Session 2A: Parliament and the people – Innovation in engagement

No longer strangers in the House: Brazil's e-Democracy project to engage the public with business before the House

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Introduction

As recent polls suggest, citizens' trust in, and engagement with, our elected representatives would appear to be on a downward trajectory. In the 2016 audit of political engagement, the Hansard Society found that only a quarter of the British public is satisfied with the performance of their parliament and their representatives and only 42 per cent thought that the Parliament held the government to account. A significant number (85 per cent) feel that they have not much or no influence at all over decision making nationally. The audit also found that while people are interested in getting involved in decision making (41 per cent), just 28 per cent believed that Parliament encourages public involvement in politics and parliamentary processes.[1]

In Australia, a 2014 poll conducted by the Australian National University shows that only six per cent of respondents had 'a great deal' of confidence in the Parliament, leaving the law making body as the least trusted institution among nine institutions that respondents were asked about (including churches [11 per cent], banks [14 per cent] and the public service [14 per cent]).[2] Another 2013 survey, conducted by the Institute for Governance and Policy Analysis at the University of Canberra, also found that nine in ten Australians did not feel that they have very much or any influence at all over national decisions and that there was support for the development of a more 'integrated, inclusive and responsive democratic system'.[3]

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[1] Hansard Society, 2016, *Audit of Political Engagement 13*, p 6 and p 48. viewed on 8 January 2017, <http://www.auditofpoliticalengagement.org/assets/media/reports/Audit-of-Political-Engagement-13-2016.pdf>

[2] Australian National University, *ANU-SRC Poll: Changing views of governance: Results from the ANUpoll, 2008 and 2014*, pp 3-5, viewed on 14 December 2016, <http://politicsir.cass.anu.edu.au/sites/politicsir.anu.edu.au/files/ANU_SRC_Poll_Governance_1.pdf>

[3] Evans M, Stoker G & Nasir J, 2013, *How do Australians image their democracy?*, Institute for Governance and Policy Analysis, University of Canberra, viewed on 8 January 2017, <http://www.governanceinstitute.edu.au/centres/ccg/how-do-australians-imagine-their-democracy>

This paper explores one way in which a parliament can engage citizens, with a focus on the legislative process, to help restore the confidence and trust of the public. It first examines an online consultation portal developed and trialled by the Brazilian parliament, followed by an analysis on the benefits and challenges in implementing this portal.

e-Democracia project by the Brazilian Parliament

In 2009, Brazil's House of Representatives trialled and implemented an online portal, known as e-Democracia, to enable the public to comment on policy or legislative matters and suggest amendments to bills before the House. The main objectives of this online portal include: 1) providing the public with an interactive online platform for sharing information and networking for legislative purposes; 2) enhancing the public's understanding of parliament's legislative process and selected legislation; 3) crowdsourcing and collaborating on ideas to help representatives in the formulation of legislation; and 4) increasing the public's engagement with and confidence in the Parliament through their involvement in a more open and transparent parliamentary process.[4] The following section will briefly outline the structure and key features of e-Democracia, and explain the consultation process for one of its key components, virtual community. It will then assess the achievements, benefits and challenges of e-Democracia.

Structure of e-Democracia

e-Democracia encompasses two modules: ***free space*** and *a* ***virtual community***. Free space allows the public to participate in and initiate discussions on any policy and legislative matters in an un-moderated environment, whereas the virtual community is structured to help facilitate debates on specified policy and legislative matters in a moderated environment.

Virtual community can be further divided into two components: ***themed-based forums*** and ***Wikilegis***. While both components invite public comments and suggestions, they are different in terms of the type of information they seek. In a themed-based forum, the portal administrator posts specific questions on a given policy or legislative issue and seeks public opinions or suggestions. Sample questions might be: 'what is right and what is wrong with current Brazilian space policy?' or 'what role should the National Congress play in re-assessing the Brazilian space policy?'.[5] Wikilegis, on the other hand, posts a selected bill paragraph by paragraph and invites the public to make comments, suggestions or amendments to the bill or parts of the bill.[6]

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[4] Faria C, 2013*, The open parliament in the age of the internet: can the people now collaborate with legislatures in lawmaking?* Ch 6, p 195, Camara dos deputados, viewed 17 January 2017, < http://bd.camara.gov.br/bd/bitstream/handle/bdcamara/12756/open_%20parliament_cristiano.pdf?sequence=4>

[5] Ibid, p 207.

[6] Ibid, pp 195-207.

Key features

There are several important features built within e-Democracia. First of all, e-Democracia requires interested contributors to register and create a user profile. Secondly, e-Democracia is designed to allow the portal administrator to cancel registration, create polls, upload documents including audio and video files, and send automated emails containing the latest comments to members in the same virtual community. It also allows users to build a virtual library with shared information in text, audio or video format. Thirdly, e-Democracia enables users to make their contribution in parts and at different times to suit their convenience.[7] Last but not least importantly, e-Democracia imitates Facebook's like/dislike symbol which indicates the level of support/opposition for the bill or comments. A report summarising the number of community memberships, the support or opposition (likes and dislikes) for a bill, and contributions is also published on the online portal for public reference.

Virtual community and its consultation process

The consultation process for a virtual community begins when a representative requests the creation of a virtual community for his or her policy matters or bills. The representative liaises with legislative consultants, who are permanent employees of the House of Representatives,[8] to create the initial content page and determine the length of time allowed for public participation. During the online consultation period, legislative consultants moderate the content on the virtual community. If necessary, they assess the viability of suggestions and transform them from colloquial language into legal text and format. Once the online consultation ends, legislative consultants summarise and analyse the content and produce a report for the representative and relevant legislation review committees. It is then up to the representative and legislation review committees to decide whether or not to accept amendments to the bill.[9] The representative may then present the bill to the House of Representatives and the Senate for their consideration.

Achievements and benefits of e-Democracia

Cristiano Ferri Faria, a senior official of the Brazilian House of Representatives and co-founder of e-Democracia, identified six achievements of e-Democracia: a record of real citizen participation in bill drafting, the establishment of a wide variety of participatory mechanisms, increased legislative transparency, increased civic engagement, increased engagement by MPs with their constituents and citizens in general, and increased digital connections formed across the country.[10]

While e-Democracia might not be a silver bullet that changes the public's disengaged attitudes towards politics or the legislative body, it can help facilitate more interaction

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[7] ibid, p 206 & 211.

[8] Ibid, p 203. Nb. In 2013, it was estimated that the Brazilian House of Representatives had 180 specialised legislative consultants covering 21 fields of knowledge.

[9] Ibid, p 205 and p 206.

[10] OpeningParliament.org, 2013*, Case Study #5: Brazil's e-Democracia project*, viewed on 12 January 2017, < http://blog.openingparliament.org/post/60749859717/case-study-5-brazils-e-democracia-project>

between the Parliament, its members and the people. The user's experience in communicating and collaborating with legislators on the construction of bills, especially on bills that lead to a change in public policies, is a potentially useful tool in helping to increase the public's willingness to participate in parliamentary and legislative processes.

This is particularly so given that the public's recommendations are sometimes incorporated in the bill and the text of the final law. Faria, senior official in Brazil's House of Commons, estimated that 30 per cent of Brazil's Youth Statute Bill was based on the comments received on e-Democracia.[11] Patricia Rossini, a Brazilian political communication and technology researcher, found that comments on e-Democracia had resulted in amendments in four clauses of a bill that determined Brazil's civil rights in using the Internet.[12] After analysing the content of the amendments suggested by the public, Rossini commented that the public 'added some important variables to the fundaments of the bill' and that the representatives were 'open to accept amendments proposed by ordinary citizens who participated through the e-democracy initiative'.[13] By crowdsourcing intelligence from a wide range of people including civil servants, subject experts, academics and others with relevant experience, bills are better scrutinised and contemplated, taking into account various scenarios and consequences.

However, while there is evidence illustrating some achievements and benefits of e-Democracia, its real effect on the improvement of legislation is still difficult to measure. The author has not found a great deal of information that helps evaluate the effectiveness of e-Democracia, such as how many and what Brazilian legislation has been informed by Wikilegis, the total number of citizens' amendments, the number of amendments incorporated, and profiles of the contributors whose amendments were accepted.

Challenges

While e-Democracia might appear to be an attractive option for engagement and policy formation, it does raise challenges concerning politics, resources, accessibility and the management of abusive language and defamatory comments. Each one of these challenges is discussed below.

Politics

According to e-Democracia developers, the most immediate challenge was getting legislators on board. To ensure the project was implemented, the developer had to secure the support of senior parliamentary officers, the Speaker and some members of the House of Representatives. While some members were 'highly enthusiastic' about the project, many were sceptical.[14] The e-Democracia project team had to begin with a trial phase that

[11] Ibid.
[12] Rossini P, *Is political participation online effective? A case study of the Brazilian Federal Chamber of Representatives' e-democracy initiative.* Accessed 12 January 2017 < http://www.inter-disciplinary.net/critical-issues/wp-content/uploads/2013/04/rossinicyberpaper.pdf>
[13] Ibid.
[14] Op. cit., p 200.

showed its value to sceptical members before they established a more permanent structure.[15]

In reviewing how easy or difficult it was to convince Brazilian legislators to accept e-Democracia, it is important to note that in the Brazilian model, members have the power to decide which one of their bills are to be debated in e-Democracia and what amendments are to be accepted.[16] It is uncertain if members would still embrace this new online consultation portal in the absence of this critical power.

Even if e-Democracia is embraced by members, it is also uncertain how members will use the online consultation portal. If members only put forward a small number of relatively inconsequential bills for public comment or if they do not accept recommendations with a vast majority of support, there is the potential that users of e-Democracia and members of the public might become disengaged and lose confidence in the project, and perhaps Parliament more generally.

Resources

There are two main expenses associated with e-Democracia. One is the cost involved in the set-up of the online portal at the preliminary stage.[17] The other is the human resources required in managing large and unorganised virtual comments. In his 2013 paper, Faria argued that a better designed interface might help organise information received and reduce the demand on scarce human resources.[18]

Accessibility

Another important question about e-Democracia is whether, given its nature as an online portal, it limits participation by people with low computer literacy or no Internet access? Maybe. However, that should not be a reason to prevent the parliament from providing an additional consultation platform. Parliaments also have the option of developing other packaged strategies to enable participation by people with low computer literacy or no Internet access. For example, to enable residents to participate in e-Democracy in the municipality of Belo Horizonte in Brazil, the government installed computers in the city kiosks and employed operators to help residents to input their opinions into computers.[19]

Abusive language and defamatory content

Perhaps one of the greatest concerns in adopting a live online forum for public consultation is the risk of having to deal with abusive language and defamatory content. In this case, the website administrator can require any new member to read and agree to codes of use for

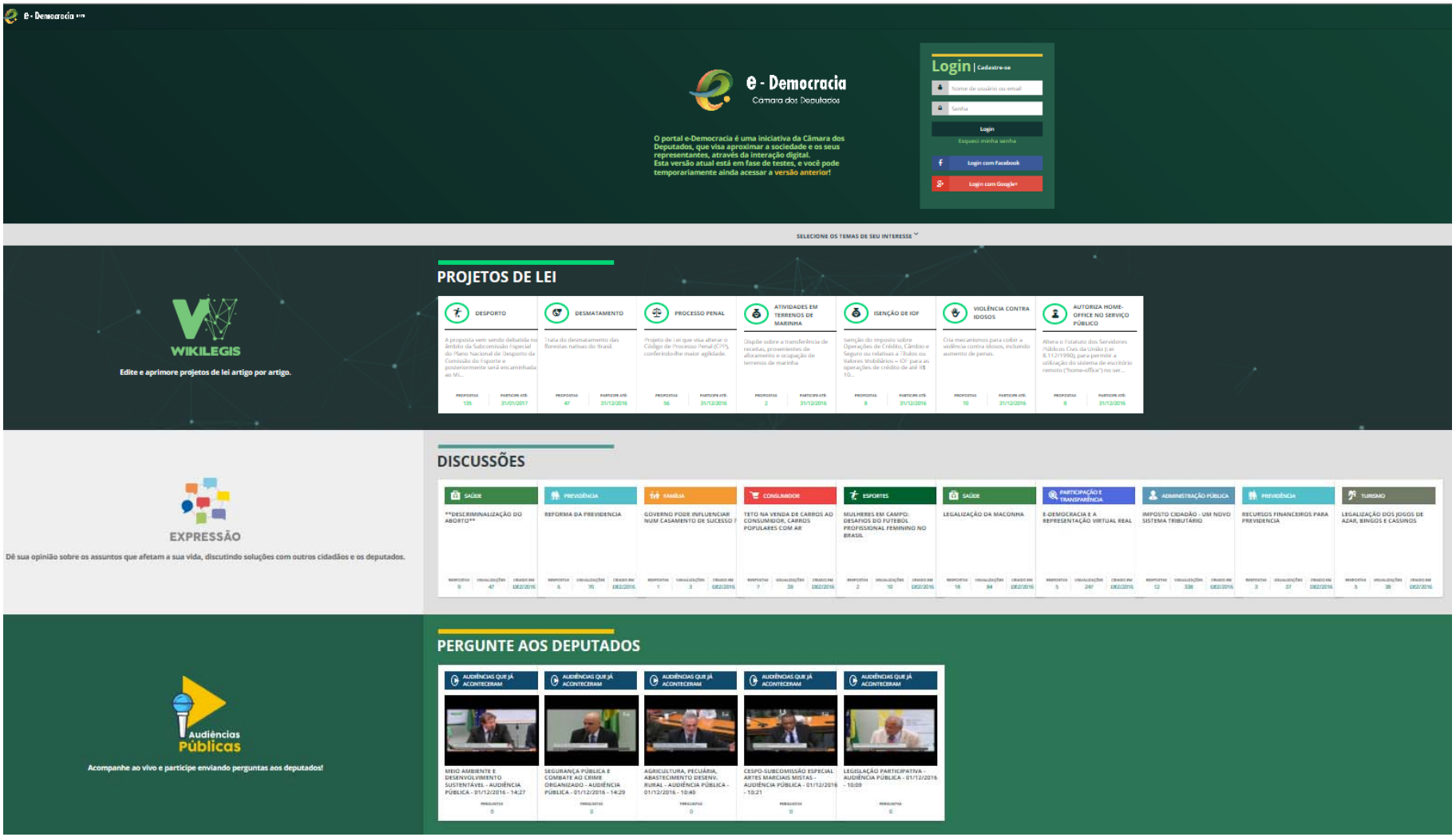
[15] Op. cit.
[16] Op. cit. p 204.
[17] Op. cit.
[18] Op. cit. p 210.
[19] Ferri Soares de Faria C, *The d-Democracy project applied to the climate changing policy in the Brazilian parliament: a case study*, p 16, European Consortium for Political Research, view on 17 January 2017, < https://ecpr.eu/Filestore/PaperProposal/4493c97b-1b44-45a2-b3cf-d7305d1e57a7.pdf>

the website before allowing them to register. The administrator can also add a 'Report abuse' symbol to every comment so that other users can also help moderate and report any violation of the code. If nothing else works, the administrator can always cancel an abusive user's registration!

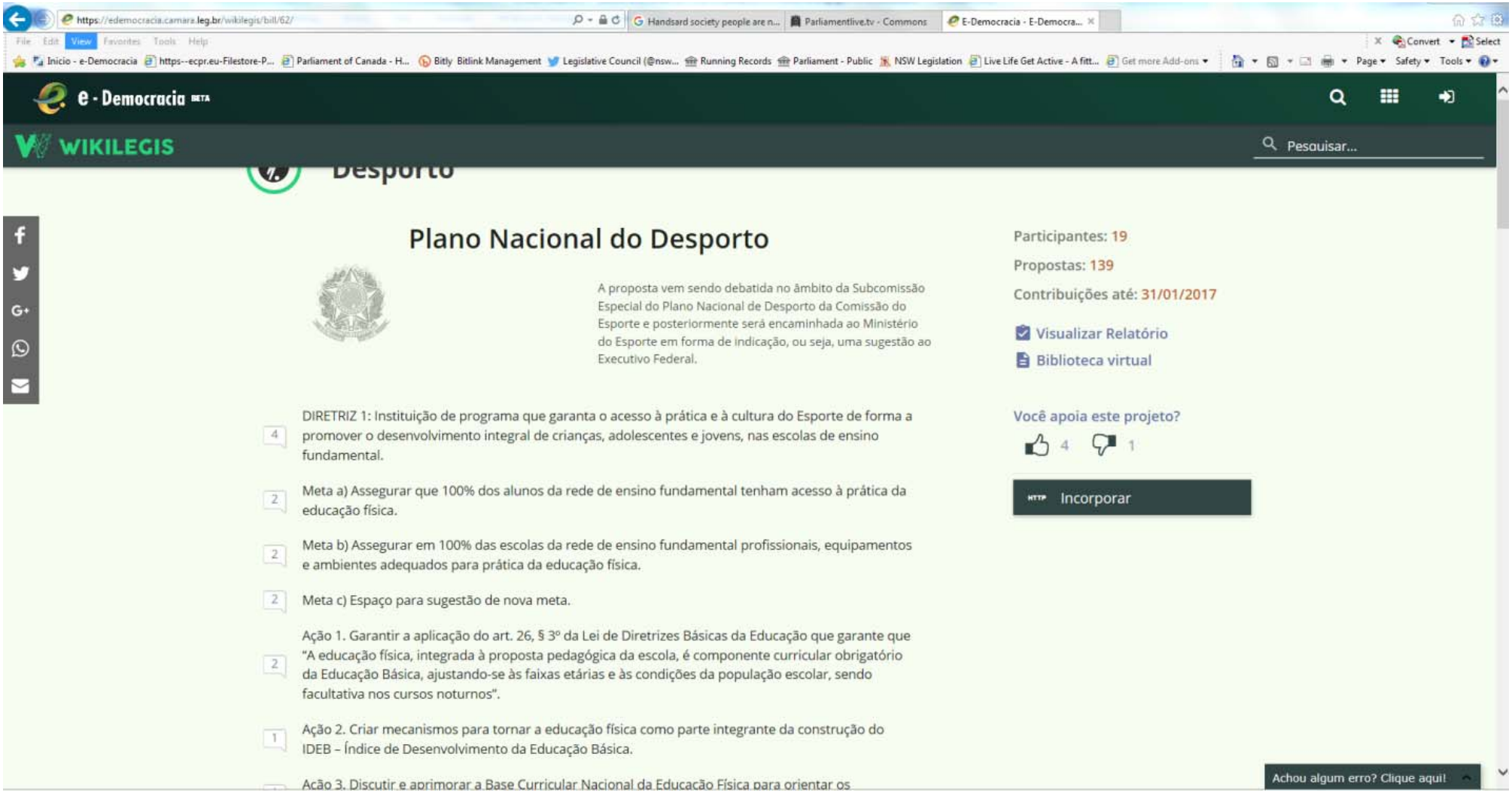
Conclusion

In summary, the public is losing their confidence and trust in the parliament and its members, and has shown support for opportunity for their participation in the decision-making process. The e-Democracia developed by the Brazilian parliament presents an interesting opportunity for better engagement with members of the public at a time when confidence and trust in the institution is low. However, in the author's view, for any strategy to engage the public substantially, continuously and meaningfully, representatives and the parliament must be prepare to show the public that their contributions are not a waste of time and can lead to a real change in public policies.

Appendix 1: Home page of e-Democracia



Appendix 2: Wikilegis – Main webpage of a draft bill by article



Appendix 3: Wikilegis – Webpage of an article of a draft bill and the public's amendments and comments