

DEMOCRATIC AUDIT OF THE UNITED KINGDOM



DEMOCRATIC AUDIT

Democratic Audit, the research organisation attached to the Human Rights Centre, University of Essex, has just completed a systematic and detailed audit of democracy and human rights in this country. This up-to-date audit, *Democracy under Blair*, is published by Politico's, at £12.99. This web report presents the main findings of the audit, first in brief with an illustrative diagram, and then in fuller form.

This audit follows on from previous audits that analysed the state of democracy and political freedom in the UK up to 1997 – *The Three Pillars of Liberty*, by Francesca Klug, Keir Starmer and Stuart Weir, and *Political Power and Democratic Control in Britain*, by Stuart Weir and David Beetham, both of which were published by Routledge. Thus it charts the state of democracy in May 1997 and democratisation since then under a government that is pledged to renew and modernise British democracy.

DEMOCRATIC AUDIT

The Human Rights Centre is the base for Democratic Audit, a proactive research organisation into the state of democracy and human rights in the UK and around the world. The aim, far from realised, is to give British citizens genuine political influence and control within a modern democratic state.

The Centre and Audit share an ethos of public engagement. Scholars from Essex make a significant contribution to the Audit's work. But the Audit is a voluntary organisation of scholars from other universities as well, lawyers, journalists and others who come together to improve the quality of democracy in the UK. There are significant links with political scientists, academic lawyers, sociologists and others from the London School of Economics, Birkbeck and University Colleges, London, the Universities of Leeds, Bradford, Durham, and Westminster, and other bodies such as Democratic Dialogue, Belfast.

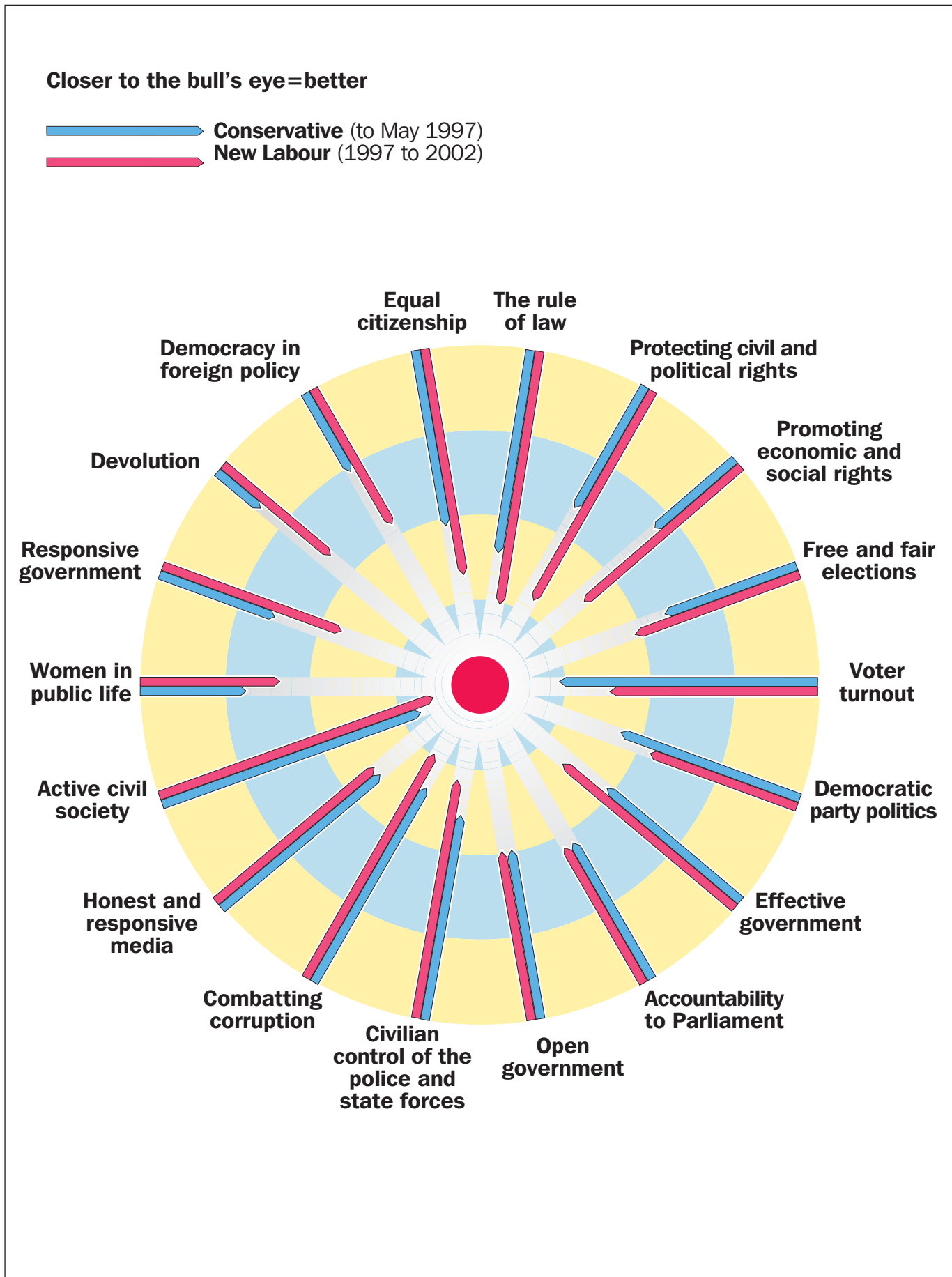
The Audit's pioneering work on democracy assessment has been developed through International IDEA (Institute for Democracy and Electoral Assistance) into a more universal system. IDEA has conducted democracy assessments by in-country teams in eight nations in association with David Beetham, Stuart Weir and colleagues at Leeds University. Kluwer Law International has published *The IDEA Handbook on Democracy Assessment* and is about to publish a further comparative report. Democratic Audit has also issued expert reports on UK elections, quangos and other democratic issues and takes on consultancy, education and training work in the UK and abroad.

This report concerns only the latest audit of the UK. Fuller details about the Audit will shortly be published on a new website to be developed by the Human Rights Centre.



BRITISH DEMOCRACY IN BRIEF

Britain's democratic targets: progress up to 2002



BRITAIN'S PERFORMANCE under both the Conservative (up to May 1997) and Labour (1997-2002) governments on the democratic target board above is based on the 14 detailed qualitative and quantitative assessments set out in Democracy under Blair. The audit book also contains a set of findings and overall analysis. Here in brief are summaries of the main findings on which the illustrative assessments on the target are based. These assessments are not set against notions of a perfect democracy; the perspective here is best practice in European and other modern democracies. These assessments are made by the authors of the 2002 audit: David Beetham formerly head of the Centre for Democratisation Studies, Leeds; Iain Byrne, of Interights; Pauline Ngan, research assistant to Dr Tony Wright MP; and Stuart Weir, director of Democratic Audit.

Equal citizenship

Most British people are formally citizens of the UK and EU and share a basic right to reside in and return to the UK with other EU citizens. Legally they are subjects of the Crown and enjoy no legal statement of their rights and responsibilities as citizens. Decisions on asylum, immigration, settlement and naturalisation are at the discretion of the Home Office whose officials in practice discriminate on grounds of ethnicity and national origin. The failure of successive governments to reconcile international obligations on asylum with a hostile domestic press and much public opinion has created an inefficient and unfair asylum system, characterised by deterrents, delays, detentions and dispersal policies.

The rule of law

Formally everyone in the UK is entitled to equal treatment under the law and equal access to justice. Racial and ethnic minorities experience discrimination at the hands of the police and courts, as in other public services, but the government has now placed all public bodies under a duty to provide equal opportunities. Access to civil justice is limited by a new legal aid scheme and criminal justice is marred by incompetent investigations and unlawful convictions. The judiciary is socially unrepresentative, but fiercely independent, though the multiple roles of the Lord Chancellor compromise its integrity. Sectarian violence in Northern Ireland and other forms of lawlessness stain Britain's record.

Protecting civil and political rights

The Human Rights Act 1998 has remedied the systematic inadequacies in the protection given to civil and political rights up to 1997. But freedom of

expression is limited by libel and blasphemy laws; anti-terrorism laws since 1997 have expanded police powers; foreign nationals may be imprisoned without charge or trial; and the government is gradually accruing greater powers of surveillance (through the EU [delete and] as well domestic law and practice).

Promoting economic and social rights

Poverty and inequality run deeper in the UK than in any comparable EU nation. Nearly one in four people live under the official EU poverty line. Since 1997, the Labour government has sought to address the accumulated legacy of distress and disadvantage through targeted measures and increases in employment; and is further committed to eradicating child poverty by 2020? Major reform programmes in the NHS and schools are underway. But ethnic minorities suffer from multiple discriminations and disadvantages. The right to strike is unprotected in law. Our scoring reflects the continuing effects of the Thatcher era and the higher standards of social protection, health services and worker and trade-union rights in other EU nations.

Free and fair elections

Parliamentary elections are grossly disproportionate and regularly return one of the two larger parties to power with a large majority in the popular chamber won on a minority of the popular vote (in 2001, Labour won a huge 166-seat majority over all other parties in the House of Commons on just 44 per cent of a falling popular vote). The second chamber is an entirely unelected body. Proportional elections – the norm in Europe – have been introduced for the newly-devolved Scottish Parliament and assemblies and European Parliament, but a promised referendum on electoral reform for Westminster has been kicked into touch. Reforms under Labour have enfranchised excluded people, like the homeless, opened up voting generally, and established a body to oversee elections and referendums. The two main parties retain a huge advantage in funding and media coverage at parliamentary elections; the Prime Minister retains the power to fix the date of the election in the governing party's interests; and his government has shamelessly abused its powers to employ government advertising in its interests.

Voter turnout

The public's disillusion with party politics is reflected in the falling turnout in most elections. In 2001, the turnout was the lowest ever since the advent of universal adult suffrage at 59.4 per cent of the registered electorate; in 1997, the turnout

was 71.4 per cent. Just 44.4 million people were registered to vote. Disillusion is common throughout democratic states, but the UK's figures are among the lowest in the EU. In the 1997 election, non-voters came second to Labour and were just 2 per cent of the vote behind; in 2001, the "Non-Voting Party" won a huge 15 per cent victory over Labour that quite eclipsed Blair's formal landslide.

Democratic party politics

UK parties are small by European standards and their memberships are falling. The electoral system and strong party discipline make the two dominant parties formidably efficient at forming and sustaining governments in office, but at the expense of representative government and more pluralist party politics at Westminster. The parties must now register to take part in elections, but largely to ensure their financial probity and to enforce rules on spending and donations. Internally the parties are run by small oligarchies that observe quasi-democratic practices; and increasingly rely on large donations from individuals for their finances.

Effective government

Governments in the UK are traditionally made "strong" through their unearned majorities in the House of Commons. In practice, their majority power makes Parliament and its law-making powers subordinate to their will; and since Parliament's legal sovereignty is at their disposal, raises them above the judiciary. Recent governments have centralised power and their legislation, policies and actions are largely unchallenged in Parliament and elsewhere. It is acknowledged that current legislation, poorly framed and ill-thought-through, goes through Parliament unchecked. But the prevalence of "policy disasters" – like the poll tax, the BSE/CJD scandal, rail privatisation, the Millennium Dome, the A and AS level exam fiasco, and so on – is not yet so obvious. Government in the UK suffers from being unrepresentative, over-powerful, centralist and largely unchecked. It may be strong, but it is also not effective.

Accountability to Parliament

The constitutional doctrine of ministerial responsibility to Parliament is a fiction. It is the Prime Minister and the government majority who primarily decide the fate of ministers in trouble; and the media play a greater role than Parliament as a whole. Legally undefined royal prerogative powers give the Prime Minister and ministers executive freedom unchecked by Parliament. The Prime Minister may even wage war without

consulting Parliament. Select committees have improved Parliament's ability to scrutinise, but overall the House of Commons cannot make government accountable for its policies and actions and has a negligible impact on legislation; and the Lords is an unelected cipher which has only a marginal effect on government legislation. Parliament maintains scrutiny of EU legislation and policies, but it is the government alone which has a real say in EU decision-making. The European Parliament has formal power-sharing arrangements with Brussels, but is too remote from the UK and too weak to represent the interests of the British public in the Union.

Open government

The government's Freedom of Information Act 2000 establishes a statutory right of access to official information, but bristles with 31 exemptions to unchallenged access. Some "class" exemptions protect all documents in a given category, like government policy, from disclosure. The government also retains the power to override any decisions by the new Information Commissioner ordering disclosure. Another 300 acts (among them the Official Secrets Act) and orders further prohibit disclosure of information. The degree of secrecy means that the cadre of special advisers and government information officers pursuing the government's "hard-sell" strategy can compromise the political neutrality and accuracy of government information without fear of the full facts being made available.

Civilian control of police and state forces

The armed forces are formally under civilian control and Parliamentary consent must be obtained for their maintenance in peacetime. But the Prime Minister has almost sole command of their disposal and the heads of the three services exert considerable political influence in practice. The intelligence and security services are now statutory bodies and are subject to a nominal system for investigating complaints. They are also nominally accountable to a committee appointed by the Prime Minister, but its powers of inquiry are limited and its reports are censored. The police have traditionally been locally accountable, but over the past quarter century Home Secretaries have increased central power over the police. The Police Reform Act 2002 further consolidates this power. However, police complaints are being taken more seriously, even though excessive police secrecy continues, and police conduct is high by comparison with similar European nations.

Combatting corruption

British politics are relatively uncorrupt by the

standards of the larger European nations. Evidence of corruption in the Commons and "sleaze" generally in the Major era led to reforms, code of conduct for politicians and officials at all levels, and new enforcement mechanisms. But MPs and even ministers obstructed the inquiries of the Commissioner for Parliamentary Standards in a series of high-profile cases and the government connived in her effective dismissal. Public confidence in self-regulation in Parliament, never high, fell further and concerns also rose over the degree of business influence over public policy in the wake of publicity for major donations to the Labour party. Labour is now seen as a sleazy party along with the Conservatives.

Honest and responsive media

The British media are broadly representative of a diversity of interests and opinions, but ownership of broadcasting and the press is being concentrated in fewer corporate hands. The forthcoming Broadcasting Bill will accelerate the corporate hegemony of the broadcast media, though the BBC survives as a well-funded public service. Regulation is becoming more "light-touch". Television maintains high standards in the reporting of politics to an increasingly uninterested public. So do several broad-sheet newspapers, though political biases can distort their coverage. The tabloid press is however often intensely partisan, sensational and trivial and can exploit majority suspicions of asylum-seekers and other societal divisions.

Active civil society

People are less and less active in formal politics, but Britain has a strong tradition of civic and voluntary activism in all walks of life through charities, voluntary organisations, pressure groups, trade unions, protest groups, and so on. Voluntary organisations are mainly independent of the state, but their independence risks being compromised by the £5 billion they receive annually from the state (a third of their income) and their growing service role. Trade unions account for 6.8 million workers and 691 trade associations represent over 670,000 companies. Central and local government rely on over 500,000 members of the public to serve on juries, quangos, local councils, school governing bodies, etc, and to act as JPs and special constables. But discrimination against women and ethnic minorities persists.

Women in public life

After the partial breakthrough at the 1997 election, women's representation in the House of Commons (at 17.9 per cent of all MPs in 2001) far exceeds previous levels in the UK, but compares badly with

other EU nations (other than France and Italy), especially the Nordic nations (e.g., Sweden's figure is 42.7 per cent). We estimate that it would take until 2033 to achieve parity on the Labour benches alone. Women also make up only 16.5 per cent of peers in the Lords. Such figures reflect gender imbalances throughout political, public and business life in the UK. The position for ethnic minorities is even worse, and for women from ethnic minorities worst of all. The Audit contains full figures for most areas of public life.

Responsive government

Four out of five people in the UK believe they have no influence over government policy between elections, even though the government reformed official procedures for public consultation on policy and legislation extensively in November 2000. A new code of conduct set new standards for all government departments. Doubts remain about the willingness of government to consult on controversial issues, such as PFI schemes, at national or local level. The government has made good use of public inquiries, like those into the Bloody Sunday killings, the CJD epidemic, the murder of Stephen Lawrence and child deaths from heart surgery in Bristol, to demonstrate its willingness to give concerned member of the public a voice on matters of particular concern.

Devolution

The UK is a unitary state. Prior to 1997, no nation nor region within the UK had any degree of elected self-rule. The government has since devolved power to a Scottish Parliament and Welsh and NI assemblies. However there is a hole in the heart of devolution – namely, England. Thus 80 per cent of the UK is still directly ruled from the centre. The current measures of "home rule" are unequal and reserve much power at the centre; and the Treasury still rules so far as financial resourcing, tax and benefits policies are concerned (though Scotland can marginally vary the rate of income tax). But they have introduced more representative and responsive government closer to the people in Scotland and Wales; are seeking do so in Northern Ireland as part of the government's brave attempts to achieve a peace settlement; and the dynamism of reform engendered is also affecting England. But the tentative proposals for elected regional assemblies in England aim merely to create weak and confined bodies if they ever exist (as the Greater London Assembly is). The government is cautiously releasing local authorities from tight central controls, but local government in the UK does not meet the standards of the European Charter on Local Self-Government. Overall,

Britain compares very badly on both regional and local government with similar European states.

Democracy in foreign policy

The 1997 government's self-proclaimed ethical foreign policy, emphasising human rights, control of arms sales, environmental protection, etc, has had a mixed record. But if the UK push on debt reliefs for impoverished nations and Clare Short's labours on development and democracy abroad are taken into account, then the UK is making significant progress. Yet the UK aid budget, though raised, will still amount to only 0.4 per cent of GDP by 2005 (the UN target figure is 0.7 per cent). Britain has a disproportionately high place in international institutions and, with the EU, continues to disadvantage developing states in world markets through continued protectionism and subsidies, nullifying the aid effort. The continuing policy of subordination to the USA in aspects of foreign and defence policies is of concern, particularly in view of the unilateralist and hawkish policies now adopted by President Bush

ROUND-UP OF FULLER AUDIT FINDINGS

The democratic audit framework is divided into 14 sections to ensure that the process is systematic and comprehensive. Below we list the summary findings from the full analysis contained in Democracy under Blair. We do not include the overall analysis set in the book.

Section 1 **Citizenship & nationhood**

Is there public agreement on a common citizenship without discrimination?

- There is no clear legal statement of the rights and duties of citizenship, apart from the right to reside in and return to the UK, which is also enjoyed by other EU citizens.
- Decisions on immigration, settlement and naturalisation are at the discretion of the Home Office. Its officials can in practice discriminate systematically on grounds of ethnicity or national origin, and also in decisions whether to allow spouses and families of British citizens to join them from abroad.
- The Race Relations (Amendment) Act 2000 put obligations on all public authorities in the UK (apart from immigration authorities) to eliminate unlawful discrimination – both direct and indirect – and to provide equality of opportunity and good race relations.
- However, the UK has no single comprehensive equality statute. Disproportionately high levels of economic and social exclusion among national, ethnic and religious minorities provide evidence of continuing discrimination, and have led to communal violence in several urban areas.
- The establishment of a Disability Rights Commission has strengthened the rights of the disabled, though their protection remains patchy, as does the protection afforded by legislation to minorities, such as gays and lesbians, older workers and travellers.
- Long-standing disputes over the state's territorial boundaries have been moderated in Northern Ireland by the Belfast Agreement and in Scotland and Wales by devolution.
- The absence of a written constitution leaves it to the government's discretion whether to call a popular referendum on any constitutional change. The Political Parties, Elections and Referendum Act 2000 set up an Electoral Commission to regulate the conduct of and financing of referendum campaigns under statutory rules. But the government of the time decides the wording of referendum questions (though the Commission can object).

Section 2 **The rule of law**

Are state and society consistently subject to the law?

- Formally, everyone in the UK enjoys equal treatment under the law and equal access to justice. Yet there is understandable concern about how fair and effective the criminal justice system is, as a result of a number of incompetent investigations and unlawful convictions. This concern is especially strong among racial and ethnic minorities who experience discrimination at the hands of both police and courts.
- Public pressure to be “tough on crime” has led the

government to limit or threaten basic rights to due legal process, such as the right to silence, the right to jury trial and the freedom from double jeopardy. Access to the law has been denied altogether to detainees with foreign nationality under anti-terrorist legislation.

- New civil procedure rules have made access to the civil law simpler and quicker for smaller claims, but the limitations on legal aid continue to disadvantage all but the wealthy.
- Long-standing inadequacies in the legal accountability of ministers and public officials have been addressed through the extension of judicial review and the Human Rights Act, which makes all public authorities accountable for rights violations.
- The principle of judicial independence from the executive continues to be compromised by the multiple roles of the Lord Chancellor and his power over judicial appointments, which remain highly unrepresentative of society at large.
- Exemptions to the comprehensive reach of the law include the continued activity of paramilitary groups in Northern Ireland, the collusion of the security forces with loyalist paramilitary killers, gang warfare in British cities, parallel economies including the drugs trade, and systematic tax avoidance by wealthy individuals and companies.

Section 3 **Civil and political rights**

Are civil and political rights guaranteed equally for all?

- The Human Rights Act, 1998, which incorporates the European Convention on Human Rights into UK law, has gone a long way to remedying the systematic inadequacies of civil and political rights protection identified in our 1997 Audit. The inclusion of a human rights component in the new compulsory citizenship education programme reflects an emerging rights culture in the UK.
- In Northern Ireland the shift away from organised violence, accompanying reductions in state security and reforms to the police service have contributed to a safer society. However the level of sectarian violence and intimidation remains unacceptably high.
- The high incidence of deaths in prisons and police custody, including suicides, reveals an inadequacy in the duty of care towards detainees. The UK has the highest imprisonment rate in the European Union after Portugal, resulting in severe overcrowding, unsanitary conditions and curtailed rehabilitation programmes.
- The 90-year-old Official Secrets Act and ancient common laws of defamation, blasphemy and seditious circumscribe freedom of expression. Defamation law in particular enables the wealthy and powerful to protect themselves from adverse criticism, and there is inadequate protection for “whistleblowers”.
- Under anti-terrorism legislation passed since 1997 protesters risk being branded as terrorists where serious damage to property occurs or is even threatened.
- The Human Rights Act has transformed the law on privacy which hitherto was not recognised as a general right. At the same time privacy is threatened by the actions of covert surveillance agencies and the accumulation by public bodies of personal information obtained from private

institutions and service providers.

Section 4 **Economic and social rights** *Are economic and social rights equally guaranteed for all ?*

● Poverty and inequality run deeper in the UK than in any comparable EU country, with nearly a quarter of the population living below the official EU poverty level (60 percent of median income). This includes one third of all children. Poor households are unable to afford two or more of the basic necessities of life as defined by their fellow citizens.

● The frequent concentration of poor households in neglected neighbourhoods has left millions without access to basic facilities, such as shops, banks and public transport. This deprivation is usually accompanied by higher unemployment, mortality and crime rates.

● Homelessness, overcrowding or inadequate heating affect substantial minorities of the population.

● The correlation between poverty and ill health remains strong, with the former causing an estimated 10,000 premature deaths each year.

● Parental class and ethnic origin constitute significant determinants of children’s educational achievement and future employment prospects.

● The Labour government has sought to address this accumulated legacy of deprivation through a series of measures, including:

● Full employment policies, including a New Deal scheme to move unemployed young people into employment.

● Legislation on a minimum wage

● Increases in child benefit and income support rates for children

● Substantial increases in health and education spending

● Reversing the decline in social housing

● Establishing a Social Exclusion Unit and regeneration and other special programmes in disadvantaged areas

Given the low starting points, most of these measures will take years to show significant results.

● EU directives have led to improved guarantees for workers’ rights, but the UK lags behind the rest of the EU in trade-union rights, limitation on hours worked, maternity provision, equal pay for women and other employment practices. There is no effective protection of the right to strike.

● The rules on corporate governance are framed to protect the rights of shareholders and other companies rather than the general public, and the powers of regulatory bodies are insufficient for them to act as effective watchdogs on corporate wrongdoing.

Section 5 **Free and fair elections** *Do elections give the people control over governments and their policies ?*

● The composition of the lower chamber of Parliament, and thereby the selection of the governing party, is determined by periodic secret ballot. Despite attempts at reform, the upper chamber remains wholly unelected, and

thus eludes popular accountability.

● The Representation of the People Act 2000 makes procedures for registration and voting easier and more inclusive, though electoral turnout remains very low by European standards. Millions more people registered to vote failed to do so than voted for the victorious party at the 2001 election.

● Supervision of ballot registration and voting is independent of government and party control, and the establishment of the Electoral Commission should ensure that future changes to constituency boundaries are also fully independent.

● Opportunities for free broadcasting and mailing by political parties at election time help create a more level playing field between them. However, the governing party still enjoys an unfair advantage through prior use of official government advertising, and the Prime Minister’s power to decide on the timing of a general election.

● The Labour government’s readiness to introduce proportional electoral systems for elections to devolved assemblies and the European Parliament has not been matched by reform of the obsolete plurality-rule elections to Parliament. Such elections continue to produce excessively disproportionate results between the votes the parties receive and their share of parliamentary seats. The results are massive un-won majorities for the governing party, under-represented opposition parties, electoral deserts across the land and wasted votes. The system in effect also obstructs parties outside the two-party duopoly and thus narrows people’s political choices. Since 1979 there has only been one change in the governing party at Westminster.

● The House of Commons is socially unrepresentative of the population, being dominated by white middle-aged, middle-class men. The efforts of the Labour Party produced a dramatic improvement in the number of women elected in 1997, but their proportion (18 per cent) is still low by European standards. Ethnic minority representation is also low.

Section 6 **Democratic role of political parties** *Does the party system assist the working of democracy?*

● Legislation in 1998 ended the unregulated status of political parties, which now have to register with the Electoral Commission and conform to strict rules on finance and expenditure. These include a requirement to publish all donations over £5,000, and a complete ban on overseas donations.

● The dominance of the two main parties under the plurality electoral system is formidably efficient at forming and sustaining governments in office. Yet the loss of credibility of opposition parties as alternative governments in waiting since 1979 has deprived them of an effective parliamentary role.

● Rebellions from the party line in Parliament are discouraged by the threat to promotion prospects and various parliamentary “perks”. However, there is no sanction on MPs switching their party allegiance altogether and they are not required to seek a fresh mandate in their constituency.

● UK political parties are small by European standards,

and their memberships have halved over the past 20 years. Formal improvements in internal democracy have obscured increasing central control over policy making and selection of candidates for election. Many local branches are virtually defunct.

- Declining memberships and the growing loss of support from trade unions (Labour) and corporate sponsors (the Tories) have forced the two main parties to increasingly rely on donations from wealthy individuals. This dependency on such individuals, usually with a background in private industries, fuels suspicions that large donors exercise an improper influence over policy, or gain other advantages for themselves.
- Most political parties appeal across the main societal divisions, with the exception of those in Northern Ireland, which align themselves along the sectarian divide. The decision of the mainland parties thus far not to campaign in elections in the province denies its electors the opportunity of voting for a governing party at Westminster.

Section 7 **Effective and accountable government**
Is government accountable to the people and their representatives?

- Under Labour, the trends towards prime ministerial government and decline in collective cabinet decision-making, already evident, have gained further ground. However, the power of the Chancellor of the Exchequer and Treasury over other ministers and their departments has increased greatly; and to some degree, a duopoly of sometime rivals has been put in place. New Labour aims to govern effectively, especially in raising standards in the NHS and schools, but there are doubts about the effectiveness of ministers' centralist "control and command" strategy and the target culture. The weakness of Parliament and other checks and balances makes accountability very weak, and political scientists have begun to identify a series of policy disasters, such as the poll-tax, rail privatisation, the BSE-CJD tragedy, the Millennium Dome and the foot-and-mouth and A and AS exam fiascos, which derive from the unchecked arrogance of ministers and senior civil servants, the weakness of the opposition parties and a "hollowed-out" civil service. There are also concerns about the inability of ministers and Parliament to keep the quango state and regulatory bodies under scrutiny.
- The doctrine of ministerial responsibility to Parliament is a fiction. Parliament is the creature of the executive and the power of single-party government over the legislature puts parliamentary democracy in Britain at risk. The judiciary is also subordinate to the executive, thanks to its command of Parliament, the highest court in the land.
- Parliamentarians have been striving to assert the role of the House of Commons in holding the executive to account, especially since the Scott report into the arms for Iraq and Iran affair. MPs revolted when government whips sought to remove two more independent committee chairs, but the revolt soon fizzled out when the Modernisation Committee proposed a new system for appointing committee members free from the direct influence of the whips. A more modest reform process is now being undertaken under the aegis of the Leader of the House. Committee chairs will be paid and their reports will be made more attractive. Other reforms, for example to the House's sitting hours, are also in train.

Select committees may also receive more resources. These committees are the main instruments of scrutiny and accountability, but their effectiveness is limited by the government's continuing single-party dominance. Meanwhile, scrutiny of legislation in the House continues to be weak and partisan.

- The House of Lords continues to offer a more independent check on government legislation and policies than the Commons, but its standing is compromised by the absence of democratic legitimacy and so it hardly ever uses its delaying powers to the full. The government's attempts to reform the House have stalled at the point of removing most hereditary peers from the chamber. Both houses are hostile to the government's plan to replace a largely hereditary House with a largely appointed House.
- The multitude of executive agencies, quangos and other para-statal bodies raises genuine concerns about their accountability to ministers, Parliament, to public audit and scrutiny agencies like the Ombudsman.
- In the absence of a written constitution and a developed system of administrative law, the Prime Minister and ministers are subject only to convention and codes of conduct over which the Prime Minister is final arbiter. Thus the rules for ministers and civil servants are largely informal and weak. Sanctions are a matter of political judgment following a policy lapse, scandal or loss of confidence. The powers of the Prime Minister and ministers are enhanced by the royal prerogative, a 17th century convention that puts considerable undefined powers at their disposal. For example, under the prerogative, the Prime Minister may even wage war without consulting Parliament or the cabinet.
- The government's Freedom of Information Act 2000 establishes a public "right to know" on a statutory basis. But some 31 categories of exempt information either entirely prohibit the disclosure of information, or subject disclosure to tests over which civil servants and ministers are the first arbiters. People refused information may appeal to a new independent Information Commissioner, but ministers retain a right to override his or her decisions. The act comes into force in 2005. Moreover, more than 300 other acts, including the Official Secrets Act, and orders also prohibit the release of information.
- The election of Alistair Campbell, a political appointee, to command the government's communications, the presence of "spin doctors" among special advisers, and the new "hard-sell" orthodoxy in the government's information service compromise the integrity of government information.

Section 8 **Civilian control of the police and state forces**

Are the military and police under civil control?

- The military in the UK is formally under civilian control, and parliamentary consent must be continually sought for the maintenance of the armed forces in peacetime. But when it comes to war, then the Prime Minister's will is supreme and Parliament is no longer has any control.
- The three heads of the armed forces exercise influence over decisions on military matters through the Ministry of Defence and through the right of direct access to the Prime Minister.
- Military involvement in civilian affairs is normally

confined to assisting the civilian emergency services. The exception has been their controversial role in Northern Ireland, including evidence of a “shoot to kill” policy at one stage and of collusion with loyalist terrorists. These covert operations eluded ministerial control.

- Policing has historically been locally accountable. In 1994, the Conservative government began the process of taking control centrally and introduced Home Office appointees to re-constituted local police authorities. The Police Act 2002 further consolidates the trend of increased control of policing at the centre.
- Following long-standing concerns about the lack of openness and independence of the police complaints system, a new Independent Police Complaints Commission is due to replace the existing Police Complaints Authority in April 2003. Northern Ireland already enjoys a more robust complaints system following the establishment of a Police Ombudsman in November 2000.
- The intelligence and security agencies are now statutory bodies. But they are under the scrutiny not of a select committee, but by the Intelligence and Security Committee, a body of parliamentarians set up by the Prime Minister and effectively subject to his will. The committee is negligible powers of oversight and reports directly to the Prime Minister and only through him to Parliament. Even its meagre reports are censored.
- The Regulation of Investigatory Powers Act 2000 has overhauled the system for investigating complaints against the security services, but it remains unsatisfactory.
- The armed forces and police continue to be unrepresentative of British society despite genuine efforts to recruit more widely. Recruitment from ethnic minorities is hampered by institutional racism. Although recruitment to the new police service in Northern Ireland is now on a 50:50 basis from the two communities, it will take years to overcome the 90 per cent Protestant dominance.

Section 9 **Minimising corruption**

Are elected representatives and public officials free from corruption ?

- Following corruption among MPs and other “sleaze” under the Major government, there was a marked drop in public confidence in the integrity of ministers and MPs. Since then significant progress has been made in developing codes of conduct for all national and local politicians and public officials, together with stronger enforcement mechanisms.
- The House of Commons stiffened its tradition of self-regulation by appointing a Commissioner for Parliamentary Standards. However, the energetic Elizabeth Filkin, the second Commissioner, encountered deliberate obstruction of her inquiries by ministers and MPs under investigation. The MPs’ own standards committee failed to back her up. Finally she lost the confidence of the House and the government connived at her effective dismissal in 2001 by the parliamentary authorities. There is a new incumbent, working shorter hours.
- Public sector corruption remains a rarity. But cases such as the Ecclestone and Hinduja affairs and other cases of large donors apparently securing advantageous deals under the government have fuelled public concerns over the

degree of business influence over public policy. Rising numbers of business employees seconded to government, links between ministers and business and the relaxed rules for civil servants and ministers taking on lucrative posts in the private sector after leaving office further contribute to public concerns.

- The media’s proclivity for feeding the public with continuous and usually unproven cases of improper interest has heightened popular suspicions and has now led to Labour being perceived as sleazy as their Conservative predecessors. But flagrant cases of corrupt ministers and MPs accepting bribes seem to have been eradicated. And no scandals in the UK measure up to the spectacular cases that have recently rocked French, German and other European politics.

Section 10 **The media in a democratic society** ***Do the media operate in a way that sustains democratic values ?***

- The British media are broadly representative of a diversity of interests and opinions. However, ownership of both broadcasting and print media is becoming less pluralist, reflecting similar trends across the developed world. The cross-ownership of Rupert Murdoch’s News International group typifies the new corporate hegemony
- Labour’s proposed Communications Bill will accelerate the process of monopolisation by removing all restrictions on foreign ownership of commercial TV stations and allowing single companies to own ITV and Channel 5. The government has brushed aside criticism from a parliamentary scrutiny committee to the effect that such a dramatic change will be achieved at the expense of creativity and pluralism.
- A new regulatory body, Ofcom, will have significant powers, but it will be expected to use them with a “light touch”. Quite how it will reconcile the government’s twin aims of more competition and greater pluralism of content is very unclear. Its compatibility with the independence guaranteed to the BBC through its governing body is also a source of concern.
- A combination of de-regulation and intensified competition has squeezed out a great deal of quality drama, news and investigative journalism from television in favour of lightweight entertainment. The same process is evident in the broadsheet press. The tabloid press is often intensely partisan, entertainment-led and exploitative of sensitive societal issues.
- Labour’s relationship with the media since coming to power has been fraught with difficulties. Determined to control the news agenda, Blair and his press secretary, Alistair Campbell, have scaled new heights in media manipulation, including bullying of journalists.

Section 11 **Political participation**

Is there full citizen participation in public life?

- The decline in party political membership is not indicative of civic participation as a whole. Britain’s strong civic activist tradition embraces a plethora of different organisations, categorised variously as charities, voluntary organisations, pressure groups, protest and direct action movements.

- Nearly half the adult population, with those who are older and higher up the social ladder predominating, undertakes voluntary work of some type. Women and men have generally comparable levels of activity, while ethnic minorities tend to be more involved in their own community organisations.
- In the main, voluntary associations are independent of the state. However, the huge amount of public money they receive (totalling nearly £5 billion per annum, or one third of their income), combined with their increasing involvement in service delivery, risks compromising this independence.
- Associations connected to productive activity are a significant element of public life. Despite their decline under successive Conservative governments, trade unions still account for 6.8 million workers, whilst 691 trade associations represent over 670,000 companies.
- Both central and local government rely on at least 500,000 members of the public to perform public functions and deliver statutory services. The majority of people who take on such public duties are either unpaid or lowly-rewarded. These duties include sitting on juries, quangos, local councils, school governing bodies and community health councils, as well as acting as special constables and JPs.
- The historic discrimination and disadvantage experienced by women in access to paid public office persists. Both Houses of Parliament, local government in England and Wales, the English and Welsh judiciary, QCs and the senior civil service all have significant gender imbalances. Similarly, ethnic minorities are under-represented in Parliament, the judiciary, the senior bar and higher civil service.

Section 12 **Responsive government**

Is government responsive to the concerns of its citizens ?

- Government procedures for public consultation on policy and legislation were extensively reformed in November 2000 through a new code for government departments providing for simpler documentation, minimum periods of consultation and more comprehensive feedback. Doubts remain about the seriousness of the government's commitment to consultation on controversial issues; there are attested examples, for example, of local PFI schemes being driven through by bogus consultations and ministerial involvement in disparaging opposition from local bodies such as community health councils.
- Public inquiries into matters of widespread concern (e.g., the Bloody Sunday killings, the murder of Stephen Lawrence, the BSE-CJD tragedy) have generally provided genuine opportunities for those directly affected to air their grievances and for wider public consideration of the policy implications. Government proposals to curtail the timetable and procedures for planning inquiries have aroused criticism for enabling ministers to bulldoze through controversial projects.
- In general, business has much readier access to government than other interests, for example taking a major role in 300 or so task forces set up to review policies as well as the customary processes of consultation in government departments. Access by the public to their MP is patchy, and usually only effective on individual matters. Public

protest is a more effective last resort for groups who feel their voices are excluded from the policy process.

- The Audit Commission has severely criticised the lack of consultation across the public services, including the police, NHS trusts and councils, though inadequacies in the last of these have been substantially addressed by the government's local government legislation. All public authorities experience particular difficulties in consulting the views of the socially excluded.
- A Rowntree Reform Trust survey conducted in 2002 showed that four out of five people believe that they lack any real influence over government policy between elections, and think they should have more. The level of overall confidence in the way we are governed is not high.

Section 13 **Decentralisation**

Are decisions taken at the lowest practicable level of government for the people most affected ?

- The introduction of devolved governments in Scotland, Wales and Northern Ireland, confirmed by popular referendum and both more representative and closer to their populations, is a major constitutional advance. Westminster retains formal sovereignty and over-arching powers and the Treasury controls their overall budgetary allocations, taxation and social benefits. But the devolved administrations have adopted policies to suit their own areas, and have shown themselves willing to depart from the government's UK policy-making (e.g., on care for the elderly). No conflicts between central government and devolved administrations have yet tested the stability of the new arrangements. But the Northern Ireland settlement remains unstable and province's Assembly is currently suspended yet again.
- The devolved governments constitute a marked break with Westminster tradition, since the proportional electoral systems have led to coalition governments in Scotland and Wales (a formal power-sharing executive was imposed in Northern Ireland). Scotland has also introduced a marginally more open FOI regime, is more committed to effective consultation, and runs a genuine system for petitioning its Parliament. Scotland and Wales have much higher proportions of elected women members than Westminster.
- But devolution does not yet reach the 80 per cent of the UK population who live in England. England and its regions have no intermediate tier of elected government, apart from the Greater London Assembly. The government's plans for regional assemblies do not envisage robust new democratic institutions and will depend on local demand if they are ever to come about.
- The example of the London authority, which has had to accept a highly unpopular PFI scheme for the future of the Tube (even though it has statutory responsibility for transport) does not encourage any optimism about the degree of autonomy English regional government will enjoy.
- Central government maintains strict control over local authorities in England, their policies and finances. The government is cautiously experimenting with giving chosen authorities more freedoms, subject to performance, is reforming local democratic structures and is encouraging councils to assume a local leadership role. But appointed local quangos and partnership schemes confuse both

leadership and accountability locally and current arrangements fail to measure up to the standards set out by the European Charter for Local Self-Government which the government has signed up to.

Section 14 **International dimensions of democracy**
Are the UK's external relations conducted in accordance with democratic norms, and is it itself free from external subordination ?

- The UK's external political and economic power and influence on other countries far outweighs any countervailing inward forces. Its voting power on important global bodies, including the UN Security Council, WTO, IMF and World Bank, is out of all proportion to the size of its population. Decisions by the UK's representatives on these bodies are not subject to parliamentary scrutiny.
- It is difficult to determine how far the UK's subordination to the US in aspects of foreign and military policy is freely chosen and how far a consequence of military dependence and the terms of intelligence cooperation. Such subordination is of particular concern under the unilateralist administration of President Bush.
- The extension of majority voting in the EU and the underlying democratic deficit in its institutions have served to erode its level of support among the UK population. Given that Brussels legislation takes precedence over the laws of member states, the terms of the proposed future constitutional settlement for the EU will have considerable significance for the quality of democracy in them all.
- The UK has a good record of supporting the development of international human rights standards and institutions. In addition, it has signed and ratified all of the major international and regional treaties, following a major review of its obligations. However, its involvement in US-led military actions, such as in Kosovo and Afghanistan, has been of dubious validity under international law, and has served to weaken further the authority of the UN.
- Labour's proclaimed ethical foreign policy, emphasising human rights, arms sales, environmental protection and development aid, has had a mixed record. Britain has increased its aid budget to 0.4 per cent of GDP (the UN target is 0.7 per cent) and unilaterally cancelled £5 billion of bilateral debt to assist poorer countries. But such efforts are offset by the protectionist and subsidy regimes operated by all western governments that undermine production in developing countries.
- Continued arms sales to governments which might use them for aggression or to control civilian populations constitute the worse stain on Labour's ethical credentials.
- The repeated overhaul of the asylum system (four times in ten years) reflects the disarray that it has fallen into. One of the prime causes is the failure of successive governments to reconcile international obligations with a hostile domestic press and public opinion. Deterrents to entry to the country for asylum seekers are compounded by delays, arbitrary detention, dispersal to inappropriate locations and inadequate support