CIVIL PARTICIPATION IN DECISION-MAKING PROCESS

Handbook

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1. About the manual

Public consultations and cooperation with stakeholders lead the path to good regulations and efficient political decisions, which are all high quality in content, but also people-friendly and understandable. As a result, they make citizens' everyday lives easier, and don't require frequent amendments. Regulations should reflect the needs of the society and the dynamics of life. Only if both segments are realised, people are willing to accept the rules and base their lives on them.

Various decisions can impact individuals and communities in various ways, interfering with their rights and influencing the quality of life. Understandably, this also leads to contradiction, resistance and rejection. Cooperation with the public in the early phase of drafting regulations can prevent possible conflicts at a later stage in practice. What is more, early involvement is particularly sensible in order to gain additional arguments, standpoints, opinions, information, as well as critical reflection, which undoubtedly contributes to better quality of the regulation.

Involvement of the public is therefore not a process to be run parallel to or independent of other steps in drafting regulations, such as assessment of situation in the regulatory field, identification of reasons for adopting the regulation, setting targets and seeking solutions, as well as pondering their alternatives based on in-depth judgement of their environmental, economic and social consequences, etc., but it rather is tightly interwoven with all other steps. They share not only the target, i.e. to acquire a well-considered regulation that enjoys broad public support and can be implemented effectively, but more: consultation with the public is also seen as one of the basic tools to achieve the targets. Current efforts towards open and inclusive drafting of regulations are thus only a portion of the general efforts towards evidence-based policy making, which are run under the motto that governments have to produce policies dealing with problems, policies that are forward-looking and shaped by evidence rather than a response to short-term pressures, and policies that tackle causes - not symptoms.

The purpose of this handbook is thus primarily to support public officials in planning, implementing and evaluating the public participation processes to achieve the objectives described above. It is based on current regulatory framework, while it also provides advice and suggestions for improving the quality and implementation of public consultation. The manual contains key tips and questions, as well as some practical tools (methods that can be of use) and good practices.

The manual has three main sections. One is dealing with the general framework for public participation, namely the international documents and national legislation, principles and benefits of public participation and public participation planning.

One chapter is dedicated to concrete steps of planning, implementing, monitoring and evaluating the participatory processes during the drafting of the policies and regulations. It is focused on the processes, carried out by the executive branch.

The last chapter is focused on the public participation in the legislative branch, in namely explores how can public participation in the work of the parliament be successful and efficient.

2. About public participation in decision-making

2.1. International documents about public participation[1]

International resolutions, treaties and other documents have been for more than 30 years emphasising the need for public involvement in decision-making. Several UN resolutions are emphasising the importance of acknowledging the right of different organisations, individuals and marginalised groups to have their say (e.g. Declaration on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms[2], The Resolution on Equal Political Participation from 2013 [3], The UN HRC Resolution on Equal Participation in Political and Public Affairs from 2014[4]). The International Covenant on Civil and Political Rights (ICCPR), for example, in its article 25 provides that everyone shall have the right and the opportunity, without any of the distinctions without unreasonable restrictions to take part in the conduct of public affairs, directly or through freely chosen representatives.

Several documents were also passed by the Council of Europe and its bodies and committees. Convention for the Protection of Human Rights and Fundamental Freedoms[5] protects **freedom of expression** and **freedom of assembly and association**. "Exercised together, they support an inclusive and effective system of checks and balances, in which power is held to account. A guaranteed enjoyment of these rights is a precondition for the active participation of civil society in decision making at all levels of government."[6] Council of Europe has also issued several recommendations affecting different forms and means of public participation (e.g. Recommendation CM/Rec(2009)1 of the Committee of Ministers to member states on electronic democracy (e-democracy), Recommendation CM/Rec (2001)19 of the Committee of Ministers to member states on the participation of citizens in local public life[7], Recommendation CM/Rec (2009)2 of the Committee of Ministers to member states on the evaluation, auditing and monitoring of participation and participation policies at local and regional level[8], …). In 2017, the Committe of Minister issued the Guidelines for civil participation in political

1.. This section is to a big extent based on ECNL's Civil participation in decision-making processes, An Overview of Standards and Practices in Council of Europe Member States, prepared For the European Committee on Democracy and Governance (CDDG), May 2016, https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standa/1680701801.

2.. UN General Assembly, Declaration on the *Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms* : resolution / adopted by the General Assembly , 8 March 1999, A/RES/53/144, available at: http://www.ohchr.org/Documents/Issues/Defenders/Declaration/declaration.pdf.

3. UN Human Rights Council, *Equal political participation* : resolution / adopted by the Human Rights Council , 8 October 2013, A/HRC/RES/24/8 , available at: http://dag.un.org/bitstream/handle/11176/305484/A_HRC_RES_24_8-EN.pdf?sequence=3&isAllowed=yn

4. A/HRC/RES/24/8

5. Council of Europe, *European Convention for the Protection of Human Rights and Fundamental Freedoms*, available at: http://www.echr.Council of Europe.int/Documents/Convention_ENG.pdf.

6. Secretary General of the Council of Europe, *State of Democracy, Human Rights and the Rule of Law in Europe. A shared responsibility for democratic security in Europe*, 2015 https://edoc.Council of Europe.int/en/an-overview/6455-state-of-democracy-human-rights-and-the-rule-of-law-in-europe.html

7. Council of Europe: Committee of Ministers, Recommendation CM/Rec (2001)19 to member states *on the participation of citizens in local public life*, available at: https://wcd.coe.int/com.instranet.InstraServlet?command=com.instranet.CmdBlobGet&InstranetImage=2721001&SecMode=1&DocId=234770&Usage=2.

8. Council of Europe: Committee of Ministers, Recommendation CM/Rec(2009)2 of the Committee of Ministers to member states *on the evaluation, auditing and monitoring of participation and participation policies at local and regional level*, available at: https://wcd.Council of Europe.int/ViewDoc.jsp?Ref=CM/Rec(2009)2&Language=lanEnglish&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864.

decision making[9] (the Guidelines), serving as the new guidance document for public participation.

To summarise, what public participation is actually about, we use the core values that participation aims to promote[10] by the International Association for Public Participation:

- **involving** in the decision-making process those who are affected by or interested in a decision;
- seeking **input** from participants in designing how they participate;
- providing participants with the **information** they need to contribute meaningfully;
- recognizing and communicating the **needs** and interests of all participants, including decision makers;
- enabling public's **contribution** to influence the decision;
- **communicating** to participants how their input affected the decision.

2.2. Public participation in Azerbaijan's legislation

The Azerbaijan's legislation provides for the basic prerequisites of public participation.[11]

Constitution of Azerbaijan provides for the right to "seek, receive, transmit, prepare, and disseminate" information. Another constitutional provision relevant to adoption of laws is that sessions of the Parliament (Milli Majlis) are conducted openly, unless a closed session is requested by a qualified majority of 83 deputies, or upon a suggestion of the President of the Republic.

Article 9 of the Law on normative acts[12] provides a general principle of "publicity in the activities of norm-making bodies" which may be achieved by "informing individuals and legal entities about the activities of norm-making bodies and the normative legal acts they adopt"; "publication of normative legal acts in official publications, other mass media or bringing them to the public in other ways"; and by "placement of drafts of normative legal acts on Internet information resources of norm-making bodies". The law also provides for publicity in the planning activities in the preparation of draft normative legal acts, mentioning that "plans for the preparation of drafts of state programs and of normative legal acts are approved and published in the manner prescribed for acts of the norm-making bodies that approve them", and that "approved plans for the preparation of draft state programs and normative legal acts are sent to the appropriate authorities for information".

The law "on obtaining information"[13] provides for an obligation to publish draft normative legal acts "from the time of submission for coordination and approval".

The law "on public participation"[14] envisions several types of consultations, including public discussions of issues of public importance and public discussions of draft laws, public hearings, studying of public opinion, and written consultations (the public has at least 7 days to provide comments). Furthermore, there is a decision of Cabinet of Ministers on "rules for conducting public discussions and public hearings of draft legal acts prepared by central and local executive bodies and local self-government bodies"[15]. Public discussion is defined as "a meeting organized with the participation of authorized representatives of relevant state bodies and local self-government bodies, representatives of civil society institutions, individuals, professionals and experts to prepare proposals from various sectors of society on relevant issues during decision-making of public significance"; and public hearing as "a meeting organized with the participation of authorized representatives of relevant state bodies and local self-government bodies, representatives of civil society institutions, individuals, specialists and experts for conducting public consultations and informing citizens about draft legal acts, certain issues of state and public life". Public hearings and public discussions may be organised either when the act is being drafted and/or when the act is considered by the parliament.

Central and local executive bodies should create a dedicated section on their official websites for public discussions and hearings of legal acts, and publish the draft legal acts there from the moment they are sent for co-ordination (confirmation). Together with the draft legal act the following information must be available: time and length of public discussion and hearing, rules for submitting opinions, comments and suggestions, time limits for considering them and publishing the results. Opinions, comments, and suggestions made by civil society institutions, individuals, experts and specialists must also be placed on the information resource and made publicly available. If the draft is modified following the suggestions, comments or opinions presented, the updated draft

9. https://search.coe.int/cm/Pages/result_details.aspx?ObjectId=09000016807509dd
10. International Association for Public Participation. Available at http://www.iap2.org
11. The whole section is summarised from the Civil participation in Decision-Making Processes in Azerbaijan, legal Framework and practice, https://rm.coe.int/report-civil-participation-in-decision-making-in-azerbaijan-final-22-0/16808b1daa#_Toc504380265
12. Constitutional Law № 21-IVKQ (21 December 2010) "on normative legal acts"
13. Law "on receiving information" № 1024-IIQ (30 September 2005)
14. Law № 816-IVQ (22 November 2013) "on public participation" (hereinafter law on participation).
15. Decision of Cabinet of Ministers № 172 (30 May 2014), hereinafter "rules for public discussions and hearings".

must also be published. The information of internet page, place of the gathering, time of public discussion or hearing must also be notified to authorized representatives of relevant state authorities. If the discussion or hearing takes form of a gathering, then authorized representatives of relevant state authorities or municipalities, experts, and specialists are invited by an official invitation letter. The law also sets criteria for the comments received in order to be considered for adoption (e.g. should be relevant and proportional, not linked to a particular interest, etc.).

According to the Law on Public Participation[16], there is also a possibility to establish a public council as advisory structures. Public councils have the right to:

- receive information from central and local executive authorities and local self-government necessary for their activities; and on issues requiring consultation with the public – receive their draft legal acts;
- propose holding consultations with the public;
- make proposals on the formation and implementation of state policy in the relevant field and sphere;
- make proposals in connection with the preparation of draft legal acts on the preparation and implementation of public policy in the relevant field;
- collect, summarize and submit to the central and local executive bodies and local self-government bodies the proposals of civil society institutions on the solution of issues of public importance;
- organize public events (public discussions, hearings, seminars, conferences, roundtables and other events) to discuss specific issues of state and public life;
- with a view to studying public opinion, to conduct polls or to propose to the relevant organizations proposals for conducting opinion polls;
- conduct public discussion of draft legal acts;
- involve representatives of central and local executive authorities, local self-government bodies, civil society institutions, experts and scientific organizations, including representatives of international organizations, individual experts in the work of the council;
- create permanent and temporary working bodies (committees, commissions, expert groups, working groups, etc.) for the implementation of their own goals.

Public participation and the legislative branch

Milli Majlis is obliged to publish all draft laws in a specially allocated section of its web page. Milli Majlis also publishes information on the entity that submitted the draft law, the registration number of the draft, the committee (committees) to which it was sent, the schedule and venue for public hearings and the deadlines, the rules for conducting public discussions, the procedure for submitting opinions, comments and proposals, the time limits of their consideration and publication of results; "informs the public about the results of taking into account the conclusions, comments and proposals submitted in connection with the draft laws"; and publishes the updated text of the draft law after the first and second readings.

2.3. Benefits of public participation

Public involvement in policy-making brings several benefits to state administration:

- **Smart regulations for growth, investment, innovation, market openness and support to the rule of law:** involvement of different stakeholders (business associations, trade unions, CSOs, academia …) significantly contributes to better analysis of impact of new or amended policies and legislation and it serves as a very important tool of evidence-based policy making (deliberation of different alternatives and solutions)
- **Verification of the need for new regulation:** only those that are affected by the regulation can help the state administration to detect concrete challenges and needs. Inclusive process can either confirm the need for proposed solutions, or reject them and helps to find better ones.
- **Early detection of potential barriers and unintentional negative effects of proposed regulations:** the public can often better pin the potential barriers and aspects that were overlooked and helps to prevent potential negative consequences.
- **Quicker and easier implementation:** with well thought-through solutions and bigger ownership of the public, the implementation of the regulation is much easier.
- **Early conflict resolution:** During participative processes, stakeholders often express different views and opinions. With taking them on board, the chances for stakeholders to oppose the regulation at a later stage are significantly decreased.
- **Higher legitimacy of decisions and higher public trust in public administration:** through participation in policy-making, stakeholders develop ownership and responsibility for community. They better understand the regulations and accept them, even if they somewhat negatively affect them.

16. Article 7

2.4. Enabling environment for public participation

In order for the public participation to be successful, efficient and inclusive, some conditions should be fulfilled. The conditions mostly focus on enabling environment for civil society as a flourishing civic society is a key ingredient of a successful democracy. Among them, the Guidelines mention the following:

- respect for human rights and fundamental freedoms, the rule of law, adherence to fundamental democratic principles, political commitment, clear procedures, shared spaces for dialogue and good conditions overall for a vital, pluralistic and sustainable civil society;
- creation and maintenance of an enabling environment by member States, comprising a political framework, a legal framework (where appropriate), and a practical framework, guaranteeing individuals, NGOs and civil society at large effective rights of freedom of association, freedom of assembly, freedom of expression and freedom of information;
- recognition and protection of and support for the role of civil society in a pluralist democracy, its functions in terms of advocacy and monitoring of public affairs and its contribution to building a diverse and vibrant society.

2.5. Key principles of public participation

Several different documents of international organisations define key principles, which make public participation successful and efficient. The Guidelines emphasise the following:

- mutual respect between all actors as the basis for honest interaction and mutual trust;
- openness, transparency and accountability;
- responsiveness, with all actors providing appropriate feedback;
- non-discrimination and inclusiveness so that all voices, including those of the less privileged and most vulnerable, can be heard and taken into account;
- gender equality and equal participation of all groups including those with particular interests and needs, such as young people, the elderly, people with disabilities or minorities;
- accessibility through the use of clear language and appropriate means of participation, offline or online, and on any device.

2.6. Fundamental rules for effective and efficient public participation[17]

- **Embeddedness into policy making process**: Proactive engagement of stakeholders broadens the collection of data and evidence, fills data gaps and contributes to better examination and understanding of the benefits and costs of the proposed policy and legislative interventions. Public participation should therefore be an integral part of any regulatory impact assessment and evidence-based policy-making. Participatory processes should be consistently implemented in drafting of both primary and secondary legislation as well as in drafting of policies and strategic documents.
- **Limited exceptions**: Participation may only be limited in exceptional cases. All exceptions (e.g. when this is required by the interests of security or defence, in order to eliminate consequences of natural disasters, or to prevent irreparable damage) should be defined in advance. When an exception is used, it needs to be clearly justified, stating the concrete reasons for such decision.
- **Careful planning**: Public participation needs to be carefully planned. Planning should involve: identifying the objectives and corresponding consultation methods, resources and time needed to achieve them, and timetabling the activities.
- **Sufficient resources**: Before initiating concrete policy making process, we need to ensure that sufficient financial and human resources are available for the implementation of public participation processes.
- **Proportionality**: Public participation process needs to be planned proportionately to the complexity of the issue. More complex issues demand more complex approach, more time, a variety of methods and stakeholders, while less complex issues may require significantly less.
- **Sufficient time available**: Reasonable time should be provided for information sharing, for the public to consider the issue and prepare contributions, and for public authorities to consider the comments and implement all steps in a quality manner.
- **Early involvement**: Public participation should take place from the earliest stage of the drafting process. At each stage of the policy-making cycle all relevant stakeholders should be included.

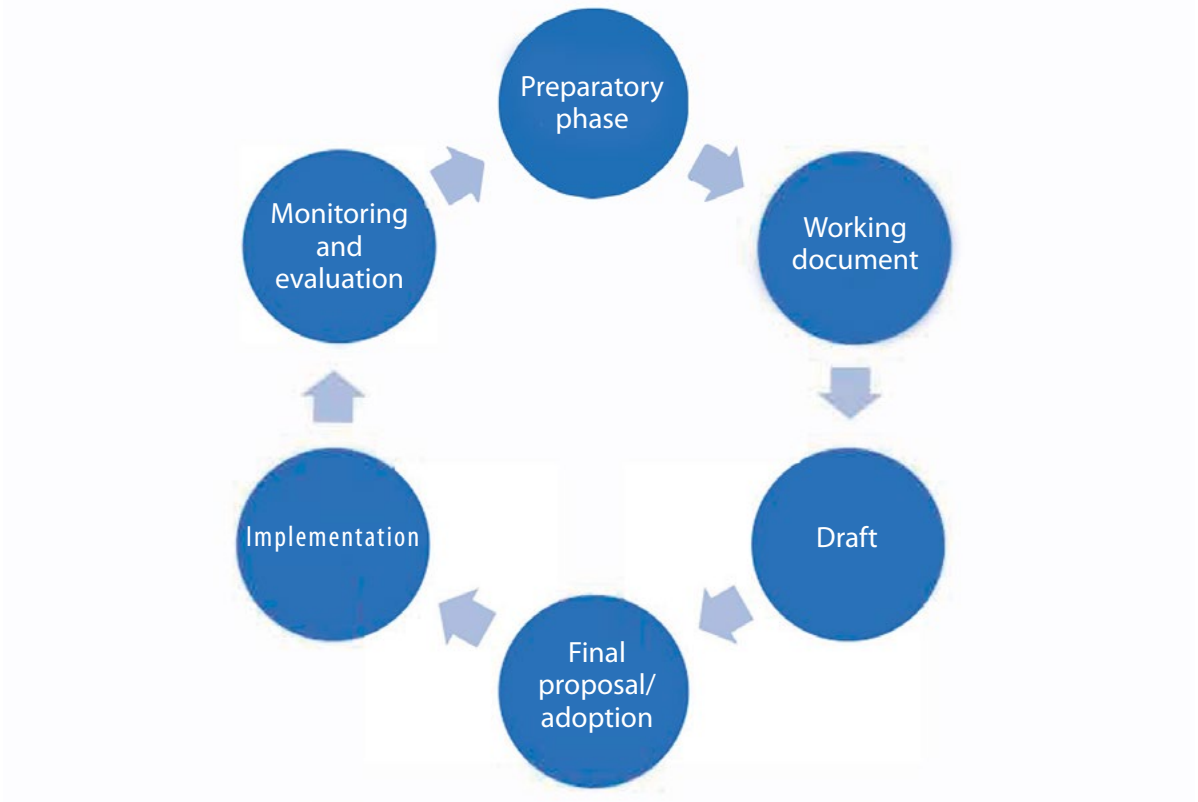
17. This section is to a large extent based on the Regional Cooperation Council's Recommendation on public participation in policy-making process for Western Balkans, https://www.rcc.int/pubs/59/recommendation-on-public-participation-in-policy-making-process-for-western-balkans

- **Targeted approach**: Public participation should always be targeted. Communication channels, chosen methods and information being provided must be adapted to the issue at stake as well as to individual characteristics of different stakeholders.
- **Accessibility of information**: At all stages of policy-making, all relevant information should be available to stakeholders and presented in clear and easily understandable language and in an appropriate and accessible format, without undue administrative obstacles.
- **Advance notification**: Public consultations should always be announced well in advance in order for the public to reserve enough time for active participation. The most systematic approach would be to publish an annual consultation plan along with the Government's annual legislative plan. In order to effectively reach stakeholders, we should, along with the advance notice, also invite stakeholders to express their interest for participation in development of a specific draft.
- **Proactive approach:** As efficient public consultations provide free external expertise and may help with generating public support for the upcoming legislation, we need to act proactively when implementing consultation processes (e.g. actively seek and invite stakeholders). We should also consider encouraging participation by offering different kinds of supportive measures to stakeholders which get actively involved.
- **Responsiveness, transparency and traceability**: To gain the public's trust as well as support for the policy at hand, and to improve its implementation, we should always provide feedback on received contributions. Stakeholders should be informed if significant changes to the draft are made during the process.
- **Continuous quality control:** We should monitor the implementation of participatory processes. We should monitor the process itself – implementation of planned activities, the timeline and the use of resources; as well as its quality – how the activities were implemented and if the set objectives were realised.

  When the process is over, it needs to be internally evaluated. The evaluation should include the assessment of implemented methods, appropriateness of the set objectives, success with the identification and involvement of stakeholders, incurred costs and reached benefits and impact.

2.7. Decision-making cycle

Although concrete steps in different countries and even between ministries may differ, in general, there are six stages of decision-making cycle:



1. Preparatory phase/issue identification: during this stage, we are analysing the state of affairs, identifying challenges and needs and assessing whether for addressing them the practice or implementation of the act should be improved or the act should be amended or some new regulation should be adopted. If we opt for the new regulation, we should clearly define the needs and challenges that the regulation will address.

The public and key stakeholders can at this stage help with providing first-hand information for specific issue identification. As they are either professionally connected with the field in question or are personally affected by it, they can also help with providing different solutions for identified challenges.

2. Working documents: in this stage, we prepare expert background materials: problem analysis, analysis of reasons for the new regulation, analysis of different alternative solutions, etc.

This is also the time, when we prepare regulatory impact assessment (assessment of regulation's economic, environmental and social impacts). When preparing the RIA report, we consult the key stakeholders as they can provide first feedback on alternative solutions (which one seems the best, which one is not that good and will not solve the identified challenges, etc.), assess the quality and comprehensiveness of identified impacts, etc.

3. Draft: Based on selected solutions we develop a draft regulation. We can draft the regulation together with the key stakeholders (ie. in a working group) or use other methods to check, whether solutions are well defined.

We publish the draft regulation together with all background materials (analysis, RIA report, surveys, …) on our website or central online platform and organise public consultations.

4. Final proposal/adoption: After consideration of received comments, we developed the final proposal of the regulation. This can also be done in cooperation with the key stakeholders in order to ensure broad support for the proposal and easier implementation.

5. Implementation: There are different ways to include key stakeholders in the implementation of regulation, depending on their role. We can include them already in the regulation itself or outsource some of the tasks later in the process.

6. Monitoring & evaluation: After some time from validation of the regulation (2-3 years) it is advisable to check its impacts in practice. We check, whether proper implementation takes place, if the challenges addressed are being solved, have any new challenges and needs occurred, etc. Based on such evaluation, we decide, whether we need to make some changes to the regulations. Similarly as in the preparatory phase, also here we can rely on the key stakeholders to provide valuable information. We can also outsource some of the monitoring and evaluation tasks to the key stakeholders.

2.8. The role of public councils in public participation

Public councils operate as an advisory structure under auspices of central and local executive authorities and local self-government bodies. They serve to the purposes of ensuring citizens and civil society institutions' participation in the decision making process and consideration of public opinion. They are important tool for public participation as they bring the stakeholders closer to the information and the decision making process itself. Furthermore, public councils significantly contribute to building of public trust toward executive authorities.

Public councils are mostly constituted of NGOs with high expertise (years of experience and work in the field), thus being able to offer professional response during consultations, as well as contribute to legislation's implementation, monitoring and evaluation.

The law on public participation already enables a very active role of public councils in the decision-making process. In order for their role to be fully realised and recognised more public council should be established across all ministries and other relevant central and local institutions.

On the other hand, some steps should be taken by public councils themselves to increase efficiency. Public councils should:

- **Set clear objectives** and define specific topics or fields and the timeframe for the whole process that the public council will handle during its elected period;
- **Enhance citizen involvement:** Obtain more inputs from interested parties and thereby provide opportunities for interested parties to contribute to the work of the public councils;
- **Use effective working formats:** Form working groups or committees to handle effectively the objectives of public council or specific technical, administrative works;
- **Seek innovation:** provide solutions through the introduction of new approaches, practical solutions and concrete models of international good practices;
- **Build coalitions:** Coalitions are better tools for advocacy and reflection of public interests in decision making processes;
- **Publicize** public participation opportunities and activities throughout the elected period.

2.9. Planning the participatory process

2.9.1. Why plan?

We have already established that public participation brings several benefits. Therefore, we are not conducting it because some international treaty or law demands so, but because regulations, drafted in a participatory process are truly better.

Public participation is not an one-time event, but it rather is a process that accompanies all stages of decision-making cycle. To make the most of it, we need to carefully think of who, when and how to involve.

The whole exercise will be much easier, if we develop a **public participation plan** as it helps us in many different ways:

- Because we planned and foreseen activities to be implemented, we know, how much time and how many human and financial resource we need for them. Hence, we are prepared for the workload and can divide the work accordingly. Furthermore, we are able to include the envisaged costs in the budget.
- Because we carefully identified stakeholders to be actively invited to participate, the possibility for some stakeholders to feel left-out significantly decreases. We have, therefore, avoided potential opposition.
- Because we thoughtfully selected methods according to the character and needs of the stakeholders, we will receive comments of good quality with well-based justification.
- Because we conducted a risk-assessment, we avoided some of the barriers in advance.
- A good public participation plan enables good monitoring and evaluation, resulting in continuous improvements. It will be easier and easier!

2.9.2. Content of public participation plan

Usually, the public participation plan includes the following components:

- Objectives of the process,
- Issues and questions that we want to consult with the public and/or stakeholders at each of the stages of policy-making cycle,
- Identification of key stakeholders,
- Public participation methods and timeline,
- Required resources,
- Information that should be available to the public and communication channels,
- Mechanism for gathering and consideration of comments,
- Preparation and publication of feedback report,
- Monitoring and evaluation of the process.
- When developing the public participation plan, we should ask ourselves the following questions[18]:
- Do we know exactly what we want to achieve (clear cut purpose and specific objectives)?
- Have we considered all of our legal obligations regarding public participation? Do we know which of the decisions already taken, which technical requirements or legal provisions have to be considered as unchangeable facts and for which topics there is room for manoeuvre?
- Have the stakeholders been clearly defined? Did we consider those who will possibly and potentially be affected? Did we consider those who could with their experience and knowledge help with the drafting?
- Have we chosen the most appropriate and inclusive methods of consultation, including those that meet the needs of disadvantaged stakeholders?
- Did we define when we would involve the public? Did we consider which target groups may help us the most in each of the stages of the decision-making?
- Did we prepare a time schedule of the process? According to our experience with this kind of documentation, did we allocate enough time for reflection on documents? Did we adapt the time schedule to any procedural deadlines?
- Did we plan and ensure the required financial and internal resources (staff, material, etc.)?
- Have we planned to evaluate our consultation process and to ensure any lessons learnt are taken into account for the future?

18. This section is to a big extent based on the Reaching out, Guidelines on Consultation for Public Sector Bodies, Republic of Ireland, https://www.hpra.ie/docs/default-source/publications-forms/corporate-policy-documents/reaching_out_-_guidelines_on_consultation_for_public_sector_bodies.pdf?sfvrsn=2.

3. Public participation and the executive branch

3.1. Steps by step towards efficient public participation process

In this section, we are describing the tasks to be undertaken in the scope of each of the elements of the public participation plan.

Scheme of the consultation process:

3.1.1. Identification of objectives

Every public participation process needs to have a purpose in order to be effective.

We define objectives for the consultation process of each policy and regulation subject to consultation, i.e. what we want to gain from consultations (e.g. get information about problems and needs, get alternative solutions or public opinion on alternative solutions, check comprehensiveness, consistency and sufficiency of the draft, etc.).

Objectives differ from one stage of decision-making process to another. Some examples of objectives according to the stage:

1. Preparatory phase/issue identification:

- To gather information about the effectiveness of current solutions, challenges in practice, reasons for challenges and their consequences,
- To acquire different proposals of solutions.

2. Working documents:

- To include the public in setting the main priorities of the regulation,
- To acquire public's opinion on alternative solutions,
- To gather information on potential impacts of individual solutions.

3. Draft:

- To involve key stakeholders in drafting of the regulation,
- To check the comprehensiveness, consistency and sufficiency of the regulation,
- To check the support for selected solutions and identify potential conflict points.

4. Final proposal/adoption:

- To involve key stakeholders in final drafting of the regulation,
- To ensure higher acceptance and public support for the regulation.

5. Implementation:

- To ensure that key stakeholders continuously monitor the implementation and provide state of the art information.

Key tips

Clearly defined objectives help to achieve better results. The public and stakeholders will respond quicker and better, if they will know what is expected from them and how they can influence the regulation.

Key questions

What do we want to achieve with public participation?

Which issues/questions do we want to consult with the public? At which stages?

3.1.2. Identification of stakeholders

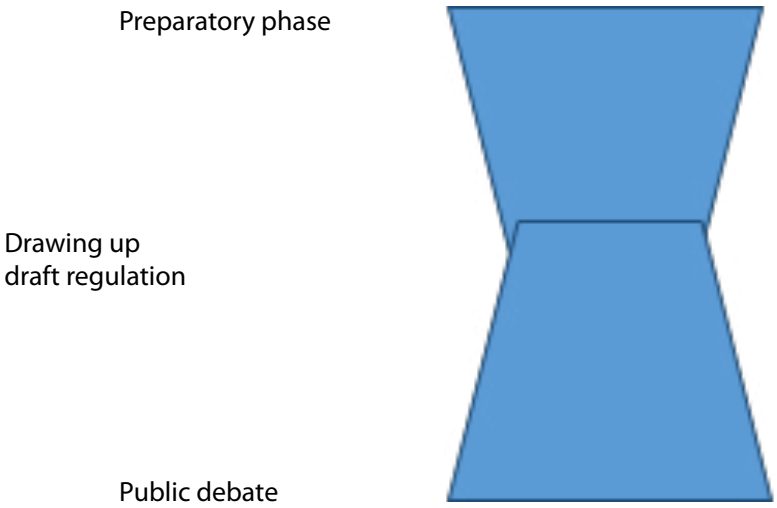
Stakeholders are all individuals, groups or organisations who are or could be affected by the regulation, and all who engage professionally or expertly in the area regulated thereby, and are therefore interested to participate in drafting the regulation. However, not all stakeholders are equally important in all phases of preparing the regulation. Whom we consult in each phase, primarily depends on the objectives set for each phase in advance.

In the preparatory phase, we include the widest range of stakeholders possible; only thus sufficient information can be gathered. Preparatory phase stakeholders should, therefore, include (at least): regulation users or those affected by it directly; its operators; and experts. They have to be involved in the earliest phase, not only for being a precious source of information but also to prevent them from voicing sharp and loud objections to potentially bad solutions later on.

In the phase of draft regulation being drawn up, i.e. when solutions are being expressed clearly, made operational and formed as a legislative text, our range of stakeholders will probably be narrowed down. We will mostly be working with experts and members of various representative organisations.

When the draft regulation is ready, the range will expand again. At this point we normally wish to check the integrity, sufficiency and consistency of the solutions proposed, i.e. of the legislative text, as well as identify any potentially contested content and ensure the widest public support and legitimacy for the proposal; it is, therefore, sensible to discuss it with the widest range of stakeholders, and with the general public as well. This is also the time when a public debate on the new regulation has to be held.

Hourglass diagram: The range of stakeholders included relative to the regulation procedure



The main rule for identifying stakeholders, therefore, is to cover each of the set objectives for the process. Since objectives of each phase can be predicted to a great extent, a provisional identification of stakeholders has to be done in the early elaboration of the regulation. Before each new phase, we reconsider the selection to check if anyone might have been forgotten.

Identification has to be far-reaching. We do not limit ourself to the "usual suspects", i.e. those with whom we have already cooperated or who are the most vocal. Rather, we give it a real thought who it is that the new solution is going to affect, and who could be helpful in drafting the new solution based on their (expert) knowledge and experience.

Various groups of stakeholders:

- citizens – "users" of the regulation or service (general public, unorganised individuals, etc.),
- economic operators and their associations,
- civil society organisations, such as non-governmental organisations, trade unions, expert societies, private research establishments, religious communities, etc. Not to be forgotten are organisations representing special groups of people, such as the disabled, ethnic minorities, youngsters or the elderly, people living in remote areas that are difficult to access, etc.
- public institutions (other ministries, municipalities, agencies, faculties, research institutes, constituent bodies, etc.).

What can be helpful when identifying stakeholders?

- Use lists of stakeholders who participated in drafting the previous regulation proposal or similar regulations.
- Check records of comments and proposals sent by organisations or individuals before the new regulation began to be drawn up.
- Check who the Ministry generally works with (who attended various events, meetings, etc.).
- Ask diverse support organisations and associations for help (such as chambers of commerce, non-governmental organisation networks, trade union head offices, etc.).
- Enable stakeholders to apply or register their interest by themselves.
- Carry out a quick online survey.
- If this refers to a law that majorly affects stakeholders who are very unlikely to have been previously involved in various decision-making processes, they can be invited to participate by means of media and social networks.

Practical tool

When identifying stakeholders, we can use various methods that we can carry out with the help of our colleagues, or we can include some of the previously identified stakeholders. An example of such a method is the **STAKEHOLDER NETWORK.**

Short description:

In a short time, the participants prepare an overview of key actors related to a topic.

When should this method be used?

The method should be used when we wish to identify the stakeholders of a certain process and their importance with regard to the process.

Implementation:

Invite the group to find stakeholders. In the first step, participants write down all the stakeholders they can identify.

In the second step, we begin to form a diagram of the stakeholder network.

The name of the regulation goes in the centre of the poster. Stakeholders should be placed on the poster so that their distance from the centre indicates the stakeholder's connection to the regulation (e.g. actual enforcers of the law's measures will be placed closer, whereas the chamber of commerce will be placed further off, being only marginally affected by the law). Draw a circle around the name of each stakeholder to indicate the potential impact of this stakeholder on the process of adopting the regulation (e.g. the social impact of trade unions is significant, and the circle around them bigger, whereas the impact of the Food Supply Chain Relationships Ombudsman is more limited).

What has to be taken into account?

- The method can be used in smaller groups, whereas in bigger groups less motivated members might eliminate themselves from the process.
- The process requires an organic group where members are able to discuss and agree on the final diagram.

For each stakeholder, we also consider their characteristics and needs. Not everybody can devote equal amounts of time, staff or skills, neither are they equally mobile nor interested, strong or influential, etc. All this has to be considered when choosing the tools and methods to be used in consulting them.

If we lack sufficient information on newly identified stakeholders, it is advisable to ask them directly about their characteristics and needs – in what way they wish to participate in the process (would they prefer to submit written comments, attend meetings, are they willing to take part in an electronic working group and similar). This can be done by means of a simple questionnaire, which can be sent together with the invitation to participate.

🕮 Sample questionnaire on stakeholder's needs

Organisation/Name and surname	
Do you regularly use a PC when working, and are you willing to get involved in drawing up the regulation online (online conferences, discussions, direct comments on the proposal online, etc.)?	
Do you have the time to participate in meetings and events?	
How often could you attend meetings and events?	
When events are held in the capital, do you wish to be reimbursed you travel expenses?	
How would you like to receive information on the preparation process and contents of the regulation?	

After each consultation, lists of participating stakeholders should be kept and used in future consultations on similar topics and regulations.

Key tips

Identification of stakeholders should be as wide as possible. Good solutions can only be formed by considering a diverse range of views from extremely positive to extremely negative.

Although the strength of a stakeholder really matters, it should not be the sole criterion for choosing whom to consult. However, it can affect our decision in which phase and how to integrate a stakeholder.

Experts who work on the issue on a regular basis can be most helpful in drawing up the regulation. They can be found among academics, but also in the economy, in trade unions, non-governmental organisations, and similar.

We should take the time and try to identify the stakeholders who are less visible or with whom we haven't yet established contacts.

Keep the lists of participating stakeholders to use them in similar processes.

Key questions

Who can help us achieve the objectives of public involvement?

Who can provide answers to the questions posed?

Which stakeholders are specifically required by the law to be involved?

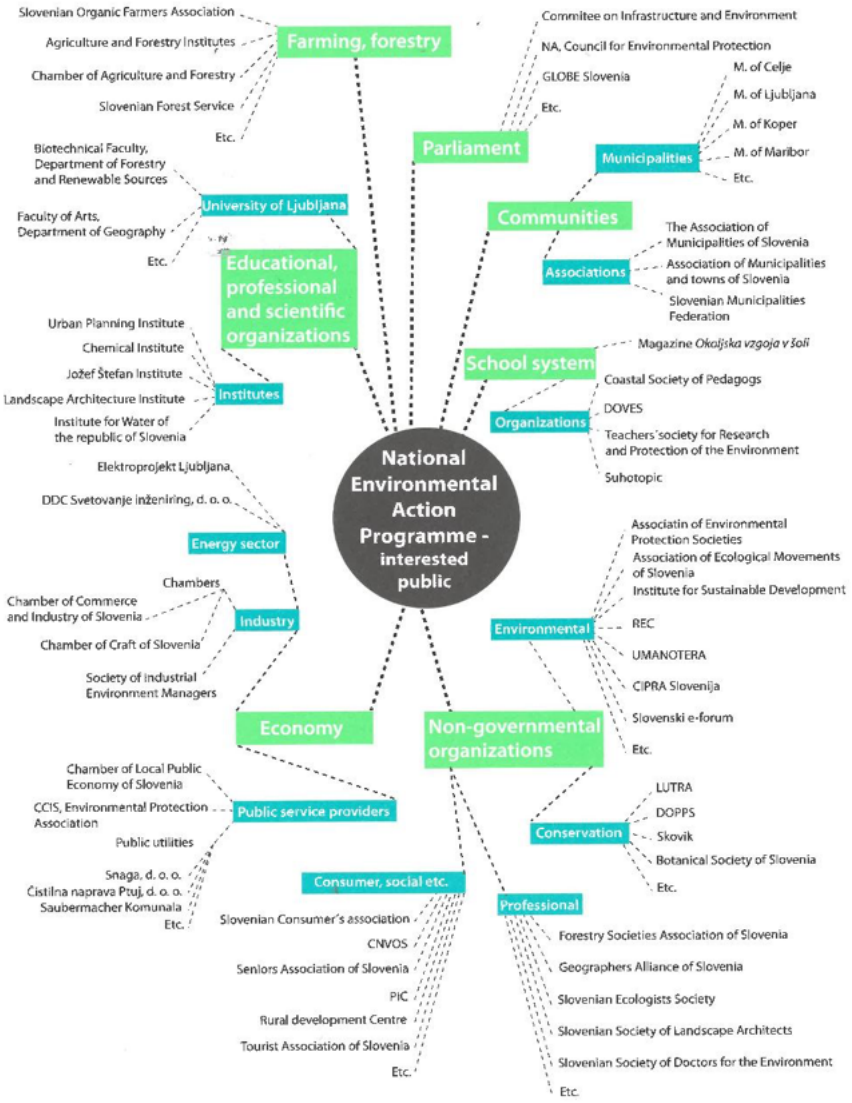
Who will be or could be affected (positively or negatively) and who potentially represents such persons?

Who could make a major contribution to forming our solutions based on their knowledge and experience?

Who could become engaged against the proposal or in support of the proposal?

What are stakeholders' needs?

Good practice: Identification of stakeholders for the consultation process on the National Program on Protection of Environment, Slovenia[19]:



19. Mežnarič, I.: Handbook on planning, implementing and evaluating consultation processes, MInistry of Public administration, Ljubljana, 2008.

Sample matrix

Identification of stakeholders			
Stakeholders (insert each stakeholder in a separate line)	Foreseen viewpoint (insert corresponding sign: S – support, O – opposition, N – neutrality)	Stakeholder's influence (insert corresponding sign: S – small, B – big)	Characteristics and needs of stakeholders (state characteristics and needs that may affect the consultation methods and tools)
Citizens (»users« of the regulation: general public, not-organized citizens …)			
Businesses and their associations			
Civil society organisations (do not forget organisations that represent special groups of citizens, e.g. elderly, people with disabilities, …)			
Public institutions			

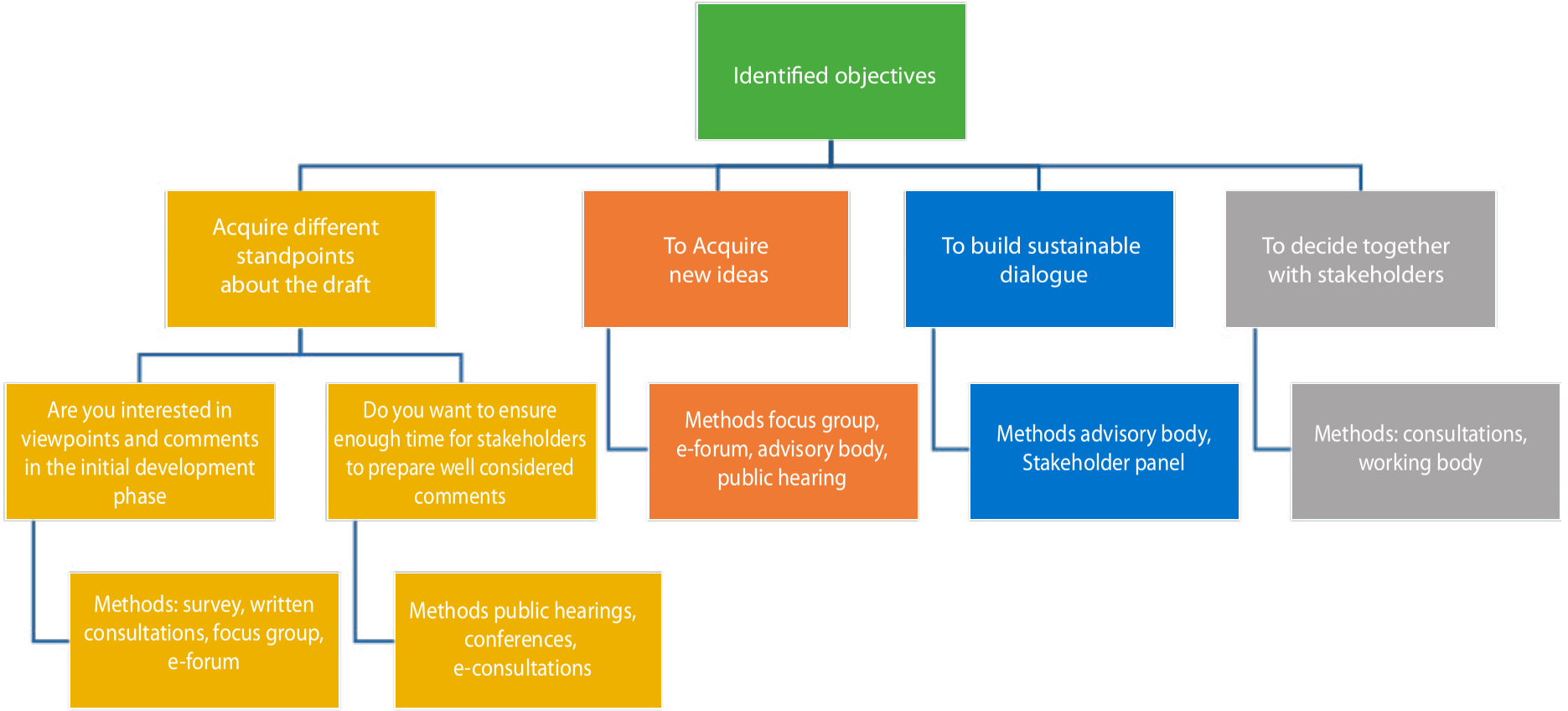
3.1.3. Selection of methods and participation tools

Participation methods are nothing other than different ways and forms used for dialogue with stakeholders. Their identification and efficient implementation represent the most challenging part of the participation process as its success hugely depend on the appropriate method used. Even if we have set very good objectives and very well identified stakeholders, the process may not be successful if we fail at this task.

The main rule here is that we use different methods and tools. They should be tailored to the issue in question, defined objectives and identified stakeholders in each of the stages of the decision-making cycle. Special consideration needs to be given to the needs and preferences of particular groups, such as older people, younger people or people with disabilities. Some stakeholders, for example, are used to written consultations (e.g. academia, interest groups …), some may have difficult access to electronic communication (e.g. elderly, marginalised groups) and others just wishing to be heard. We also need to take into account the number of stakeholders. We use different methods for open consultation, when we want higher outreach and response, than when we are consulting closed groups of stakeholders.

We can, for example, choose between e-consultations (e-platform or consultations via email), meetings in person, public hearings, focus groups, surveys, etc. For active long-term involvement of the narrower circle of stakeholders, working groups, advisory councils and similar structures can be established. We can use a combination of different methods in order to respond to different needs and objectives. However, we should not forget the time and financial and human resources available. We should be realistic in combining the ideal participatory process with the given framework.

The following scheme can help us to choose the appropriate methods:



Strengths and weakness of some most commonly used consultation methods[20]:

Method	Strengths	Weaknesses
Written consultations	► Good way to get views on complex issues from interested parties ► Online commentaries or submissions possible ► Can be accompanied by contextual questions ► Allows time for considered responses to be prepared	► Some groups may lack the resources for full analysis and response ► Preparation of responses can be time consuming ► Responses may not be entirely representative and can be difficult to analyse
ICT Tools	► Very low cost of publication on the Internet ► Can reach a wide audience ► Facilitates easier collection of submissions ► Allows for interactive presentation of consultation materials ► Information can be updated / amended relatively quickly	► Lack of universal access ► Possibility of technical problems ► Information needs to be designed and presented differently online ► IT not a solution to all aspects of consultation – submissions still need to be analysed offline
Advisory committees (public councils)	► Good source of advice on complex social or technical issues ► Recognised expertise of committees helps to inform decision-making processes ► Can help produce more appropriate policy, especially when dealing with complex or controversial policy issues.	► Ensuring smooth internal dynamics within a group can be difficult ► A clear mandate and timeframe is necessary ► Standing advisory committees need time and resource commitments to ensure effective functioning.
Questionnaire-based surveys	► Good for longer and more complex questions ► Can be directed towards a targeted and representative audience ► Allows audience to take time to complete survey ► Allows a considered response to sensitive subjects	► Questionnaires need careful design ► Little control over who completes it ► Response rates can be low

Key tips

Universally applicable methods do not exist. When choosing the appropriate method for consultation of stakeholders, we take into account the time, resources available and identified stakeholders. Some rather use ICT tools, while others may find it easier to express their opinion in public meetings..

Key questions

Will the chosen methods and tools enable us to achieve the objectives? Will they help us get answers to the questions asked?

Have we considered the characteristics and needs of different stakeholders?

Will they enable a good response from stakeholders?

20. This section is to a big extent based on the Reaching out, Guidelines on Consultation for Public Sector Bodies, republic of Ireland, https://www.hpra.ie/docs/default-source/publications-forms/corporate-policy-documents/reaching_out_-_guidelines_on_consultation_for_public_sector_bodies.pdf?sfvrsn=2.

Good practice: on-line consultations in Malta[21]

Online public consultations are part of the Malta's ePublic authority initiative. The broad initiative also includes a provision of Public authority's e- services, including eForms (allows for creation of online forms); MyBills (Public authority's online billing solution) and eProcurement (allows to track public tenders). The online public consultations are divided into four stages: (1) *Open Consultation*: when public is requested to submit the comments; (2) *Closed Consultation*: when all received comments are filtered through a moderation process; (3) *Publication of Feedback*: when the feedback selected during the moderation process is published; (4) *Consultation outcome*: when a detailed report of the outcome of the consultations is developed and made available to the public. Submission of comments is enabled through a simple online form, via e-mail or by telephone. In order to make the mechanism the most successful, it is essential to secure citizen's engagement and educate them how to use the ePublic authority tools. With this respect, several free basic ICT courses were organized to familiarize citizens with the use of the internet and computers in general. On the side of the Public authority, it is of the utmost importance to ensure that all ministries use the online tool and continuously update the platform with new documents for consultations.

Key elements:

- Design a user friendly web platform, easily accessible for everyone;
- Organize educational trainings for citizens on the utilization of tools;
- Create commitment of the ministries to publish all the documents in a timely manner.

Good practice: Austria: Citizens' jury for Obere Neutorgasse, Graz[22]

The City Council of Graz unanimously agreed to extend the pedestrian precinct in Obere Neutorgasse in Graz and to conduct a public participation project beforehand with the aim of developing proposals for traffic calming in Obere Neutorgasse.

The participation process started with an informatory meeting aimed at the general public to explain what was meant to happen. Next, residents and shopkeepers gathered ideas for traffic calming in Neutorgasse in a workshop for target groups. At a Round Table lobbyists added further suggestions. Meanwhile 65 men and women from Graz were selected at random for four study groups, the so-called citizen juries. Their work began with an introduction and as brainstorming session. Experts from city and transport planning provided them with basic information, which they supplemented on the spot in Neutorgasse. At this point the jurors worked out approaches which they concretized as actual plans. All in all they were at work on solutions for traffic calming in Neutorgasse for one evening and two full days. They received token remuneration for this. The juries' findings were discussed with the lobbyists at a Round Table. The facilitator summarized the results in the jury report, which representatives of the four juries then counterchecked. Next, the jurors presented their findings to the politicians concerned (decision-makers for the City of Graz), including the Councillor responsible for the project, who brought the results before the inner council. All the political groups on the council accepted the juries' recommendations, and budget funds were earmarked accordingly.

21. ECNL: Civil participation in decision-making processes, An Overview of Standards and Practices in Council of Europe Member States, prepared For the European Committee on Democracy and Governance (CDDG), May 2016, https://rm.coe.int/civil-participation-in-decision-making-processes-an-overview-of-standa/1680701801.

22 www.partizipation.at

3.1.4. Information sharing

Broad information sharing is of key importance for the credibility of the participation process. Information sharing should, therefore, be timely and understandable. It should give enough information to ensure that those consulted understand the issue and can give informed responses. It should contain information about the content of the regulation in question (e.g. summary, background documents, legal and policy advice, minutes of meetings, feedback report…), as well as information about different possibilities to get involved in the decision-making process (e.g. announcement of public events and opportunities for participation).

Before sharing information we:

- prepare appropriate materials (analysis, questions, draft, etc.),
- define the format of specific information (e.g. leaflet, graph, presentation),
- define the timeline of the consultation process,
- set communication channels in accordance with the objectives and identified stakeholders (web site, newsletter, expert magazine, adds and articles in newspapers, public events, etc.).

Information and materials provided differ from one stage of the decision-making cycle to another. In the preparatory phase, we can inform the public only about the regulation that is going to be drafted, objectives and questions set for consultation and the public participation process itself. In later stages, we will have more materials and documents to share. When preparing the consultation material, it is very important that we use simple, clear and understandable language.

We proactively inform the stakeholders about the beginning of the process to ensure their participation. We use traditional and social media to broadly inform the public about the key problems that will be addressed and promote the importance of its input.

Generic email invitation and publication on the website are often not enough to attract interest. It takes a more proactive approach, which starts already with the tailor-made invitations. We consider what in relation to the draft could particularly attract the interest of specific stakeholders and we emphasise these questions in the invitation.

We publish all drafts and related background and public participation documents on our website and a single e-platform, if such exists.

Key tips

We prepare the consultation materials in a clear and understandable language. We prepare clear questions for the public to answer. A part from the draft and the consultation questions, the consultation materials should contain also a short summary and all background materials the draft is based on (Regulatory Impact Assessment report, analysis, surveys …).

We actively inform the identified stakeholders about the consultations, but we also make sure that the broader public is informed as well.

We select most appropriate communication channels according to the process's objectives and identified stakeholders.

Key questions

What kind of information does the public need in order to provide a good response?

Did we secure timely information-sharing?

Did we define the materials that will be published for consultation?

Did we choose different communication channels in order to reach different stakeholders?

Sample matrix

Objectives of public participation, identification of stakeholders, identification of consultation methods, information-sharing and material for consultations	
Consultation subject (what are we consulting about)	
Responsible person (for the preparation of regulation)	

Phases of decision-making cycle	Preparatory phase	Working documents	Draft	Final draft/ adoption	implementation	Monitoring and evaluation	Preparatory phase
Objectives of public participation (state concrete objectives in each of the phases)							
Consultation questions (list questions, which you want the public to answer. Set questions according to the objectives)							
Stakeholders (List stakeholders that you will include in each of the phases. Consider who can help you the most with answering the set questions.)							
Methods (List methods that you will use in each of the phases. Consider the objectives, questions set and needs of stakeholders. Clearly mark, which methods will be used for which stakeholders.)							
Information and materials (List information and materials you are going to prepare in each of the phases.)							

3.1.5. Timetable and resource planning

The timeline allocated for public participation needs to provide sufficient opportunity for the public to properly prepare and submit constructive comments. Public participation should start when the development of the act or policy is at a formative stage. We should not organise public consultations on issues on which there is already a final decision made.

When setting the timeline, we firstly define main activities, events and human resources needed. We considered the timeframe that is available for the preparation of the regulation. We are careful to plan sufficient time for all activities, their preparation, information-sharing, coordination with external support, facilitators, etc. We also plan some reserve time in order to provide enough time for needed flexibility and potential changes in the process.

We plan and secure appropriate financial and human resources and material requirements for the implementation of consultations, taking into account the principle of proportionality, i.e. complexity of the draft in question. We are realistic and do not underestimate needed resources. Each step (planning, inclusion of external experts, analysis of received comments, preparation of feedback, and evaluation of the process) takes a certain time. If we discover, that we do not have enough resources for the implementation of all consultation methods, we adjust the process accordingly.

Key tips

Set key events, main activities and resources needed for their implementation.

When setting the timeline we take into account that activities are inter-linked. We set enough time for preparation and leave some reserve time in case some changes will be needed.

It will be very helpful for the stakeholders, if we publish the timeline. This will enable them to plan their activities as well.

We plan resources needed in accordance with the complexity of the consultation issue.

Stakeholders from other sectors (business, CSOs) are usually not paid for their participation. Hence, we should plan at least the reimbursement of their travel costs.

To define the needed financial sources, we list the costs for each activity.

Key questions

Did we enable sufficient time for the stakeholders to respond in a manner of good quality?

Is the timeline coordinated with the availability of internal and external experts needed?

Did we considered the timing of the events (morning/afternoon) and provide different options? Did we consider holidays, weekends?

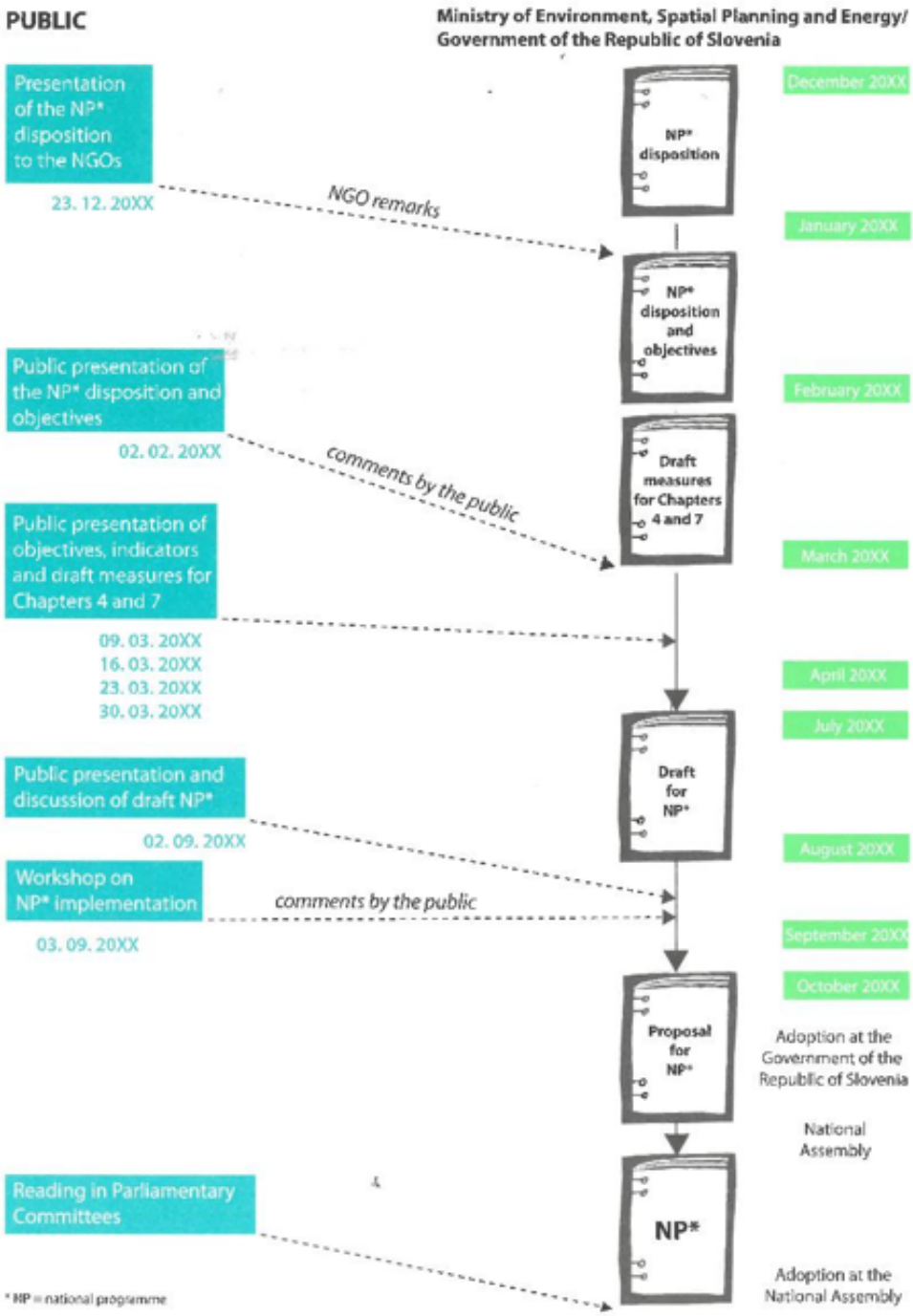
Did we plan enough time for selection of comments, their consideration and preparation of feedback?

Did we check, if the persons responsible for activities have enough capacities (knowledge, experience) to implement them?

Did we select facilitator?

Did we included all costs per activities?

Good practice: timeline of the consultation process of the National Program for Protection of Environment, Slovenia[23]



An example of a consultation process timetable

23. Mežnarič, I.: Handbook on planning, implementing and evaluating consultation processes, MInistry of Public administration, Ljubljana, 2008.

Sample matrix

Timeline and financial plan															
Activities (state concrete implementation steps under each of the activities)	**Timeframe** (Mark starting and ending date of each of the activities. Use day, week or month as a time unit, depending on the length of the process.)													**Responsible person** (List responsible person for each of the activities)	**Resources needed** (List needed human (H), financial (F) in material (M) sources for implementation of activities.)
Information sharing															H: F: M:
e.g. publication of notification															H: F: M:
e.g. publication of invitation to public meeting															H: F: M:
Public participation															H: F: M:
e.g. selection of a facilitator for the workshop															H: F: M:
e.g. preparation of invitation for the workshop															H: F: M:
Consideration of comments and preparation of feedback report															H: F: M:
															H: F: M:
Monitoring of the process															H: F: M:
															H: F: M:
Evaluation of the process															H: F: M:

3.1.6. Selection and consideration of comments and proposals

We think about this step already when planning the process, because we implement it alongside all methods and we need to be accordingly prepared.

We need to ensure traceability, careful structuring and consideration of each of the comments. The method of comments selection depends on the consultation methods. In case of written and e-consultation this task is rather simple, while in case of public meetings, workshops, conferences, etc. we need to plan beforehand how are we going to include the comments into the minutes. If different consultation methods were used, we make sure that all comments are presented and considered with equal care.

We decide how we are going to list and cluster the comments. For example, if we prepared questions for consultation, we can cluster the comments around the questions asked and other issues raised. The comments could then be structured in the following way:

1. issues consulted/raised: we list the issues/questions that were consulted or raised by the stakeholders,

2. clustered comments: we cluster similar comments under each issue,

3. stakeholders: we list all stakeholders that commented on the specific issue or cluster.

We analyse every contribution. If it is possible, we consider the comments as soon as possible, while the topic is still fresh. We can consider the comments by ourselves; we can involve our colleagues or cooperate with the working group of stakeholders.

We especially consider whether the contributions offer potential new information or solutions to the existing problems and needs, what are potential impacts and consequences of foreseen solutions and how high is the level of public support for the draft.

Key tips

Notwithstanding the consultation method, it is advisable that we:

- contain comprehensive and accurate list of comments,
- determine the methodology for their consideration,
- think carefully about the most emphasised comments. Do they affect the content of the regulation and the whole process?
- think through, if another round of consultations is needed.

P Key questions

Did we include the methods for selection and consideration of comments in the process plan?

Did we ensure equal consideration of all received comments?

Do we need a support of external expert when considering the comments?

Is there a need for additional or more in-depth consultation according to the received comments?

Sample matrix

Selection and consideration of comments			
Public participation method	**Method of listing the received comments** (list tools for submission and registering of comments, e.g. event report, minutes of meeting, report on received comments, etc.)	**Responsible person for selection and registering of comments**	**Responsible person for consideration of received comments**

3.1.7. Preparation and publication of a response to gathered comments and proposals

Experience show that the legitimacy of the decisions passed to a large extent depends on the transparency of the drafting process and the quality of the feedback report. With the publication of all received contributions we ensure transparency, while with the publication of appropriate feedback we prove that the contributions were seriously considered and thought through. If this is missing, the public may feel that the whole participation process was just a formality, the trust is lost and the implementation of the regulations becomes more difficult.

In the feedback report, we explain the contributions that have been received from the public and how these have informed the draft. We include all relevant information for the public to be informed about the consultation process and its outcomes, especially information about the consultation timeline, consultation methods, identified stakeholders, comments received and the outcome of deliberation on comments. The report can present received comments collectively, as they were clustered and considered.

We publish the feedback report at the end of the process, however, if there were more consultation methods used and the public was involved in different phases, we may consider to publish also the interim feedback reports.

There are different channels for publication of the report, depending on the consultation methods used. We always publish it on our website and the central online portal. We can also send via email to all those that submitted their comments electronically.

C Key tips

Justifications for decisions about the comments received should be clear and concrete.

The feedback report should also contain short summary of received comments.

The feedback report should contain contact data of the responsible person.

We publish the feedback report on our website, central online portal and send them to all, who have submitted their comments electronically.

Key questions

Did we include the preparation and publication of the feedback report in the public participation plan?

Did we determine the responsible person for the preparation of the feedback report?

Did we determine the channels for publication and distribution of the feedback report?

Did we consider all comments in an equal manner?

Did we include all comments and reasons for their adoption or rejection in the feedback report?

Sample matrix

Feedback report				
General information				
The regulation (state the name of the regulation, for which the feedback report is prepared)				
Responsible person for the drafting (state the responsible person)				
Members of the working group (if the draft was prepared by the working group, state the names of its members)				
Publication of the draft (state where the draft was published)				
Public participation methods (state which consultation methods were used)				
List of participants (state all those that submitted the comments)	List of individuals: List of legal entities: The number of anonymous comments:			
Publication of feedback report (state, where the feedback report was published)				
Costs of the public participation process (state the total costs of the process, including the cost of internal human resources)				
Received comments and feedback				
Issues consulted/ raised	**Clustered comments**	**Stakeholders**	**Decision (accepted/ partially accepted/ rejected)**	**Justification**

3.1.8. Monitoring of the participatory processes

Monitoring of implementation provides us with all necessary information in order for us to react and adjust the process if needed and to evaluate the process at the end. To gather all useful information, we monitor the process as such – implementation in respect to planed activities, timeline and resources; and its quality – how were the activities implemented and if the set objectives were realised.

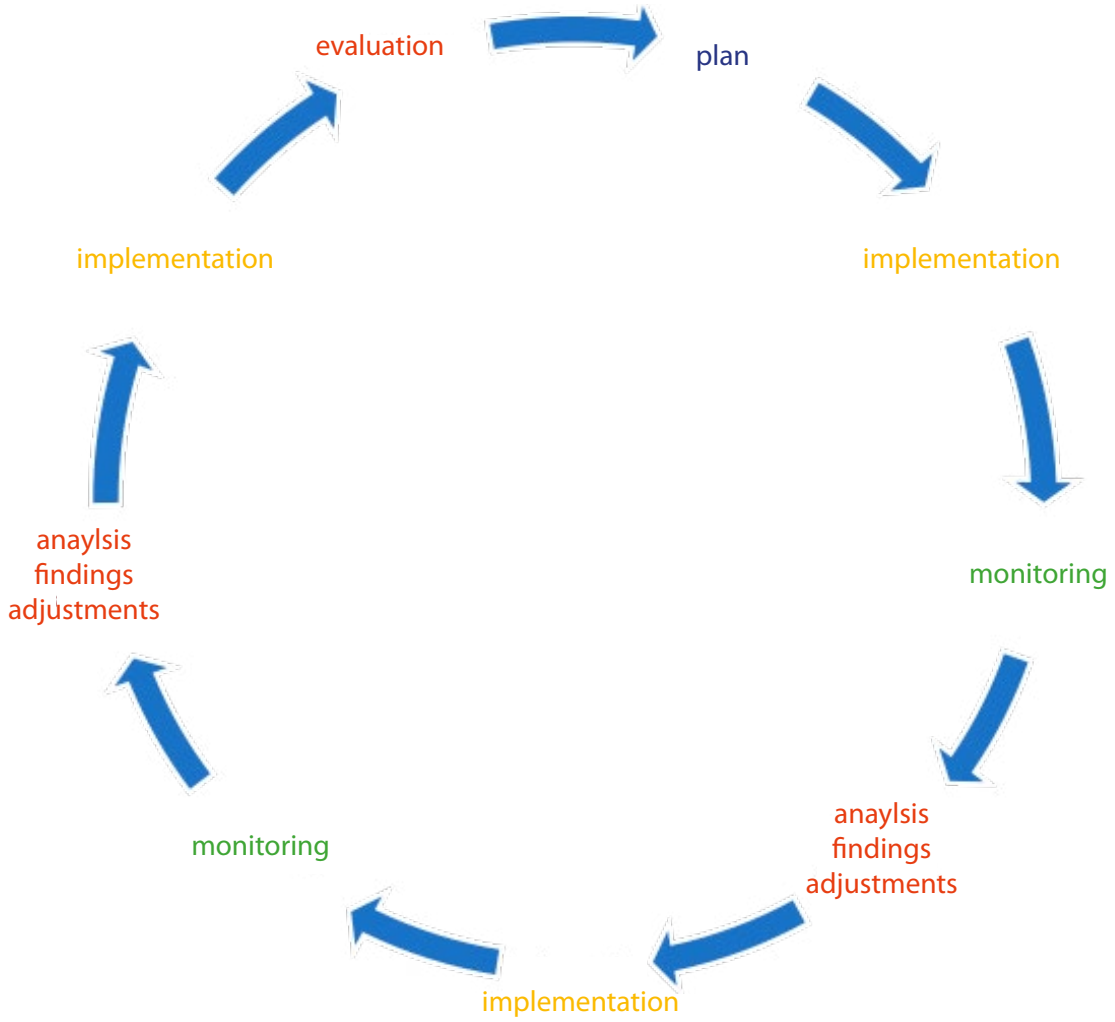
To ensure that the monitoring is done in a manner of good quality, we need to:

- create a good public participation plan that includes monitoring and evaluation plan,
- develop good strategy for information gathering,
- continuously gather all useful data,
- analyse the gathered data in all key moments (milestones of the process).

For acquiring accurate and current information, we use the following tools:

- evaluation questionnaires (for acquiring the participants' opinion on organised events and participation methods used),
- list of participants (to monitor the number of participants and stakeholders),
- event reports (comprehensive report on the event as such and the comments received),
- internal meetings of the persons involved.

Scheme of monitoring, evaluating and adapting the process:



Key tips

For quick reactions to unexpected developments, continuous and regular monitoring is needed.

We plan the monitoring already when we plan the whole participation process.

Planning of monitoring should be realistic. We monitor only those indicators that will help us to achieve efficient and effective implementation.

If the analysis shows that the implementation considerably deviates from the plan and that the expected results were not achieved, we adjust the process accordingly.

Key questions

Did we include monitoring activities and methods in the public participation plan?

Did we set qualitative and quantitative indicators for monitoring?

Did we determine sources, tools and mechanism for information gathering?

Were the activities implemented according to the timeline and in the given financial framework?

Were the implemented activities successful?

Did we adjust the process accordingly in line with the monitoring's findings?

Sample matrix

Indicators and methods for monitoring the process				
Process framework			**Adequacy**	**Measures for improvements** (state, how are you going to improve the participation process)
Were the activities implemented according to the planned timeline?			☐ yes ☐ no	
Were the activities implemented according to the planned financial resources?			☐ yes ☐ no	
Were the activities implemented according to the planned human resources?			☐ yes ☐ no	
Quantitative indicators				
Quantitative indicators (state indicators for monitoring)	Planned value (state the value of indicators)	Achieved value (state the achieved value)	Adequacy	Measures for improvements (state, how are you going to improve the performance)
(fill in in the process planning phase)		(fill in during monitoring)		
☐ number of consultation methods			☐ yes ☐ no	
☐ number of included stakeholders			☐ yes ☐ no	
☐ number of participants			☐ yes ☐ no	
☐ number of received comments			☐ yes ☐ no	
☐ other:			☐ yes ☐ no	
Tools for measuring the indicators				
☐ list of participants ☐ event report ☐ feedback report ☐ list of received comments ☐ other:				
Qualitative indicators				
Qualitative indicators (choose qualitative indicators – take into account the objectives of the participation process)		Findings (state your findings)		Measures for improvements (state, how are you going to improve the performance)
☐ quality of consultation methods				

☐ meeting the expectations of the participants		
☐ quality of received comments and contributions		
☐ indicators according to the process's objectives:		
Tools for measuring the indicators		
☐ evaluation questionnaire ☐ informal discussion with participants ☐ recording of participants' views ☐ event reports ☐ other:		

3.1.9. Evaluation of the participatory processes

Evaluation of the process enables us to get valuable information on achieved objectives and reached stakeholders. It is also important for our capacity-building, since it enables us to detect positive, as well as negative aspects, which can then be improved in the future. Evaluation further increases the credibility of the process as it shows that we are serious about participation and willing to learn on our mistakes. If we share evaluation's findings with our colleagues from other sectors and ministries, the evaluation contributes also to general improvement of the participatory processes in the country.

The evaluation includes the assessment of:

- appropriateness of the set objectives,
- identification and involvement of stakeholders,
- implemented methods,
- offered support to stakeholders,
- incurred costs, and
- reached benefits and impacts.

We include the evaluation activities in the process plan and implement it based on the information gathered during monitoring. It is useful to conduct continuous interim evaluations, not only the final one in order to improve the process already during its implementation.

To ensure implementation of lessons learnt, we share evaluation findings among public officials responsible for public participation.

Key tips

We conduct regular evaluations in order to improve the process already during its implementation.

The evaluation should be objective and realistic.

At the end of the process we conduct a comprehensive evaluation. We save and share the findings with our colleagues.

Key questions

Did we set qualitative and quantitative indicators for evaluation?

Did we plan enough time for the evaluation in the process plan?

Do we have enough expert knowledge for conducting the evaluation?

Did we adjust the process according to the evaluation's findings? Did we use the findings when planning the next process plan?

Sample matrix

Evaluation indicators		
Indicator	Planned (state the expectations before the process – source: process plan)	Achieved (yes/no; if not, why not)
☐ process objectives achievement (Were the process objectives achieved?)		
	Findings and comments (state findings and comments to support future processes)	
☐ identification of stakeholders (Were all stakeholders identified? Was the stakeholder analysis successful? Did all stakeholders have equal opportunities for participation? Were all stakeholders adequately informed about the process?)		
	Findings and comments (state findings and comments to support future processes)	
☐ Adequacy of methods (Were stakeholders satisfied with the selected methods? Did the methods enable their full participation? Did the methods enable acquiring of answers on the set questions?)		
	Findings and comments (state findings and comments to support future processes)	
☐ transparency of the process (Were the stakeholders satisfied with information-sharing? Were the stakeholders satisfied with published materials? Did all stakeholders receive adequate information? Were information and materials understandable?)		
	Findings and comments (state findings and comments to support future processes)	
☐ stakeholder satisfaction (Were the stakeholders' expectations met?)		
	Findings and comments (state findings and comments to support future processes)	
☐ value of results (Did you get the answers to the questions asked? Did the comments received influence the final decision/text of the regulation? What was the added value of the process?)		
	Findings and comments (state findings and comments to support future processes)	

☐ process analysis (Were all planned activities implemented? How many resources, human, financial and material, were actually spent? Was the process cost-efficient?		
	Findings and comments (state findings and comments to support future processes)	
☐ other:		
	Findings and comments (state findings and comments to support future processes)	
Tools for measuring the indicators		
☐ evaluation questionnaire ☐ informal discussion with participants ☐ recording of participants' views ☐ event reports ☐ other:		
What went according to the plan? (state the steps that were implemented as planned)		
What did not go according to the plan? (state the steps that were not implemented as planned)		
What would you do differently next time? (state elements and steps that you would implement differently in the next process)		

4. Public participation and the legislative branch

4.1. Why are there difference between public participation in the executive branch and the legislative branch?

Majority of policy and legislative drafts are prepared by the administration, namely ministries and other public institutions. The primary duty of the administration is to manage the public affairs in the general interest, pondering different aspects and impacts.

There are clear hierarchical and procedural rules in place. Acts are either drafted from scratch or supplemented on the basis of identified challenges of the current situation, but both involve development of the text through deliberative and evidence-based process. The public can influence the basis (objectives, alternatives solutions, etc.) and the final text.

On the other hand, the parliament deals with developed drafts (prepared either by the Government or other actors, such as President of the republic, members of parliament, etc.). The public's influence is therefore somewhat different, since it usually cannot influence the initial analysis and solutions, it often can only influence the text itself and advocate for concrete changes of text, while the basic solution stays the same.

However, there are already examples of good practices, when the Parliament cooperated with external structures and stakeholders and the drafts were prepared together. In such cases, the Milli Majlis, takes the role of the responsible body for the drafting and should follow the guidelines that usually address the executive branch.

In any case, the decisions in the Parliament are taken by the individual voting of the members of the parliament. Therefore, even though, the draft was prepared or initiated in the Parliament, some steps, described above, cannot be implemented in the same manner as in the executive branch, e.g. the publication of the feedback report.

We are, therefore, in this chapter, focusing on the guidelines on how to optimise the work of the parliament in its cooperation with the public to further enhance its transparency and inclusiveness, having in mind the character of its obligations and powers.

Good practice: Cooperation between the parliament and the Council of the State Support for Non-Governmental Organizations

On October 17, 2014 a cooperation memorandum was signed between the Parliament of the Republic of Azerbaijan and the Council of the State Support for Non-Governmental Organizations. The Parliament and the Council agreed that NGOs will be closely involved to the process of preparation of draft laws and decisions of Parliament. It further recognized the role of NGOs on raising awareness about laws and decisions adopted by the Parliament.

The Council of State Support to Non-governmental Organizations under the auspices of the President of the Republic of Azerbaijan has supported NGOs on developing draft laws to present to the Parliament.

Furthermore, NGOs are invited to take part in Parliament Committee meetings devoted public discussions of the draft laws.

The following draft laws were developed by NGOs in recent years and adopted by the Parliament:

1. Law of the Republic of Azerbaijan on Voluntary Activity adopted by the Parliament in 2009

2. Law of the Republic of Azerbaijan on Public Participation – adopted in 2013

Furthermore, in 2012, the Council with the active participation of the NGOs prepared draft laws "On Trade Unions" and "Social Order" submitted to the

Milli Majlis. Discussion of both draft laws is included in the Milli Majlis's Action Plan for 2018.

Adoption of laws that initiated by the CSOs with close consideration of international practices have been positively assessed in UN Committees' concluding observations, Council of Europe monitoring reports and other international reports.

4.2. Guidelines for the transparent, open and inclusive work of the parliament

Based on the legal framework for the work of the parliament[24], which already offers a rather good basis for cooperation of public, key stakeholders and the Parliament, the following guidelines should be observed to further enhance the parliament's transparency and inclusiveness:

- All draft laws, resolutions, other documents, changes made during the procedure and other official materials related to them should be published without exception on the parliament's web page, immediately after their entrance in the parliament's system. Regular and timely publication of the drafts that entered the legislative procedures enables the public to be informed about the parliament's proceedings and to prepare potential proposals in time for the sessions of the relevant committee.
- All comments and proposals received by different actors (MPs, parliamentary groups, public institutions, business associations, NGOs, trade unions …) during the legislative procedure should be published alongside the draft. Such practice ensures complete transparency of the legislative procedure and enables invited stakeholders a detailed preparation for the committee's session.

Good practice: publication of documents on the website of the Parliament of the Republic of Slovenia

Slovenian parliament regularly publishes all materials received in relation to a certain draft in the legislative procedure. Bellow, you can observe the example of the Changes to the Law on Personal assistance. A part from the draft law, one can also read the opinion of the parliament's legal service (office that is responsible for quality and legal check of all drafts in legislative procedure), all submitted amendments (submitted by the political parties), opinion of the National Council of Republic of Slovenia, opinion of the Institute for the public health insurance, and 3 documents containing comments submitted by different NGOs.

- Members of parliament should ensure access for citizens and organisations. They should meet them in informal meetings, organise public debates, open days, etc.
- Under the law, different stakeholders may be invited to the committee's sessions, especially if they submitted some comments or proposals. This practice should be encouraged and actively promoted among civil society, business community, etc. The committees should also have an overview of key stakeholders on their respective field and actively invite them to attend its sessions.
- The parliament can also organise a public discussion on the draft act. The parliament should use this opportunity, especially when i.) the draft was initiated by the parliament, ii.) there was limited or no public consultations implemented by the executive branch, iii.) it is obvious from the government's materials or media reports that the public opinion about the draft is significantly divided. While there is (typically) no ideal solution (decision) which could accommodate all interests, to many people, simply the opportunity to be heard already makes a big difference and contributes to higher public trust in institutions. When organising public discussions, the parliament should follow the guidelines for the executive branch concerning the planning, identifying stakeholders and information sharing.
- When the draft is developed in cooperation with the public council, the public council should in its capacity follow the guidelines above for the executive branch and consult the public during the whole drafting process.

24. The law of the Republic of Azerbaijan "On approval of the Internal Charter of the Milli Majlis of the Republic of Azerbaijan", May 17, 1996; # 74-IQ, Law of the Republic of Azerbaijan "On the committees of Parliament of the Republic of Azerbaijan", July 10, 1998; # 521-IQ, The constitutional Law of the Republic of Azerbaijan "On Normative Legal Acts" 21 December 2010; # 21-IVKQ.

Predlogi zakonov - konec postopka - Izbran predlog zakona

2569-VII Zakon o spremembah in dopolnitvah Zakona o osebni asistenci

Besedilo Predloga zakona o spremembah in dopolnitvah Zakona o osebni asistenci 26.01.2018 [Vlada Republike Slovenije]

+ SPREJET PREDLOG (Ur.l. RS, št. 31/18)

+ TRETJA OBRAVNAVA - SKRAJŠANI POSTOPEK [60. Izredna, 19.04.2018]

DRUGA OBRAVNAVA DZ - SKRAJŠANI POSTOPEK [60. Izredna, 18.04.2018]

− DRUGA OBRAVNAVA MDT - SKRAJŠANI POSTOPEK

− Ostali dokumenti

Prošnja v zvezi z obravnavo Predloga zakona o socialnem vključevanju invalidov ter Predloga zakona o spremembah in dopolnitvah Zakona o osebni asistenci 27.03.2018 [Skupnost organizacij za usposabljanje oseb s posebnimi potrebami v RS]

Prošnja v zvezi z obravnavo Predloga zakona o spremembah in dopolnitvah Zakona o osebni asistenci 23.03.2018 [YHD - Društvo za teorijo in kulturo hendikepa]

Zahteva za sklic izredne seje Državnega zbora s točkami dnevnega reda: EPA 2625-VII, EPA 2569-VII, EPA 2573-VII, EPA 2603-VII, EPA 2688-VII, EPA 2663-VII, EPA 2606-VII, EPA 2591-VII, EPA 2570-VII, EPA 2636-VII, EPA 2637-VII, EPA 2592-VII, EPA 2623-VII, EPA 2624-VII, EPA 2552-VII, EPA 2594-VII, EPA 2507-VII, EPA 2528-VII, EPA 2529-VII, EPA 2531-VII, EPA 2622-VII, EPA 2621-VII, MVK 03.04.2018 [Skupina poslank in poslancev (prvopodpisana dr. Simona Kustec Lipicer)]

Mnenje Komisije Državnega sveta za socialno varstvo, delo, zdravstvo in invalide k Predlogu zakona o spremembah in dopolnitvah Zakona o osebni asistenci 06.03.2018 [Komisija Državnega sveta za socialno varstvo, delo, zdravstvo in invalide]

Pripombe v zvezi z obravnavo Predloga zakona o socialnem vključevanju invalidov ter Predloga zakona o spremembah in dopolnitvah Zakona o osebni asistenci 23.03.2018 [Sožitje, Zveza društev za pomoč duševno prizadetim Slovenije]

Mnenje k Predlogu zakona o spremembah in dopolnitvah Zakona o osebni asistenci 14.02.2018 [Zavod za zdravstveno zavarovanje Slovenije]

+ Vloženi amandmaji po predlagateljih

Poročilo - Dopolnjen predlog zakona 13.04.2018 [24 - Odbor za delo, družino, socialne zadeve in invalide]

+ Vloženi amandmaji po členih

Mnenje 04.04.2018 [22 - Zakonodajno-pravna služba]

Obvestilo Državnemu svetu (drugi odstavek 215. člena)

Obvestilo o dodelitvi

+ OBRAVNAVA POSTOPKA - SKRAJŠANI POSTOPEK

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