



Championing parliamentary oversight:

THE LONDON DECLARATION ON POST-LEGISLATIVE SCRUTINY

The London Declaration aims at raising awareness about the role of parliaments in overseeing the implementation of legislation and galvanising locally-appropriate action from legislators, experts and citizens.

The initiative is sponsored by Westminster Foundation for Democracy (WFD), the UK public body dedicated to supporting democracy around the world.

The Declaration is an outcome of the Academic Seminar on Post-Legislative Scrutiny held in London on 10 July 2018 and jointly organised by the Institute of Advanced Legal Studies and WFD.

WFD will maintain a 'pledge bank', openly accessible online on www.wfd.org. It will also support signatories by providing advice and learning opportunities.

Background

The effective implementation of laws is a complex business and it depends on many elements including - to name a few - funding, compliance, commitment and cooperation from institutions and citizens. Implementation can also be affected by changes in politics, in the economy or in society.

Parliaments and elected representatives have often little information on what happens after a law is adopted. The focus is often on getting legislation made, not on checking how well it is being implemented and if it is being implemented at all.

Post-Legislative Scrutiny consists of the body of mechanisms and practice used to monitor and evaluate the implementation of legislation, ensuring laws benefit constituents in the way originally intended by lawmakers.

The pledge

By signing up to the London Declaration, parliaments, institutions, NGOs and research organisations commit to promote, initiate, strengthen or support practices of Post-Legislative Scrutiny in a national or subnational parliament.

Signatories are also invited to add specific pledges: locally-appropriate actions they commit to take between now and 2020.



This is a draft of the London Declaration on Post-Legislative Scrutiny, as made available to participants in the Academic Seminar on Post-Legislative Scrutiny on 10 July 2018.

We seek feedback by 15 September 2018 via e-mail to events@wfd.org

THE LONDON DECLARATION ON POST-LEGISLATIVE SCRUTINY

We, the signatories of this Declaration,

Believe that the success of democracy rests on its capacity to improve the lives of citizens;

Reaffirm that effective democracies need to adopt and implement legislation in accordance with the principles of legality and legal certainty;

Recognise that parliaments and legislators play a crucial role in monitoring and evaluating if laws are benefiting citizens as originally intended;

Acknowledge the need to identify any adverse effects of legislation more quickly and frequently, particularly when these impact populations already experiencing disadvantage and inequality;

Commit to promote Post-Legislative Scrutiny, to ensure laws are implemented as intended, to increase legislators' focus on implementation and delivery of policy aims and to identify and disseminate good practice, so that lessons may be drawn from the successes and failures revealed by this oversight work;

Call upon Parliaments and other actors involved in the adoption and implementation of laws, including the executive, judiciary, civil society, independent oversight institutions, to commit and contribute to the quality and effectiveness of legislation, through Post-Legislative Scrutiny.

We put forward and endorse the following ten principles on legislative scrutiny:

1. Post-Legislative Scrutiny is important to hold government to account. Parliament has a responsibility to monitor the laws it has passed have been implemented as intended and have had the desired effect.
2. Parliament should seek to carry out two dimensions of Post-Legislative Scrutiny: (1) evaluate the introduction and enforcement of a piece of legislation; (2) to evaluate its intended policy outcomes.



3. Parliament can undertake Post-Legislative Scrutiny on any matter that it so chooses and at any given time. Trigger points for the parliament to initiate Post-Legislative Scrutiny include, among others, requests by citizens or organizations that a piece of legislation be reviewed, media reports, petitions, members of the judiciary highlighting gaps, loopholes or contradictions in legislation, and regular parliamentary committee work dealing with an issue.
4. Parliament must follow an open and consultative process for identifying the pieces of legislation that are selected for review, considering the time and resources available for Post-Legislative Scrutiny. If applicable to the national context, legislation which impacts on civil liberties and legislation adopted under fast-track procedures is included in the list of legislation selected for review.
5. Parliament calls upon the Executive to provide adequate access to information as this affects the efficiency of Post-Legislative Scrutiny by parliament to a significant extent. This is fundamental when Parliament intends to review secondary or delegated legislation at the same time as reviewing primary act. In circumstances where policy decisions are made by the Executive at the time of issuing secondary or delegated legislation, parliament needs appropriate time for assessment.
6. Post-Legislative Scrutiny provides an opportunity to assess the impact of legislation on the well-being of citizens and to address any unforeseen disadvantages or inequalities that may have been created based on gender, education, geographic location, disability, sexuality, income, religion, ethnicity, language or other factors. Such an approach also supports greater monitoring and oversight of policy commitments to gender equality and human rights.
7. Parliamentary committees play a key role in conducting Post-Legislative Scrutiny. Parliament will consider the appropriate structure to conduct Post-Legislative Scrutiny, whether it is assigned to standing (permanent) sectorial committees, to a dedicated committee, to ad hoc committees or to a parliamentary unit. Post-Legislative Scrutiny requires an inclusive process in which all party groups can participate.
8. Parliament should seek to include outreach and public engagement as part of the Post-Legislative Scrutiny process as this enables the access to additional sources of information and evidence. Committee public hearings or consultations which are part of the Post-Legislative Scrutiny inquiry can enhance public trust in parliament and in other democratic institutions. Any Post-Legislative Scrutiny reports should be made available to the public, whenever possible.
9. Parliament should consider putting processes in place to ensure consideration of the findings of Post-Legislative Scrutiny. Recommendations of Post-Legislative Scrutiny reviews are tracked and followed through and, where necessary, changes to legislation

and policy are made in a timely manner. Parliaments should have clear processes in place to amend legislation following Post-Legislative Scrutiny reviews.

10. Parliament should consider institutionalising its efforts in Post-Legislative Scrutiny through its inclusion in the parliamentary rules of procedures. This contributes to generating clarity, purpose and resources for Post-Legislative Scrutiny activities.

Organisation	
Country	
Authorised person	
Role / function / title	
E-mail address	

Priority initiatives on Post-Legislative Scrutiny the signatory commits to undertake by 2020 [please list]:

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