

## Public consultation

### Draft Guidelines on Civil Participation in Political Decision-Making

A preamble will be prepared for the final version of the guidelines taking into account the points raised during the consultation process..

#### I. Scope and definitions

1. Participation in decision-making processes must be guaranteed at all levels of government (local, regional and national) and should include the executive and the legislative branches of power.
2. The right to participation in political decision-making should be guaranteed to all interested parties and stakeholders: individuals, the general public, NGOs and civil society.
3. The terms used in these guidelines, are defined as follows:
  - *Civil participation* is active involvement by NGOs and civil society at large in processes where public authorities aim to develop and adopt a policy document, strategy, law, regulation, or in any process where a decision that affects the public or a segment of it is made. Civil participation in decision-making processes is distinct from political activities in terms of direct engagement with political parties and lobbying in relation to business interests.
  - *Non-governmental organisations* or *civil society organisations* are voluntary self-governing bodies or organisations established to pursue the essentially non-profit-making objectives of their founders or members. They can be represented by organised civil society including voluntary groups, non-profit organisations, associations, foundations, charities, as well as geographic or interest-based community and advocacy groups.
  - *Enabling environment* encompasses the policy, law and implementing practice in relation to NGOs, which respect their fundamental rights to freedom of association, freedom of assembly and freedom of expression.

#### II. Conditions and principles

4. Conditions for meaningful civil participation include respect of the rule of law, adherence to fundamental democratic principles, political will, favourable legislation, clear procedures, long-term support and resources for a sustainable civil society and shared spaces for dialogue and cooperation.
5. The actions of public authorities at different levels and of NGOs and civil society in general should be based on the following common principles:

- *Participation* in terms of providing, collecting and channelling views of various stakeholders, individuals directly or via NGOs as input to the decision-making process;
- *Openness, respect* and responsibility of all actors as the basis for honest interaction and mutual trust;
- *Accountability and transparency* of the process at all stages of decision-making;
- *Respect for the independence of NGOs* in their actions and regarding their aims, decisions and activities, even when opinions differ from those of the authorities;
- *Responsiveness* in order to provide proper and timely feedback on the contributions and recommendations from civil society and ensure a real impact of participation on the decision-making;
- *Non-discrimination and inclusiveness* of all individuals and organisations concerned.

### **III. Enabling environment**

6. Member states should maintain an enabling environment for civil society which respects in law and in practice the fundamental rights to freedom of association, freedom of assembly and freedom of expression and which limits any interference with the right to establish and freely operate an NGO.
7. NGOs should be free to register but also to function without official registration. NGOs should freely define their internal governance structure, membership and modalities of operation in full respect of the principles of accountability and transparency.
8. Member states should ensure that NGOs are free to solicit and receive funding from domestic and foreign sources without authorisation or undue administrative burdens.
9. NGOs should be free to undertake research, education and advocacy on issues of public interest, regardless of whether their position is in accord with current public policy or requires a change in the law.
10. The role of civil society in a pluralist democracy and its functions as advocacy and oversight bodies of public affairs should be recognised as important in building a diverse and vibrant society and should be protected.
11. There should be no reprisals and protection should be provided to whistle-blowers, human rights defenders and civil activists who voice their concerns or express alternative opinions.

### **IV. Prerequisites for meaningful civil participation**

12. Civil participation provides a platform for a genuine exchange of opinions and enriches the decision-making process ensuring that real public needs are met.

13. Civil participation should be guaranteed by an appropriate legal or regulatory framework to encourage and support broad and meaningful participation. Specific limitations and restrictions should be clearly prescribed and narrowly defined.
14. All phases of decision-making such as agenda-setting, drafting, adoption, implementation, monitoring and reformulation should be accessible for civil participation. Civil participation can take various forms, on-line and off-line, and should not be limited to one modality.
15. Public authorities should develop and adhere to transparent procedures in decision-making, facilitating civil participation.
16. Public authorities should allocate the necessary administrative services and resources to enable meaningful civil participation.
17. Public authorities should provide regularly updated, accessible and comprehensive information about the decision-making process and its contents.
18. Public authorities should make good use of the new information and communication technologies, infographics and social media to facilitate civil participation.
19. Full and effective complaints procedures, access to justice and redress mechanisms need to be made available in the event civil participation in the decision-making processes has not been conducted in accordance with the regulatory framework or has been denied.
20. Laws, policies and decisions should not be adopted unless meaningful civil participation has taken place in line with the legal or regulatory framework.

## **V. Levels of civil participation**

21. Member states should have in place legal or procedural guarantees and provide adequate resources for effective civil participation at the levels of: access to information, consultation, dialogue, as well as of partnership and co-decision.
22. Modalities for civil participation may vary in function of the level of participation and phase of the decision-making process.

### **Access to Information**

23. Access to information is an indispensable precondition for genuine civil participation.
24. Public authorities should ensure that at all stages of decision-making the public receives timely and accurate information presented in clear and understandable language and in an appropriate and accessible format.
25. Public authorities should establish and maintain websites or online platforms with full access to key documents, open data and announcements of public events and opportunities for online consultation, feedback and petitions.
26. Awareness-raising campaigns should be conducted to ensure wider access and promote possibilities for civil participation.

## **Consultation**

27. Consultation allows to discuss formulation, implementation and evaluation of a policy with the public within the framework of an official procedure. It sets the basis for evidence-based policy formulation, implementation and monitoring.
28. Public authorities are encouraged to develop plans for consultation which clarify the objectives, the process that will be conducted and methods used.
29. Consultation can be carried out through various models and tools such as meetings in person, focus groups, surveys and questionnaires, digital tools (for example, single landing consultation webpage or online platform and social media). Public authorities should decide on the best method of consultation, but remain flexible and adjust the approach in order to solicit wider input, including from marginalised and disadvantaged groups.
30. Public authorities should provide publicly available feedback on the outcomes of the consultation which should include information on the adopted and rejected contributions and provide the reasons for adoption or rejection.
31. The legal or regulatory framework should prescribe reasonable deadlines for submitting input for each draft of the document
32. Use of expedited consultation procedures for policy-making should be allowed only under exceptional circumstances on specific conditions such as emergency situations and should be duly motivated.

## **Dialogue**

33. Dialogue is a long-lasting, results-oriented and structured process, which is based on mutual interest in exchange of opinions between public authorities, individuals and NGOs on a broad range of issues or on a specific policy issue.
34. Public authorities and NGOs should consider establishing different platforms as a permanent space for dialogue and participation with interested stakeholders. Such platforms may include regular public hearings, public forums, multi-sectoral councils or similar structures.
35. Public authorities are encouraged to ensure that the mandates of the permanent structures, elected officials and/or ombudspersons allow for meaningful contribution to dialogue and include diverse public representation.

## **Partnership and co-decision**

36. Partnership and co-decision represent an advanced level of civil participation whereby individuals, NGOs and interested parties have a possibility to be involved in the agenda-setting, drafting, decision, implementation, monitoring and reformulation phases of the decision-making process.
37. Public authorities and NGOs should establish joint working groups or committees, engage in co-drafting of documents and joint decision-making such

as participative budgeting and conclude strategic partnerships for implementation of decisions.

38. Public authorities in member states should adopt clear processes and transparent criteria for representation of NGOs and other interested parties in bodies where decisions are co-created (councils, working groups, expert meetings, etc.). When inviting NGOs to take part in such bodies, public authorities are encouraged to consider their expertise and their previous public contributions on the relevant subject matter.

## **VI. Ensuring meaningful civil participation in practice**

39. Enshrining guarantees for civil participation in a legal and regulatory framework is strongly recommended, but member states should also ensure to the maximum extent possible compliance with the above guidelines at all levels of decision-making.
40. Member states should adopt the guidelines and any additional measures that are necessary to ensure that the authorities responsible for the implementation of these guidelines have the capacity and access to the tools and resources to ensure meaningful participation.
41. Where a member state decides to regulate participation of NGOs in political activities, it should explicitly list what is considered as engagement in political activities. When there are limits to such political engagement, those should be clearly prescribed and narrowly defined.
42. Member states are encouraged to further increase understanding and ensure harmonised implementation of participation mechanisms by different bodies. This can include developing user-friendly guides, brochures or online tools.
43. Member states are encouraged to provide for regular awareness raising and training for public servants and civil society representatives on the practical application of these guidelines and of national level legislation.
44. The role of coordinating bodies for developing and carrying out civil participation processes should be clearly defined, emphasised and supported.
45. Framework agreements for cooperation can support interaction, participation and partnerships between public authorities and civil society.
46. Additional resources, such as grants, administrative services and other goods or services, can be provided so that participants can be engaged in a meaningful manner.
47. NGOs are encouraged to use their communication channels and contacts in order to disseminate information about opportunities for participation and to help facilitate input by a wider stakeholder group and by the general public.
48. NGOs and in particular watchdogs and whistle-blowers are invited to contribute to monitoring and assessing the implementation of civil participation laws and regulations.
49. Media should be encouraged to play an active role in collecting, processing and disseminating information on decision-making processes.