



ROAD MAP TOWARDS LEGISLATIVE OPENNESS

This Road Map was developed by parliamentarians in collaboration with civil society representatives and was adopted during the 1st Gathering of ParlAmericas' Open Parliament Network (OPN) on May 27, 2016 in Asuncion, Paraguay.

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PARLAMERICAS



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OPEN PARLIAMENT NETWORK

The Open Parliament Network is a permanent ParlAmericas working group that promotes legislative transparency among the organization's member parliaments.

During the International Seminar on Transparency and Probity in the National Congress and Political Party System, held in Santiago, Chile in 2012, the parliamentarians attending signed the Santiago Declaration on Parliamentary Transparency and Integrity in Parliaments and Political Parties.

The Declaration emphasizes strengthening democratic governance by focusing on four pillars. The document also contains a commitment to creating the Inter-American Parliamentary Network on Transparency, Access to Public Information, and Probity.

With the aim of implementing the declaration and supporting the network's work, the National Congress of Chile created the Bicameral Transparency Group. This body acted as the Executive Secretariat of the Network until August 2015.

During ParlAmericas' 12th Plenary Assembly, the Network was integrated into the governance structure of the organization under the name Open Parliament Network. Senator Hernán Larraín (Chile) has led this Network since its inception.

OBJECTIVES

Provide a framework to help guide parliamentarians in producing their own action plans and/or initiatives for legislative openness at the national level.

Promote specific measures to make progress on the principles outlined in the Declaration on Parliamentary Openness and the Santiago Declaration on Parliamentary Transparency and Integrity in Parliaments and Political Parties.

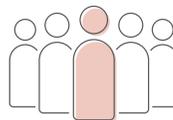
4 PILLARS



TRANSPARENCY



ACCOUNTABILITY



CITIZEN PARTICIPATION



ETHICS AND PROBITY



1 **TRANSPARENCY AND ACCESS TO INFORMATION**

Access to public information is a fundamental human right that must be guaranteed by law. Public information belongs to citizens who need it in order to be empowered and to fully participate in democratic processes. In this sense, it creates legitimacy and confidence in our democratic institutions and it is essential in the fight against corruption.



LAWS ON TRANSPARENCY AND ACCESS TO PUBLIC INFORMATION

With the objective of fostering a culture of transparency and guaranteeing citizen access to public information, parliaments should:

Adopt legislation and regulatory frameworks on transparency and access to information in line with international standards, to ensure public access to information from the Parliament and from political parties/movements¹, with the exception of classified or secret information, as defined by law.

Adopt a policy for the management of public documents and archives to ensure that citizens have access to this information and that these documents are systematized, preserved, and captured electronically so they can be easily accessed and shared.

¹ This would include information on: the work and institutional framework in general, financing of political parties and/or movements.

Publish parliamentary information applying both active and proactive transparency, including data and information on parliamentarians², roles, structures and administrative expenses of the parliament, parliamentary agendas, permanent committees and other parliamentary data that does not jeopardize national security or privacy. Information should also be available on bills, committee agendas, debates within parliamentary committees and plenary assemblies, legal flows, records of votes, reports and presentations made before committees or plenary sessions, attendance lists, or budgets attached to certain laws, etc.

Communicate information on the work of Parliament in the official national languages, in accessible formats, and via publicly accessible channels, in collaboration with civil society organizations as required. This ensures that all sectors of the population, including the most vulnerable groups, have the same access to this information. These channels should include:

- the parliamentary library and the research products they produce;
- online information and session streaming; and
- regional parliamentary offices.

² This data would include: email address, telephone number, political party/caucus, curriculum vitae, term of office, bills presented, social networks, website, photograph and/or contact details for their constituency office, etc.

Adopt an open data policy in order to ensure that up-to-date parliamentary information, especially raw data, is available online in an open format (text, cvs, xml, html, json, Akoma Ntoso, Popolo, W3C, etc.), and is standardized, machine-readable, and free. Parliaments should also promote the use of information and communication technology for dissemination, reuse, and analysis in partnership with data users and interested parties.

Identify responsible individuals and offices and ensure clear procedures for requesting and submitting public information, while at the same time setting out sanctions in case of any breaches. It is also necessary to entrust individuals and offices with the mandate of interacting with the public to identify what information is being requested and in what formats it can be provided.

Invest in communications infrastructure to close the digital gap by using mobile technology that allows digital access to information related to the activities and decisions of parliaments for all.



ENFORCEMENT AGENCIES

With the objective of ensuring compliance with transparency and access to information legislation and policies, parliaments should:

Establish an independent enforcement agency that is empowered to resolve any dispute concerning the obligation to disclose certain information in a timely manner.

Ensure the independence of the agency through a fair and transparent appointment process for its commissioner and/or director or acting director, which includes public hearings with civil society.



2 ACCOUNTABILITY

The right to accountability involves citizens' freedom to hold authorities to account and public servants' obligation to justify and accept responsibility for their decisions. This duty derives from two main functions of parliament: representation and oversight. On one hand, the accountability of the executive towards the parliament allows parliaments to evaluate and audit the government's actions, reassigning resources and public policies to obtain better results. On the other hand, the accountability of the parliament towards its citizens allows society to check, examine, and stay informed about what the parliament is doing.



PARTICIPATORY ACCOUNTABILITY

With the objective of providing citizens with the information required to hold the parliament, legislators, and political parties and/or movements accountable, parliaments should:

Ensure that procedures and/or instruments are in place in parliaments to guarantee that any auditing activity or political oversight of the government is carried out with the highest standards of efficiency, efficacy, and transparency.

Implement accountability measures at the institutional level of parliament, including open budgeting, the publication of annual expenses, or public hearings, among others, ensuring that these initiatives are carried out with transparency and are disseminated.

Implement accountability measures for each legislator, including the development of a standard model for parliamentarians' accountability reports on their legislative and political work, to be produced on a periodic or annual basis. The reports should include a record of the activities of every parlia-

mentarian³ and a statement on their commitments prior to their term of office, to allow for comparison with their actions in their role as a legislator.

Use mechanisms that facilitate accountability through digital and technological means.

BUDGETARY OPENNESS

With the objective of providing citizens with the opportunity to participate in the national budget process and review budgetary information, parliaments should:

Strengthen the requirement for transparency and accountability in the country's budget legislation with the aim of publishing and justifying all public expenses and priorities both within the national and parliamentary budgets, and obtain technical capacity in order to carry out these functions.

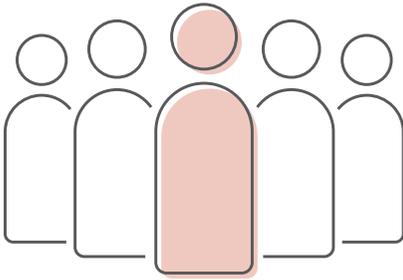
³ These registries would include: records of parliamentarians' votes and corresponding reasoning, in committee and plenary sessions; record of attendance in parliament; record of speeches, questions, and interpellations made; office expenses; records of meetings or public hearings; record of travel and per diem expenses; gifts made and received; bills submitted and championed; and legislator's commitments prior to his or her term in office.

Strengthen citizen participation to allow civil society to monitor expenses and ensure they are involved in and aware of these matters.

Strengthen transparency during the process of drafting the budget by publishing draft budgets and conducting public hearings to present preliminary versions of budgets and their corresponding gender impact assessments at least two months before the budget will be debated in parliament.

Strengthen transparency in implementing budgets and in evaluating budgetary allocations.

Establish external audits to review expenses, with the support of auditors that comply with internationally recognized standards.



3 CITIZEN PARTICIPATION

Citizen participation is the main pillar of democracy as its objective is for citizens to successfully participate in the public decision-making process. Legislators are a direct reflection of this participation as elected officials, and they play a crucial role as representatives of the citizenry ensuring that mechanisms exist that allow the community to participate in decision-making, oversight, and evaluations of legislation and public policy as well as the legislative process.



CITIZEN PARTICIPATION AND DIALOGUE

With the objective of raising the awareness and interest of citizens to participate in the work of parliament, parliaments should:

Adequately disseminate information demonstrating the importance of citizen participation and explaining the mechanisms by which such participation is made possible, through educational and public awareness sessions, by publishing information on the parliament's website, and by communicating it through other channels including radio, television, and social networks.

With the objective of providing opportunities for citizens' direct involvement in the work of legislators, parliaments should:

Adopt a law on citizen participation that puts in place a legislative framework for effective citizen involvement.

Identify, define, and apply methods and mechanisms to encourage citizens' participation in formulating, approving, and making decisions on laws. Parliaments should formalize spaces for participation within legislative debates, with the possibility of making specific contributions through the use of technology such as petitions, public hearings, and other online mechanisms for citizen feedback.

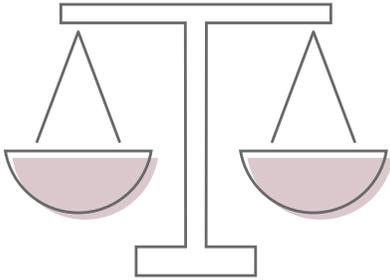
Encourage consultations and public hearings with citizens in order to gain insight into their interests, including the application of such mechanisms as an open office policy⁴, developing a joint oversight agenda, using Information and Communication Technology (ICT) and the internet, such as websites that allow comments, radio programs with opportunities for listeners to call in and comment, and email requests to legislators. In-person meetings should be held in safe locations that are easily accessible by the public, at convenient times, and appropriate services should be offered to reduce difficulties that prevent citizens' assistance.

⁴ An open door policy is reflected in efforts by legislators or other authorities to establish spaces or tools that promote dialogue and the exchange of ideas, proposals, and consultations between citizens and their representatives. In some cases, a specific day of the week has been designated when citizens can meet with their representative without needing to make an appointment.

Strengthen the work done by legislators in their constituency, by publishing descriptions of the activities that will be carried out, adopting mechanisms to allow vulnerable groups to participate, and taking measures to record activities and make information available such as the number of participants, the location, the subject matter, and the proposals or agreements made.

With the objective of protecting citizens who expose misconduct by state institutions or actors, parliaments should:

Adopt whistleblower legislation to protect the rights of citizens who denounce corruption, fraud or wrongdoing and create mechanisms that allow whistleblowers to discretely or anonymously report instances of misconduct.



4 ETHICS AND PROBITY

Ethics and probity are essential values for parliaments. Incorporating them into our daily work instils legitimacy, credibility, and confidence in the parliament as well as legislators, for whom it is not sufficient to solely obey the law. Ethics and probity guide the parliamentary process towards the common good, strengthening democracy.



CONFLICTS OF INTEREST

With the objective of promoting a culture of ethical behaviour and probity among parliamentarians and civil servants, parliaments should:

Adopt good parliamentary practices and codes of conduct for parliamentarians and civil servants, in line with the international principles drafted by the National Democratic Institute (NDI), and the standards developed by the Commonwealth Parliamentary Association, and the Global Organization of Parliamentarians against Corruption (GOPAC).

Ensure that legislators and civil servants, particularly those who work on sensitive files or manage public funds, are trained on the provisions of the parliament's code of conduct for ethical behaviour.

Establish cooperation with international institutions and academic centers dedicated to fighting corruption and promoting transparency.

With the objective of preventing conflicts of interest, whether actual, apparent, or perceived, and in order to ensure that the impact of lobbying on decision-making is transparent and that legislators are held accountable, parliaments should:

Adopt a law on lobbying that reflects international standards presented by Transparency International, Access Info Europe, Sunlight Foundation and Open Knowledge, which includes a lobbying registry and the establishment of a code of conduct for lobbyists.

Adopt conflict of interest regulations for parliamentarians and civil servants that include the duty to disclose lobbying, duty to abstain, disqualifications from holding parliamentary office, full-time dedication to parliamentary activity, a sanction system, and the duty to disclose individual assets and interests.

Adopt rules to avoid practices that prevent or obstruct legislators from examining and debating proposed legislation or other parliamentary measures, for example, extra-legislative debates.



ETHICS AND TRANSPARENCY COMMITTEE

With the objective of preventing conflicts of interest, promoting ethical behaviour and sanctioning breaches of the code of conduct and relevant legislation by parliamentarians, parliaments should:

Promote the creation of an ethics and probity committee or agency to enforce provisions of the code of ethics for legislators. The committee should include an independent third party to ensure neutrality and impartiality in decisions made. The role, function, and authority of the committee should include the ability to initiate investigations, the ability to receive evidence and allegations, and the ability to request information relevant to the investigations from public institutions and to sanction infractions to the code of conduct or relevant legislation. The regulations for the establishment of this committee or agency could be determined with the advice of an international organization dedicated to fighting corruption and promoting transparency.

Establish an office with the technical capacity to support the ethics and probity committee or agency, that can disseminate the code of conduct among parliamentarians and civil servants and train them on it, review declarations of interest and assets, initiate investigations and support parliamentarians and civil servants with consultations and other related processes.

Establish a mechanism within the parliament to apply the regulations in the code of conduct to public servants, such as whistleblowing systems, consultations and protection of the complainant.

With the objective of protecting gender equality and preventing discrimination, parliaments should:

Adopt gender equality policies and standard operating procedures in response to violence and discrimination against legislators & civil servants.

Communicate these policies and procedures to legislators and civil servants during their initial training and provide periodic updates.

Establish an office charged with the promotion and revision of parliamentary practices to institutionalise a gender perspective, ensure gender equality and prevent discrimination.

GLOSSARY OF CONCEPTS

ACCOUNTABILITY

Duty of all people or authorities to explain, provide justification for, and communicate the decisions and actions that they have taken with respect to public resources that they have received or used on behalf of citizens.

Source: ParlAmericas and Latin American Network for Legislative Transparency, 2016

CITIZEN PARTICIPATION

Active involvement of citizens in public decision-making processes that may have an impact to their lives.

Source: Ministerio Secretaría General de la Presidencia, Chile & Consejo de Participación Ciudadana y Control Social, Ecuador, 2016

CONFLICT OF INTEREST

A situation where a person's private interests — such as outside professional relationships or personal financial assets — interfere or may be perceived to interfere with his/her performance of official duties.

Source: Ethics Office, United Nations (UN), 2016

DECLARATION OF ASSETS

Control mechanism that contributes to the protection of public interests. On the one hand, while they are intended to detect and prevent conflicts between public interest and private, personal, professional or commercial nature; also, they warn about any potential cases of unjust enrichment and allow stepping in with a view to clearing any doubts and adopting any sanctions, should these be required.

Source: Anti-Corruption Office, Ministry of Justice and Human Rights, Argentina, 2016

ENFORCEMENT AGENCY FOR PUBLIC INFORMATION

An agency whose purpose is to promote transparency in the civil service, supervise compliance with rules on transparency and disclosure of information by Government Agencies, and guarantee the right to access information.

Source: Law 20.285 on Access to Public Information, Chile, 2016

ETHICS AND PROBITY

The norms of highest integrity that individuals should adhere to while serving as members of parliament. These norms should be codified in a code of conduct, which regulates the behaviour of legislators by establishing what is considered to be acceptable behaviour and what is not. In other words, it is intended to create a political culture which places considerable emphasis on the propriety, correctness, transparency, and honesty of parliamentarians' behaviour.

Source: Legislative Ethics and Codes of Conduct, Stapenhurst, R. y Pelizzo, R., World Bank Institute, 2004

GENDER EQUALITY

Equal rights, responsibilities and opportunities of women and men and girls and boys. Equality does not mean that women and men will become the same but that women's and men's rights, responsibilities and opportunities will not depend on whether they are born male or female. Gender equality implies that the interests, needs and priorities of both women and men are taken into consideration, recognizing the diversity of different groups of women and men. Gender equality is not a women's issue but should concern and fully engage men as well as women. Equality between women and men is seen both as a human rights issue and as a precondition for, and indicator of, sustainable people-centered development.

Source: UN Women, 2016

LOBBYING OR MANAGEMENT OF INTERESTS

A practice whereby those who represent individual interests, argue in favour of them before decision makers.

Source: Centro de Implementación de Políticas Públicas para la Equidad y el Crecimiento (CIPPEC), 2009

OPEN BUDGET

Government budget data that are made accessible to the public (online) in editable (machine readable) and reusable format, without any restriction (free/legally open). Requirements to protect the confidentiality of personal or classified information should be considered while posting open budget data.

Source: Financial Management Information Systems and Open Budget Data: Do Governments Report on Where the Money Goes, Min & Dener, World Bank, 2013

OPEN DATA

Digital data that is made available with the technical and legal characteristics necessary for it to be freely used, reused, and redistributed by anyone, anytime, anywhere. Data must comply with the following six principles:

1. Open by default;
2. Timely and comprehensive;
3. Accessible and usable;
4. Comparable and interoperable;
5. For improved governance and citizen engagement;
6. For inclusive development and innovation

Source: International Open Data Charter, 2015

OPEN PARLIAMENT

A new form of interaction between citizens and legislative powers that promotes parliamentary openness and transparency, to ensure access to public information, accountability, citizen involvement, and high probity and ethical standards in parliamentary work.

Source: ParlAmericas and Latin American Network for Legislative Transparency (LALT Network), 2016

RIGHT OF ACCESSIBILITY TO PUBLIC INFORMATION

A fundamental human right whereby any person may access information that is of public interest, developed by public institutions or by third parties with public funds. This information must be provided and posted in friendly formats that allow for real time access and reuse.

Source: Model Inter-American Law on Access to Public Information, Organization of American States (OAS), 2010

SOCIAL OR PARTICIPATORY ACCOUNTABILITY

A form of accountability that emerges from actions taken by citizens and civil society organizations to uphold this type of accountability by the state, as well as the efforts of governments and other social actors (media, private sector, donors) who support and respond to these actions.

Source: Fostering Social Accountability: From Principle to Practice, Guidance Note, United National Development Programme (UNDP), 2010

TRANSPARENCY

Programmes and mechanisms in place to disclose reliable and accessible information on institutional performance, indicating officers' responsibility for use of public resources and decision making.

Source: *Transparencia y rendición de cuentas, Jonathan Fox, en J. M. Ackerman coord. Más allá del acceso a la información. Transparencia, rendición de cuentas y estado de derecho, 2008*

Note: (A) Active transparency: in accordance with enacted laws, publishing information on Internet sites of state organizations and services; (B) Proactive transparency: a combination of activities and initiatives that promote re-circulating information relevant to specific sectors of society, published by the liable subjects, in an effort to go beyond legally established obligations; (C) Passive transparency: the duty of Government agencies to respond to requests for information, unless this is prevented by secrecy or non-disclosure provisions set out by law.

Fuente: *Los órganos garantes de la transparencia y el acceso a la información en Chile y México, 2012, and Instituto Nacional de Transparencia, Acceso a la Información y Protección de Datos Personales de México, 2016*

DRAFTING PROCESS

STEP 1:

The preliminary document was drafted at a meeting organized by ParlAmericas in Buenos Aires, Argentina, on March 17, 2016, which was attended by parliamentarians and civil society organizations representing the LALT Network.

STEP 2:

The preliminary document was improved upon with the help of non-governmental organizations and civil society representatives from Latin America, the Caribbean, and North America.

STEP 3:

The preliminary document was finalized during the 1st Gathering of ParlAmericas' Open Parliament Network in Asuncion, Paraguay on May 26-27, 2016 with the contributions of more than 50 legislators from the following 20 countries in the Americas and the Caribbean:



ANTIGUA & BARBUDA



ARGENTINA



BAHAMAS



BOLIVIA



CANADA



CHILE



COLOMBIA



COSTA RICA



CUBA



EL SALVADOR



GUATEMALA



HONDURAS



MEXICO



NICARAGUA



PANAMA



PARAGUAY



PERU



DOMINICAN REP.



SAINT LUCIA



VENEZUELA

DECLARATION

Having discussed and amended the “Road Map towards Legislative Openness” at its gathering on May 26-27, 2016 in Asuncion, Paraguay,

Acknowledging that the road map was developed as a result of direct engagement and consultations with civil society organizations representing all sub-regions of the Network,

Supporting the principles of legislative openness presented in the Declaration on Parliamentary Openness and in the Declaration of Santiago on Transparency and Integrity in Parliaments and Political Parties,

The Open Parliament Network of ParlAmericas agrees to:

- 1 Promote the “Road Map towards Legislative Transparency”;
- 2 Share this document with parliamentary colleagues and institutional partners;
- 3 Implement a number of these commitments at the national level;
- 4 Inform ParlAmericas of actions taken by national legislatures to implement the commitments of the road map with the aim of collecting and sharing best practices;
- 5 Work alongside civil society organizations, including the Latin American Network for Legislative Transparency (LALT Network), to develop and implement policies, regulations, and practices identified in the road map;
- 6 Encourage the establishment of multi-party groups or committees that will continue to discuss and push for the implementation of initiatives based on the commitments adopted;
- 7 Participate in data collection on parliamentary openness to implement the Latin American Transparency Index in all ParlAmericas member countries to allow for future evaluations of progress in this area; and
- 8 Respect each country’s autonomy in setting its own rhythm in how it makes progress and in the distinctive features and specific agendas it chooses to adopt, according to each country’s political and institutional reality.

ORGANIZATIONS THAT CONTRIBUTED



composed of the following member organizations:





**PARTICIPACION
CIUDADANA**
participación ciudadana en participación



**Poder
Ciudadano**



Reflexión
DEMOCRÁTICA



Semillas
para la Democracia



**TRANSPARENCIA
MEXICANA**



TRANSPARENCIA



Corporación
**TRANSPARENCIA
POR COLOMBIA**
Centro de Transparencia Internacional



**TRANSPARENCIA
VENEZUELA**



**VISION
LEGISLATIVA**

Organizations from North America and the Caribbean:



Citizens For A Better Bahamas



**Transparency Institute
Guyana Inc.**
*Promoting transparency and accountability
and eradicating corruption.*



**P
N
U
D**



**The Caribbean
Open Institute**



OpenNorth



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