



STUDY VISIT ON LEGISLATIVE OPENNESS

#ParlAmericasOPN

This ParlAmericas Study Visit on Legislative Openness was hosted by the Parliament of Canada. It offered an opportunity for participants to discuss current Canadian legislation, regulations and parliamentary practices to strengthen access to information, transparency and accountability, enforcement of conflict of interest standards and lobbying regulations. It also explored inclusiveness in legislative decision-making processes as well as any disadvantages or ongoing debates on the modernization of these practices.

Member of Parliament the Hon. **Robert Nault** (Canada), Vice-President of ParlAmericas opened the event alongside Senator **Hernán Larraín** (Chile), President of the Open Parliament Network.

THEME

Legislative Openness

DATE

October 16–17, 2017

LOCATION

Ottawa, Canada

PARTICIPANTS

36 parliamentarians, public servants, and civil society representatives from 8 countries



Member of Parliament the Hon. **ROBERT NAULT** (Canada), Vice-President of ParlAmericas

“Opening our democratic institutions to citizens is a priority for Canada both domestically and abroad. Over the last 150 years, Canada’s Parliament has incrementally created a number of independent offices to help support the work of parliamentarians in ensuring that the government is open, accountable, and ethical... We are proud that Canada has been elected to a seat on the Open Government Partnership Steering Committee as supporting government co-chair, and will take on the role of lead government co-chair in 2018-19.”

Modernizing the Access to Information and Opening Public Institutions by Default

Standards for transparency and openness, as well as digital tools have transformed government and parliamentary practices triggering a need to modernize access to information legislation. Led by **Jean-Noé Landry**, Executive Director of [Open North](#), this session explored the Government of Canada's efforts to make information public by default and its leadership role within the Open Government Partnership from a civil society perspective. **Nancy Bélanger**, Deputy Commissioner of Legal Services and Public Affairs of the Office of the Information Commissioner of Canada, discussed reforms being considered to modernize the Canadian Access to Information Act, and **Pierre Rodrigue**, Senior Principal Clerk of the Parliamentary Information Directorate of the House of Commons, presented on the Parliament of Canada's efforts to modernize its information sharing practices.

FRAMEWORK FOR ACCESS TO INFORMATION

It is governed by the **Access to Information Act** (1985) whose purpose is to provide a right of access to information in records under the control of a government institution in accordance with the principles that government information should be available to the public, that necessary exceptions to the right of access should be limited and specific and that decisions on the disclosure of government information should be reviewed independently of government.

[Read the full Act](#)

"Canada is now entering its fourth OGP national action plan consultation process and moving past some of the challenges we saw initially. We're moving beyond the building of an open data portal which is not sufficient; it's very much the end of the beginning... Canada is now tackling some of the tougher systemic challenges about the cultural change that takes place within public administration to be able to manage data so that making data available isn't something that sits on the side of a public servant's desk, but becomes an integral part in the way they work, to not only serve their representatives in the legislature but also Canadians more broadly."



JEAN-NOÉ LANDRY,
Executive Director,
Open North

"Canada has developed very strong institutions. Although its political culture is different from ours, it is helpful to know how it has overcome challenges related to the development of tools and strategies to promote transparency, probity, accountability, citizen participation, lobby regulations and particularly ways by which to recover citizens' trust."



Senator **HERNÁN LARRAÍN** (Chile),
President of the
Open Parliament
Network

Modernizing the Access to Information Act

The **Office of the Information Commissioner** was established under this Act to investigate complaints regarding its implementation.

- ⇒ **Mandate:** Investigate complaints relating to requesting or obtaining access to records under the Access to Information Act.
- ⇒ **Functions:** Summon and enforce appearance of people; production of documents - power to review nearly all records; enter any premises of any government institutions; initiate own investigations; master of its own procedures; advise parliament; make non-binding recommendations; and with the consent of the requester, bring cases to the Federal Court.
- ⇒ **Appointment Process:** Appointed by the Governor in Council after consultation with the leader of every recognized party in Parliament (the Senate and House of Commons), by resolution of both houses.
- ⇒ **Term:** Renewable term of up to seven years; can be removed for cause by the Governor in Council on address of the Senate and House of Commons.
- ⇒ **Accountability:** Reports directly to Parliament by tabling annual and special reports.

[More information about this Office](#)

Efforts are currently underway to modernize this Act which has been in place since 1985. To this end, the Information Commissioner tabled the report **Striking the Right Balance for Transparency** in Parliament in 2015 with 85 recommendations to improve the act, organized under 8 broad categories:

- ⇒ Extending coverage of the Act (to Ministers' offices, Parliament and the Courts);
- ⇒ Improving procedures for making access requests;
- ⇒ Setting tighter timelines for responding to requests;
- ⇒ Maximizing disclosure;
- ⇒ Strengthening oversight (by moving to an order-making model);
- ⇒ Disclosing more information proactively;
- ⇒ Adding consequences for non-compliance; and
- ⇒ Ensuring periodic review of the Act.

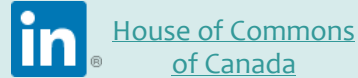
[Read the full report](#)



“When we talk about open government, it’s always a question of improving for every Canadian to have access to the information they need. Of course proactive disclosure is excellent... but what it generates, and this is something we’ve seen often in Canadian municipalities that are very advanced on proactive disclosure, is that the more we provide, the more people want. There will always be a need for an access to information system. It’s important to be listening and to have an integrated vision that considers open data, open dialogue, open government and access to information.”

NANCY BÉLANGER, Deputy Commissioner, Legal Services and Public Affairs, Office of the Information Commissioner of Canada

Modernizing the House of Commons' Information Sharing Practices

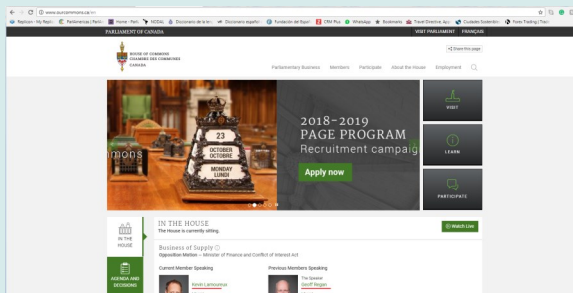


To modernize the communication of House of Commons information, the website has been re-developed based on a consultative process with external and internal stakeholders that prioritized the following attributes:

- ⇒ Quicker access to important information.
- ⇒ More contextual information presented in images and infographics.
- ⇒ Avoidance of technical language.
- ⇒ Cohesive experience.
- ⇒ More guidance on the type of content available in the search function.
- ⇒ Integrated business calendar.
- ⇒ Present current activities first and live if possible, less emphasis on historical records
- ⇒ Most popular content is information on bills, members, visitors, latest activities, and the parliamentary calendar.
- ⇒ More emphasis on the data available in an open format.
- ⇒ Social media presence.
- ⇒ Mobile responsiveness.

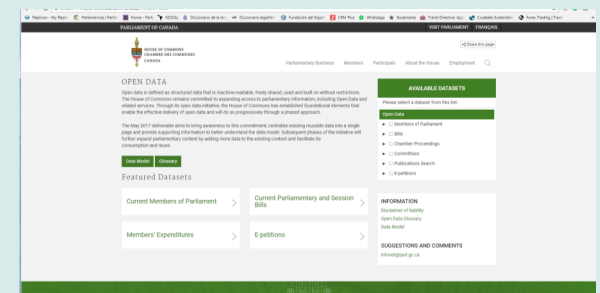
SOCIAL MEDIA PRACTICES IN THE HOUSE OF COMMONS

Social media accounts serve as an additional communications tool, providing timely, reliable and non-partisan information that complements the more comprehensive information available on House website. All tweets and direct messages directed to its accounts are read, and comments or questions that appear to be sincere (non-threatening, not spam-like, etc.) and that lend themselves to an impartial response (questions about the House, its procedures, services, information, etc.) are considered for response, in conformity with the [Social Media Terms of Use](#). Quality and accuracy of any response is privileged over rapidity/timeliness. The House social media channels have not so far been used for public consultation.



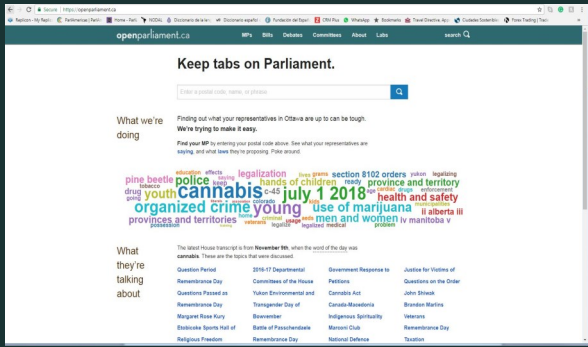
The House of Commons home page

The House of Commons Open Data page



Promoting Accountability through Open Data

Making Government and Parliament information open by default means presenting up-to-date information, especially raw data, in a standardized machine-readable and free format. This can be useful to create tools to facilitate information-sharing and to improve accountability. With the guidance of **Jean-Noé Landry**, this session explored how open data is used by various institutions to improve transparency and accountability. **Jean-Denis Fréchette**, Parliamentary Budget Officer, explained how the availability of this data is vital for the critical role that his office performs, **Madeleine Blais-Morin**, Parliamentary Correspondent at Radio-Canada discussed the newly emerging field of data journalism and **Mark Coffin**, Executive Director and Founder of [Springtide](#) presented [OpenHouseNS](#) developed by civil society to better communicate information from the Nova Scotia's legislature.



OpenParliament.ca

Developed by Michael Mulley and Open North, [OpenParliament.ca](#) is a civil society tool that makes information about the Parliament of Canada more accessible.



Open House Nova Scotia

Developed by Springtide and Open North, [OpenHouseNS](#) is a civil society tool that helps citizens track what's said in the Nova Scotia House of Assembly using word cloud visualizations and allowing a search function by topic to track bills, debates and members.



INTERNATIONAL OPEN DATA CHARTER

The Open Data Charter is a collaboration between governments and experts working to open up data. It was founded in 2015 around six principles for how governments should be publishing information. The aspiration was that data should be open by default, timely and interoperable. More than 70 governments and organisations have joined the movement.

[Read the full Charter here](#)



MADELEINE BLAIS-MORIN, Parliamentary Correspondent, Radio-Canada

“With open data we can create new ways of presenting information (for example with infographics and visual tools) that allow citizens to understand a situation with one glance... there are however challenges... for example, data isn't always up to date and we have to find ways to cross check them; we have to be prudent. It takes expertise and it doesn't take any steps away from journalistic work which at its core stays the same: we need to choose to talk about data that will touch people and that is related to current events, and we have to put this information in context and tell a story.”

Office of the Parliamentary Budget Officer

Parliamentary Budget Offices (PBOs), also known as Independent Fiscal Institutions (IFIs), are non-partisan analytic units that generally provide independent and objective analysis of the budget, fiscal policies and financial implications of proposals made by the executive. They increase fiscal transparency through the publication of their analyses, simplify complex budgetary information to make it understandable to the legislature and the public, increase accountability through the independent scrutiny of the budget and improve informed evidence-based decision-making.

ANALYTICAL TOOLS DEVELOPED BY THE PARLIAMENTARY BUDGET OFFICE

The Canadian Parliamentary Budget has prepared a series of tools to support parliamentarians and the general public to understand and analyse the impact of changes to fiscal policy. All tools were created using open source code.

- ⇒ **Ready Reckoner:** Broadly estimate the revenue impacts of changes to the federal tax system.
- ⇒ **Budget 2016 Tax Tool Calculator:** Estimate the impact changes that Budget 2016 will have on federal monthly benefits, after-tax or disposable income, and payable federal income taxes.
- ⇒ **Fiscal Sensitivities Tool:** Specify changes to key economic assumptions, and assess the impact on the PBO's medium-term fiscal projection.

All tools were created using open source code. Consult other tools developed by the [PBO](#).

“We always share the methodology of our work in advance to help smooth out any potential conflicts with the government. The main source of conflict is with forecasting: for example, the government will say “we will have a surplus in two years”, but our analysis will show that this is impossible. In forecasting, it becomes a matter of judgment more than anything else because as economists we use models, but these are based on the judgement of the individuals working with these models. Conflicts arise more often from the fact that the government will try to show a story different from ours, but we always maintain our story because all our analysis is evidence-based and if we don't have the facts, we will not do it.”



JEAN-DENIS FRÉCHETTE,
Parliamentary
Budget Officer of
Canada

The **Parliamentary Budget Officer** was established in 2006 through the [Parliament of Canada Act](#)

- ⇒ **Mandate:** Provide independent and objective analysis to Parliament on the state of the nation's finances, the government's estimates and trends in the Canadian economy; and upon request from a committee or parliamentarian, to estimate the financial cost of any proposal for matters over which Parliament has jurisdiction. This mandate was recently expanded to include costing political party platforms.
- ⇒ **Functions:** Except as provided by any other Act of Parliament, the Parliamentary Budget Officer is entitled, by request made to the deputy head of a department to free and timely access to any financial or economic data in the possession of the department that are required for the performance of his or her mandate.
- ⇒ **Appointment Process:** Appointed by the Governor in Council after consultation with the leader of every recognized party in Parliament (the Senate and House of Commons), by resolution of both houses.
- ⇒ **Employment Term:** Renewable term of up to seven years for a maximum of 14 years in office in total; can be removed for cause by the Governor in Council on address of the Senate and House of Commons.
- ⇒ **Accountability:** Reports directly to Parliament but accountable to the Library of Parliament for expenditures.

[More information about this Office](#)

The **Office of the Lobbying Commissioner** was established under the Lobbying Act to administer and enforce the Act.

- ⇒ **Mandate:** Ensure transparency of the lobbying of federal public office holders.
- ⇒ **Functions:** Maintain a [Registry of Lobbyists](#); develop and implement educational programs to foster public awareness of the requirements of the Act; conduct reviews and investigations to ensure compliance with the [Act and Lobbyists' Code of Conduct](#).
- ⇒ **Appointment Process:** Appointed by the Governor in Council after consultation with the leader of every recognized party in Parliament (the Senate and House of Commons), by resolution of both houses.
- ⇒ **Employment Term:** Renewable term of up to seven years; can only be removed for cause by the Governor in Council at any time on address of the Senate and House of Commons.
- ⇒ **Accountability:** Reports directly to Parliament by tabling annual and investigation reports.

[More about this Office](#)

Enforcing Conflict of Interest, Ethical Standards and Lobbying Regimes

Ethics and probity are essential values that instill legitimacy, credibility, and confidence in the parliament as well as legislators. Member of Parliament the **Hon. Peter Kent** (Canada) moderated this session and explained the role of the Standing Committee on Access to Information, Privacy and Ethics. **Mary Dawson**, Conflict of Interest and Ethics Commissioner, presented the

framework for enforcing ethical standards within the House of Commons and **Pierre Legault**, Interim Senate Ethics Officer, presented this framework within the Senate, both of which are governed by the Conflict of Interest Act. **Karen Shepherd**, Commissioner of Lobbying, closed the session with a presentation of the Lobbying Act and the Register of Lobbyists.

CANADA'S LOBBYING ACT

Lobbying is regulated under the Lobbying Act and its related regulations, to ensure transparency and accountability in the lobbying of public office holders in order to increase the public's confidence in the integrity of government decision-making. It applies to individuals who are paid to lobby; people who lobby on a voluntary basis are not required to register.

[Read the full Act](#)



KAREN SHEPHERD,
Commissioner of
Lobbying

“The Lobbying Act places the onus on the lobbyist to ensure that they comply with the Act and the Code. Parliamentarians and public office holders often ask what their responsibility is if a lobbyist is coming to see them. The best practice we promote is to ask the person coming to see them if they are aware of the Act, if they are in compliance with it (this doesn't necessarily mean that they have to be registered), and should they answer that they are not familiar with it, they should be referred to the Office of the Lobbying Commissioner. If the public office holder is concerned that the person coming to see them should be registered, it can also be brought to the attention of the Commissioner. If there is a breach of the Lobbyists' Code of Conduct, the public office holder's name would also be shown in the report, although they are not necessarily at fault for the breach, and of course they do not want that so it's good practice to bring these concerns to the attention of the Commissioner.”

CANADA'S CONFLICT OF INTEREST ACT

The purpose of the Conflict of Interest Act is to establish clear conflict of interest and post-employment rules for public office holders, minimize the possibility of conflicts arising between the private interests and public duties of public office holders and provide for the resolution of those conflicts should they arise. It applies to approximately 2,200 public office holders, which include ministers, parliamentary secretaries, ministerial staff and Governor in Council appointments such as officers of the Senate and House of Commons. About half of the public office holders are also subject to reporting and public disclosure provisions, and prohibitions against outside activities and holding controlled assets.

[Read the full Act](#)



BAIRON VALLE
(Ecuador),
ParlAmericas Board
Member

"It's an important subject for the work of legislators. We are called to service, and that service must be transparent. The legislation aims to change people's conduct. I think that the law is sufficient to understand what I am committing myself to, what is my commitment, how I must act... my concern is about how often this code must be applied. Does it really lead to a change in conduct or must the code always be applied to sanction breaches?"

"Our focus is on prevention and not punishment. We don't have heavy fines or anything like that, but the publication of the report makes it very clear if they have contravened and as far as I am concerned, making their contravention public is the punishment. However, there is a possibility of the MP or Minister to soon get themselves removed from their portfolio or if they are an appointee, they may not be re-appointed. Most of the contraventions are not horrible, but it's important to shine the light on them. These reports also serve as educational tools to understand where the boundaries are on these various rules."



MARY DAWSON,
Conflict of Interest and
Ethics Commissioner

ETHICS IN THE HOUSE OF COMMONS

In addition to the Conflict of Interest Act, the ethical conduct of Members of the House of Commons is governed by the [Conflict of Interest Code for Members of the House of Commons](#).

This code is administered by the **Conflict of Interest and Ethics Commissioner**, as mandated by the [Parliament of Canada Act](#).

- ⇒ **Mandate:** Administer the conflict of interest rules for Members of the House of Commons and public office holders in order to maintain and enhance the trust and confidence of the Canadian public in the conduct of these elected and appointed officials.
- ⇒ **Functions:** Provide confidential advice to public office holders and elected Members of Parliament; Review their confidential reports; make information available, investigate possible contraventions; and report to Parliament.
- ⇒ **Appointment Process:** Appointed by the Governor in Council after consultation with the leader of every recognized party in the House of Commons, by resolution of the House of Commons.
- ⇒ **Employment Term:** Renewable term of up to seven years; can only be removed for cause by the Governor in Council at any time on address of House of Commons.
- ⇒ **Accountability:** Reports directly to the House of Commons through the Speaker of the House of Commons; independent budget (not part of the House of Commons' institutional budget).

[More on this Office](#)

ETHICS IN THE SENATE

In addition to the Conflict of Interest Act, the ethical conduct of Members of the Senate is governed by the [Ethics and Conflict of Interest Code for Senators](#).

This code is administered by the Senate Ethics Officer, as mandated by the [Parliament of Canada Act](#).

- ⇒ **Mandate:** Administer, interpret, and apply the Code.
- ⇒ **Functions:** Provide confidential advice to Senators; administer an annual disclosure process; conduct inquiries to determine whether a senator has complied with his or her obligations under the code; maintain the public registry; perform outreach activities; and report annually to the Senate.
- ⇒ **Appointment Process:** Appointed by the Governor in Council after consultation with the leader of every recognized party in the Senate, by resolution of the Senate.
- ⇒ **Employment Term:** Renewable term of up to seven years; can only be removed for cause by the Governor in Council at any time on address of the Senate.
- ⇒ **Accountability:** Reports directly to the Senate through the Speaker of the Senate; independent budget (not part of the Senate's institutional budget).

[More on this Office](#)

WHY CANADA HAS THREE VEHICLES TO GOVERN ETHICAL CONDUCT IN THE PUBLIC SERVICE

1. Conflict of Interest Act (Executive)
2. Conflict of Interest Code for Members of the House of Commons
3. Ethics and Conflict of Interest Code for Senators

The Conflict of Interest Act covers public servants in the Executive branch and each chamber of Parliament has its own Code of Conduct to cover its members, with its own commissioner responsible for its enforcement. When the Conflict of Interest Act was originally tabled in Parliament, it anticipated for both chambers to be covered by the same code and commissioner, however the Senate did not agree. Similarly, Members of Parliament did not wish to be covered by the same vehicle as the Executive (the Act), and this is why they proposed for their conduct to be regulated by a code.



Promoting Citizen Participation for Inclusive Legislative Decision-Making

Citizens across the world are asking for opportunities to exercise their democratic rights to participate in the governance decisions that affect them. This has been further reinforced by the 2030 Agenda and Sustainable Development Goal 16 which aims for more participative and inclusive decision-making at all levels of governance. This session was moderated by Senator **Pierrette Ringuette** (Canada) and explored the mechanisms of the House of Commons and the Senate through which citizens can participate in the legislative process as presented by **Eric Janse**, Clerk Assistant for Committees and Legislative Services of the House of Commons and **Mélisa Leclerc**, Director of Communications of the Senate respectively. Presentations from **Gwen Phillips**, Director of Governance Transition of the Ktunaxa Nation and Council Member of the First Nations Health Council, on important considerations to include indigenous peoples in the legislative process and respect a Nation to Nation relationship, and from Dr. **William Young**, Board Member of **Samara** on efforts being undertaken to make the legislative process more inclusive being promoted by civil society.

EDUCATING CITIZENS ABOUT THE ROLE OF PARLIAMENT

- ⇒ **Page Program**: Each year since 1978, 40 students graduating from high schools are selected from across Canada to participate in this program where they work part-time to provide various services to Members of Parliament during their first year of undergraduate university studies in Ottawa.
- ⇒ **Teachers Institute on Canadian Parliamentary Democracy**: An intensive professional development opportunity in which teachers from across the country receive important insight on Canada's parliamentary system through engaging with parliamentarians, seeing the parliament in action and obtaining resource materials that support teaching about Parliament, governance, and democracy.
- ⇒ **Online educational resources**: The new House of Commons website contains various new resources explaining the role and functions of parliament, including resources targeted to youth and teachers.

CITIZEN PARTICIPATION IN THE HOUSE OF COMMONS

- **Submit or endorse an e-petition**: Petitions are used to draw attention to an issue of public interest or concern and to request some action.
- **Submit a brief to a committee**: Briefs are written submissions that provide opinions, comments and recommendations on a subject being studied by a parliamentary committee; all briefs are published on the website.
- **Request to appear before a committee**: Citizens or organizations may request to appear before a committee. The committee evaluates the requests and draws up the list of witnesses, based on committee practice.
- **Participate in committee consultations**: Committees have significant flexibility in their consultation practices. Newer e-tools can also support this process, such as surveys, issue polls, the submission of stories, comments or opinions, and consultation workbooks.
- **Social media**: While House of Commons social media channels have not been used for consultations purposes, it has seen small increases in participation through previously mentioned mechanisms following their promotion through these channels, and at times an increase in online discussion about these mechanisms.

The screenshot shows the 'PARTICIPATE' section of the House of Commons website. At the top, there is a navigation bar with 'Parliamentary Business', 'Members', 'Participate', 'About the House', and 'Employment'. Below this, the 'PARTICIPATE' heading is followed by a sub-header: 'The House of Commons is committed to fostering the Canadians' participation in the democratic process and to providing access to the work of Members, both in the Chamber and in committees.' The main content area is divided into several sections: 'Create or Sign an E-petition', 'Current Committee Consultations', 'Attend Live Chamber Debates', and 'Attend Committee Meetings'. On the right side, there is a 'FIND' search bar with a dropdown menu for 'Topic' (set to 'E-petition') and a search input field. Below the search bar, there are links for 'Contact a Member of Parliament', 'Debates (Hansard)', 'Committee evidence', and 'Journals'. At the bottom right, there are instructions on how to find e-mail addresses, full coordinates, and postal addresses for Members of Parliament.

TIPS FOR DEVELOPING AN EFFECTIVE COMMUNICATIONS STRATEGY

- ⇒ Define priorities and target audiences.
- ⇒ For each priority, establish an objective for each target audience.
- ⇒ Undertake a phased approach along several months to implement the strategy.
- ⇒ Start with one platform and learn from successes and failures prior to launching into new platforms, a pilot project can be helpful.
- ⇒ Consider that each platform has a different audience and purpose:
 - Facebook is mostly used for communicating with family and friends, finding the latest news and watching videos
 - Instagram is the platform of choice for visual narrations and used by 55% of those between the ages of 18 and 29 in Canada
 - LinkedIn is most popular for those between the ages of 30 and 64 who have post-secondary education in Canada
 - Snapchat is another platform for visual narrations that reaches a public younger than Instagram
- ⇒ Build relationships with the national offices of these platforms to keep apprised of latest developments
- ⇒ Adopt and publish a policy or notice explaining to citizens the rules around which the chamber will interact with citizens via the website and social media, for example see the [Senate of Canada's notices](#).
- ⇒ Consider providing non-partisan institutional advice to members of the chamber on their use of social media and support with graphic design for images they wish to share.

MODERNIZING THE SENATE'S COMMUNICATION AND ENGAGEMENT STRATEGY

The Senate has taken significant steps to update its communication practices in recent years, some of which are highlighted in this [video created for Canada's 150th anniversary](#). They also include:

Social media:



Website:

The [website](#) has been re-launched and is now highly visual, more functional, easier to navigate and places Senators' work front and centre.



- **SenCPlus Digital Magazine:** A new digital magazine prominently featured on the Senate website with articles focused on people (senators' personal stories), news (in a storytelling format), opinions (senators' views on policy issues), social media, and how and why (parliamentary procedure, history, art and ceremony).
- **eNewsletter:** The eNewsletter is published each Wednesday following a sitting week, and once a month when the Senate is not in session.
- **Engaging citizens through committees:** Committees are now required to have a communications plan, which generally includes outreach activities, whenever they conduct fact-finding missions across Canada and abroad. **Committees' budgets cannot be approved without a communications plan.**
- **Engaging youth:** The Senate is initiating new ways to engage with youth, for example through a social media campaign young indigenous leaders were nominated and selected to share their stories in a meeting of the Senate Standing Committee on Aboriginal Peoples in honour of Aboriginal Awareness Month. These young leaders also submitted an action plan for the committee's consideration.

Indigenous Peoples and Participation in Parliamentary Processes

To discuss how Indigenous Peoples can effectively be included in the Canadian legislative decision-making process, **Gwen Phillips** initiated her presentation with an overview of Canada's Indigenous Peoples and the history and context of the relationships between Indigenous Nations and the Canadian Government. She provided several considerations for redefining a Nation to Nation relationship and concluded with a proposal to include Indigenous Peoples in the legislature.

Recommendation Presented to Include Indigenous Peoples in the Legislature:

In her presentation, Ms. Phillips presented recommendations to include Indigenous Peoples in the legislature to legitimize relationships. It would function somewhat like a legislative check and balance, working with whoever is elected to govern, and allowing the legislature to benefit from traditional and ecological knowledge and 7 generation thinking, leading to better law for everyone.

- ◇ Non-partisan participation in each province/territory legislature
 - For example, British Columbia: 37 new seats (35 First Nations Confederacies, one seat for the Innu Nation and one for the Métis Nation)
- ◇ Non-partisan participation in the Canadian Parliament
 - 60 new seats (58 unique First Nations Confederacies from across Canada, one seat for the Innu Nation and one seat for the Métis Nation)

“The political machine has got to stop. We have to remember that what we are here for is good governance. In fact the Constitutional democracy that we see in Canada is not an appropriate government for this day and age. It is built on values and structures that are colonial. Canada is much different in recognizing who we are now. We have so many diverse cultures here and we could learn so much from them if we could actually create the right spaces for them. And not think about engagement as hearing a few Canadians.”



GWEN PHILLIPS, British Columbia Region Data Governance Coordinator, Co-chair of the national INAC Community Development Strategy Implementation Working Group and British Columbia First Nations Health Council Representative

CONSIDERATIONS PRESENTED FOR REDEFINING A NATION TO NATION RELATIONSHIP WITH THE GOVERNMENT OF CANADA

- ⇒ Each Nation is unique and that a Nation does not necessarily speak for all the others; each must be engaged individually for the relationship to evolve.
- ⇒ A different relationship may be required with Indigenous Nations who have been here for thousands of years and with the Métis whose history is more recent and a product of colonization.
- ⇒ Studies have identified self-governance as a significant factor determining suicide rates among Indigenous communities; self-governing Nations have lower suicide rates as they provide local health, infrastructure and educational services that recognize and place value on the culture and identity of the Nation. Self-government is a right and responsibility of First Nations.
- ⇒ First Nations are not stakeholders to be engaged, but should be recognized as legitimate governments; this needs to be addressed as the Nation to Nation relationship is defined.
- ⇒ Many First Nations are in re-building mode; they are rebuilding their institutions based on their own values, own ways of knowing and being and are doing so successfully.
- ⇒ The new Nation to Nation relationship will need to be between the Government and each of the First Nations rather than the Indian bands as defined in the Indian Act.
- ⇒ Program-based grants and contributions are not as effective as Nation-based investments.
- ⇒ First Nations have to lead the process to redefine this relationship; they have to express who they are and how they want to be related to.
- ⇒ Language is critical to defining this relationship and terms have to be chosen carefully.

[View a poster visually expressing the journey and the possibilities of the advancement of First Nations governance](#)

HOW CIVIL SOCIETY ORGANIZATION SAMARA IS PROMOTING CITIZEN PARTICIPATION

Based on the principles that a democratic government is better than any other form of government yet it must continuously involve and innovate to serve its citizens in the best possible way, it requires the consent of the governed both at elections and between elections and it flourishes when citizens choose to give their time and services to public life, [Samara](#) has undertaken several initiatives to promote citizen participation:

- ⇒ **Vote Pop Up:** In advance of elections, simulates the voting experience by recreating a voting station and fosters interest by providing an opportunity for participants to connect their concerns and interests with the electoral process.
- ⇒ **Can You Hear Me Now:** Research on how different generations discussed politics and influenced each other to get involved, and considers how different generations were contacted by politicians, including through what channels—traditional or digital—and the contents of those discussions, in 2015.
- ⇒ **Electoral Reform Debate Guide:** Guide for parliamentarians and citizens providing an entry point for Canadians seeking high-quality, nonpartisan information about the options for electoral reform.
- ⇒ **Democracy Talks:** Outreach program that motivates Canadians who are not engaging in Canada’s democracy by giving them the opportunity to discover and develop their political voice. It is a facilitated, activity-based discussion around issues that matter to society.
- ⇒ **Evaluation of MP Websites:** Websites are evaluated based on the availability of key information and a checklist for elected leaders was prepared to improve these websites.
- ⇒ **Best Practices to Engage Youth:** Poster for elected officials providing tips to better engage youth.
- ⇒ **Democracy 360:** Annual report on Canada’s democratic health.
- ⇒ **Everyday Political Citizens:** Annual contest that profiles ordinary people who make Canadian democracy stronger.



“Samara believes that ongoing and constant public participation is critically important to a well-functioning democratic system of government. It means, in essence, that better decisions get made when citizens participate... A precondition to this is an educated and informed public.”



Dr. **WILLIAM YOUNG**,
Board Member of Samara

Legislative Openness Action Plans

Legislative Openness Action Plans have been co-created and implemented by parliamentarians and civil society across the hemisphere to progress on all the areas of parliamentary work discussed during this study visit. In this session moderated by Member of Parliament **Anthony Rota** (Canada), Assistant Deputy Speaker of the House of Commons, participants discussed the new Open Government Partnership's legislative policy as presented by Senator **Hernán Larraín** (Chile) as well as the progress achieved through the action plans of the Congress of Chile and Paraguay presented by Member of the Chamber of Deputies **Patricio Vallespín** (Chile) and Senator **Blanca Ovelar** (Paraguay) respectively.

Parliamentary Engagement Policy of the Open Government Partnership

The Open Government Partnership (OGP) is a multilateral initiative that aims to secure concrete commitments from governments to promote transparency, empower citizens, fight corruption, and harness new technologies to strengthen governance. At the heart of each country's participation is a National Action Plan (NAP) developed in collaboration with civil society. Parliaments are however a critical third actor in this process.

Through collaboration with the National Democratic Institute and the National Congress of Chile, the OGP Legislative Openness Working Group was formed to further integrate legislatures in this process. An international debate was launched and a [Parliamentary Engagement Policy](#) was adopted by the OGP. Through this policy, legislatures can integrate commitments as part of the country's NAP or can develop its own separate plan to be included in the NAP as an annex. The latter option is also available to legislatures in countries who are not OGP members.

Chile's legislature is engaging in OGP, and the legislatures of Colombia, Costa Rica, Guatemala and Paraguay have developed their legislative action plan prior to the adoption of the OGP parliamentary engagement policy. The Open Parliament Network (OPN) continues to promote the adoption of a legislative action plan as a useful tool to prioritize and implement openness commitment.

PARAGUAY'S 1ST OPEN PARLIAMENT ACTION PLAN 2016-2017

Commitments:

- Develop new channels for interacting with citizens, which allow for and encourage their contributions and monitoring throughout the entire legislative process.
- Develop mechanisms to facilitate citizen's effective participation in legislative processes.
- Strengthen inter-institutional links with other state powers; and establish links with Civil Society Organizations related to best practices for Open Government.
- Make administrative and financial management more transparent by developing simple tools for straight-forward citizen consultation.
- Implement best practices for ethics and legislative transparency.



Senator **BLANCA OVELAR** (Paraguay)

“The first Gathering of the ParlAmericas Open Parliament Network that was held last year in May, where the Road Map towards Legislative Openness was developed, was a great incentive and motivator for us to have developed our action plan in anticipation. It has given us enormous momentum to advance in a culture of transparency, probity, accountability as pillars for parliamentary work.”

**CHILE'S 2ND OPEN PARLIAMENT
ACTION PLAN 2017-2018**

Commitments:

- Promote the approval of the National Congress' Constitutional Organic Law and develop bylaws.
- Create a register of civil society organizations, individuals and corporations interested in participating in Committee sessions.
- Create a technological program to implement the Register of Committee Participants.
- Improve the register of Committee debates.
- Develop virtual spaces for citizen participation in the legislative process.



Member of the National Assembly **CRISTINA REYES HIDALGO** (Ecuador)

“As a Member of the National Assembly, this study visit allowed me to confirm the commitment that I have with my constituents to continue exercising my legislative and oversight role based on their demands and requirements, but above all to continue in the fight to achieve honest parliaments and institutions that instill legitimacy, credibility and trust in our nations.”

PARLIAMENTS IN ATTENDANCE



CANADA



CHILE



CUBA



ECUADOR



EL SALVADOR



HAITI



PARAGUAY



PERU

“What can happen is that the Congress as an institution can have gaps that allow for transparency to not function adequately, for the lack of probity to manifest itself and for acts of unresolved potential conflicts of interests to be present. What we have done is fill these spaces through commitments with clear, measurable and timely objectives developed in collaboration with civil society organizations in Chile.”



Member of the Chamber of Deputies **PATRICIO VALLESPÍN** (Chile)

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PARLAMERICAS



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