Democratic Quality: Freedom and Rights

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For much of the past decade I have been engaged in assessing the level or quality of democracy in a number of countries, both for the UK Democratic Audit and for the International Institute for Democracy and Electoral Assistance (IDEA) in Stockholm. As a culmination of this work so far I and colleagues have published a handbook on democracy assessment (Beetham et al., 2002a), a comparative summary of eight assessments from developed and developing countries (Beetham et al., 2002b) and our latest democratic audit of the UK, updated to include the Iraq war and its consequences (Beetham et al., 2002c and 2003). On the basis of this work and other democracy assessments (eg., Petersson et al., 1999) I should like to make a few preliminary comments on the conference project, which I warmly welcome, and am delighted to be contributing to.

1. I very much support the idea of developing a form of assessment of democratic quality that can be applied equally to established and recent or transitional democracies. One conclusion of our comparative volume is that, if we distinguish between those aspects of a functioning democracy that can be achieved quickly and those that require 'the long haul', then the latter are precisely the ones where established democracies continue to experience difficulties, albeit less acutely than developing ones. Of course there will be objections to fitting countries with divergent political cultures and traditions into the same 'straightjacket', or assuming that all are 'transiting' towards the same goal. However, once we claim a universal value for democracy, it follows that there must be mutual benefit from sharing the experience of common problems and workable solutions across different countries and traditions. Our own approach to a common framework has been to phrase all our assessment questions in the comparative mode (how much? how far? etc.), but to leave the question of standards or comparators to in-country assessors. Many wish to assess themselves against their own past, or against regional comparators, as well as against international standards of best practice. For our purposes here, however, it will be important to identify international standards of best practice in each area as a guide to democratic quality. Whether it then makes sense to sum the results of any assessment in a quantitative scale is a matter for debate about the point of the exercise. Our strong preference has been for qualitative judgements, while using quantitative data where appropriate.

2. I agree with the procedure outlined in Leonardo's paper for identifying the key features of a 'good democracy' (Morlino, 2003). As I understand it, this procedure works from two ends

simultaneously: from a normative end, with a clear conception of democratic norms or values; and from an institutional or practical end, with a comprehensive understanding of what arrangements have proved themselves in practice to realise these norms, and, equally important, what can go wrong with them. Our own assessment criteria have been especially dependent on the rich comparative work on what can go wrong with or 'subvert' supposedly democratic procedures. Here again the study of developing democracies can alert us to features we may take for granted in more established democracies, and which may not be as secure as we like to believe. It may be that 'subversion' is too restrictive a term for our purposes, as it implies intentionality, whereas democracy can also be undermined by unintended inadequacies in institutions, procedures or personnel. I take it that our potential candidates for assessment do not include countries debilitated by civil war or 'failed states'.

3. I find Leonardo's three dimensions of quality - procedure, substance and result - illuminating. My one reservation is that, rather than being used to structure the thematic *arrangement* of an assessment, they might be seen as essential components of the assessment *process* itself in each area. That is to say, each area will require us to investigate the formal rules or procedures that apply, the effects in practice of how they are implemented (or not), and what the 'consumers' themselves think and how they experience them. So even the 'outcome' or 'responsiveness' dimension of democracy has its procedural aspect, in the extent of formal or informal consultative processes at work before policy or legislation is decided; while the most procedural dimension (rule of law) can be assessed for how far people have confidence in the impartiality of the judicial process and in their ability to access it when needed.

4. While checklists or indicators are essential to any assessment of democratic quality, they also have their limitations, as our own assessment experience has shown. Working democracies involve trade-offs between values, and judgements about these are controversial in principle as well as in practice: between effectiveness and accountability in the delivery of electoral programmes; between equality and accountability in an electoral system; between rights to security and rights to freedom and due process; and so on. Not all good things can be maximised together. Secondly, the most accurate and comprehensive quality assessment can be overtaken by a single historical event, like September 11 or the decision to go to war against Iraq, which can shift the balance of a democracy and public perceptions about it almost overnight. Thirdly, individual defects may be less important than a much more intangible 'capacity for self-renewal', which is one of the most distinctive features of democratic societies, and relevant to any assessment of their quality.

Freedom and Rights

I shall begin my allotted subject according to the suggested schedule, with some observations about the concepts and their relationship.

Freedom and democracy

When I first studied political science it was common to talk of 'liberal democracy' as a particular type of democracy, to be contrasted with participatory democracy, or single-party democracy or Marxist democracy (eg. Macpherson, 1966). Remnants of that thinking still persist today. Yet a moment's reflection will show that this typology is based on a conceptual confusion. Without freedom there can be no democracy. If people are to have any influence or control over public decision making and decision makers, they have to be free to communicate and associate with each other, to receive accurate information and express divergent opinions, to enjoy freedom of movement and to be free from arbitrary arrest and imprisonment.

This integral connection between freedom and democracy was already well understood in ancient Athens. In his famous funeral speech as recorded by Thucydides, Pericles celebrates the values of freedom and openness, alongside equality, as the distinctive attributes of Athenian democracy in contrast to Sparta (Thucydides, 1954, 117-8). Aristotle considered freedom to be the end or 'telos' which democracy was designed to foster, while Plato, when caricaturing democracy for 'bursting with the spirit of freedom', imagined even the donkeys bumping you aside as you walked down the street (Plato, 1935, vol.2, 309-11). In his definitive book on rhetoric in ancient Athens, Josiah Ober demonstrates how freedom of speech and public communication were essential to argument and debate in both assembly and law courts; and how this freedom presupposed the validity of individual freedom of thought (Ober, 1989, 296).

So democracy without freedom is a contradiction in terms. And the history of representative democracy in the modern world has shown how the freedoms necessary to democracy cannot be preserved in practice unless they are guaranteed as a set of individual rights in a constitutionally protected bill of rights (Alston, 1999). UK democracy survived the longest on the idea that freedom could be realised simply by the law's silence, while its politicians and lawyers believed, somewhat patronisingly, that bills of rights were only necessary for countries that did not enjoy our inbuilt 'culture of freedom'. Yet the successive erosions of this liberty at the hands of executive dominated parliaments eventually convinced the political class that formal incorporation of the European Convention on Human Rights into UK law was necessary, though this was disingenuously called 'bringing rights back home', as if they were a peculiarly British invention in

the first place (Dworkin, 1990; Wadham and Mountfield, 1999).

The idea of a 'culture of liberty' is not, however, irrelevant to the quality of a democracy. The freedom of expression may be constitutionally guaranteed, but there be little diversity of opinion or sources of public information, and the media may be dominated by trivia. Freedom of association may be guaranteed, but there be little self-organisation of civil society, or readiness to challenge an elected government. How far freedoms are actually used may be difficult to assess, but there is a long tradition of political analysis which holds that this makes a key difference to a democracy's quality.

Rights and democracy

If the freedoms necessary to democracy require protection in a bill of rights, then that protection is only as secure as the courts upholding them are independent of the executive and legislature. At this point there is of course considerable overlap with the idea of the 'rule of law', which could be regarded as the foundation of any civilised existence, let alone democratic government. Experience has also shown that effective rights protection requires two further conditions. One is the right of individual appeal to the courts in the event of infringement or violation, with the realistic prospect of remedy or restitution. The other is the power of the courts to determine whether the conditions allowing a right to be restricted or even derogated from have been met (Roberton and Merrills, 1996).

This latter issue merits further discussion, as it is a point where rights 'subversion' frequently takes place in practice. Most bills of rights (the US is an exception) are hedged around with qualifications, limitations, exceptions, etc. The classic example is Article 10 of the European Convention, though similar examples can be found in the corresponding International Covenant. 'Everyone has the right to freedom of expression,' it boldly asserts; but then adds that this right 'may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of information received in confidence, or for maintaining the authority and impartiality of the judiciary.' Most students when you give them this text to read will say, well, this right is worthless. The key point, however, is whether the courts have the power to decide if all the conditions justifying a particular limitation have been met. If they do not have that power, or are simply subservient to the executive, then the latter can suppress rights at will and claim the mantle of constitutionality for doing so. Of

course it is up to governments to take the initiative in balancing freedoms with security or public order; but it is up to the courts, if appealed to, to judge whether any such limitation is justified, and to demand the evidence necessary to make that judgement, not just to take the government's say-so. Here the procedure and substance of rights protection go hand in hand (Merrills, 2001).

Many people still insist (the current UK Home Secretary most vociferously) that it is 'undemocratic' for the courts to restrict or frustrate the will of a popularly elected government. However, democracy is only secure if the conditions for the exercise of the 'popular will' are guaranteed on an ongoing basis, through a protected set of basic freedom rights; 'democracy' cannot be equated with any particular measure of an elected government. In any case, since bills of rights have typically been endorsed in a popular referendum, the limits they impose on legislative as well as executive discretion should be seen as a form of democratic self-limitation, which the courts are properly upholding (Beetham, 2003).

Rights and equality

In any exercise of the kind we are undertaking there is bound to be considerable overlap between the different subject areas. Two points are worth making here, however, about the close relation between rights and equality. First, rights entail equality, since all rights are in principle guaranteed to all equally. Most rights conventions are either prefaced or concluded by a strong anti-discrimination clause; and the way many rights are denied in practice is through intended or unintended preferential treatment of particular groups. 'Subversion' of rights in a democracy is typically patterned, rather than wholesale or across the board.

Secondly, it is increasingly insisted on in human rights circles that civil and political rights should not be separated from economic and social rights. The logic is the same as that appealed to by philosophers in discussions about the concept of freedom. If freedom is a good only because of the value that lies in exercising it, then those who lack the capacity or resources to exercise a given freedom are being denied the enjoyment of it, even though they may not formally be being obstructed. In similar vein, we could say, it is a condition of exercising one's civil and political rights that one should be alive to do so, and should have the education and, where necessary, the resources to take advantage of them (Plant, 1991, ch.7). To ensure equality of civil and political rights, however, does not require equality of economic and social condition. What is needed, at the bottom end, is a minimum platform below which no one is allowed to fall, plus specific resources such as legal aid; at the top end, regulations to limit the advantages of the wealthy in access to public office, and to prevent their undue influence over office holders and channels of public

information.

In proceeding with my allotted subject of freedom and rights, therefore, I shall necessarily find myself straying into adjacent territory which is the province of others: on the one side, the rule of law and accountability; on the other, the principle and procedures for equality.

Assessment Criteria

I have divided my subject matter into two: civil rights, which cover the main freedoms necessary to democracy; and political rights, which cover access to political office, and elections to it. For each of the two sections I shall adopt the same order of analysis, as follows:

1. Itemise the content of the 'goods' which a democracy should deliver.

2. Identify the relevant international standards of best practice for each of the 'goods'.

3. List the typical modes of 'subversion', both generic for the section as a whole, and

those specific to particular items within it; and suggest empirical indicators for these.

4. Specify agencies of protection which have proved effective against these subversions.

Civil or freedom rights

1. The following are the main rights which a democracy should secure:

life and security of the person
liberty and freedom of movement
'due process' rights
freedom of thought and expression

freedom of assembly and association (including trade unions and political parties)

freedom of information

protection against discrimination; rights of vulnerable and disadvantaged groups

2. Standards of best practice for all the above except freedom of information are to be found in the main international human rights conventions and their jurisprudence, including cases of general significance from regional and national jurisdictions. These standards cover both the formulation of the right in question (including legitimate exceptions), and the procedures for implementation, such as the powers and independence of the relevant courts and the right of individual appeal and redress (Brownlie and Goodwin-Gill, 2002, pt.2; Klug et. al., 1996, ch.2; Robertson and Merrills, 1996). Standards of best practice for freedom of information can be derived from those national jurisdictions that are generally recognised as exemplary in this area, such as the US and Swedish (Birkinshaw, 2001). (A general point here: international codes of good practice are increasingly being developed to cover most of the areas of democratic life, even though they do not have the legal force of a treaty; and, while we have attempted to bring them together in our *Handbook*, keeping these under review would be a useful contribution to the definition of democratic quality).

3. It is rare for the subversion of rights to occur because of inadequacies in the formulation of a national charter or bill of rights, since it is easy to get these looking good 'on paper'; however, comparison with international definitions should always form the starting point of an assessment. Of *generic* modes of subversion, the following are among the most typical:

inadequacies in the judicial process of rights protection, such as insufficient competence or
    independence of the courts, or systematic obstacles to individual appeal and redress. Evidence:
    qualitative analysis of cases, opinion survey data

arbitrary or oppressive policing, including: intimidation of protesters, detention without charge,
    maltreatment in detention, discriminatory treatment of particular groups, collusion with
    paramilitary forces. Evidence: quantitative data such as collected by human rights groups.

use of emergency powers or anti-terrorist legislation, often against opposition groups, to bypass
    normal judicial safeguards. Evidence: qualitative analysis of incidence.

systematic exclusion of certain groups from rights protection: immigrants and asylum seekers;
    those defined as enemies or opponents of the government outside the national territory.
    Evidence: qualitative and quantitative analysis of cases.

Subversions of *specific* rights include:

life and security of the person:

- incidence of physical assault and murder by other civilians such as to make the public space an unsafe area, whether generally or for specific groups (the quality of civic life is important for democracy). Evidence: quantitative data, opinion survey data.

- unacceptable level of physical abuse and deaths in custody, whether from poor prison conditions, self-harming, or at the hands of fellow inmates or prison warders. Evidence: quantitative data, including data on prison overcrowding (Churchill's second famous statement about democracy - how prisoners are treated is a good litmus test of its quality).

- existence and incidence of capital punishment (controversial, but it is outlawed by the European Convention within the territorial space of the Council of Europe).
liberty and due process: see 'rule of law' section.
freedom of expression:

- inadequate pluralism in media ownership, views and public information, whether through state or private oligopoly. Evidence: data on ownership and political affiliation within different media; content analysis of news coverage.

- defamation laws and/or cost of defending them used to restrict legitimate comment on public officials or private corporations. Evidence: qualitative analysis of cases.

- incidence of official and unofficial harassment of journalists: quantitative data.
freedom of association and assembly:

- exclusionary rules on registration of voluntary associations, trade unions or political parties, or discriminatory application of registration requirements: qualitative analysis of incidence.

- loss of independence of voluntary associations through government co-optation or contracts. Evidence: percentage of income derived from government (including foreign governments).

- undue obstacles to public assembly, such as unrealistic timescale for notification, inappropriate locations, police harassment of protesters: qualitative analysis of cases.
freedom of information, supposing there is a legal right in the first place:

- unduly restrictive 'official secrets' legislation, including absence of public interest defence for

'whistleblowers'.

- excessive costs of gaining access to legally permitted information.
anti-discrimination principle: see section on 'equality'.

4. There are a number of agencies of protection against these various 'subversions', which are complementary to the courts, especially where the latter are not doing their job. All of them should be seen as essential features of a 'good' democracy in the area of civil rights protection:

ombudsman, public defender, or whatever term used. In many countries people find these more accessible and more trustworthy than the formal courts, but a lot depends on having a good geographical presence across the country.
active public 'watchdogs' ready to investigate and publicise abuses (investigative media and civil liberties or human rights organisations) or to support cases through the courts (civil liberties etc. organisations).
independent complaints and inspection processes for all the law enforcement agencies, including the prison service.
the existence of supra-national human rights courts with enforcement powers and the right of individual appeal, of which the European Court of Human Rights is the exemplar.

Political rights and their conditions

1. The three main political rights which a democracy should secure can be summed as follows:

- the right to stand for elective public office, to unimpeded access for campaigning and communicating with electors, and to a 'level playing field' in competition with other candidates and parties;

- the right to elect the main political offices at each territorial level of government by universal and equal suffrage, at regular intervals, by secret ballot and with effective choice between candidates and parties;

- the right to vote directly in a referendum on substantial changes to the constitution affecting the

rights of electors or the reach and powers of national elective office.

2. Standards of best practice for most aspects of the electoral process are now well developed in international codes of conduct (Goodwin-Gill, 1994, 1998). These cover the following:

impartial registration of candidates and parties, according to clearly defined criteria
guaranteed security and freedom of movement and communication for candidates and parties
equality of access to state and public service media, and non-partisan coverage by these
inclusiveness and simplicity of registration of electors
accessibility to polling stations for all voters and clarity and security of voting procedures
security of ballot boxes and impartiality of the count
transparency and impartiality of procedures for resolving electoral disputes
supervision of the electoral process by independent election officials, preferably by an independent
     and full-time electoral commission (Lopez-Pintor, 2000)

These international codes for the conduct of elections do not cover four major issues which have an important bearing on the reach as well as the fairness of the electoral process:

i) The scope of elective office. Not all the main political offices may be subject to election, and those that are may not have the substantive power within the state system, for example, where they are subordinate to the military or to religious bodies. This may seem self-evident, but there is no point having the most perfect electoral system if major offices are excluded or if those elected do not enjoy effective political control. There is a special problem for countries within the European Union whose citizens are subject to laws and policies initiated or approved by bodies which are not directly elected. Although there may be considerable international agreement on which offices should be subject to election at the national level, there is much less agreement on the principles appropriate for quasi states such as the EU, or on what the balance between supra-national and inter-governmental arrangements for electoral accountability should be.

ii) The nature of the electoral system. There are no internationally agreed standards about the type of electoral system to be used, since this is regarded as a matter of national tradition and circumstance. However, there must be a level at which the inequality of outcome of an electoral system, whether between voters or parties, is such as to compromise the principles of political equality and fair competition for public office. At a procedural level, changes in the electoral

system should have inter-party agreement, rather than being at the discretion of the governing party or parties.

iii) Party and election financing. As the cost of elections rises while party memberships decline, candidates have become increasingly dependent on business sponsorship, with the danger that government policy comes to be determined more by the need to satisfy sponsors than by the views of ordinary citizens. A standard of best practice is emerging in this area, which combines tough limits on election expenditure with rules requiring transparency in party funding, including limits on the size of individual donations and the exclusion of foreign donors (International IDEA, 2001).

iv) Unevenness in the electoral 'playing field' which occurs before the election period itself. This can include obstacles placed in the way of opposition political activity by governing parties or their supporters, and the ongoing advantages that accrue to governing parties from their control over official information and other state resources. While it may be possible to draw a formal distinction between party and government, this is difficult to maintain in practice outside the election period itself.

3. Modes of subversion of political rights are as diverse as the different aspects of the electoral process itemised above. I shall omit here the most obvious infringements such as physical violence, intimidation and obstruction, and other rights violations which have already been included in the section on civil rights (freedoms of movement, expression, assembly, etc.). Of the other typical modes of subversion, intentional or unintentional, the following are worth noting:

government discretion over the timing and duration of elections. Evidence: legal analysis
preferential use of official state resources by the governing party during the election campaign: qualitative analysis of data
an electoral system and/or constituency boundaries which systematically advantage some parties and candidates over others: quantitative data, deviation from proportionality
lack of regulation on finance which allows grossly unequal access to resources for parties or candidates, or distorts electoral programmes: quantitative data, case study analysis
markedly unequal access to elective public office for particular social groups: quantitative analysis of candidacies and election outcomes
systematic exclusions or disadvantages for particular groups of citizens in registration, access to

polling stations or exercise of the ballot: quantitative and qualitative data, election monitors' reports

electoral fraud, whether in voting, handling of ballot boxes, or at the count: evidence as above

inadequate independence of election officials from the government or governing party: legal and case study analysis

loss of public confidence in the electoral process as a means to influence the personnel or policy of government: quantitative data on voter turnout, opinion survey data

4. The main agencies of protection against these abuses or subversions, besides those mentioned under civil rights, are twofold. First is an independent and well-staffed and funded election commission, with the responsibility of supervising every aspect of the election process. In some countries the impartiality of elections has only been secured by additional means, as in Bangladesh by the establishment of a caretaker government for the ninety days between the dissolution of parliament and the election. Second is the existence of election monitors, both national, drawn from independent NGOs and the political parties, and international, from organisations that carry local credibility for their track record of thorough and independent monitoring. Other subversions mentioned above which are the product of unfair rules or inadequate regulation can only be put right by the domestic mobilisation of reform coalitions. A valuable aid in such mobilisation, however, is a democracy assessment in which national arrangements are tested against international standards of best practice, and the results widely disseminated.

Conclusion

The procedure outlined above for assessing the quality of democracy comprises four stages. First is the identification of the relevant items for empirical investigation and analysis which together comprise a 'good' democracy. That investigation will include evidence on law and procedure and its implementation on the ground. Second is the assessment of the results of the investigation against international standards of best practice. Third is the checking of the items for typical subversions, and for how practice is perceived by citizens themselves. Fourth is an analysis of the presence and effectiveness of agencies of protection against these typical subversions. These four stages are not necessarily separate in practice, but form part of an iterative or reflexive process; separating them analytically, however, is useful as a guide to a procedure of assessment. The summary results of our latest democratic audit of the UK for the areas covered by this paper are included in an appendix, as an illustration of what the results of such an assessment procedure might look like.

Setting out a list of citizen rights, as I have done here, and investigating in a systematic way how far they are guaranteed in practice, will take us a long way in assessing the quality of a country's democracy. Yet it is not quite enough on its own. I don't mean only that there are the other complementary aspects of a 'good' democracy to consider, which the other contributors are dealing with. I am simply drawing attention to the obvious point that rights also entail responsibilities.

In all human rights jurisdictions there is a notable asymmetry in the distribution of rights and responsibilities. Rights belong to individuals; the duties to protect them reside with states, which are the signatories to the relevant international conventions. What this legal framework obscures is that states are only effective in rights protection to the extent that citizens themselves are prepared to acknowledge the rights of others. In a democracy this means two things above all: respect for the rights of others when they differ from yourself; and a readiness to accept the result when others win out in a fair competition for votes. To quote from Pericles again in a different democratic context: 'We are free and tolerant in our private lives, but in public affairs we keep to the law; this is because it commands our deep respect' (Thucydides, 1954, 117).

Here we come to a key issue for democratic quality, which is the character of the citizen body itself, a quality that is different from, but connected to, the quality of political institutions. In the cultivation of public virtues which the ancient Athenians made such a central feature of their democratic life, modern democracies need at least these: a readiness to exercise one's civic rights and to stand up for them when threatened; and a tolerance of difference, including an acknowledgement of reciprocity between winners and losers in a fair competition for the exercise of political power. The criteria by which we may identify the presence of these qualities are not straightforward; but identifying them may be among the most important tasks in assessing the quality of a country's democracy.

Appendix

Some qualifications should be borne in mind when reading the summary results of our latest democratic audit of the UK for the area of civil and political rights (Beetham et al., 2002c). First, they constitute only two out of fourteen sections, and the two do not cover all the items mentioned in this paper, though those missing are covered elsewhere in the audit. Secondly, these bullet point summaries are backed up by a great wealth of empirical evidence which is to be found in the main body of the audit. I shall bring with me to Stanford copies of our full list of audit questions and summary points from the UK audit for circulation to those interested.

Section 3

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 first 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 coupled with the accompanying reduction in state security and reform of 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 suicide, reveals an inadequacy in the duty of care towards detainees. The UK has the highest imprisonment rate in the European Union after Portugal with severe overcrowding, unsanitary conditions and curtailed rehabilitation programmes as a consequence.

Freedom of expression is curtailed by the 90 year old Official Secrets Act and ancient common laws of defamation, blasphemy and sedition. Defamation 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 also threatened by the actions of covert state surveillance agencies and the accumulation by public bodies of personal information obtained from private institutions and service providers.

The government has passed a Freedom of Information Act, establishing a general 'right to know' on the part of the public. However, the large number of class exemptions from disclosure, and the executive's power to override decisions by the independent Information Commissioner, indicate that the traditional habit of secrecy on issues the government considers sensitive will continue.

Section 5

Do elections give the people control over the government 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 comparatively low by European standards.

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 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 more proportional forms of electoral system for the devolved assemblies and the European Parliament has not been matched by change to the plurality-rule system for Westminster elections, which continue to produce excessively disproportionate results between the national vote for parties and their share of parliamentary seats, and to safeguard the dominance of Labour and Conservatives at Westminster. 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 representation is also low.

Given the decline in their membership, and in support from trade unions and corporate sponsors, the two main parties increasingly rely on donations from wealthy individuals to meet their expensive election costs. This dependency fuels the suspicion that large donors exercise an improper influence over policy, or gain other advantages for themselves.

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