr Philippe SCHWAB, President, welcomed everyone back.

2. Presentation on recent developments in the IPU

Mr Philippe SCHWAB (President) welcomed Ms Kareen JABRE and Mr Andy RICHARDSON and invited them to update members on recent developments in the IPU.

Ms Kareen JABRE said it was always a pleasure to deal with the ASGP. She intended to focus on new tools which would soon be shared with ASGP members. The first one was a comparative research paper on Parliamentary administrations. Many members had asked to have access to data and best practice information. The desk review had included ASGP information and ParLINE data as well as responses to a questionnaire the IPU had sent round. Of course the main users would be ASGP members!

The second was “Guide to Common Principles for support to Parliaments” – this had been developed with many stakeholders and was intended to help Parliaments better lead their own development. ASGP member feedback had been very helpful in developing this guide. She hoped it would reflect realities – it was intended to be a practical tool. It would be published in English and French and would be issued in the next few months. Copies would be supplied.

130 signatures had been collected from Parliamentarians to endorse the guide. She really appreciated all the work that ASGP members had done to bring attention to the common principles.

Finally she wanted to flag the work which had been done on violence and harassment against women. There had been some hugely thoughtful and thought-provoking contributions. It was intended to help Parliaments develop their own framework to prevent harassment. The IPU also stood ready to assist any Parliaments who were interested.

Mr Andy RICHARDSON (IPU) explained that 72 Parliaments had already nominated ParLINE correspondents, whose job it was to update the database. He

hoped all Parliaments which had not yet done this would contact his colleague, Addy Erwin, to nominate a suitable contact point.

Innovation and inevitably digital developments were at the forefront of all working in Parliament. Mr RICHARDSON described the working of hubs, groups of Parliaments that worked together. There were now eight of these, some thematic and some regional. He had just had a very useful meeting with some of those working on hubs. It was hoped that a place could be found for these hubs on the ASGP agenda.

Measuring capacity and performance of Parliament would be the next topic of an IP project. Developing indicators was not easy and there was no commonly accepted list of indicators. Two of the sustainable development goals were closely relevant to measuring Parliamentary work. It was not easy to tell whether Parliaments were being effective or transparent. This venture was at an early stage. He would very much welcome input from ASGP members.

The IPU was working to decide the focus of the next Global Parliamentary Report and had come up with three suggested topics. This process was in its early stages. He hoped to get the advice of the ASGP members on these topics although it was not yet known in what format this would be gathered.

Mr Sergio Sampaio CONTREIRAS DE ALMEIDA (Brazil) said he would support a half hour slot for hubs to update members at the next ASGP. In the hub of which he was a member, 12 Parliaments worked together on open data to compare information on legislation and to use Artificial Intelligence to see how Parliaments dealt with issues. He would welcome more participants in the hub.

Mr Philippe SCHWAB (President) suggested that at the next ASGP session, the IPU could give a news update on the work of the IPU regional hubs.

Mr Marc RWABAHUNGU (Burundi) noted that with regard to the performance of Parliaments some indicators might be simple but others could be a great deal more complex. He wanted to know what approach the IPU would take to defining the indicators, and whether there would also be consultation with the public.

Mr José Manuel ARAÚJO (Portugal) said he was very interested to see the results of the comparative study on Parliamentary administration. He would like to know if he had a ParLINE correspondent and if not he would like to supply one.

Mr Philippe SCHWAB (President) observed that the IPU asked a lot of Secretaries-General and that in return Secretaries-General benefitted from a great deal of information thanks to the IPU.

He noted that the advice of Secretaries-General was sought with regard to the Centre for Innovation in Parliament, the definition of performance measures and the PARLINE database. He reminded members that the analysis the IPU would be able to provide would be all the richer if Secretaries-General responded to the call for information.

He reminded his hearers that Mrs Penelope Nolizo TYAWA, Secretary-General of the South African Parliament, had proposed that the ASGP consider the evaluation of Parliamentary effectiveness, and that she would probably present a communication on the topic at the next ASGP session in Geneva. This would no doubt be of interest to the IPU secretariat.

He noted that the following morning, at 11.00am, there would be a joint conference with the IPU on the subject of the next Global Parliamentary report.

He thanked the members of the IPU secretariat for their presentation of the Union's projects.

3. Administrative and financial questions

Mr Philippe SCHWAB (President) invited members to consider the draft budget displayed on the screen and to pose any questions.

He asked Mrs Perrine Preuvot to introduce the budget for 2018 and the draft budget for 2020.

Mrs Perrine PREUVOT (Co-Secretary) talked the Plenary through the budget for 2018. Session costs were down a little from the amount that had been planned in the previous year because two annual sessions had been held in Geneva. The policy of suspending members who did not pay their subscription fees continued to bear fruit with several accounts having been settled. However, vigilance remained necessary. In 2018, about 65% had paid their fees on time, down from 68% in 2017. This was why the secretariat had to send out a lot of reminders.

Looking ahead to the draft budget for 2020, costs would go up slightly due to the session being held in Rwanda, which would mean that staff travel would be more expensive.

On the receipts side, she explained that these were likely to fall because exceptional payments linked to the settling of arrears would fall off, since those members who still had not regularized their situation had already been suspended.

Mr Philippe SCHWAB (President) thanked Mrs PREUVOT for her presentation and for all of her work in managing the finances of the Association, and invited the Association to adopt the draft budget.

The budget for the Association for 2020 was approved.

Mr Philippe SCHWAB (President) told members that following the request by Mr EL KHADI, expressed in the plenary session, that the ASGP should carry out a comparative study on the question of training for parliamentarians, the Executive Committee had discussed that morning the procedure for sending out a questionnaire within the Association.

In accordance with the Association's working methods, the principle of having a questionnaire had to be validated both by the Executive Committee and then by the plenary session.

The Committee had decided to approve the production of a questionnaire, on the subject of "training for Parliamentarians", and Mr Charles ROBERT had agreed to be in charge of devising the questionnaire.

If the Association approved the idea, the draft questionnaire would be presented to the plenary sitting during the next session in Geneva.

He asked whether the Association agreed to the production of the questionnaire.

The Association agreed to the initiative.

4. Draft agenda for the next meeting in Geneva (Switzerland), April 2020

Mr Philippe SCHWAB (President) presented the draft agenda for the next session, which would take place in Geneva from 17 to 19 April 2020:

➤ **Possible subjects for general debate**

1. Travel by Members of Parliament: Rules for Expenses and Allowances
Moderator: Mr José Manuel ARAÚJO

2. The relevance of Parliamentary Committees to Lawmaking
Moderator: Mr Desh DEEPAK VERMA

➤ **General debate with informal discussion groups:**

3. Assisting the transition: Offering support when Members of Parliament lose, or give up, their seats
Moderateur: Mr Charles ROBERT

Informal sub groups will be invited to consider the following themes :

- Systems for financing MPs' retirement
- Systems for supporting MPs who give up their seat voluntarily
- Systems for supporting MPs who lose their seat

➤ **Communications**

Theme: Digital Parliament

The Digital Turnover: breaking paradigms and fomenting interactions through the

process of making a new Website to Chamber of Deputies

Mr Sergio SAMPAIO CONTREIRAS DE ALMEIDA, Director General of the Chamber of Deputies, Brazil

Digital Engagement of Citizens in the activities of the Parliament of Georgia

Mr Givi MIKANADZE, Secretary General, Parliament of Georgia

Theme: The role of the Secretary-General

What do we expect of the Secretary General in the 21st century?

Mr Simon BURTON, Clerk Assistant, House of Lords, United Kingdom

He invited members to approach the secretariat with any suggestions for communications or contributions to general debates.

The draft agenda was approved.

5. Visit to the Serbian National Assembly

Mr Philippe SCHWAB (President) reminded members that they should meet at 4.15pm outside the main entrance to depart by bus to visit the Serbian National Assembly.

6. Closure of the session

Mr Philippe SCHWAB (President) thanked members for their very active participation in the work of the Association.

He thanked the co-secretaries of the Association, Perrine PREUVOT and Rhiannon HOLLIS, for their work during and also between sessions, as well as the secretaries Daniel MOELLER and Karine VELASCO for their help in facilitating the sessions.

On behalf of the whole association he thanked the interpreters whose work allowed members to understand one another throughout the session.

He concluded the session by thanking the Serbian hosts for making the Association warmly welcome in Serbia.

Mr Jean NGUVULU KHOJI (Democratic Republic of Congo) said that the thanks of the Association should also be addressed to the Executive Committee for all of their hard work.

Mr Philippe SCHWAB (President) thanked the members and closed the session.

The sitting ended at 15.16 pm.

