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by

Mr Philippe DELIVET
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on

“Participation of citizens in the work of parliament”

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Mr. President,

General Secretaries,

Dear Colleagues,

The French Constitution of 1958 operates a conciliation between representative and direct democracy. According to the Constitution, « national sovereignty belongs to the people, who exercise it through their representatives and by the path of referendum ».

Thus, it provides for the possibility of asking the people to express their opinion directly by means of referendums in several assumptions:

- It is the rule, in principle, for the adoption of constitutional laws, the consultation of the people taking place in this case after the vote of a draft revision in the same terms by the two chambers (article 89 of the Constitution)
- It is an option open to the President of the Republic for the adoption of laws related to the organisation of public powers, reforms relating to economic, social or environmental policy and to the public services which contributes to them, or the ratification of some treaties (article 11 of the Constitution) ;

The last referendum, known as a legislative referendum, was originally initiated by the President of the Republic alone. Following the constitutional revision of 2008, it can also theoretically be held on the initiative of one fifth of the members of parliament (185 deputies and/ or senators) supported by 1/10 of the voters registered on the electoral roll (approximately 4.7 million voters). If the bill supported by the parliamentarians and voters in the required conditions is not examined by the parliament within the 6-month period, the President of the Republic calls a referendum.

So far, this « shared initiative referendum » procedure has never been fully implemented (despite an attempt in 2019 on the privatisation of the Paris airports).

More generally, the use of referendums under the Fifth Republic has remained relatively limited. For example, out of the 24 constitutional revision laws since 1958, only two have been adopted by referendum (both in 1962 and in 2000, concerning the term of office of the President of the Republic), the others by the Congress bringing together the two chambers of Parliament.

Since the beginning of the Fifth Republic, representative democracy has played a full role in the discussion of constitutional revisions as well as in the adoption of legislative texts and the exercise of the essential mission of control of the Executive. In France, these missions are carried out by the National Assembly and the Senate,

which together constitute the Parliament. As a full-fledged legislative chamber, the Senate plays a full role and also ensures the representation of local authorities.

Yet, in France as elsewhere, representative democracy is challenged by the new expectations of citizens with regard to public debate. The high abstention rates during elections and the risk of displacement of the public debate outside of Parliament (social networks, street with the « yellow waistcoats » movement) are signs that call for answers.

To this end, the Senate has taken several initiatives in recent years to involve citizens more in its work, taking advantage of the new opportunities offered by the internet.

I- Online citizen consultations

Since 2007, online citizen consultations have been offered on the Senate website. They enable committees and delegations to enrich their legislative and monitoring work.

These consultations can echo current public policies. For example, at the beginning of the health crisis, the Senate Social Affairs Committee launched a consultation of health professionals on the management of the COVID-19 crisis. 3785 responses were received in a fortnight from various medical professions: doctors, pharmacists, dentists and physiotherapists.

This consultation brought to light the problem of the lack of consideration given to community medicine, as crisis management was focused on the hospital and the effects on the management of other diseases.

Moreover, this tool has made it possible to reach micro-targets: the Economic Affairs Committee, for example, collected 140 testimonies from farmers' relatives within the framework of the mission on the prevention of suicides in agriculture, an unprecedented number on this subject.

Lastly, this instrument provides input for legislative work. The consultation on the « environmental impact of online deliveries » by the Sustainable Development Committee, which tested the idea of a « climate elasticity » of delivery rates, received 2709 responses, mainly from young urban dwellers, which enriched the committee's position on the climate and resilience bill.

II- The consultation platform for local elected representatives

In 2018, a consultation platform for local elected representatives was set up. It is an original tool, specific to the Senate, which aims to consolidate the link of proximity between our institution, representative of local authorities according to the Constitution, and local elected representatives. The number of them registered to date is 35 970. Since 2018, the Senate has launched 26 consultations, the current

consultation about the simplification of norms being the 27th. We count an average of 1648 answers per consultation, with several over counting 3000. The platform is used by the commissions and delegations in the frame of their legislative and control missions. It is a reactive and soft tool, allowing technical and political consultations.

For example, the Law Committee of the Senate used one between the two rounds of the departmental and regional elections of June 2021 to study the issue of electoral propaganda distribution on the French territory. While the Government argued of an improvement of the situation, the 3019 consulted elected representatives expressed an opposite feeling. This consultation highlighted contrary cases (96% of the electors in the Cher department did not get electoral propaganda).

III- A platform for filing online petitions *e-petition*

In the same time, a deposit platform for online deposits has been launched by the Senate, on January, 23th, 2020. This e-petition initiative aims to revivify the petition right of the assemblies, which is inherited by the French Revolution. The platform allows the citizens to deposit a petition to the Senate and to support an already published one. The petitions can focus on the inscription of a proposed text at the *ordre du jour* of the Senate or on the creation of a controlling senatorial mission.

To be accepted, they have to respect some specific conditions: being written in French, not being discriminatory or defamatory nor calling for violence.

The bill has to concern a legislative modification and must respect the constitution. The claimed controlling mission has to focus on the action of the Government or on the assessment of some public policies or a law passed over a year. The acceptable petitions will be published on the platform and opened to signature. In order to be examined by the Conference of the Presidents of the Senate who can decide to inscribe them at the *agenda*, the petitions have to collect at least 100 000 signatures in a maximum of 6 months.

Between the launching of the platform on January, 20th 2020 and the 20th of December 2022, 593 petitions have been deposited. After examination of their acceptability, 385 petitions have been published. Four petitions reached the step of 100 000 signatures and have been examined by the Presidency Conference (three were about hunting).

On December 2022, 20th, those 593 petitions collected 669 594 signatures. A too high step of signatures can be dissuasive. The step of the Senate is judged easier to reach, and constitutes a vector of mobilization. The Senate platform benefits from a good indices of trust. It is an important tool for the image of the Senate, showing the sincerity of its commitment for a more participative democracy.

The Senate is fully committed to increase the participation of the citizens to the various parliamentary missions. The setting of on online tools allowed the creation of a strong link between the Parliament and the citizens and contributing to the

affirmation of societal subjects. This precious capital for the French Senate will be reinforced in the coming months and years.

Thank you.