

**A Comparative Analysis
on
Canadian and International Experience on
Parliament-civil society Interaction
in the legislative and oversight process, including
public consultations, and especially in the context
of a fragile security situation**

Prepared by - Malcolm Toland

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I Executive Summary

- The report addresses approaches to public consultation as practiced by parliaments internationally. The primary focus of the report is on the parliamentary law making role as opposed to its roles as oversight and custodian of the budget.
- Selected individual country Parliaments are used as examples, as well as aggregate numbers and trends in OECD countries. Digital progress in Brazil and Estonia is highlighted, as is formalizing the commitment to participation in South Africa, supporting the analytical capacity of lawmakers in the Republic of Korea, the overall consultation approach in Canada and with the examples of Kosovo, Poland and Georgia all being works in progress. The example of Poland is insightful in terms of how the fairly rigorous language guiding consultation in its Parliamentary Rules of Procedure has been overrun by strong armed tactics from the Government aimed at dominating the legislative agenda and public governance in general.
- Parliament-led stakeholder consultation is an important contributor to parliamentary efforts and a subject that continues to evolve globally. New types of digital engagement are emerging which is opening up new online space for expression and with countries like Estonia and Brazil leading the way. As democracy continues to evolve, equally notable is the transition underway in numerous countries from traditional 'consultation' to 'participation' which gives citizens a more regular opportunity to influence decisions as partners and more central and active roles in the public decision-making process.
- Having said that however, answers to other research questions are more elusive. It is rare for parliaments anywhere to carry out a formal evaluation of consultation methods used or measure their impact. The most recent UNDP Global Parliamentary Report shows that only 4% of parliaments surveyed had evaluation indicators for their public engagement. It has also been difficult to find country examples of formal stakeholder selection processes to target stakeholders, leaving the process largely in the hands of the leadership of parliamentary committees.. In terms of consultation approaches, global best practice suggests that the tool is heavily dependent on purpose and that a variety of options can be used, with little or no evidence that certain consultation processes are better suited for specific policy issues.
- Since the end of World War II, no democracy in Europe has faced a challenge similar to what Ukraine is currently experiencing. There is almost no practical comparable experience in constitutional and legal regulation of public authorities' activities under such extraordinary conditions. Ukraine's status as a maturing democracy with a high volume parliamentary legislative at a time martial law makes it unique.
- The search for useful and/or comparable examples of parliamentary practices in other countries is also challenged by dynamics and context. Firstly, parliaments' structure and historical context differ, with Ukraine's unique parliamentary history since the year 2000 (and more prominent parliamentary role) standing apart from other countries in the region. Secondly, the volume of legislative input and output in Ukraine is at the high end in comparison with most Parliaments in the region or globally and runs up against the accepted global best practice of the executive branch being better placed to initiate most legislation (and what some identify as an increased risk of laws being developed and adopted without comprehensive impact analysis, EU law compliance assessment and public consultations, and impeding the government's responsibility for planning, designing and implementing national policies). Comparison with countries dealing

with Martial Law is challenged because of the aim of this step taken elsewhere in recent decades being solely to prop up authoritarian governments and deny various freedoms to citizens. Ukraine's invoking of martial law while continuing to function as a democracy is different.

- The transparency of the VRU has inevitably been compromised in numerous ways during the Russian invasion, mostly for security reasons. An assessment of the more recent functioning of the VRU, however – with more time spent by MPs on legislative matters - shows a return to some degree of normalcy within Parliament as the reality of the ongoing war and the adjustment to it continues.
- This assignment is being carried out at a time when fewer than half of citizens globally trust their governments and parliaments (a recent survey in Ukraine indicated a level of citizen trust in Parliament of 29%), representative democracy is facing growing public indifference, average voter turnout is decreasing, there is greater polarization and misinformation, and growing concern that civic space is shrinking and more repressive laws are spreading.
- The report necessarily touches on other related aspects of public sector governance.
 - Firstly, it invokes a broader look at public engagement, in particular the component known as 'participation' which involves a more equal partnership between the public sector and civil society in the identification, design and implementation of reforms.
 - Secondly, the report also acknowledges the important influence of Government on Parliamentary capacity and ability to carry out public consultation. This includes as part of broader Public Administration Reform (PAR), particularly through the increasing global membership in the Open Government Partnership (OGP) process and the degree to which Parliament related activities are an important OGP components.
 - Thirdly, the report draws attention to key underlying drivers of effective consultation. These include the existence of a supportive regulatory framework; the level of public awareness of consultation mechanisms available; and the impact of a country's aspirations to join the EU as an inducement to ensure its public consultation practices are more inclusive and transparent. An equally direct influence is the guidance provided for consultation in the Parliamentary Rules of Procedure (RoP) and the tendency for RoPs worldwide to lack the specific guidance that might ensure more consultation rigour.
 - Public consultation in Ukraine is insufficiently regulated, as the obligation to consult on all draft laws and bylaws adopted by the Government has not been established; the draft law on public consultations is pending adoption by the Verkhovna Rada of Ukraine (VRU). The rules for public consultation are not effectively enforced, leaving deficiencies unaddressed.
- Several challenges with the Ukrainian law making system are highlighted including at Committee level. The quality of drafting and the sheer number of draft laws originating from Parliament make proper consultation difficult, and envisioning improved or more transparent consultation delivery will be challenged if current Parliamentary legislative development processes continue. This includes the practice of Government Ministries skirting the degree of peer scrutiny of their legislative proposals by engaging individual MPs on their behalf.

II Purpose of the Assignment

The purpose of this assignment as presented in the Terms of Reference (ToR) is to carry out a comparative analysis on Canadian and international experience on parliament-civil society interaction in the legislative and oversight process, including public consultations, and especially in the context of a fragile security situation. The assignment focuses in particular on the role of Parliamentary committees in engaging in public consultation.

This is part of the second phase of the Parliamentary Accountability for the Security Sector Project (PASS II) which continues to support the Ukrainian Parliament's role in providing improved democratic oversight. The project is being implemented by Parliamentary Centre (Canada) in partnership with the Agency for Legislative Initiatives (Ukraine) which, as part of this initiative, will review past and existing practices in the way parliamentary committees engage and consult CSOs in the legislative and oversight process in Ukraine.

The combined outputs will provide a solid basis for the Committee to advance its work on Ukraine's Law on Public Consultations (which has been partially limited due to current wartime conditions and being under the stage of martial law) for which the Committee on the Organization of State Power, Local Self-Government, Regional Development and Urban Planning is exploring amendments. The application of this law has been

Specific Tasks

A study covering the Canadian and international practices on:

- Mechanisms of preparing and conducting public consultations by legislatures in Canada and elected assemblies in other countries, including approaches to ensuring that a variety of perspectives are taken into account in the legislative and oversight process;
- Variations in approaches to public consultations, based on the topic;
- Experiences in conducting consultations in conflict-affected and fragile societies, including consultations under martial law;
- Criteria for selecting witnesses (both civil society organizations and individual experts) to testify in front of parliamentary committees.
- How is the efficiency and effectiveness of public consultations assessed?
- Experiences in introducing changes to the public consultation process, including in the context of ongoing armed conflict?

The intention is to assist the VRU in more clearly distinguishing among approaches to consultation, including the roles, potential and obligations of nonstate actors and Parliamentarians. The intent is also to narrow down an approach or set of guidelines for selecting stakeholders for cooperation with Parliamentary committees including witnesses to testify in committees, and which comply with the principles of inclusiveness and openness.

Aware that the broader continuum of public engagement also embraces information, education and communication (and that each of these are interrelated with consultation), we nevertheless will focus on the **consultation** as well as the **participation** stages of this continuum as they relate most closely to cooperation with the public.

This assignment draws comparisons from an array of countries. These include evolving democracies in the region such as Kosovo, Georgia and Poland, global consultation leaders such as Canada and Estonia, and countries where the legislatures are responsible for the vast majority of laws considered and approved. The idea is to identify patterns of behaviour in these countries' approach to this (and related) tasks, as points of comparison for Ukraine as well as learning.

In Ukraine, MPs are the authors of most draft laws and laws (up to 80%). Legislative spam is a very important problem in Ukraine, as a result of which **expert bodies and MPs do not have enough time to process most draft laws. In such conditions, effective consultations cannot be held** on the vast majority of draft laws. Accordingly, we suggest searching for such examples that have a similar situation, since the main problem with prospective public consultations is the issue of overloading with legislative spam.

Backdrop

Parliamentary reform began eight years ago to improve the operation of the Ukrainian Parliament. On July 3, 2015, the Verkhovna Rada of Ukraine and the European Parliament signed the Memorandum of Understanding, defining the following priority areas: ensuring the effective performance of the constitutional functions of the Verkhovna Rada of Ukraine (legislative, controlling, and representative); improving the quality of Ukraine's parliamentary system; increasing the transparency, predictability, efficiency, and openness of the Verkhovna Rada's work process. At the same time, the European Parliament's Needs Assessment Mission prepared the report and road map on internal reform and capacity-building for Ukraine's Parliament. It developed a list of recommendations for strengthening Parliament's capacity. In March 2016, Parliament approved measures to implement these recommendations.

Parliamentary reform in Ukraine is less than halfway implemented. According to the Agency for Legislative Initiatives (Table 1), only 10% of the 52 Roadmap recommendations have been fully implemented, which is only 4% better than in March 2019. Overall, 45.7% of the reform was implemented as of July 2021.

III Methodology

Proposed Country Comparisons

The ToR is requesting the comparison include stable democratic countries which are well regarded consultation best practice leaders, as well as countries ascending as democracies and whose consulting approaches are still evolving. Detailed country examples included in this analysis are:

- Canada
- Estonia
- Kosovo
- Georgia
- South Korea
- Brazil
- Poland

A set of European countries still on the path to EU membership (Serbia, Montenegro, Albania, Macedonia, Moldova) were also analysed. For Martial Law comparative purposes, Poland, Egypt and The Philippines were included. Of the countries listed above, the volume of legislative activity at Parliament varies, with South Korea and Brazil being examples of higher volume draft legislation emanating from their parliaments. And OECD aggregate country statistics have also been included to give a sense of the collective state of play at the moment.

In terms of data gathering approaches, the internet was the primary source. However, written information was received by contacts in some of the countries listed above, including conversations with several experts in Ukraine itself and written contributions from well-placed individuals or organizations in Georgia, Kosovo, Canada, Estonia and Poland.

Questions for Partners

Once contact was made with specific individuals or entities, the following questions were shared:

Issue	Question
Conducting public consultation	What are the main mechanisms used to conduct public consultations by your Committee, including approaches to ensuring that a variety of perspectives are taken into account in both the <i>legislative development</i> and <i>oversight</i> processes? Are there any major differences in approach to consultation between the <i>legislative development</i> and <i>oversight</i> functions of your Committee? Are you satisfied with the amount of consultation carried out in each of these areas?
	To what degree are their variations in approaches to public consultation, based on topic? Please provide 1-2 examples.
	What has been your experience in introducing changes to the public consultation process over time? Please provide 1-2 examples. Which changes have been particularly effective and why?
	What general approach does your Committee use to select witnesses (both civil society organisations and individual experts) to testify in front of your Committee? When the Committee is inviting witnesses, on what basis does it select them and are affected stakeholders targeted for appearance?
Evaluating public consultation	How is the efficiency and effectiveness of the public consultation process assessed? Has it ever been formally evaluated?
	What has been, or tends to be, the most significant value added from public consultation?
Volume of legislative work	Do you know which mechanisms or guidelines are used to ensure a manageable volume of legislation is addressed at Committee stage?

Part One: The Parliament in Ukraine

IV The Ukrainian Parliament; structure, activity, history, performance, challenges/wartime

Ukraine Parliament (Verkhovna Rada)

The Verkhovna Rada has 450 members, elected for a four-year term. After 2014, the actual number of deputies fell to 424 as territories no longer controlled by the Ukrainian Government were excluded. The parliament determines the principles of domestic and foreign policy, introduces amendments to the Constitution, initiates legislation and adopts laws, approves the state budget, designates elections for President, impeaches the president, declares war and peace, appoints the Prime Minister, appoints or confirms certain officials, ratifies and denounces international treaties, and exercises certain control functions.

The operating procedure of the Verkhovna Rada of Ukraine is established by the Constitution of Ukraine and the Rules of Procedure of the Verkhovna Rada of Ukraine. The latest version of the document was adopted on 16 December 2012. Bills are usually considered following the procedure of three readings; the President of Ukraine must sign a law before it can be officially promulgated.

Committees

The Verkhovna Rada currently has 27 committees which perform legislative, organizational, and oversight functions as follows:

- development of draft laws, other draft acts;
- preliminary consideration and preparation of opinions and proposals regarding draft laws submitted by holders of the right to legislative initiative;
- finalization of individual draft laws based on the results of their consideration in the first and subsequent readings (with the exception of acts adopted by the Verkhovna Rada of Ukraine as a whole);
- preliminary consideration and preparation of opinions and proposals regarding draft national programs of economic, scientific and technical, social, national and cultural development, environmental protection, as well as granting consent to the binding nature of international treaties of Ukraine;
- summarizing the received comments on draft laws and proposals to them;
- submission of proposals regarding prospective planning of legislative work.

VRU Oversight Role

The oversight function of Committees consists of:

- planning of its work;
- collection and analysis of information on issues lying within the competence of the Committees, organization of hearings on these issues;
- preliminary discussion, in line with their area of specialization, of nominees to
- positions of officials who are elected, appointed, or approved by the VRU or whose appointment requires its consent; preparation of relevant opinions on these nominees for consideration by the VRU;
- preparation, in line with their area of specialization, of issues for consideration by the VRU;
- participation in the formation of the agenda of plenary meetings of the VRU;

- adoption of decisions, providing opinions, recommendations, explanations;
- consideration of appeals received by the Committee;
- participation, in line with their area of specialization, in interparliamentary activities, interaction with international organizations;
- preparation of written reports on the results of their activities;
- ensuring media coverage of their activities.

Key Committee activities:

1. Analysis of the practice of applying legislative acts in the activities of state bodies, their officials, on issues within the Committees' areas of specialization, preparation and submission of relevant opinions and recommendations for consideration by the Verkhovna Rada of Ukraine;
2. Participation, by order of the Verkhovna Rada of Ukraine, in the "Government Question Hour";
3. Oversight of the implementation of the State Budget of Ukraine in the area of their specialization, to ensure the expediency, economy and efficiency of the use of state funds in the manner established by the law;
4. Organization and preparation, by order of the Verkhovna Rada of Ukraine, of parliamentary hearings;
5. Organization and preparation of Committee hearings;
6. Preparation and submission for consideration by the Verkhovna Rada of Ukraine of the Committee's requests to the President of Ukraine, according to the provisions of paragraph 34, Part one, Article 85 the Constitution of Ukraine;
7. interaction with the Accounting Chamber;
8. interaction with the Verkhovna Rada of Ukraine Commissioner for Human Rights;
9. Sending materials for appropriate response, within the limits established by the law, to the bodies of the Verkhovna Rada of Ukraine, state bodies, officials thereof;
10. Consideration, at its meetings or during Committee hearings, of reports, statements and information of state bodies and officials, which are submitted to the Verkhovna Rada of Ukraine in the cases provided for by the law, carrying out preliminary preparation of issues for the consideration at a plenary meeting of the Verkhovna Rada of Ukraine of such reports, statements and information;
11. Implementation by the Committee of the Verkhovna Rada of Ukraine in charge of ensuring the oversight functions of the Verkhovna Rada of Ukraine over the activities of special purpose bodies with law enforcement functions, special purpose law enforcement bodies and intelligence bodies, of measures provided for by this Law with the aim of guaranteeing unwavering and unconditional compliance of these bodies with the requirements of the Constitution of Ukraine related to ensuring national security, preventing their use for usurpation of power, violation of human and civil rights and freedoms.

Office of the Verkhovna Rada

The Office of the Verkhovna Rada is an internal supporting department of the Verkhovna Rada that provides organizational, legal, social, analytical and other support to parliament, its other departments

and members of the parliament. The Office is apolitical in its role and exists mainly to provide secretarial help.

Investigative Commissions

Members of the Verkhovna Rada are permitted to create temporary investigative commissions. Creating such a commission requires one-third of the constitutional composition of parliament, 150 members. Before a draft on creation of such a commission may be scheduled for voting, it has to be approved by a relevant committee, the Committee on Regulations, deputy ethics, and ensuring the work of the Verkhovna Rada.

Cabinet

The Cabinet issues resolutions and orders that are mandatory for execution. The Cabinet also possesses the power of legislative initiative and may introduce its own bills to the *Verkhovna Rada*. The members of Cabinet and deputy ministers may be present at the sessions of the parliament and participate in discussions. Every year no later than 15 September the Cabinet submits a bill on the State Budget of Ukraine to the VRU.

Lawmaking

The right of legislative initiative in the Verkhovna Rada belongs to the President of Ukraine, People's Deputies, and the Cabinet of Ministers. **Historically, most draft laws are registered by people's deputies.** Thus, in the 9th convocation, they registered 3,126 draft laws. 428 initiatives were submitted by the Cabinet of Ministers of Ukraine. 142 draft laws were registered upon the initiative of the President.

Verkhovna Rada During the War

Under the Constitution of Ukraine, sole legislative power is vested in the Parliament. Of fundamental constitutional significance is that the *Verkhovna Rada's* legislative authority continues to exist during martial law and states of emergency.

After the invasion by Russia in 2022, VRU has undergone transformation in terms of procedures, political orientation and constituency work. Routine operations – including the direct threat of bombing – have been challenging and continue after over two years. However since Russia's full-scale invasion, the functioning of almost the entire Parliament – committees, meetings, communications continued mostly uninterrupted and fulfilled vital legislative, diplomatic and symbolic functions. The Parliament's work became an indicator of resilience not only of the national legal system but also of the people in general¹. This level of effort also continued within Government which developed and enacted an effective public administration reform agenda.

The agenda changes radically too, with Martial Law itself an important legislative topic.

¹ On February 24, 2022, massive shelling of Ukraine began, and that day Ukraine's parliament convened for a historic session. The session was attended in person and held in the parliament building, which easily could have been targeted by Russian missiles. It lasted only nine minutes, during which parliament approved the president's decrees establishing martial law and instituting national conscription. Parliament then operated under a sixty-day emergency regime. Meetings lasted an average of thirty-two minutes in March 2022

On February 24, 2022, the Verkhovna Rada of Ukraine established that the Verkhovna Rada of Ukraine is to continuously work in a plenary meeting mode.

Verkhovna Rada - Legislative Work During the War

February 2022 – June 2023

All meetings of the Verkhovna Rada of Ukraine in the period between February 24, 2022, and June 30, 2023, were closed, but the place of their holding did not change – the building of the Verkhovna Rada of Ukraine.

In the period from February 24, 2022, to June 30, 2023, there was a total of 54 plenary meeting days of the Verkhovna Rada of Ukraine. For comparison, between January 1, 2021, and February 23, 2022, there was a total of 94 days on which plenary meetings of the Verkhovna Rada of Ukraine were held. The duration of meetings during martial law is significantly shorter, which is certainly accounted for by security factors.

The VRU adopted 456 laws (approx 3/4 in the form of amendments). MPs initiated 76% of adopted amendments and 61% of the total number of adopted laws. Many Committee meetings took place and Committees had input to most of the draft laws. Primary laws were 28% of the total laws approved:

- 44 from Cabinet
- 28 from MPs
- 54 from the President

Amendment Laws

- 72 from Cabinet
- 251 from MPs
- 7 from the President

Only 23 hearings took place. A total of 65 working groups were created. MPs did not participate in discussion for 300 of the adopted laws.

In total, the Verkhovna Rada of Ukraine adopted 1042 acts (Laws, Resolutions, declarations, appeals, statements) (almost 94% of the total number of votings). This is a high indicator of the Parliament's performance in the conditions of a full-scale war. A total of 828 meetings of the Committees of the Verkhovna Rada of Ukraine were held, vs. 754 meetings held between January 1, 2021 to February 23, 2022. Thus, even under martial law, the Committees of the Verkhovna Rada of Ukraine continued to perform their functions related to the legislative process.

Verkhovna Rada's Work in 2023

Although the number of plenary sittings decreased by three times compared to 2022, the legislative output has not decreased. In 2023, 251 laws and 406 resolutions were adopted.

7th session (the first 6 months of the war): Feb-August 2022: 697 draft laws were considered, and 229 were adopted.

8th session: Sept 2022 – Feb 2023: 385 draft laws were considered (and then 207 were considered in the session hall, and 138 draft laws became laws, reducing legislative spam).

The Ukrainian Parliament's work, 9th convocation, 8th session

This most recent session has seen the stabilisation of legislative processes with its functioning no longer so hasty. It has even become possible to partially revisit the issues that were on the agenda prior to the full-scale invasion. A total of 30% of all laws adopted during the 8th session were initiated by the Government. Some of the draft laws pertain to the military agenda, while the other portion relates to initiatives that were developed and registered up until 24 February 2022. The average processing time for both parliamentary and government draft laws was significantly shorter than that of the 6th session. Draft laws submitted by MPs of the “Servant of the People” faction received the majority of conclusions about deviations. At the same time, the practice of adopting draft laws right away almost stopped. Thus, the **Verkhovna Rada was able to adapt its operation so that important draft laws were considered and worked out for a longer time**. This usually means a higher quality of laws. Nevertheless, violations in legislative procedures are still at a high level (63% of laws had violations).

The First Six Months of the War (7th session during martial law, from 24 February 2022 to the beginning of the 8th session (6 September 2022).

Despite full-scale invasion, the Verkhovna Rada, as the only legislative body, continued to perform its functions. During this period, **612 draft laws were registered, 346 were considered in the plenary, and 229 adopted**. This set a record for the number of laws passed in one session for all convocations of the Verkhovna Rada. In addition, the time taken to process and pass draft laws significantly decreased. **Half of all draft laws passed in the first reading and in general were adopted in less than 8 days**; 5 draft laws were adopted on the day of their registration. Another 12 draft laws were adopted the day after they were registered. The full-scale invasion stopped the trend of the second reading prevailing over the first.

The reasons for this can be found again in the need to urgently adapt to the realities of martial law. The percentage distribution among the initiators of laws has hardly changed. Approximately one in seven laws was initiated by the President, one in five by the Government, and more than half were initiated by members of the “Servant of the People” faction.

There were many draft laws with a single signatory. To a certain extent, this can be explained by the need to adapt to the conditions of martial law, as the peak of registration of such draft laws was in March. However, the group with 8-22 signatories still holds the largest share among the signatory groups.

The agenda itself changed considerably as legislative priorities concerned martial law, defence/security, international appeals and supporting the economy. Perhaps

Transparency

Balancing national security with the transparency necessary for continued democratic functioning continues to be the great challenge. While the VRU has been active during wartime, most of its decisions

have been taken under the cloak of secrecy, for reasons of national security including the VRU being a military target. The Ukrainian people only received information about these meetings, and the decisions taken after the fact. Political discussions at the Rada are currently held to a minimum. Neither the agenda of a parliamentary session nor the exact place and time of the session are announced in advance. There is less info on VRU Website; public information about the work of lawmakers has been removed, including the personal pages of lawmakers, due to security concerns. The restrictions on information also apply to the work of parliamentary committees. Parliamentary sessions are not broadcast and sessions are not livestreamed on TV Rada. Journalists do not attend plenary meetings and there is no schedule published of plenary meetings. Public forms of activity significantly limited; no hearings are held at the Rada and Committee public hearings take place only online. Video recordings of sessions are however made public and the results of the work of the Government or Parliament can only be found on social media. In 2022 the total number of followers on parliament's web pages across all platforms—Facebook, Twitter, Telegram, and Instagram—increased by 146 percent over 2021.

The reduced transparency of the work of the VRU includes information on bills often being provided at the last moment when independent experts do not have enough time to study and comment. Some committees only involve the public at the second reading stage of bills. This is creating a degree of misunderstanding as to why certain provisions have been adopted. The European Business Association (EBA) told Kyiv Post that, in its opinion, the level of transparency and publicity of the work of many committees have decreased significantly over the last nine months, and the procedure for addressing lawmakers has become more bureaucratic and complicated, particularly in terms of electronic correspondence and other means of e-communication.

Parliament & Digital Transformation

The Committee for Digital Transformation of the VRU laid foundation for conducting committee meetings as video conferences. A digital platform for document management was set up, and a broad-based e-government portal for citizens is operating under the name 'Diia' (similar to Estonian model). The website at www.rada.gov.ua is still online and used as a news portal; documents on current decisions and on the work of Committees are still available on the website. The VRU Facebook, Twitter and Instagram pages also function as info channels for VRU work. Messenger services will likely play an even more important role going forward.

Oversight

The Parliamentary Oversight role has hardly been applied in the time of martial law. This includes: for approval of political programs; review of annual government reporting; regular government Q&A; and MP requests. Parliamentary oversight activities became a reduced priority, but committee work in this area continued. Ministerial reports, ex ante review of candidates for public office and consideration of interpellations took place during online meetings; but much oversight activity is down to the initiative of individual MPs.

EU Integration

More surprising perhaps was the attention paid to EU integration legislation. Ukraine's progress on EU integration was especially important because it provided Ukrainians with a vision of a post-war future that was democratic, liberal and an intrinsic part of Europe. Ukraine applied to join the EU in February 2022 and the European Council granted the country official candidate status in record time in June. As of February 2024, the Government of Ukraine has already approved the Action Plan for the implementation

of the European Commission's recommendations. In addition to enacting laws in the military, humanitarian, and social sectors, the Parliament has also passed laws related to European integration. Fully 50 laws necessary for integration with the EU were adopted speedily during 2022.

Pre War VRU Activity

In terms of both total legislative output and Parliament's proportion, the output of the VRU has always been on the high side in comparison with most Parliaments globally. Parliament had been adopting about 200 bills per year with an average of five to six bills registered daily. As a result of this, in the spring of 2019 Parliament had more than 10,000 registered and under consideration bills it had yet to debate.

Reported on VRU Activity in June 2021 (i.e. before the war), A total of 3,696 draft laws were registered in the 9th Session vs. 4,602 in the 8th. Only 22% of drafts in the 9th Session reached the Review stage, while only slightly more than 1/3 (38%) of draft laws were processed in Committee. 12% of registered laws from the 9th Session were approved, vs 14% from the 8th Session. MPs drafted the vast majority of the draft laws but only 9% of MP-originated laws were approved; this compares to a 35% approval percentage for Government-initiated draft laws and 57% approval of President-initiated draft laws. MP-initiated draft laws took 141 days from beginning to end vs 92 days for President-initiated draft laws and 120 days for Government-initiated. The volume of legislative work being done by the VRU was an issue before the war as well, and that the 'success rate' of legislative approval was significantly lower for Parliament than any other source. Most draft laws were registered by people's deputies. Thus, in the 9th convocation, they registered 3,126 draft laws. 428 initiatives were submitted by the Cabinet of Ministers of Ukraine. 142 draft laws were registered upon the initiative of the President.

Concerns about the law making process in Ukraine

The quality of law making in Ukraine, while not the main theme of this paper, is nevertheless closely linked to the issue of Parliamentary consultation. The role of the Government as initiator of draft laws is limited compared to the practice in EU member states as Ukrainian Members of Parliament remain the key initiators of draft laws. This could pose a challenge for the Government to pursue a coherent policy agenda and effective alignment with the EU *acquis*. In general, Governments are seen to have better capacity for ensuring quality of draft legislation based on professional judgement, evidence and consultation with stakeholders.

Why does the VRU initiate such a high percentage of laws? This is related to the mix of procedures that allow MPs to initiate much of the legislation as well as their ability to attract external support from civil society, think tanks, and experts to help with conceptualizing and drafting the laws. A challenge has been that Ukraine has no coherent standards for legislative drafting resulting in a "soup" of legislation that has many incoherences and loopholes.

The biggest problems of the law-making process in Ukraine as highlighted by analysts are the poor-quality preparation of draft laws and their large number. Committees spend much time determining the need for changes and finalizing the submitted projects. In turn, Parliament does not have time to review all draft laws properly, which results in passing laws that may contradict Ukraine's Constitution or current legislation. Approximately two thousand draft laws are registered annually in Ukraine's Parliament. During the Legislature's 9th convocation (from December 2019 to March 2023), 5,293 bills were submitted for consideration versus 7,821 during its 8th convocation. This is significantly more than in other European countries.

- 50-60% of the registered draft laws receive negative comments from the Verkhovna Rada Chief Scientific and Expert Department (CSED).
- Approximately one-third receive negative comments from the Ministry of Finance.²
- The President has signed only 13% of government-submitted bills considered during the 9th convocation. Overall, 16.8% of bills under the consideration of this convocation have become laws vs. 12.3% during the 8th convocation and 9.7% during the 7th. *For comparison, 63.2% of government bills became laws in the Polish Sejm in 2012-2023 and 77.2% in the UK.*
- According to the Verkhovna Rada's Rules of Procedure, a draft law will not be **registered** if submitted in violation of the requirements for the draft design and accompanying documents.³ The first problem – poor quality draft laws – arises at this stage including insufficient socio-economic and financial justification. They are poorly written, using terminology requiring further clarification, duplicating or contradicting the Constitution's provisions or current legislation.
- The second problem is **the number of registered draft laws**, popularly called “legislative spam.” According to the Road Map, due to the excessive number of draft laws, the Verkhovna Rada Secretariat and MPs spend much time studying and discussing draft proposals. The excessive workload of processing a significant volume of draft laws leads to increased numbers of non-considered draft laws and reduced discussion time, even when reviewing necessary legislative acts. Therefore, the number of draft laws harms their quality. As a result, Parliament spends a lot of time reviewing “raw” bills with little chance of passage because the “filter” for bills submitted by the people's deputies is the weakest.
- Draft laws proposed by the CMU must be agreed upon with all authorities involved and undergo public consultation, while PMS' drafts are registered “as is.” It is no secret that sometimes this is also used by executive powers to “circumvent” the law-making procedures of the CMU.
- According to the Rules of Procedure, VRU Secretariat employees do not analyze or ascertain whether the draft proposals duplicate existing or registered draft laws or contain proper financial and economic justification at the registration stage. All this is checked during the next preliminary review stage at the relevant committee.
- After registration, the draft law goes to the relevant committee, where the main work is carried out, including preliminary consideration, analysis of relevance and social necessity, and quality. Poorly prepared accompanying documents and lack of financial and economic justification prevent the relevant committee (DC) from making a decision. In this case, the committee can return the bill for revision.
- Significant differences in various stakeholders' viewpoints delay a compromise. In such cases, the committee can create a working group to finalize the draft law. However, sometimes working

² Each bill submitted to Parliament goes through several stages (Figure 1):

- registration,
- consideration at the relevant committee,
- vote/approval,
- signing by the President.

³ Articles 90 and 91 of the Regulations list the technical requirements for registration and for the project itself, namely: the presence of supporting documents justifying the need for adoption; objectives, tasks, and main provisions; justification of the expected socio-economic, legal, and other consequences after the bill's adoption; and availability of a comparative table, should changes be made to the current law.

groups do not work toward reaching a compromise delaying the adoption of the decision regarding the bill in question.

- When considering the draft project before second reading, other problems arise, mainly the excessive number of amendments for second reading submitted by MPs. This delays the process of preparing the draft law for second reading by the relevant committee and its consideration in Parliament.
- Other factors cannot be attributed to a specific stage but significantly affect the process of reviewing and adopting laws. **The unsettled issue of citizens' participation in the law-making process.** Currently, the public can participate in discussing bills published on the website of the VRU and the CMU (i.e., websites of the Ministries designing draft laws). Citizens also have the right to submit petitions to the President of Ukraine regarding problematic issues that need to be resolved at the level of the President, the CMU, or the Verkhovna Rada.
- Numerous reforms have been proposed to address these challenges in the legislative process in the VRU, an example being to provide for a minimum number of draft law authors in the Rules of Procedure. Such restrictions apply in other countries, particularly in Spain and Poland, where draft laws can be introduced by an entire faction or at least 15 deputies. Latvia requires the signatures of 5 people's representatives, Germany at least 5% of the Bundestag, or that it be an initiative from a faction. In Estonia, Slovakia, and Hungary, only committees can submit bills. In order to improve the law-making process, the main work on draft laws should be shifted to the development stage (before registering them in the Verkhovna Rada) and not to the consideration stage at the relevant committee, as is currently the case.

Public Consultation

- Most VRU committees engage a wide range of experts and representatives of business and public groups when reviewing bills. Yet, since the committee determines who to include in the discussion, there is a risk of ignoring "undesired" voices. Moreover, draft laws are often passed regardless of the negative comments from the Chief Scientific and Expert Department or the Chief Legal Department so it is unclear how seriously the expert input is taken.

Law on Public Consultation

The legal obligation for more comprehensive public consultation on draft laws and regulations has not been established, as the draft law on public consultations aiming to address this issue is pending final approval in the Parliament.

There is resistance to the approval of a draft law on consultation, with MPs one of the primary opponents. The draft law introduces new rules for consultations, making them obligatory for many subjects (MPs among them). As for now, the unclear guidance provided MPs on how to prepare draft laws can allow them to initiate (register) draft laws whenever they wish (which is one reason for legislative spam). So MPs may be reluctant to make their work more difficult and which may limit their legislative freedom.

The Ukrainian NGO called Respublica is supporting selected VRU Deputies in the delivery of online open public consultation in the regions at which up to 150 people may attend and where efforts at incorporating best practice are made. These events include a Preparation stage where groups are invited on Facebook and Instagram and the legislative draft together with specific questions are shared with participants in advance. As part of event Delivery, a draft law is presented in simple language and break out groups assess different aspects

of the draft law and report back to plenary. VRU Deputies help invite people on their own social media platforms and focus on those most directly affected by the draft.

According to Respublica, the events have many positives including the scope of citizen engagement, the analytics and moderators, and the approach to processing information from participants. Citizens can send comments in written form as well, and are generally ok with engaging on the Zoom platform. The NGO also highlights areas for improvement including:

- how people are selected to attend
- the attention given to event evaluation
- the challenge of having citizens complete Google surveys.
- the continual need to build people's trust in this remote dialogue process
- improve the reporting of event results by MPs and Govt officials.
- The need for Committees in the VRU to embrace this form of consultation.
- The limited negative impact of Martial Law on consultation.
- The general newness of consultation as a process in Ukraine, in particular the challenge for people to provide technical inputs against a law's technical language, and why presentation of a draft law as part of a consultation process must always be presented in layperson's terms.
- Need to increase people's awareness of consultation opportunities as well as citizens' use of the Parliamentary website.
- The need to make the Law on Consultation more inclusive to show how different representatives of Government should consult.
- Their keenness to learn more about the 'participation' stage of public engagement (for which there has not been a real public discussion yet) as well as digital/online approaches.
- The impact of consultation is not obvious and its measurement can be difficult.

The SIGMA Ukraine summary December 2023 addresses the broader issue of public administration reform (PAR). While PAR is beyond the scope of this assignment, the strides taken by Ukraine here highlight the ability of its public sector to move process reforms forward despite the ongoing war, and to maintain cooperation between Government and Parliament. However consultation with the public remains challenged. The SIGMA report findings:

- The government decision-making machinery continues to function and provide services, with the implementation of both the PAR and PFM strategies continuing.
- Despite the war, the overall performance of the public administration in 2023 remained at almost the same level as in 2021. Strategic leadership and co-ordination of PAR, and service delivery even improved. The most significant improvements are in service delivery and digitalisation, prompted by the establishment of the Ministry of Digital Transformation and the launch of the *State in a Smartphone* programme, the Trembita interoperability framework and the Diia e-government portal and mobile application. All key enablers of e-government have been put in place, and services are being streamlined and digitalised. Ukraine has been rapidly catching up with the frontrunners in digital government.
- The core functions and procedures for policy development and co-ordination, including European integration (EI), are established, but actual implementation needs to be enhanced. Planning and implementation of European integration (EI) policies, monitoring and reporting of government performance, transparency of government decision-making and public consultations are some of the areas that require improvement.

- The regulatory framework for parliamentary scrutiny and oversight is established, and its application has improved.
- Oversight bodies enjoy higher public trust than in 2018 and improved perception of their effectiveness in scrutinising public administration.
- Mandatory and effective public consultation on draft laws and regulations must be introduced.
- The PAR Co-ordination Council is the political-level management and co-ordination mechanism for overseeing their implementation. All relevant institutions are represented at the Council. It should be noted that representatives of the relevant committees of the Verkhovna Rada of Ukraine (the Parliament) are also members of the PAR Co-ordination Council and regularly participate in its meetings. This is a unique and very commendable practice of such management and co-ordination mechanisms observed by SIGMA.
- The practice of preparing and publishing reports is adversely affected by the war Publicly released annual reports only focus on outputs and do not provide information on unimplemented activities and the reasons behind their non-implementation.
- Government continues to have a limited role in proposing new laws, with most initiatives coming from MPs, increasing the risk of laws being developed and adopted without comprehensive impact analysis, EU law compliance assessment and public consultations. Such a situation also risks impeding the government's responsibility for planning, designing and implementing national policies. In addition, the Parliament's timeliness in processing the Government's drafts has also deteriorated.
- Accountability of ministries for legislative initiatives is limited by the continuing practice of draft laws from the ministries being submitted to the Parliament through individual MPs. There are no internal ministry regulations for drafting laws and policies and no consistent practices in place that would enable ministries to effectively co-ordinate and consult draft laws and policies within the ministry.
- Government initiated regulatory impact assessment (RIA) is required, but the scope is narrow and covers only legal acts that affect the business sector. The quality of impact analysis has not improved since 2018, with weak information provided in supporting documents, which hinders evidence-based decision-making. Implementation issues, fiscal impacts and alternatives remain inadequately addressed.
- Public consultation in Ukraine is insufficiently regulated, as the obligation to consult on all draft laws and bylaws adopted by the Government has not been established; the draft law on public consultations is pending adoption by the Verkhovna Rada of Ukraine (VRU). Understandably, fewer consultations were held in 2022 compared to the previous year. The rules for public consultation are not effectively enforced, leaving deficiencies unaddressed. The quality assurance of the public consultation process is mandatory and carried out in practice, but its effectiveness remains insufficient.
- The absence of requirements for comprehensive impact assessment, EU *acquis* compliance assessment and conduct of public consultation for draft laws considered by the VRU leads to different quality requirements for drafting legislation in the CMU and VRU. Consequently, it is still a frequent practice that ministries submit draft laws directly to the Parliament via individual MPs to shorten the process by bypassing the consultation and decision-making processes of the Government, thereby reducing their own accountability and role in policy development.
- Government representatives regularly participate in parliamentary proceedings by attending plenary sessions and committee meetings.

- The co-operation and co-ordination between the VRU and the Government are organised in a consistent manner. In June 2021, the Government appointed its permanent representative to the VRU. The Government officially submits its list of legislative initiatives for the next year to the Parliament in the autumn, coinciding with the VRU's preparation of its own annual legislative plan. This practice was confirmed for both 2021 and 2022.
- Overall, the CMU role in initiating draft laws discussed and adopted by the VRU remains limited. In 2022, of all draft laws registered in the VRU, only 10% were initiated by the Government, 4% by the President and 86% by MPs. Of the 399 bills adopted by the VRU, 19% were on the Government's initiative, 17% on the President's initiative, and 63% on the initiative of MPs. A similar pattern was observed in 2021.
- Overlaps and fragmentation mark the system of regulatory impact assessment. The application of RIA has decreased in 2023, as has the scope of legislation for which RIA is required. The regulatory framework establishes the requirement to analyse draft acts, but broad RIA is required only for acts affecting business. The quality of impact analysis in supporting documents remains very weak, Guidelines for analysis of impacts are available, but they do not provide practical tools and examples.
- Certain tools required for effective stakeholder engagement, such as prior notifications, collection, analysis and reporting on feedback, were not implemented consistently during 2021 and 2022. The regularity of publishing laws for consultation by ministries has dropped since 2021. The legislation sets minimum time frames for consultations (15 days for general written consultation and one month for all acts affecting businesses and requires advance notification in the form of annual indicative plans for consultations. However, this practice is not ensured.
- Inconsistent public consultation can be attributed to the extraordinary situation the country is facing as a result of war. However, the gaps in regulations which require public consultation on only selected categories of draft laws and regulations narrow the scope of required consultation, and the percentage of draft laws published for written public consultation had already been low before the war.

Part Two: A Global Perspective on Public Consultation

V Best Practice

We move now to a global best practice perspective on consultation and public engagement.

Key Roles for Parliament in a Democracy

Parliaments worldwide perform three core functions: to represent citizens interests, to pass laws, and to monitor the actions of the government. They perform a legislative function because, in addition to introducing legislation on their own, they have the power to amend, approve or reject government draft laws. This function is strongly linked to the representation function in that it is through the will of the people that the parliament receives its authority in democratic countries.

Parliamentary Committees have three main functions:

- Legislative (draft laws and consultation)
- Organizational (issues analyses, hearings, reports)
- Oversight (in 4 areas):
 - Prevention of government abuses or improper conduct
 - How taxpayer money was used
 - Delivery of policies and laws
 - The transparency of government operations

V.1 Consultation as a Component of Public Engagement

Public engagement can take many forms and can be conducted either directly with individual community members or through organized groups. It encompasses the various processes and activities through which parliament connects with the community – to inform, educate, communicate, consult and involve. Experience globally shows that public engagement consists of 5 stages:

Stage 1- Information – keeping the public updated about Parliamentary business (tv, radio, websites, social media). This is a one-way process of communication in which the public plays a passive consumer role of government information. It covers both on-demand provision of information and “proactive” measures by the government

Stage 2 - Education and Promoting Participation – increasing understanding of Parliaments and their work, the key principles involved (for example, separation of powers) how they can be influenced, engagement opportunities.

Stage 3 - Communication – establishing channels for interaction (i.e. internet broadcasting).

Stage 4 - Consultation – actively seeking the opinions of interested and affected groups, building on collective knowledge to inform parliamentary work. Consultation is the primary means for the public to be heard by parliaments. It is a two-way flow of information, which may occur at any stage of policy or regulatory development, from problem identification to evaluation of existing regulation. It is based on the prior definition of the issue for which views are being sought and requires the provision of relevant information, in addition to feedback on the outcomes of the process. In most cases, there is no

obligation to take the views of the audience into consideration when amending plans, making decisions or setting directions. In most consultation meetings, decision makers commit only to receiving the testimony of participants and considering their views. This level of participation can refer to for example, public consultations on draft legislation or consultative bodies on technical questions such as health policies. Many different types of consultation are possible, and at different stages of the legislative process.

Stage 5 - Participation – when the public is given the opportunity and the necessary resources (e.g. information, data and digital tools) to collaborate during all phases of the policy-cycle and can include formulation of regulatory objectives, policies and approaches, or in the drafting of regulatory texts. Engagement is a relationship based on a partnership between citizens and governments. The public actively engage in defining the process and content of policymaking. Like consultation, engagement is based on a two-way interaction but it acknowledges equal standing for citizens in setting the agenda, proposing policy options and shaping the decisions – although the responsibility for the final decision or policy formulation in many cases remains a prerogative of public authorities. Participation is usually meant to facilitate implementation and improve compliance, consensus, and political support. Petitions are the most common tool of participation, with over half of Parliaments globally having a Petitions Committee. Citizens assemblies and juries are gaining in prominence, and which consist of a group of community members chosen to be demographically representative to provide recommendations to a Parliament Committee.

This report focuses on Stages 4 (Consultation) and 5 (Participation). Immediately below are country examples of Stage 5 (Participation).

In many OECD countries, the public has been taking on new roles in the development and implementation of regulations based on a more interactive relation between citizens and governments. OECD member countries' experience indicates that participation can improve policy performance by helping governments to better understand people's needs, tapping on collective intelligence for innovation, creating more cost-efficient policies and enhancing policy implementation. Additionally, participation in the decision making process can promote: trust in public decisions and thus support compliance; answer concerns of unrepresented publics by addressing inequalities of voice and access and thus fight exclusion and marginalisation; and create a sense of belonging and thus foster social cohesion.

Participation in action: Environmental policy in Serbia

The National Assembly of Serbia has included a provision in its Rules of Procedure allowing representatives of citizens and citizens' associations to attend and/or participate in Environmental Protection Committee meetings when it is deliberating environmental issues. The Committee established a standing Green Chair in 2013 as a mechanism for including the public in the procedure of making decisions in this area. Under this mechanism, representatives of non-governmental organizations from the Green Chair Network are invited to each meeting of the Committee, including meetings held outside the premises of the National Assembly, depending on the topic to be discussed at a particular meeting. Representatives of the Green Chair often initiate public hearings of the Committee, as well as sessions outside the National Assembly, which are useful for raising awareness among Committee members about the state of the environment on the ground, especially in parts of the Republic of Serbia that are the most vulnerable environmentally.

Participation: Petitions

Petitions (written requests for action from an individual or group) are the most widespread tool for public participation, with 79 per cent of *Global Parliamentary Report* survey respondents stating that they have a submission process. Petitions are one of the oldest forms of public engagement, predating the emergence of parliaments themselves.

E-petitions in the Republic of Korea

Petitions to the National Assembly of Korea were embedded in parliamentary practice through the Petition Act of 1961 and the amendment of the National Assembly Act in 1988. The National Assembly launched an e-petitions website, named *Sinmungo*, on 10 January 2020. Petitions that reach over 100 signatures within 30 days are published by the National Assembly within a further 7 days. Petitions that reach over 100,000 signatures within 30 days are referred by the National Assembly to a committee. The Petitions Support Centre of the National Assembly is in charge of e-petitions. As of 22 January 2021, a total of 18 petitions submitted via the e-petitions platform had been referred to the relevant committees (after reaching 100,000 signatures within 30 days). Petitions adopted by the National Assembly are also referred to the government, along with an “opinion report”. Although there is no deadline for this process, the government is expected to report to the National Assembly on the follow-up measures taken to address the petition.

Participation: Citizens’ Assemblies

Citizens’ assemblies, conventions and juries are being used in some countries to build consensus on policies and reforms, providing community members with the opportunity to engage in serious, informed reflections on key issues and develop proposals to address the matters under consideration.

Such assemblies and juries are dialogue-based processes involving a group of community members chosen to be demographically representative. They can scrutinize evidence, call witnesses and debate topics in order to produce recommendations that can then be presented back to official bodies such as a parliamentary committee. The objective is to narrow the gap between citizens and their representatives, raise public awareness of an issue and directly involve community members in decision-making. Thirteen per cent of *Global Parliamentary Report* survey respondents indicated that they used these sorts of participatory processes as novel tools for public engagement.

The Citizens’ Assembly in Ireland

The Irish Constitutional Convention (2012–2014) brought together 66 randomly selected citizens, and 33 Members of the Irish Dáil and Senate and the Northern Ireland Assembly, to deliberate and craft constitutional recommendations. Following the success of this exercise, the Irish Government established a Citizens’ Assembly in 2016, during which 99 citizens (selected on regional quotas) came together to deliberate and offer recommendations on specific topics such as climate change, abortion and fixed-term parliaments. During the 12-week process, participants received expert instruction, considered 1,600 submissions from the public, then deliberated and crafted recommendations that were presented to a parliamentary committee and then voted on in a public referendum (which is required under Irish law to change the Constitution).

In Person Participation Tools

Citizen Participation Offices (Chile, Costa Rica, Colombia, Ecuador)

Citizen participation offices can provide a point of contact for citizens to get information, share concerns and submit citizen proposals. A citizen participation office can be located within the parliament; several offices can also be established in locations outside of the capital to facilitate access to citizens.

Ad-hoc Meetings or Workshops with Civil Society Organizations (Suriname)

Citizens can be invited as witnesses to appear before Parliamentarians and parliaments can establish partnerships with civil society organizations to receive briefings or workshops hosted by these organizations on their area of expertise, so as to build parliamentary skills and knowledge on a particular subject.

Institutional Bodies

Parliaments can assign the mandate of listening to citizen concerns and disseminating information about new laws to an institutional body. Citizens or representatives of key civil society groups can also be integrated into these bodies on a temporary or permanent basis.

Committee on Citizen Participation and Social Oversight, National Assembly of Ecuador: Committee whose mandate is to require transparency of public information; it engages in general meetings, forums, hearings and working meetings with citizens and civil society organizations; it also applies the concept of “legislator for a day” where citizens are selected to join the committee’s proceedings.

Town Hall meetings

Town hall meeting are often held by legislators in their constituencies, or by the Executive, where citizens are invited to participate in a dialogue with legislators and/or public servants to share their concerns and ask questions. Civil Society Organizations can also collaborate to promote attendance and provide support to organize these meetings. The debates can center on general concerns for agenda setting or oversight, or specific legislation according to its stage of development or review. Different methodologies, such as round table discussions, the world café and others, can also be applied to provide opportunities for citizens to interact with each other and work towards building consensus on potential legislative solutions.

Town Hall Meetings on Freedom of Information Bill, Citizens for a Better Bahamas: Town hall meetings held in partnership with government to present draft legislation and gather citizens’ feedback to develop additional recommendations, which are then considered by cabinet.

Public Hearings on Bills or Other Matters of Public interest, Senate of Paraguay: Meetings held in departmental (provincial) capitals by initiative of parliamentarians or citizens to present bills, listen and collect input, suggestions or modifications brought forward by citizens.

Good Governance and Accountability for Prosperity Town Halls, St Kitts and Nevis): Town hall meeting held annually by the Prime Minister and Members of the Federal Cabinet to provide an opportunity to citizens to ask questions and receive answers in relation to government policy.

Focus Groups

Parliamentary committees or the Executive can arrange facilitated discussions with demographically diverse focus groups on specific legislative proposals or within the scope of studies on issues of interest. These can help highlight citizens’ main concerns in relation to the issue at hand and gauge public opinion on proposed reforms.

Gender Aware Beneficiary Analysis of the Public Assistance Programme, Saint Lucia: As part of efforts to establish a social protection platform with gender equity and child sensitivity as core principles, the Ministry of Social Transformation, Local Government and Community Empowerment worked with UN Women to perform an analysis of the Public Assistance Programme using focus groups to propose amendments to relevant legislation.

Committee Hearings and Witness, Specialist or Interested Person's Appearances or Submissions

Citizens can be invited as witnesses to appear before committees and provide their input on the subject being debated. This can take place when the committee is developing or reviewing a legislative proposal or performing a study on a priority issue. Witnesses can be proposed by the committee or an open invitation can be made that allows citizens to communicate their interest in appearing as a witness. Due to practical considerations, the committee generally limits and determines the final list of witnesses.

Witnesses Appearing Before a Committee, House of Commons of Canada: Witness selection is determined by the relevant committee of the House of Commons, however when holding meetings in the form of "town halls", committees often reserve a period of time during which audience members are given an opportunity to ask questions or make brief comments without having to formally arrange for their appearance in advance.

Witnesses Appearing Before a Committee, Congress of Chile: Witness selection is determined by the relevant committee, and interested individuals can register with the secretariat of the committee to express interest in participating or to watch the proceedings.

Thematic Days, Chamber of Deputies of Chile: Days for which a theme is assigned by a committee to provide a space for legislators to interact with citizens; each committee must host two Thematic Days within each legislative period.

Project Legislator for a Day, National Assembly of Ecuador: Citizens are invited to assume the role of a parliamentarian for one day and participate in a committee meeting without voting rights but with time reserved for them to make an intervention.

Citizen Juries or Assemblies

A citizen jury or assembly consists of a randomly selected and demographically balanced panel of citizens to study an issue in depth, discuss different perspectives on the issue, and recommend a course of action or craft their own solutions to address the issue. Its findings can be binding or not.

Citizens Assembly on Electoral Reform, Legislative Assembly of Ontario, Canada: Assembly of randomly selected citizens (one from each electoral district) examined the electoral system and provided a recommendation on reform, which was presented in a province-wide referendum.

‘Participation’ processes going forward

Committees have an opportunity to open themselves up to new ways of interacting with the public on topics that matter to them.

- Committees could, for example, host forums, round tables and workshops on subjects proposed by the community.
- Committees can also embed community members within their structures and give them a seat at the decision-making table. An example of this approach from Serbia, as described in part 2 of this report, is the Green Chair initiative, which allows NGOs to participate in the work of parliament’s environment committee.
- Parliament could also organize forums and seminars on topics proposed by the community. This would give people from across society an opportunity to influence the issues that parliament examines and debates. Social media could be used to get the community involved more actively in such discussions and debates. Online forums broadcast through social media platforms, such as Facebook Live, can provide opportunities for interaction between MPs and the community.
- A mechanism for community members to propose topics for debate in parliament, areas for investigation by committees and topics for research by parliamentary libraries and research departments.
- News content published via parliament’s digital channels that either draws on community evidence presented to committees or is sourced from members of the community with expertise in legislation or public policy issues being debated by parliament.
- Forums at which both MPs and community members discuss topics proposed by the public interactive committee hearings and round tables at which community members can submit questions.
- Community advisory panels covering various topics.

V.2 Linking Consultation Purpose and Timing

Consultation can be used for many purposes as part of the legislative process and questions about the most appropriate consultation tool can be answered as follows: it depends on when in the process it is used.

Stage of the Legislative Process	Consultation Purpose
Agenda setting stage	Open ended dialogue to identify issues Suggested legislative solutions
Content development of a Bill stage	Input on a specific issue Suggested legislative solutions
Drafting of a Bill stage	Input on text and main pillars to be included
Review of a Bill stage	Input to the draft

Vote on a Bill stage	Poll of citizens' views on a specific Bill
Oversight stage	Open ended dialogue on the implementation of government policy Input on the implementation of a specific policy or law or as part of an investigation of a specific case

V.3 Parliamentary Consultation – Key Global Findings

V.3.1. Stakeholder Selection Criteria

A key question associated with public consultation is who precisely should be consulted? The definition of the “interested party” or the term mostly used “stakeholder” is a standard definition used by many organisations and public authorities (OECD, 2001). This definition is broad. Stakeholders may have different interests in the decision-making process, even in different stages of the decision-making.

The global consensus is that there is no single preferable approach to selecting stakeholders. Some consultations may be geared toward specific clients and stakeholders. In other situations, participants might be selected on the basis of technical or local knowledge, subject-matter expertise, or the level of impact on their activities. In developing a comprehensive work plan for regulatory consultations, officials need to consider the contributions of individuals with a wide variety of backgrounds, perspectives, and expertise. The extent of the involvement of participants will depend on their level of interest and the extent to which decisions are likely to directly or indirectly affect them and their ability to participate. It is also a matter of seeking input and involvement from those who can make a meaningful contribution to the decision-making process.

Best practice dictates that consultation plan should specify the roles and responsibilities of officials and stakeholders in the process. In developing questions for participants, thought should be given to the type of comments sought and how the views of stakeholders will be taken into consideration. The right question is important for a fruitful and comprehensive review of the issues.

Participants also need to know how their views will be taken into consideration, which departmental official is authorized to decide on the proposed course of action, and what the “rules of engagement” will be. It may be necessary to work with participants to develop a code of conduct for the meetings in order that the participants understand and agree to the delegated roles and responsibilities.

Selecting stakeholders most affected by a particular issue or proposal appears to be the ‘default’ criterion used by Parliaments worldwide. However, research globally shows that selecting stakeholders to participate in public consultation is not well defined by any legal act. Countries like Canada and Estonia have somewhat more precise approaches in place but as a rigorous approach, there are few examples. The selection of witnesses at Committee meetings is largely at the discretion of Committee leadership based on their prior knowledge of key stakeholders relevant to the issue. Some Parliaments however are requesting Expressions of Interest to attend Committee meetings and where written

submissions are shared in advance, which helps to narrow participation to those most capable of adding value.

The ***OECD and other entities suggest that the criteria for stakeholder selection combines impact, organizational credibility and ability to add value to the consultation process.***

Suggested criteria for selecting stakeholders to engage in consultation:

- Sector of origin
 - Public sector
 - Private sector
 - Non profit sector
 - Concerned individuals
- Legitimacy
 - Numbers, comparative size
 - Proportion of the domain they represent
 - Mandate from constituents to act on their behalf
 - Internal cohesion/cohesiveness
 - Record/outputs to date
- Resources
 - Knowledge of policy substance and process
 - Finances
 - Physical assets
 - People
 - Leadership and experience
 - Status (with government and with others)
 - Information and research capacity
- Policy Capacity
 - Knowledge and capacity to articulate
 - Capacity to synthesize and influence
 - Strategic capacity (setting goals and developing the means to accomplish them)
 - Capacity to form and mobilise coalitions
- Reputation/Credibility
 - Organisation
 - People
 - Outputs
 - Processes
- Membership Characteristics
 - Demographic profile
 - Psychographic profile

- Organisational structure
 - Management
 - Influencers
 - Internal committees
 - Linkages
- Geographic scope
 - Local, regional, provincial, national, international
- Financial
 - Financial stability
 - Autonomy in determining use of financial resources
- Prior commitment and engagement on the issue being addressed
- Participation Barriers
 - Costs
 - Conflict of interest
 - Political agendas
 - Availability/timing
- Main Issues/Interests
 - Short term
 - Long term
- Extent of Impact
 - Directly affected
 - Indirectly affected
 - Possible/general interest.

V.3.2 Public Consultation Methods

Global evidence about ideal or preferable consultation approaches points to two factors:

- A variety of approaches are encouraged;
- The choice depends on the consultation's purpose.

Global experience shows that no single one-size-fits-all tool works for all consultations. The consultation plan should include an assessment of the most appropriate consultation tool based on the size and scope of the proposal, regional considerations, and the types of stakeholders.

Engaging stakeholders early in pre-consultations gives them the opportunity to help decide which consultation tools would be best. Officials should contact not only those who are directly involved, but also those indirectly affected by the regulatory change. In some cases, this may require “outreach” endeavours to engage people or groups who traditionally do not take part in regulatory consultations.

Public consultation can have many purposes. The choice of consultation methods may be different depending on whether the purpose is to:

- Provide information to the public and decision makers
- Seek input from the public and decision makers
- Discuss the issues
- Identify common ground
- Build consensus
- Resolve issues
- Follow up/evaluationn

The choice of method(s) will also be influenced by one or more of the following:

- The issue and its urgency
- The range and profile of stakeholders involved
- The geographic scope/geographic diffusion of the public to be consulted
- The level of consultation required (comment, dialogue, etc.)
- The decision maker’s desired level/degree of agreement
- Current organizational needs and circumstances including the degree of controversy associated with the decisions.
- Technical complexity of the issue
- Special needs of new Canadian groups
- Consultation already consulted on the issue, and its degree of success

Parliaments consult the public in various ways in order to generate evidence that supports Parliamentary work in three areas: Legislation; Budgeting; and Oversight. **Popular consultation approaches** include the following:

- Calls for briefs/submissions
- Online/digital participation/ Websites/forums
- Conference
- Focus Groups/Interviews
- Parliamentary Committee meeting
- Public Hearing
- Public meeting
- Round Table
- Field Visit
- Workshop
- Toll-free hotline
- Questionnaire/survey
- Bilateral meeting

- Advisory board/committee
- Comment form
- Requests for written submission
- Task forces
- Video conferencing

Parliaments consult the public in various ways in order to generate evidence that supports parliamentary work on legislation, oversight and budgeting. The most widespread and established form of consultation is **committee hearings**, which are convened on parliamentary premises and see MPs meet with and question witnesses. Of the parliaments that responded to the survey, 72 per cent said they used committee hearings for legislative consultations and 65 per cent reported using them for oversight.

Yet parliaments are also trying out new forms of consultation. Half of the respondents said they organized **field hearings**. This practice, which involves parliamentary committees leaving parliament's premises and visiting local communities to hear their concerns, has long been a relatively simple way to facilitate public engagement while at the same time enhancing MPs' understanding of the issues at stake. The start of the COVID-19 pandemic in 2020 accelerated a movement towards remote and hybrid committee hearings, enabling individuals and groups from remote locations to engage in the consultations and to submit their views to MPs.

Serbia: Mobile committee hearings

In Serbia, mobile committee hearings are codified in parliamentary procedural rules. As of the end of 2021, the 19 committees of the National Assembly of Serbia have held 40 hearings outside parliament in cities around the country. These field hearings happen alongside regular parliamentary hearings, to help committees better understand the topics they are examining by consulting local stakeholders. To encourage impartiality and openness, hearings are always hosted in public buildings such as village halls or schools. In one prominent example, a mobile hearing on agricultural subsidies in 2014 was held in an area that was hard to reach following major floods in Serbia. Despite this challenge, all committee MPs and staff took part in the discussion, along with between 20 and 30 community members. The members of the public in attendance stressed the increased need for agricultural insurance, since the floods had not only ruined crops and vastly diminished mobility, but also displaced wild animals by reducing their food supply. These concerns had not been raised in the committee before. As a direct result of the hearing, all committee members (including government MPs) voted unanimously against the government's proposal for budget cuts.

Some 44 per cent of the parliaments surveyed reported using **surveys, polls or calls for contribution** to consult with their public. For example, the Parliament of Mexico partners with a local organization to supply MPs with opinion poll findings on various topics under parliament's consideration. The Social Studies and Public Opinion Centre (CESOP) provides analytical information and technical support to the Mexican Chamber of Deputies through surveys and public opinion studies. Information collected from a survey is used to support and inform the work of legislators.

Many parliaments now use **digital tools** to engage and involve the public in the legislative process. The *World e-Parliament Report 2020* notes that 28 per cent of parliaments currently offer some form of online consultation tool relating to bills and another 19 per cent are planning to do so. These new collaborative tools help to overcome challenges that the public face in engaging with parliament, particularly in terms of distance and time. The emergence of digital parliaments affects participation in various ways. Parliamentary information is now more readily available and accessible than ever before,

via websites that include online documents and bills, or through open data. As more and more people adopt digital and mobile devices, parliaments can engage more directly with new audiences that have previously been excluded. Live streams of plenary debates and committee hearings keep the public informed. Social media platforms provide community members with an easy way to communicate directly with their elected representatives and parliaments. Specialist tools, such as e-petitions and platforms to comment on legislative drafting, mean the public can directly influence what parliaments do. Digital tools have widened access from organized groups, as was largely the case in the past, to anyone with an internet connection. New digital opportunities for individual engagement also create new risks of entrenching exclusion for those who do not have access or who lack the knowledge or skills to use digital tools.

Stakeholders vary in terms of their status, level of organisation, representation, and capacities to participate meaningfully in the consultation process. The OECD maintains that consultation methods need to reflect differences in stakeholder access to resources and opportunities to express their views to the government, and that a diversity of channels for the communication of these views should be created and maintained.

“A wide spectrum of consultation tools should be used to engage a broad diversity of stakeholders within the population” (OECD)

The following illustrative table links consultation methods with consultation purpose.

	Providing information	Understanding the public	Discussing the issues	Identifying common ground	Building consensus	Following Up
Public meeting	✓	✓	✓	✓		✓
Workshop		✓	✓	✓	✓	
Public Committee		✓	✓	✓	✓	✓
Web portal	✓	✓	✓			
Discussion paper/ call for submission	✓	✓				
Toll free number	✓	✓				
Focus Group		✓				✓
Public hearing		✓				
Informal Communication						

V.3.3. Parliament Budget Oversight: Consultation

In two-thirds of OECD legislatures a single budget committee is responsible for overall

budget review and for co-ordinating varying levels of input from sectoral committees. It is common practice for OECD legislatures to open budget committee meetings to the public or to broadcast committee meetings via television or the internet.

In terms of specific tools OECD legislatures are using to encourage public participation in the budget process, legislatures continue to rely mainly on traditional participatory mechanisms such as public hearings of permanent committees (25 countries) but have been slow to adopt approaches that take advantage of digital tools with the potential to reach a wider group of stakeholders. This may be in part because parliaments have focused first on educational and transparency aspects when introducing a more participatory approach – e.g. sharing information with citizens and promoting greater public understanding of how parliament works on the budget. Eight countries reported outreach through committee visits or town hall style events (Australia, Canada, Estonia, Finland, Japan, Portugal, Slovak Republic, and the US). Another seven countries reported using e-petitions (Estonia, Finland, Germany, Korea, Luxembourg, NZ7, and Portugal); while only France, Greece and Switzerland reported holding “digital debates on social media platforms” and only Austria reported that it is preparing to do “crowdsourcing of ideas for scrutiny” in the future. The Netherlands gave an example of an innovative new practice introduced in 2017, the “V-100”. Organised by the Dutch Parliament, the “V-100” brings together 100 participants from society who scrutinise the annual budget reports and make suggestions to committees on potential questions for the responsible minister.

V.3.4 Evaluation of Public Consultation

Among the challenges of public consultation is not just the difficulty of measuring its impact but perhaps surprisingly, the limited effort by Parliaments globally in undertaking this task in any structured or systematic way. The most recent UNDP Global Parliamentary Report shows that only 4% of Parliaments surveyed had evaluation indicators in place for their public engagement, and these were usually in high income countries. And even where there is systematic monitoring, it tends to focus on administrative processes (for example, attendance registers) rather than the **impact** of the consultation. Generating both quantitative number of events, number of proposals adopted, etc.) and qualitative data is important. Quantitative measures can include the number of people who participated in the engagement, number of events, number of recommendations, number of proposals adopted, demographic information showing the diversity of the audience by gender, age, location and background, and information about financial results. This builds a picture of who was reached and what it cost to reach them. Qualitative data speaks to the experience that people had with the engagement. This can include the degree to which the input from stakeholders influenced the final decision or contents of the proposal, satisfaction rates, what impact the engagement had on people, what they gained and how they intend to use the experience in the future. Qualitative metrics should also focus on what parliament gained from the engagement experience, and in particular on any changes that resulted from the activity. Success can also be both direct (impact on bills, informing members) and indirect (building long-term trust in democratic processes, making more people aware of what their parliament is doing, and offering a clear route to get involved for those who wish to).

In the most recent survey of Parliaments carried out by the OECD, only 1/3 of parliaments said that they had indicators for monitoring and evaluating public engagement. As an example, the participatory tools used by the Parliament of Brazil demonstrate many aspects of good practice but there are no clear metrics or critical success factors in place, so it is difficult to measure the value of the platforms and impact on improved legislation. Not a great deal of information exists that would help evaluate the effectiveness of e-Democracia, such as how many

and what Brazilian legislation has been informed by Wikilegis, the total number of citizens' amendments, the number of amendments incorporated, and profiles of the contributors whose amendments were accepted.

A robust evaluation process requires appropriate systems for regular, consistent data collection, allowing trends to be analysed over time so that the longer-term impact of engagement activities and approaches can be assessed. Just as an engagement strategy needs to be comprehensive, so does the evaluation framework that is used to assess projects and activities rolled out as part of the strategy.

A comprehensive evaluation framework outlines:

- what indicators will be used to measure outcomes
- what statistics will be collected
- how feedback will be captured from participants
- when evaluations will be conducted (over what timeframes)
- who is responsible for conducting the evaluation
- how evaluation outcomes will be communicated, and to whom.

The Parliament of South Africa has institutionalized monitoring and evaluation into its public engagement, as reflected in its 2020 Strategic Management Framework, which explains how monitoring and evaluation fits into the overall process. There is a monitoring and evaluation unit in Parliament called the Parliamentary Budget Office, which prepares analysis of what is happening about a particular policy, about a particular process, about how and where money is being spent. Monitoring and evaluation is therefore carried out to provide feedback on the effect of government activities, as well as on how participation impacts parliament's programmes, and to help hone public engagement activities. Regular monitoring mechanisms (such as attendance registers at events) and regular evaluation mechanisms (such as studies measuring the effectiveness of activities) are integrated into public engagement.

If we accept that the evaluation should determine (i) the quality of the information and advice collected; (ii) the extent to which the results have been integrated into the regulatory initiative; and (iii) the degree to which the consultation process itself was effective, these dimensions of evaluation can be turned into a practical tool with the following list of questions.

Planning/Preparation

- Was the consultation purpose-driven? Was the purpose and aims and desired outputs of the exercise clear?
- Was there a clear reason for people to participate?
- Was the rationale for choosing this particular type of exercise clear and appropriate?
- Was financial assistance made available to ensure the participation of stakeholders with inadequate resources?
- Were parameters established at the outset? Were the agenda and the consultation process negotiable?
- Were all parties involved early enough to become familiar with all the elements of the exercise, in order to make a proper contribution?
- Did the parties assist with the design of the consultation process?
- Was there a clear understanding of the expectation of all parties?

- Was it consistent with the Government's political imperatives?
- Were key players trained in the skills required for effective consultation?
- Were other Government departments (provinces and municipalities) with an interest in the issue consulted? Was there agreement on the approach? Did the Federal Government speak with one voice?

Process/Delivery

- Was a stakeholder analysis conducted to ensure that the appropriate participants were selected?
- Were all persons with a legitimate interest in the issue (and therefore the outcome of the participation exercise) clearly identified? To what extent did the participation reflect the segments of society affected by the issue?
- Were the mandates of participants clear? Was the right balance achieved between participant acting as representatives and participants acting in an individual capacity?
- Was enough effort made to attract the right participants?
- Was everyone's role in the process clear?
- Did affected or interested parties participate voluntarily?
- Were all parties who could contribute to or were affected by the results of the consultation involved? Was it inclusive rather than exclusive? Was the size of the group manageable?
- Was the group of participants actually representative (and did it remain so during the course of the exercise)?
- Was there mutual respect for the perspectives of all participants and their legitimacy?
- Was there acceptance of the diverse values, interests and knowledge of the parties involved?
- Were there enough people involved, with the appropriate level of skill and understanding, in setting up and running the exercise, and handling the outputs?
- Was the process flexible?
- Was the exercise well organized and managed on a practical level?
- Was there sufficient time to conduct the consultations properly? Were there realistic deadlines?
- Were the decision making (or discussion) procedures used appropriate for the exercise and the participants?
- Was sufficient finance available to meet the needs of the exercise?
- Were there enough suitable facilities and equipment to meet the needs of the exercise?
- Were the values of openness, honesty, trust and transparency evident and upheld?
- Were independent, neutral facilitators used when necessary?
- Were the decisions made (or conclusions drawn) consistent?
- Did the process build on lessons from previous consultations?
- Was enough good quality information available, at the right level of detail, in a usable format? Was adequate information provided to ensure the best possible inputs?
- Was there sufficient shared understanding of essential concepts and terms by all parties?
- Was information readily shared? Were discussion papers distributed ahead of time?
- Was feedback solicited from participants throughout the process? Was it acted upon?
- Was there adequate publicity? Did the exercise bring a significant amount of constructive media attention to the issues?

Outcome

- Were the participants competent to contribute satisfactorily to the exercise?
- Were the ideas put forward during the consultation innovative, useful? Did something new come out of the consultation?
- Did the consultation produce credible information useful to decision makers?
- Were better specific decisions made as a result of the exercise?
- Was an information management plan in place to handle and provide for objective analysis of the information received?
- Was there a sense of shared ownership of the process and the outcome?
- Was stakeholders/parties mutual understanding enhanced?
- What was the impact of the consultation on the relationship between the public sector and stakeholders, and on the relationships among stakeholders?
- Was there a commitment to implement and monitor the outcome of the consultations?
- Was a public consultation the best way to get the results obtained?
- Was the consultation worth the effort expended?

Follow Up

- Were participants informed of the results of the exercise including how their specific inputs impacted any final decisions?

The Government of Canada's approach to evaluation addresses impact at an even higher level

A good participation process must add value to policy making, in terms of:

- Effectiveness (better achievement of the goals and objectives)
 - Efficiency (saving of time, money and social tensions)
 - Impact (wider, deeper and more permanent effects on target situations and subjects)
 - Pertinence (greater relevance to the issues dealt with by the policy)
-
- A good participation process must empower citizens
 - Good participation must improve social trust and social capital
 - Good participation must involve a sufficient number of citizens (quantity is relative to the issue)
 - Good participation must change the public administration's way of managing affairs

In conducting a final evaluation of the process and results of the consultations, officials should ask the following questions:

Yes N/A

- ☐ ☐ Were the views received what you anticipated?
- ☐ ☐ Was the method effective in engaging different groups and individuals?
- ☐ ☐ Did those consulted feel the process was worthwhile?

- ☐ ☐ Did the methods suit the objectives?
- ☐ ☐ If more than one method was used, what were the advantages and disadvantages of each?
- ☐ ☐ Were the quantitative and qualitative information, response rate, and representative sample anticipated?
- ☐ ☐ Was the timetable clear and adhered to? If not, why not?
- ☐ ☐ Was enough time allowed for input?
- ☐ ☐ Was the information used in the process effective?
- ☐ ☐ Was relevant information made available to the appropriate participants?
- ☐ ☐ Was the information easy to access, relevant to the consultation, produced in plain language, easy to understand, and available in other languages and formats?
- ☐ ☐ Was the process adequately budgeted for?
- ☐ ☐ Were the supporting materials effective? For example, did the consultation document encourage informed deliberation and dialogue? Was the information easy to access, clear, and objective?
- ☐ ☐ Did you follow up with those consulted, and was that input used?

V.3.5 Selected Trends in Public Consultation

A key public engagement lesson is that being strategic helps deliver results. An emerging trend worldwide is for Parliaments to develop **Public Engagement Strategies**, ideally together with citizens. Public engagement is not just a series of actions and interactions. If it is to be effective, it requires a well-defined strategy and a culture that takes engagement seriously. By embedding goals, roles, responsibilities, audiences, resources, targets and outcomes in their language and practice, parliaments can be better focused in the way they plan and deliver their engagement. By outlining and documenting their approach to public engagement, parliaments can articulate what they are aiming to achieve, how they will undertake their engagement and who their target audiences are. Parliaments, through its Committee responsible for procedures, citizen participation or internal management, can create opportunities for citizens to contribute at an institutional level (i.e. citizen proposals, citizen questions to a plenary or committee, parliamentary portals, etc.) and create a menu of mechanisms that legislators and committees can apply in their work. Parliaments can also motion for committees to engage with citizens and allocate resources to support these efforts. Political parties can improve opportunities for citizens to contribute to the development of their policy platforms. Legislators can improve their relationship with constituents by making themselves accessible. Committees can invite citizens to contribute to a specific issue or Bill. All of these aspects can be part of a citizen participation strategy.

Globally, 37 per cent of parliaments surveyed indicated that they have a written citizen engagement strategy.

A second trend is **innovation** – for example, moving away from parliamentary committees’ traditional tendency to control who gets invited to hearings, to more participatory and less formal processes, including:

- Mechanisms to get community input on issues that a committee should examine
- Community forums or round table consultations to collect views and suggestions in a more informal settings
- Social media questions and surveys to gauge peoples’ views on topics being examined by a committee

- Interactive committee hearings live streamed on social media, with the opportunity for the public to put questions in the chat for committee members to ask during the hearing
- Expert or community panels convened to discuss the consequences of committee recommendations before they are finalized.

A current trend in improving legislative implementation in Ukraine - Post legislative scrutiny (PLS)

In June 2023, three parliamentary committees of the Verkhovna Rada of Ukraine (VRU), the Parliament of Ukraine, presented their committees' post-legislative scrutiny (PLS) inquiries to a wide audience of Ukrainian stakeholders in Kyiv. The inquiries ran from November 2022 - 2023 with the support of Westminster Foundation for Democracy (WFD) and the USAID funded RADA Next Generation program. Parliamentary committees have assessed the effectiveness and impact of a substantial number of laws through the PLS approach. For example, in 2022 the VRU Committee on Social Policy and Protection of Veterans' Rights received over 20,000 responses from employees and employers across Ukraine, who participated in the Committee's PLS inquiry on the implementation of legislation regulating remote work and working from home. The significant successes and results of the pilot inquiries show that, despite the difficult circumstances of Russia's war against Ukraine, civil society is ready to engage in governance processes. At the same time, the Parliament of Ukraine has demonstrated its readiness to apply new knowledge, innovations and methods to strengthen parliamentary oversight.

PLS is an innovative parliamentary tool designed to evaluate the effects of laws and thoroughly examine their implementation and impact on society.

A third trend is Co-creation. Participation and co-creation are relatively new disciplines for parliaments. Participation means parliaments working together with the public for the social good so that a more diverse range of ideas can be heard and fed into legislation. Co-creation goes a step further, implying that new solutions are designed with people, not for them. Perhaps the most widely quoted example is the co-creation of Open Parliament Action Plans in collaboration with CSOs as part of the Open Government Partnership (OGP). A number of parliaments have developed standalone action plans of this type, and many more have included these initiatives in broader national action plans.

While bills usually originate in the executive or from MPs, a small number of countries (Brazil, Estonia, Finland and Latvia, for example) have a process for community-initiated legislation, whereby an idea emerging from a member of the public or CSO can pass into law. Other countries (such as New Zealand) offer citizen-initiated referendums that can then lead to legislation in parliament.

Argentina: *Leyes Abiertas* (Open Laws)

The *Leyes Abiertas* platform was developed to help to solicit public comments on legislative proposals by individual parliamentarians. This open-source platform was built for the Chamber of Deputies of Argentina by a civil society partner. Parliamentarians can choose to post their legislative proposals on the platform and it is then up to them to follow up on public comments. Public users of the system can log in using existing social media accounts and do not need to register or create a specific account on the portal. *Leyes Abiertas* has helped members to hear a wider range of views from community members who are not normally able to present their opinions to parliament. Usually the people who participate in the committees are chosen very discretionally by the chairmanship of the committee. The platform was developed in 2018, evolving from the joint work of the Chamber of Deputies and civil society within the framework of the Open Parliament Network. Once parliamentarians choose to make their bill proposals available to the public, comments are sought and members are able to both observe and engage with these. Proposals emerging from the comments can be incorporated into the bill. Public users can see all the draft bills open for comment, comment publicly on them, and see other

comments that have been made, as well as view different versions of the bill and any presentations and justifications for a bill provided by the member. As of January 2021, 51 bills have been submitted to the platform by 31 members of the Chamber of Deputies (12 per cent of the total membership). *Leyes Abiertas* is seen as a key enabler of legislative transparency.

The project demonstrated that online stakeholder participation in the drafting stages helps to find shared solutions to what are often complex policy problems. The Committee realized that the public commentators were not going to “rubber stamp” their proposals and that, for the bill to be credible, it had to bring the participants along with it at the heart of the process.

V.3.6. Drivers (or Inhibitors) of Effective Public Consultation

A law or directive mandating public consultation will help ensure consultation takes place. But there can be other important drivers:

- ***A country’s aim of becoming a EU member state*** – and the associated requirement to comply with a wide range of open government best practices including consultation – can be a major inducement to improving public consultation. Almost all OECD countries have entrenched stakeholder engagement in their law making process by establishing and expanding the formal requirements to consult on new laws and regulations (OECD, 2018, p. 50). Formal requirements for public consultation and well-advanced systems are established at the level of the European Commission (European Commission, 2002) and EU Member States.
- ***Level of citizen awareness of consultation opportunities*** – even in countries which have introduced advanced consultation techniques, awareness levels for these tools among the public can be low or suboptimal. The biggest challenge to consultation in Brazil for example was inadequate public awareness of consultation opportunities and how they can be accessed. According to current surveys, public awareness of the possibilities of public consultations in Ukraine is relatively low. Thus, 21% of Ukrainians are well aware of (or have been involved in) participation in public councils or open meetings of authorities (another 44% of Ukrainians have heard that this is possible but do not understand how to participate in it), 11% of Ukrainians are well aware of (or have been involved in) participation in the development of regulations (another 39% of Ukrainians have heard that this is possible, but do not understand how to participate in it), 30% of Ukrainians are well aware of (or were involved in) creating petitions (another 49% of Ukrainians have heard that this is possible, but do not understand how to participate in it).

Recent experience with parliamentary broadcasts in Georgia sounds another note of caution. For many years, parliamentary sessions and committee meetings were broadcast live by the national public broadcaster. In 2019, this TV broadcast was replaced with a live stream on the parliamentary website. The result has been a significant reduction in the reach of the broadcast and, therefore, in the number of people following parliament’s work.

- The existence and application guidelines of a '**fast-tracking**' clause in the Parliamentary Rules of Procedure allowing Parliament to pass laws without following all the normally required steps to do so.⁴ Kosovo continues to be faced with this challenge to legislative quality.
- **Feedback on outcomes builds trust** – Good practice examples can be seen in parliaments that have given feedback to community members who have participated in parliamentary processes or activities.

In the Estonian petitions system, for example, the relevant parliamentary committee must inform the person who submitted the petition within 30 days as to whether it will be taken up, and if not, why. The petitioner then has a chance to amend the petition based on the feedback and resubmit it.

V.3.7. Parliament and the Open Government Partnership (OGP)

Ukraine has engaged in the OGP process for over 10 years and introduced a number of reforms as part of its OGP commitment. While the OGP initiative is targeted first and foremost at government, parliaments are an important OGP contributor as well as beneficiary, and their engagement has been a key element in achieving ambitious open government reforms. In the open government context there are a number of steps which parliaments are taking which reflect their commitment to good consultation:

Legislative action

- Adopt, or review and amend legislation to strengthen the legal frameworks governing access to information, public accountability, and civic space and participation in specific sectors or policy areas.
- Implement a fully functional legislative footprints system, enabling public tracking of legislative initiatives from the drafting stage through to legislative review, adoption and – where relevant – amendments.
- Improve the ways in which civil society and citizens can provide inputs throughout legislative drafting and review by mandating public commenting and/or consultation opportunities at fixed points in the process.

Improving Oversight

- Strengthen transparency and public participation opportunities in parliamentary oversight by improving transparency of records of fora in parliamentary oversight is exercised (e.g. parliamentary questions, hearings, ad-hoc and standing committees) and providing opportunities for public input into the same.
- Invite regular briefings on the national OGP Action Plan progress throughout the OGP process at relevant parliamentary working group/subcommittee meetings, and invite, consider and share public input into the same.

Opening up Parliament

⁴ While Ukrainian legislative procedure does not have a “fast-tracking” clause, the share of laws adopted with procedure violations was up to 63% during the 8th session. So an absence of a “fast-tracking” clause is offset by a high number of procedural violations.

- Raise awareness of the potential mechanisms which citizens can use to participate in parliamentary work.
- Implement consultations and public hearings that give citizens opportunities to provide feedback and demonstrate their interests, both online and in-person.
- Strengthen communication between legislators and their constituents and give opportunities for citizens, especially vulnerable groups, to give input.
- Improve participation of civil society and citizens in the activities of parliamentary committees, to ensure their reports and recommendations are sufficiently informed by lived realities.

Dialogue and agenda setting

- Establish an open government working committee or working group to invite regular inputs from government, create an opportunity for participation by civil society and citizens, and ensure that OGP commitments become logged as part of the parliamentary record.
- Co-create a resolution on open government (and/or a specific area of reform such as political advertising, lobbying or civic space) to strengthen cross-party support and build a working relationship with relevant civil society and other stakeholders

V.3.8 A Regulatory Framework for Citizen Participation

Much has been written about the need for an effective legal framework governing public consultation and in Ukraine a draft law on consultation has been developed. As this discussion continues, a few questions that help define the parameters of this framework should be considered as follows:

- Should an instrument governing public consultations be legally binding (law or regulation) or would a 'softer' instrument, such as a code of conduct, better serve the purpose?
- Should an obligation for public consultation include only laws, or any public policy document?
- Should an obligation for public consultation apply to executive bodies or also to legislative bodies?
- Is it necessary to introduce a minimum and broader scope of consultations?
- Is it necessary to stipulate exemptions to public consultations obligations?
- What sanctions for breach of consultation obligations is appropriate?
- Who is the other party in consultations – should these be extended to commercial private sector companies, or only citizens and CSOs, including business associations?

V.3.9 Parliamentary Consultation and Gender

Parliaments and legislative bodies are core actors in the realisation of the gender equality agenda in their capacity as law makers, oversight bodies, and employers. As representatives of the people, parliaments are expected to both reflect the wishes and needs of the women and men they represent, but also ensure that all policies, including legislation, promote their interests. Ensuring equal opportunities for women and men, girls and boys to fully realise their potential requires that parliaments and legislatures themselves shape and advance gender-sensitivity in all processes, practices and procedures.

Mainstreaming Gender in Internal Parliamentary Processes and Practices

The OECD highlights the importance of strengthened accountability and oversight mechanisms for gender equality and mainstreaming initiatives across and within government bodies by encouraging a

greater role of parliaments and parliamentary committees to support progress in gender equality, for example:

- by integrating gender perspectives in parliamentary practices, legislation and budgeting;
- by promoting legislative initiatives focusing on gender equality; and
- by providing oversight of the implementation of gender equality and mainstreaming strategies and initiatives.

In the **Swedish Parliament (Riksdag)**, an action programme for gender equality is adopted by the Riksdag Board for each electoral period. Within the framework of the action programme for gender equality in the Riksdag for the electoral period 2014–2018, a survey with in-depth interviews was performed among the members. The findings from these were reflected into the development of the action programme for the 2018–22 electoral period, which focused on workplace culture, such as how MPs treat, address and approach each other. A working group consisting of one representative from each party was responsible for implementing the programme, with the goal of creating a gender-aware parliament.

The Swedish Parliament (Riksdag) introduced gender mainstreaming in 1994. This means that a gender equality perspective should be taken into account by the Riksdag and its committees in all scrutiny of the executive. All new legislation should be accompanied by an analysis of the impact they will have on men and women. So when parliament committees are examining legislation, they are able to take into account its impact on men and women and use this information to make a more informed decision when they vote on whether or not the proposal should go ahead. Gender has also been mainstreamed into budget scrutiny, with the Committee for Finance examining the annual budget for gender equality aspects as a matter of course. Many parliaments have established committees, sub-committees or multi-portfolio committees to address gender equality concerns, with mandates clearly spelled out in rules of procedures, statutes, or other procedural documents. Properly mandated committees are not only responsible for drafting or amending gender equality laws, but are also empowered to scrutinise all governmental policy and legislation from a gender perspective, to ensure that all laws abide by international gender equality commitments and are aligned with national policies. Importantly, this should include a mandate to review and amend budget bills.

In **Belgium**, the Gender Mainstreaming Act of 2007 requires a “gender test” to be applied to each new policy or law. In addition, the federal government is required to define strategic gender equality objectives at the beginning of each legislative session, including indicators, and to submit annual reports of progress achieved in implementing the measures. The Parliament has been granted powers to scrutinise ministerial performance through reference to the indicators. Gender mechanisms in the Korean Parliament issue a newsletter on gender-sensitive legislation three times a year, which is disseminated across the parliament as well as to government gender bodies. Likewise, every four years a compendium of gender legislation is produced and distributed to new MPs, parliamentary staff and academics.

The **Turkish Parliament** has developed a gender checklist to guide the review of legislative drafts by parliamentarians and staff.

The Gender Equality Committee in the **Latvian Parliament** has the right to be assigned as a responsible body for deliberating the draft laws related to gender equality. The Latvian

Parliament conducts impact assessment of legislative proposals, the gender committee has the mandate to analyse legislative drafts on gender equality matters.

Gender and Canada's Parliamentary Committees

In Canada, the House of Commons Standing Committee on the Status of Women (FEWO) has the broad authority to study work related to the status of women. Bills can be referred to the FEWO Committee, although there is no requirement for its involvement in studying bills on a systematic basis, especially those that are not explicitly seen as dealing with the women's issues. The Committee also has autonomy to conduct its own studies. Overall, the Committee is not bound by specific Orders of Reference that determine its work programme, however Committee members have taken a strategic approach in deciding what work to cover. When not dealing with legislation, the Committee has chosen to focus its study on three key areas; gender-based assessment, gender violence and women's economic security. Other parliamentary committees incorporate a gender element into their work programme. In 2022, the Senate of Canada, more specifically the Standing Senate Committee on Social Affairs, Science and Technology convened a series of meetings inviting ministers, experts, representatives from various sectors to examine the role of Gender-based Analysis Plus, or GBA Plus, in the policy process.

In April 2019, the **Canada House of Commons Standing Committee on the Status of Women** tabled the report, *Elect Her: A Roadmap for Improving the Representation of Women in Canadian Politics*, which studied the barriers facing women in politics. The Committee's report provides possible solutions to the barriers women face when entering electoral politics. The 14 recommendations included in the report are intended to provide guidance to the Government of Canada on measures that could be implemented to help improve the representation of women at all levels of electoral politics. The Committee's recommendations are intended to: improve the collection of intersectional data on women's political participation; shift societal perceptions regarding women's political participation; support organisations and projects that promote the political participation of women from diverse backgrounds; encourage political parties to run more female candidates and address the gender-biased media treatment of female politicians.

VI Country Case Studies

VI.1 Legislative output

Globally, Ukraine ranks on the highest end in terms of the number of laws initiated and approved annually. Approximately 2,000 draft laws are registered annually in Ukraine's Parliament. During the Legislature's 9th convocation (from December 2019 to March 2023), 5,293 bills were submitted for consideration versus 7,821 during its 8th convocation. This is significantly more than in other European countries:

- 914 bills were registered in the UK in 2019-2023
- 1,802 bills were registered in Poland in 2019-2023.
- An average of 5 draft laws are initiated annually in Norway, 6 in Switzerland, 13 in Greece, 46 in Austria, 71 in Iceland, 74 in Denmark, 115 in Portugal, 227 in Belgium, 257 in Finland, 337 in France, and 644 in Italy.

MPs in Ukraine submit the vast majority of draft proposals. However, international practices show that 60-90% of the total number of bills are government-initiated in countries where the Government has the right to legislative initiative. Overall, 16.8% of bills under the consideration of this convocation became laws vs. 12.3% during the 8th convocation and 9.7% during the 7th. For comparison, 63.2% of government bills became laws in the Polish Sejm in 2012-2023 and 77.2% in the UK. This difference speaks to potential flaws in the legislative process in Ukraine where Parliament is flooded with draft laws in the initial stages.

Parliaments in many countries pass less than 100 laws per Session/year (Australia, UK, Montenegro, Macedonia, Ireland, South Africa, Canada, Mexico, France). Examples:

- Australia: 108
- UK: 56
- Montenegro: 46
- Macedonia: 109
- South Africa: 40
- Canada: 67
- Ireland: 52

In other countries which approve a higher number of laws, the vast majority are initiated by Government

- Poland: on average 160 laws per year; 21% from Parliament
- Serbia: on average 197 laws, 1% from Parliament;
- Hungary: on average 200 laws, nearly all laws adopted are from Government

There are few if any countries which approve a larger number of laws annually and where Parliament is responsible for a fairly large percentage. These include:

- Egypt (330 laws);
- Brazil (a majority now being initiated by Parliament);
- Romania (385 laws, with 44% originating in Parliament);
- Nigeria (515 laws approved out of 2,166 draft Bills);
- South Korea (887 laws passed in 2021, 95% from Members of Parliament).

The SIGMA 2021 Assessment of Western Balkans Countries (Albania, Macedonia, Moldova, Serbia, Montenegro, Kosovo early 2000s) on Public Consultation on Public Policy highlighted that public

consultations and RIA, as the two main tools for ensuing evidence based policy making, are now formally established and used in all governments in the Western Balkans, with EU integration being a key driver of undertaking PAR reforms, including improvement in the consultation system. All countries score low on informing public in advance about consultation that was to take place, and sharing a report containing RIA and analysis. Ukraine scored relatively low on:

- range of consultation methods used (beyond written)
- frequency of publishing draft laws for written consultation
- frequency of input being received from more than 1 source
- frequency of reporting the consultation outcome
- making the consultation report available to the public or sent to consultation participants
- frequency of the report included explanations for not accepting proposals.

The SIGMA 2021 assessment of Western Balkans countries re: **Parliamentary Scrutiny of Government policy making** showed Ukraine scored higher than average on:

- Completeness of documents shared with Parliament including about Government's legislative initiatives
- Parliament-Government coordination; Government is always represented in plenary sessions and at Committee level if invited
- Consistency of Government reviewing laws from MPs
- Limited use of shortened proceedings
- Government participation in Parliamentary discussions

However, Ukraine ranked lower on:

- Timely Parliamentary processing of laws
- Degree of Parliamentary scrutiny of policy implementation, due to war from 2022.

VI.2 Country Close Up: Kosovo

The country has taken several steps to improve public consultation since 2016, with a key driver being to mirror more closely the approaches used in the EU and to achieve SDGs.

Substantial regulatory measures on establishing minimum standards on public consultation, in line with EU best practices, have been undertaken by the Kosovo Government since 2016. Kosovo has developed a Better Regulation Strategy as well as Minimum Standards on Public Consultation in 2016 and a Framework for Improving Public Consultation for the period 2021-2025. Kosovo has also revised its Rules of Procedure. The new Rules of Procedure in Kosovo, which took effect in August 2022, strengthen the Kosovo Assembly's legislative, oversight and representative functions and will enable citizens to hold Members of Parliament (MP) accountable to its promises. The Rules of Procedure provide the public with greater access to MPs, for example, through public hearings. Passage of the new rules will also pave the way for the Assembly to adopt a new Code of Ethics.

Kosovo's legal framework establishes a systematic approach to the consultation process. The legislation requires a visible, comprehensible, and flexible public consultation process, defines responsibilities for public institutions to monitor and check quality, and institutions assigned to consult the public in the process of policy and legislative drafting. The legislative framework also provides the requirements for

the establishment and functioning of the Government Public Consultation Portal, where all government institutions can manage consultation processes.

The approval of the new Regulation on the Minimum Standards for Public Consultation Process in 2016 (RMS) require:

- the consultation content to be clear
- the consultation process to be representative
- the consultation to be publicised to target the audience
- a minimum timeframe to be provided, and
- information on the results of the consultation to be publicised.

An electronic web-based portal for conducting written public consultations was launched in February 2017, which facilitates the public consultation process and enables the selection of stakeholders and their contribution to the draft consultation documents.

Consultation in Kosovo: Key Aspects

Committee Hearings

Committees may hold a hearing session on the draft laws that are in the consideration procedure, and on the oversight of law enforcement and policies with members of the Government, except the Prime Minister, with representatives of public institutions, civil society, experts, representatives of interest groups, and with interested citizens. The committee may hold public meetings with citizens and interested parties on a specific issue outside the Assembly headquarters.

Public Legislative Hearing

The legislative public hearing is organized for the gathering of information, remarks and recommendations on draft laws, and other matters. The public hearing is organized between the first and the second reading, to enable the general public, including members of civil society, the business community, the academic world and other interest groups, to present to the committee, the issues of interest for them and the groups they represent within the scope of the relevant draft law. The public hearing is open to all interested parties. Prior confirmation may only be required for logistical reasons, in case of limited seating. However, the availability of physical space cannot be a reason to exclude any interested party from the opportunity to share their views, whose contributions should be accepted by the committee in alternative forms or through additional public hearings.

Oversight Hearing

The oversight hearing is organized for the gathering of information, data and evidence related to the activity of ministries and other state and public institutions. The oversight hearing is open to all interested parties, except when the committee decides otherwise. Interested parties, who are not part of the list of invitees to participate in the oversight hearing, must first express their interest at attending in the hearing and confirm their participation.

Committee Meetings

The committee meeting is open, except in cases when there are discussions about confidential security issues and details of contracts that constitute business secrets, in line with laws in force. The committee may invite a minister to attend the committee meeting when considering matters falling within his/her

responsibilities. The committee may also invite representatives of other institutions and agencies, as well as representatives of civil society.

Variation in consultation approach based on topic

The methods used by the Kosovo Assembly Committees for public consultation are standardized and do not vary based on the topic. According to the Rules of Procedure, the approaches to public consultation are designed to ensure consistency and fairness across all committees and issues. This means that regardless of the specific subject matter being addressed—be it legislation, public policy, or other topics—the committees follow a uniform set of procedures for engaging with the public.

The approach considered most suitable for a particular situation will depend on the stakeholders engaged, as well as the consultation aims and objectives. When civil society organisations interviewed were asked, “Which is the most common form of consultation on policy documents and legislation in which you have participated?”, 20.9% of respondents stated that the most used method of consultation is the electronic platform. The second method used for consultation is participation in working groups (19.4% of CSOs), consultation via email (19%), direct meetings with stakeholders (12.3%), participation in conferences (10.3%). When asked “Which method of public consultation do you consider most effective?”, direct involvement of stakeholders through participating in working groups was considered most effective method (41.1% of respondents), meetings with stakeholders (22.5% of respondents), while only 17.8% of respondents favoured the electronic platform. In addition, 9.1% responded in favour of conferences.

Experience in introducing changes to the public consultation process over time

Kosova Democratic Institute (KDI) has worked with Parliament to increase public interest and participation in public hearings and called on Parliament to conduct more informative campaigns to raise public awareness about the topics being discussed. KDI has consistently advocated for Parliament to increase its transparency by publishing documents from committee meetings in a timely manner. In cooperation with Parliament, KDI has established the electronic Platform My Vote⁵, where all activities of Kosovo Assembly are updated in daily basis in order to ease the access information for the public. Through this Platform citizens can also ask questions to MPs and receive their responses on different topics. Over the years, KDI has also provided support to the Committees through Parliamentary Research Reports based on expertise to make MPs more informed and to improve the quality of legislation. This support has included detailed reports, expert analysis, and recommendations tailored to the legislative process. KDI has financially supported the Assembly in organizing public hearings on various topics. With financial support from KDI and other organizations, the Assembly has been able to organize more frequent and diverse public hearings on a variety of topics. This financial assistance has enabled the Assembly to better facilitate these events, including providing necessary resources for logistics, outreach, and expert participation. The effectiveness of this change is evident in the increased number of public hearings and the broader range of issues being discussed, ensuring that more voices are heard in the legislative process.

Approach to selecting witnesses to testify at Committee meetings

Witnesses in Kosovo Assembly Committees are invited by the Investigative Committees when establishing investigation committees. The procedures of parliamentary investigations are defined in the

⁵ See My Vote Platform here: <https://www.votaime.org/Public/Members>

Law on Parliamentary Investigations. The Committee invites witnesses to clarify different circumstances linked to the matter that is investigated.

Evaluation of public consultation

The efficiency and effectiveness of the public consultation process have not been formally evaluated by the Assembly itself. Evaluations have primarily been conducted by civil society organizations and international organizations that monitor the work of the Assembly.

Value added from public consultation

According to KDI, the most significant value added from public consultation tends to be the enhancement of the democratic process by ensuring that legislation is more inclusive, transparent, and reflective of the diverse needs and opinions of the public. Through public consultation, Parliamentary Committees gain direct insights from citizens, experts, and stakeholders, which can lead to several key benefits. Public input helps identify potential issues, gaps, or unintended consequences in proposed legislation, leading to more comprehensive and effective laws. By involving the public in the legislative process, Parliament fosters greater transparency and builds trust between the government and its citizens. Public consultations hold legislators accountable to their constituents, ensuring that the laws and policies they create address the real concerns and needs of the people. Diverse viewpoints from different segments of society provide a well-rounded perspective, which can result in more balanced and equitable legislation. Engaging citizens in the legislative process encourages active participation in governance and strengthens democratic values. Overall, the most significant value of public consultation lies in creating a more responsive, accountable, and effective legislative process that better serves the interests of the entire population.

Ensuring a manageable volume of legislation from Parliament

There are few rules defined in the Rules of Procedure (RoP) of the Kosovo Parliament specifically addressing how to ensure a manageable volume of legislation at the Committee stage. However, committees generally manage the workload through informal practices and internal guidelines. Committees may prioritize legislation based on factors such as urgency, complexity, and strategic importance. They often use scheduling and agenda-setting mechanisms to allocate time for discussing and reviewing bills. Additionally, committees may streamline their processes by delegating certain tasks to working groups, thereby distributing the workload more effectively. While the Rules of Procedure provide a basic framework, much of the management of legislative volume is handled through practical, day-to-day decisions made by committee chairs and members, guided by the overall legislative priorities of the Assembly.

Challenges

Public consultation in Kosovo remains a challenge:

- the Rules and Procedure do not regulate details of the public consultation process;
- the selection of stakeholders is not well defined by any act;
- there is low uptake of electronic consultation platforms.

The clause allowing departure from the RoP is often used to completely ignore standard legislative procedures. Lacking clear provisions on the scope of and criteria for the accelerated procedure, laws are frequently passed with insufficient scrutiny or stakeholder participation. Members of Parliament (MPs) can propose amendments at any time during plenary sessions with no proper committee review.

Sponsors can retract laws anytime, even during the second reading, after committees have reviewed amendments and texts had been agreed. Specific rules for key laws, such as the yearly budget, do not exist. There is a need to clearly define, in specific terms, rules and conditions to use the Accelerated Procedure, with the aim to limit the frequency by which Accelerated Procedure can be initiated.

Kosovo held four national elections between 2008, when it declared independence, and 2019 with no assembly fulfilling a full term. Constant political crisis followed by customary snap elections have had serious consequences on the development of the country, leaving important legislative processes, reforms and policy agendas stuck at different stages and many initiatives incomplete or abandoned. In many aspects the political, constitutional and government crises have undermined democratic rules, political maturity and the bond between state institutions, political parties and citizens.

However, there is a need for diversity and being more creative regarding the ways institutions organise and implement the public consultation process. The RMS in its Art. 9/3 requires that when the consultation is conducted in writing, the proposing institution should make available the “consultation document”, which should include at least a brief description of the content of the document, a brief description of the problem which the document treats, the purpose of the consultation process, and a list of the main issues that are part of the document.

A major issue of concern in Kosovo is the low response rate from stakeholders as compared to the number of documents open to consultation. Only 253 comments were provided by stakeholders on the 940 documents open to consultation through the electronic platform during the period of 2017– 2020, while 6,270 comments were received in total in all consultation methods, including workshops, conferences, and direct meetings. While some documents received high volumes of comments, many others (45%) did not receive any comment at all.

About 25% of CSOs consider that often the use of unsuitable methods during the consultation is one of the factors that constrain their participation, while 21% of respondents consider that they cannot participate in the consultation process due to a lack of capacities to provide contributions to the documents of their concern. Only 5.1% of respondents consider that there are no constraints for them to provide their contributions to the draft legislation and policies open to consultation.

In addition to the low response rate from stakeholders, others cite a lack of clarity about how institutions select, invite and involve stakeholders. The level of contribution is much lower through the electronic platform as compared to those contributions provided through other classical methods of public consultation.

VI.3 Country Close Up: Georgia

Georgia is an example of a EU aspirant country in the region where (i) broader public administration reforms (PAR) have significant influence on the functioning of Parliament; and (ii) despite ongoing changes to the regulatory framework for public consultation, this framework remains incomplete and consultation remains challenged.

In 2018, Georgia transitioned to a parliamentary system of governance following significant constitutional amendments in 2017. This shift bolstered the role of the Parliament, particularly in relation to the Government, enhancing accountability within the legislative branch. Reforms were made to the Parliament's Rules of Procedure (RoP) in 2018 after extensive consultation with different stakeholders, expanding its functions and introducing effective mechanisms to better carry out legislative, oversight, and representative responsibilities.

Since its adoption in 2018, there have been several changes to the RoP to 2024. Regarding consultation, there is only one statement about public consultations in article 102, highlighting that *"9. Any person may express his/her opinion/comment regarding the draft law published on the website of Parliament or regarding separate articles/paragraphs of the draft law, in order to receive public consultations"*.

In 2019, under the Public Administration Reform (PAR) in Georgia, the Government of Georgia developed the procedure of policy document development, monitoring, and evaluation to reinforce the best practices of civic engagement by means of legislative regulation. This procedure established for the first time the obligation of holding public consultation at the stage of development of a policy document.

Based on the Overview of Public Administration Reform in Georgia, April 2024: "the methodology for holding public consultations during the policy planning cycle was developed," however, "Despite the adoption of the methodology, public consultations and citizen participation in policy planning still exist as a formality" ... "The Strategy and Action Plan do not pay enough attention to the topic of public consultations. The quality assessment criteria of the reports are more technical in nature and do not emphasize the quality of the public consultation process itself. It is important that the quality criteria include the minimum methodological requirements that are contained in the methodology for holding public consultations. For example it is important to assess:

- if an agency had published an announcement for public consultation in accordance with the established deadlines
- to what extent participation in public consultations for persons with disabilities was ensured
- the public availability of public consultation reports
- to this date the public consultation report of the PAR Strategy itself has not been made available.

Based on the Overview of Georgia's 2024-2025 OGP Action Plan and Its Adoption Process, 18 January 2024: "It is important for the Quality Assurance instrument evaluating policy to evaluate the process of public consultation itself and not only the public consultation report attached to the policy document. This obligation was only partially taken into account in the 2023-2026 Public Administration Reform Strategy."

There have been recent negative developments in terms of the Open Government Partnership (OGP) Council of Georgia. The recent adoption of the so-called 'Russian Law' (on Transparency of Foreign Influence) by the majority of members of the Georgian Parliament resulted in the withdrawal of Civil Society Organizations from the OGP Council of Georgia.

Open Parliament

The Parliament of Georgia is considered to be at the forefront of legislative openness reforms in the region and beyond; it is widely recognised as one of the leading parliaments in the world in this sphere. Since its engagement in the Open Government Partnership (OGP) initiative, the Parliament of Georgia has developed three openness action plans and has been efficient in implementing its commitments. As the result, Parliament has become more open towards the public and its transparency level has increased, citizen participation in legislative processes has been promoted through various engagement tools.

Georgia was one of the first countries to establish an Open Governance Permanent Parliamentary Council. As a result of the first two action plans there were notable achievements, for example:

- allowing public comment on draft legislation through Parliament's website
- creating a mechanism for ensuring public participation in the process of constitutional amendments
- making it obligatory for parliamentary committees to develop and publish their annual action plans
- developing a concept for Parliament's new website, which is being developed and will be operational in the first quarter of 2019
- developing a system for electronic submissions of petitions and legislation to Parliament, which will become operational with the launch of the new website
- launching a mobile telephone app for Parliament
- developing and publishing a regularly updated database of parliamentary questions on Parliament's website

Despite these achievements, Parliament faces challenges with public awareness of these initiatives and the citizen engagement tools that have been introduced up to now, as also reflected in the Parliament of Georgia Self-Assessment Report (October 2018). This consequently limits public participation in the legislative processes.

Two of the most important and potentially effective oversight mechanisms under the new RoP are **thematic inquiries** by parliamentary committees and permanent councils, and **Post Legislative Scrutiny (PLS)** to monitor the implementation of adopted laws.

Thematic inquiries were first launched in the Parliament in the Spring of 2018. Piloted in one Committee, this oversight tool received wide acclaim and approval by the whole Parliament. Originally introduced in the Westminster Parliament, thematic inquiries are largely based on a parliament-citizen partnership modality, and encourage evidence based submissions by citizens and different groups of society to research deeper into subjects of high public interest and afterwards provide a set of recommendations to respective government agencies. Thematic Inquiries will be introduced in selected committees aimed at initiating evidence-based scrutiny of topics of high public interest.

In parallel to thematic inquiries, Parliament can now use the PLS mechanism to oversee the Government's implementation of adopted legislation. PLS helps the parliament to examine the impact and consequences of concrete laws and whether the planned policy objectives have been met. Through consultations with different stakeholders, including those affected by the legislation, possible gaps and deficiencies are identified in the legislation or its implementation, leading to a set of recommendations

to the Government, as well as the possibility of the initiation of amendments to the legislation. The Parliament of Georgia is just starting to get familiarized with this oversight mechanism.

The Parliament of Georgia faces challenges in engaging the public in legislative processes. The Survey on Public Attitudes conducted in April 2019 by NDI, demonstrates that the engagement challenges are especially reflected on the most vulnerable and underrepresented communities in rural and urban areas, such as ethnic and other minorities, PWD, women and youth. Raising public awareness, including through the usage of new technologies & innovative approaches, will boost communication between the parliament and public.

Under the latest Open Parliament Action Plan of the Parliament of Georgia, the institution took the commitment to institutionalize a parliamentary self-assessment toolkit designed by the Inter-Parliamentary Union (IPU). The expedited procedure for bills was identified as a significant challenge to the quality of the laws produced, as well as to the opportunities for MPs and the public to be meaningfully involved. And the need to institutionalize the Regulatory Impact Assessment (RIA) methodology.

Transparency, accessibility and accountability of Parliament

One challenge noted was a lack of public awareness about the available instruments and mechanisms. The pace of the legislative process creates problems for citizen engagement. 'More time needs to be allocated for each phase of the parliamentary process, to ensure greater participation of MPs and the public. Too many laws are being adopted using expedited procedures.'

VI.4 Country Close Up: Poland

As regards the main mechanisms or approaches used to conduct public consultations by Parliamentary Committees, meetings of Sejm and Senate committees are, as a rule, open to the participation of stakeholder representatives and listening to their opinions. Larger and more well-known social organizations are invited based on a previously prepared list of these organizations. Other stakeholders may contact the Chair of a given committee through the Committee Secretariat to receive an invitation and consent to participate in a given committee meeting. Without such a personal invitation, a given stakeholder will not be able to enter the premises of the Sejm or Senate. During a meeting of a Sejm or Senate committee, there is usually an opportunity for a given stakeholder to speak, but the time to speak is usually quite limited. If a representative of a given organization has prepared a proposal to change the content of the legislative project under discussion, the best way to increase the likelihood of its acceptance by the committee is to put it to a vote. But in order for such a proposal to be voted on by the committee, it must be submitted by an MP or senator - a member of the committee. Therefore, it is best if a given organization has prior contact with one or several MPs/senators from a given committee who will understand the purpose of the amendment, accept it themselves and are willing to submit it on their behalf during a meeting of the Sejm or Senate committee. It is also possible to attach a written position of a given organization to the materials handed out to MPs before the committee meeting.

As regards the **Sejm's embracing digital technology in engaging stakeholders in consultation,** in the Polish legislative process, the main entity initiating this process is the government. At the government stage, an electronic platform has been operating for many years through which stakeholders are

informed about the appearance of a given legislative project and are invited to consult it within a specified period. Opinions, comments and expert opinions are electronically sent via this platform to the government institution hosting a given legislative project (Draft Producer). However, so far there has been no systematic consultation of legislative projects at the parliamentary stage. This was primarily due to the fact that most of the legislative projects that are submitted to the work of the Sejm and Senate committees had already been consulted at the stage of government procedures. However, parliamentary initiatives (of which there are much fewer than government ones), before they were transferred by the Speaker of the Sejm for legislative work in a given parliamentary committee, were usually not formally and publicly consulted beforehand. Therefore, there was no computerization of consultation procedures at this stage. But ***there is currently an initiative of the Presidium of the Sejm to change the legislative procedures related to the parliamentary initiative, which will require extensive digitization of this process*** at the level of the Sejm. Such an initiative has been expected for a long time, and non-governmental organizations have been pushing for many years to significantly improve the level of consultation on parliamentary initiatives. Since the European Commission also strongly supported these demands, it seems that the Rules of Procedure of the Sejm will soon be changed and parliamentary legislative projects will have to undergo a consultation and review procedure similar to the government's.

As regards the degree of stakeholder consultation delivered by Parliament recently, the Sejm and Senate committees have not formally limited stakeholders' access to the work of the committees, therefore most of those people and representatives of organizations who expressed their willingness to participate in committee meetings - such obtained consent. But ***the problem lies elsewhere: due to the widely criticized specificity of the "political culture" of the ruling PiS party***, the committee meetings were in many cases held with a very short meeting deadline, and their task was not to develop the best legislative solution, but to achieve the goals at the parliamentary level, previously established by the political authorities. Therefore, the effectiveness of participation in parliamentary committee meetings was very low, so over the years fewer and fewer stakeholders applied to committee chairmen to participate in committee work.

A critical analysis of the previous term of office of the Sejm 2019-2023 was conducted by a social organization called the Civic Legislative Forum. Key finding was "fast pace of work, circumvention of procedures, lack of transparency and disregarding the opinions of social partners and citizens". Examples:

- The quality of the law-making process in Poland is consistently decreasing. This cannot be justified solely by external factors, such as the pandemic or a full-scale war in Ukraine.
- In the current term, the legislative process of 17 acts lasted longer than two years, and 70 acts took less than one month.
- Approx. 30% of draft laws were processed by the Sejm in less than 14 days.
- We are still struggling with the phenomenon of bypassing, i.e. submitting projects developed in ministries by groups of MPs from the ruling party. Almost half of the bills submitted by United Right parliamentarians were actually prepared by officials.
- MPs often ignore the opinions of legislators employed in ministries and the Sejm. This was the case, for example, in the case of work on laws introducing the so-called Polish Order.
- The practice of "dumping in" is also common, involving the addition of provisions at a late stage of work that have nothing to do with the main subject of the projects. At an advanced stage of work, a provision amending the principles of operation of pharmacies was attached to the draft act on export insurance - at an advanced stage of work.

In terms of introducing changes to the public consultation process over time, the main differences in the approach to consultations in the previous term were primarily along the dividing line - whether a given project is politically neutral or whether it is a politically important project or a priority for the government. In the case of legislative projects that were rather politically neutral, one could count on interest and substantive discussion between stakeholders and members of the parliamentary majority. In the case of projects that were politically important for the government, there was basically no such substantive dialogue.

As regards Committee witness selection, normally Sejm and Senate committees do not call or question stakeholders as witnesses. They simply allow interested entities to participate in committee meetings with the prior consent of its Chairman. However, there is an institution of "public hearing" in Polish law, the procedures of which are very formalized. The problem is that government institutions and parliamentary committees use the public hearing procedure very rarely due to the fact that it is not in the interest of the Project Proposer to organize frequent public hearings, because only critics of a given project and possibly the media participate in them - which, in consequence, may lead to the abandonment of work on a given legislative project.

In terms of formally **evaluating the public consultation process in Poland,** the effectiveness of the consultation process is not formally examined by the institutions responsible for this process. However, there are reports prepared by NGOs that examine and describe this from time to time. Moreover, every few years, training on this topic is conducted by government institutions for personnel responsible for organizing the legislative process. Since 2013, there has been a document of the Council of Ministers called "Guidelines for conducting impact assessment and public consultations as part of the government legislative process". However, its use in relation to performance assessment is very rare even at the governmental stage.

As regards the quality of public input received by Parliament, the quality of information provided by stakeholders in the public consultation process at the stage of parliamentary legislative work depends on two main factors: the quality of the positions and information prepared by stakeholders and the organization of the consultation process by decision-makers in parliament. When it comes to the quality of positions, it varies greatly and depends mainly on the self-organization of a given interest group and the funds it has to prepare a specific position. Among non-governmental organizations dealing with social issues, the climate crisis, human rights, etc., the funds they have are very limited, but they make up for it with the enthusiasm and work of their experts - so overall the quality of the positions they prepare as input to the legislative process is not bad. When it comes to economic circles, funds for experts are better, but there is often such a great dispersion and particularism of interests that the power to influence decision-makers through positions prepared in public consultations is small. Hence, organizations and business entities try to reach decision-makers through other channels, including formal and informal (i.e. inconsistent with the law) lobbying.

To ensure a **manageable volume of legislation addressed by Parliament,** there are a number of regulations, such as the Rules of Procedure of the Council of Ministers, the Rules of Procedure of the Sejm (excerpts are attached), the Rules of Procedure of the Senate as well as relevant acts on legislative proceedings, which define the process and the rules of conduct of decision-makers in this process. Generally, these rules can be assessed as rational. Additionally, there is an institution within the

government structure called the "Government Work Programming Team", which is responsible for filtering legislative proposals prepared by individual ministries, which in turn regulates the number of government projects sent for further processing by the parliament. There is also a "freezer" institution in the Polish Parliament, i.e. the Speaker of the Sejm has the right to suspend the proceedings of a given legislative project even for many months. However, for many years there has been an overproduction of initiatives and adopted legal standards in Poland, which is particularly negatively felt by economic circles. The amount of legislation adopted by the government and parliament depends primarily on political will and decisions, as well as the degree of coordination between individual state institutions and offices. In Poland, these factors are of low quality and hence the overproduction of law.

Annex 2 contains excerpts from the Rules of Procedure of the Polish Parliament plus excerpts from other laws all aimed at increasing the transparency of the public decision making process.

VI.5 Country Close Up: Brazil

The Parliament of Brazil consistently ranks at the very top in terms of digital maturity according to the *World e-Parliament Report*: the Chamber of Deputies is noted for its world-leading HackerLab, its innovative use of artificial intelligence (AI), and its rapid and agile deployment of the world's first virtual parliament. Web-based and mobile applications have been critically important in increasing public participation in the work of Parliament, and digital infrastructure underpins the processes. Online tools and practices, such as open data, are well-established mechanisms for increasing legislative openness and transparency.

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

Strategic alignment of participation tools

Digital tools must support the overall strategy of the institution and must work alongside non-digital (offline) tools to ensure that those who are not digitally enabled have equal access to engagement. Non-digital tools are important in countries like Brazil, where one third of the population lacks internet access. In Brazil, the use of digital engagement exemplifies how to integrate digital and non-digital tools in the same public engagement initiative to ensure maximum reach. A lot of people choose to participate by telephone, either because they do not have internet access or because they do but lack the skills, knowledge or confidence to use the online tools.

Examples of digital platforms in the Brazilian Parliament

There are two examples where Brazil leads the way globally on innovation in digital participation: e-Democracia and Ulysses.

e-Democracia

The Chamber of Deputies has a long-standing track record of digital innovation to improve civic participation. One of the flagship tools is e-Democracia, first developed in 2009 and maintained in-house by the HackerLab. The online portal platform was created to provide different opportunities for legislative debates to engage with constituents and representatives through surveys, forums and collaborative wiki tools. The e-Democracia platform enables the public to comment on policy or legislative matters and suggest amendments to bills before the House. The main objectives of this online portal include: 1) providing the public with an interactive online platform for sharing information and networking for legislative purposes; 2) enhancing the public's understanding of parliament's legislative process and selected legislation; 3) crowdsourcing and collaborating on ideas to help representatives in the formulation of legislation; and 4) increasing the public's engagement with and confidence in the Parliament through their involvement in a more open and transparent parliamentary process.

The e-Democracia platform includes “virtual communities” for debates on specific topics and “Wikilegis”, which allows users to directly comment on or contribute to specific articles or sections of a draft bill. An estimated 30 per cent of the 2010 Youth Policy Bill was drawn from submissions on the platform. The Civil Rights Framework for the Internet Bill went through the same process with Wikilegis in 2014, and numerous comments and suggestions were reviewed by members and incorporated into the final act. More recently, in 2020, the Internet Freedom, Responsibility and Transparency Bill attracted 394 registered participants and 618 comments, with 5,334 votes cast on these public comments.

The e-Democracia platform allows citizens to interact with parliamentarians through different mechanisms:

- The Interactive Hearings (*Audiências interativas*) allows the public to follow in real-time the sessions held in Parliament, whether the plenary or the committees and to submit questions to the parliamentarians.
- The WikiLegis tool allows parliamentarians to consult and co-write the legislation with citizens and stakeholder in real-time.
- The Participatory Agenda (*Pauta Participativa*) enables citizens to suggest topics to discuss and prioritize elements in the Chamber's agenda.

Structure of e-Democracia

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

Virtual community can be further divided into two components: ***themed-based forums*** and ***Wikilegis***. While both components invite public comments and suggestions, they are different in terms of the type of information they seek. In a themed-based forum, the portal administrator posts specific questions on a given policy or legislative issue and seeks public opinions or suggestions. Sample questions might be: ‘what is right and what is wrong with current Brazilian space policy?’ or ‘what role should the National

Congress play in reassessing the Brazilian space policy?'. Wikilegis, on the other hand, posts a selected bill paragraph by paragraph and invites the public to make comments, suggestions or amendments to the bill or parts of the bill.

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

E-Democracia: Challenges

Politics

The most immediate challenge was getting legislators on board beginning with the support of senior parliamentary officers, the Speaker and some members of the House of Representatives. While some members were 'highly enthusiastic' about the project, many were sceptical. The e-Democracia project team had to begin with a trial phase that showed its value to sceptical members before they established a more permanent structure. In the Brazilian model, members have the power to decide which one of their bills are to be debated in e-Democracia and which amendments are to be accepted. It is also uncertain how members will use the online consultation portal. If members only put forward a small number of relatively inconsequential bills for public comment or if they do not accept recommendations with a vast majority of support, there is the potential that users of e-Democracia and members of the public might become disengaged and lose confidence in the project, and perhaps Parliament more generally.

Resources

There are two main expenses associated with e-Democracia. One is the cost involved in the set-up of the online portal at the preliminary stage. The other is the human resources required in managing large and unorganised virtual comments.

Abusive language and defamatory content

A particular concern in adopting a live online forum for public consultation is the risk of abusive language and defamatory content. In this case, the website administrator can require any new member to read and agree to codes of use for the website before allowing them to register. The administrator can also add a 'Report abuse' symbol to every comment so that other users can also help moderate and report any violation of the code. If nothing else works, the administrator can always cancel an abusive user's registration.

Ulysses

The Chamber of Deputies has developed the Ulysses smart analysis platform, an AI-based tool that uses machine learning to analyse the large volumes of documents and data produced. This "understanding"

of content means that the system can classify new documents and more effectively tag them within the Chamber's public-facing web portal. This, in turn, allows the website to automatically make recommendations and provide content based on a registered user's interests. The system is being extended to tag live broadcasts and recorded video to identify speakers dynamically, again allowing content to be targeted. In terms of participation, Ulysses provides a chatbot to make it easier for members of the public to find relevant information using a more conversational, natural-language format. The system also supports polls for community members to express their opinions on issues. People have been able to vote and comment (anonymously) on a particular bill since 2018. The electronic poll is created automatically for each bill in progress in the Chamber. Helping MPs make sense of all the comments received is a challenge (there can be up to 30,000 comments for a single bill). Ulysses solves this problem by applying a machine learning algorithm to the comments based on natural-language processing. For example, one bill in 2020 drew 11,000 public comments and Ulysses was able to analyse these and reduce them to four broad categories.

At the start of the COVID-19 pandemic, the Chamber of Deputies adapted its existing Infoleg app, which provided information on the current parliamentary session to both members and the public. As well as expanding the range of information available, the app was rapidly updated with new features: attendance, registration, speaker lists, leadership voting orientation, alerts and secure voting. This led not only to changes to procedures and business processes, but also to the introduction of more secure security protocols for mobile systems. As a result, members have a stronger appetite for innovation and better understand and accept the risks. In short, the updated app has improved uptake and acceptance of digital tools among parliamentarians, which has had a knock-on effect in terms of opportunities for parliamentary engagement.

Several lessons can be drawn from the public participation strategies and digital tools adopted by the Parliament of Brazil:

1. **Participation must be driven by institutional strategy:** While both Houses have created a broad and sophisticated range of engagement tools, these have in both cases been aligned with wider institutional strategies to broaden participation and embrace digital technology in the legislative process.
2. **Co-design helps meet the needs of all stakeholders:** The HackerLab model developed by the Chamber of Deputies has pioneered the concept of co-designing participatory tools with the public themselves. Parliaments can work with civil society organizations (CSOs), open data experts and others through hackathons and open spaces to better understand user needs and to design more effective user journeys.
3. **Tools are only useful if they are used:** Tools for public participation must be accessible and usable by members of the public and offer demonstrable value. However, it is important not to overlook the other side of these tools: they must equally be usable by and provide value to members and parliamentary staff. For digital participation tools to become a standard practice, they must enhance the legislative process for all stakeholders.
4. **Tools must be accessible and usable:** Digital tools bring parliament to people who otherwise would not be able to engage with it (for reasons of time, geography or opportunity). An emphasis on accessibility is crucial to digital engagement strategies. But it is also important to recognize that digital solutions can create new barriers. The examples from Brazil show that a digital-first solution is viable, but that parliaments need to provide alternative channels for those who are digitally disadvantaged or have additional needs.
5. **Initiatives need to be evaluated:** Engagement exercises should be critically evaluated to understand what they achieved (against expectations and pre-agreed metrics), how well they worked and what lessons can be learned for the future. Where digital platforms are used to improve access, it is important to ensure that

community members who lack technology or the skills to use it can still participate. In Brazil, the *Ideia Legislativa* (Legislative Idea) platform addressed this issue by allowing people to submit proposals online, via a toll-free number or via videos in Brazilian sign language (they don't have internet access or they are not able or capable to participate online).

Participatory mechanisms in Brazil			
Participatory mechanism	Description	Citizens / stakeholders	Level of participation
Open Data Platform	Digital platform with public information and data in an open data format.	Citizens and stakeholders	Information
Online platform Participa Mais Brasil	Online digital platform which aim at centralising different participatory mechanisms at the Federal level: public consultations, public hearings and opinion polls.	Citizens	Consultation
Public hearings	Participatory mechanism open to any interested party, aiming at exchanging opinions and ideas between participants with the objective of informing and discussing government decisions.	Citizens and stakeholders	Consultation
Public consultations	Participatory mechanisms where the organizing public authority aims at gathering inputs, opinions, ideas from citizens and stakeholders on a specific question or decision.	Citizens and stakeholders	Consultation
Collegial bodies (National Policy Councils)	Permanent bodies, at the Federal and subnational levels, with both governmental and non-public stakeholders with the mandate to participate in the prioritisation of topics in the policy agenda, as well as in the formulation and evaluation of public policies. The Councils are usually involved in the organisation of the National Conferences and can issue normative texts such as opinions or guidelines.	Stakeholders	Engagement
Collegial bodies (National Conferences)	National participatory process organised periodically, to gather all relevant governmental and non-public stakeholders to evaluate the situation and propose guidelines for policy formulation in the dedicated	Stakeholders	Engagement

	policy area. Conferences are multi-level processes with stages at the Municipal, State and Federal level and are usually framed around a specific question or policy question.		
OGP Process	Participatory process for the OGP Action Plan which includes consultation and co-creation steps, with online and in-person mechanisms.	Citizens and stakeholders	Consultation and engagement
Roundtables	Mechanisms for debate and negotiation with the participation of both governmental and non-public stakeholders in order to prevent mediate and solve social conflicts.	Citizens and stakeholders	Consultation
Participatory budgeting	Mechanisms that allow citizens and stakeholders to influence public decisions through the direct allocation of public resources to priorities or projects. It is organized usually at the subnational level and can include several stages such as deliberative assemblies, digital voting platforms and co-creation workshops.	Citizens and stakeholders	Engagement
InfoLeg	Mobile application with information about the legislative activities of the House of Representatives. It presents detailed information about deputies, sessions in the plenary, committee meetings, proposals and legislation.	Citizens	Information
E-Democracia	Digital participatory platform in the House of Representatives, which allows citizens to follow the legislative process (interactive hearings), co-draft legislations (WikiLegis), and influence the agenda setting (participatory agenda).	Citizens	Consultation and engagement

Digital participation in Brazil – the Chamber of Deputies

Other aspects of public consultation in Brazil

Policy Conferences and Councils in Brazil. Brazil has a unique set of participatory institutions, the *colegiados* (collegial bodies) with representations of government representatives and non-public stakeholders from a specific policy area. Their objective is to allow for the participation of society in the formulation of policies, the design of public services and the monitoring of government action. These bodies differ in their mandate, membership and organisation but they shared common characteristics

such as their institutionalisation through a legislation or a decree. The collegial bodies are non-representative deliberative bodies with a high level of institutionalization.

National Policy Conferences. The Conference is a national participatory process organised periodically, to gather all relevant stakeholders to evaluate the situation and propose guidelines for policy formulation in the dedicated policy area. Conferences are multi-level processes with stages at the Municipal, State and Federal level and are usually framed around a specific question or policy question.

National Policy Councils. The Councils are permanent bodies, at the Federal and subnational levels, with both public authorities and non-public stakeholders with the mandate to participate in the prioritisation of topics in the policy agenda, as well as in the formulation and evaluation of public policies. The Councils are usually involved in the organisation of the National Conferences and can issue normative texts such as opinions or guidelines.

Brazil has a comprehensive but scattered legal framework covering citizen and stakeholder participation. Building on the Constitution, Brazil has adopted numerous laws and decrees to mandate the rights and responsibilities in terms of citizen and stakeholder participation at the Federal and subnational levels of government, as well as addressing specific policy areas and targeted groups in society. This gives participation a high degree of institutionalisation and embeds these practices in the institutional architecture.

Citizen and stakeholder participation in specific policy areas is regulated by law. Participatory practices differ across policy areas in Brazil. This is due partially to the specific attributions given to Federal and subnational levels, as well as historical evolutions.

Brazil could consider moving towards an integrated legal framework for citizen and stakeholder participation. The legal framework on citizen and stakeholder participation in Brazil is comprehensive, with several laws and decrees at the Federal level contributing to the institutionalisation of participatory practices. With specific legislation addressing participation in each policy area, targeted group and for every collegial body, Brazil has a patchwork of dozens of legal provisions covering citizen participation. Brazil does not have policy documents on citizen and stakeholder participation to steer the vision and set objectives and milestones on this agenda at the federal and at the institution level.

Open innovation practices as a way to co-construct public policy with citizens and stakeholders. Open innovation practices, such as crowdsourcing, hackathons or public challenges, are a way for public authorities to tap into the collective intelligence to co-create solutions to specific public challenges. These practices are usually used to convene expertise from citizens and stakeholders to find ideas or inspiration, prototype and test solutions or to improve services or methods. The use of public challenges to solve policy problems is starting to pave its way as a co-construction mechanism in other OECD member and partner countries. For example, similar approaches exist in the United States ([Challenge.gov](https://www.challenge.gov/)) or in Argentina ([Desafios Publicos](https://desafiospublicos.org/)). In Brazil, the National School for Public Administration (*Escola Nacional de Administração Pública – ENAP*) implemented the open innovation [platform Challenges \(Desafios\)](https://desafiospublicos.org/) as a way to involve citizens and stakeholder in solving pressing public issues such as the COVID crisis. A similar approach exists in the Federal Chamber of Deputies as an open space for technical communities to co-develop tools to foster legislative transparency and participation.

VI.6 Country Close Up: Canada

As with many other legislative bodies, the Canadian House of Commons has a committee system. The House generally delegates to its committees its powers of inquiry and the authority to compel the appearance of witnesses and the production of documents. The process followed in the work of a parliamentary committee begins with the task entrusted to it by the House. The committee draws up a work plan and begins its study or inquiry. It may then hear witnesses and seek opinions. It concludes its study by recording its observations and making recommendations in the form of a report it presents to the House. In some cases, the committee may request that the government respond to its recommendations.

The majority of committee activity is carried out by **standing committees**. This is reflected by their large number, the variety of studies entrusted to them, and the fact that they return session after session as their existence is entrenched in the *Standing Orders*. They play a crucial role in the scrutiny of legislation and the oversight of government activities. **Legislative committees** are created on an ad hoc basis by the House solely to draft or review proposed legislation. They therefore do not return from one session to the next as standing and standing joint committees do. They are established as needed when the House adopts a motion creating an order of reference and cease to exist upon presentation of their report on the legislation to the House.

Gathering Evidence, Soliciting Opinions, Selecting Witnesses

Committees may obtain the opinions of people well versed in or directly concerned with the issues before them. The consultation may be as narrow as a relatively small group of technical experts or as broad as the committee deems appropriate. Committees have the power to “send for persons, papers and records” to gather information.

Standing committees often need the collaboration, expertise and knowledge of a variety of individuals to assist them in their studies and investigations. Usually these persons appear willingly before committees when invited to do so.

Witness selection may be carried out in a number of different ways. Generally, witnesses are proposed by individual committee members. The committee may also invite potential witnesses to indicate their interest in appearing. The selection is often delegated to the subcommittee on agenda and procedure, subject to ratification by the main committee. In addition, groups and individuals who are aware of a forthcoming study by a committee may give notice of their interest in appearing. It is the committee’s prerogative to determine which witnesses it will hear, although the House may order a witness to appear before a committee. Practical considerations, such as the length of time allocated for a study, may limit the number of witnesses the committee will be able to accommodate.

Just as the selection process may vary, so too can the consultation process. A committee may inform members of the public of its activities and solicit their views. To that end, it may issue news releases and post information on its website. It may also send materials to interested groups by regular or electronic mail, place advertisements in newspapers, and post announcements on the CPAC network or the House of Commons website. In recent years, committees have used other methods of hearing witnesses, such

as panels, round-table discussions, “town hall meetings”, electronic polls and videoconferences. In addition, new communication technologies have helped committees diversify the means they use to inform the public of their activities and receive their views on specific subjects.

Committees regularly invite private citizens, experts, representatives of organizations, public servants and Ministers to appear before them in order to receive evidence relevant to the study under consideration. These consultations allow witnesses to set out and clarify their points of view, which are often presented in a written brief, and give MPs the opportunity to ask questions. Committee members provide to the clerk of the committee their lists of suggested witnesses. Committees then select witnesses based largely on the type of study and the amount of time available. The Commons has a Guide available online for witnesses appearing before a Committee. Any citizen or organization interested in appearing before a Committee or by videoconferencing may send such a request to the Clerk via email. The Committee will evaluate the requests and draw up the list of witnesses based on committee practice.

Citizen and stakeholder engagement cases 1990–2017 highlight Canada’s investment in the participation stage of public engagement. They also highlight the range of consultation approaches that can be utilized on an issue.

The increased opportunities for citizens and stakeholders to contribute to policymaking occurring alongside the introduction of the Internet and its development into its second-generation form are the two developments on which we can see how the practice of citizen and stakeholder engagement has developed at the federal level in Canada over the past quarter century. The cases—including commissions of inquiry, official departmental consultations, and parliamentary initiatives—are the most innovative (in terms of the consultative methods employed) and represent prominent engagement exercises undertaken by the federal government during this period.

Spicer Commission (1990/1991)

The Citizens’ Forum on Canada’s Future, more commonly referred to as the Spicer Commission, was established in November 1990 by Prime Minister Mulroney. In the wake of the failure of the Meech Lake Accord, the federal government sought to engage Canadians in a discussion about Canada’s political future. As opposed to traditional consultation exercises that seek representation from interest groups, the Citizens’ Forum emphasized participation by individuals animated using a variety of tools. Participants attended group discussions, spoke with Commission staff on a toll-free telephone “Idea Line,” and submitted briefs, letters, individual reports, and works of art. The Commission also convened three “Electronic Town Meetings” linking discussants across the country, broadcast four television programs focusing on key themes, and held one instance of a teleconference to facilitate a group discussion. By the Commission’s estimate, about 400 000 Canadians, and separately over 300 000 elementary and secondary students, participated.

Social security review (1994/1995)

In 1994, the federal government launched a national Social Security Review (SSR) as parallel departmental and parliamentary consultation processes. In the initial discussion paper, the Minister responsible offered “Canadians an opportunity to participate in the . . . rebuilding of our social security system”. Hamstrung by the wider program review and budget cutting exercises of the mid-1990s, the SSR process is instructive, nonetheless, because of the range and depth of consultations that were

undertaken during its lifetime. The parliamentary Standing Committee on Human Resources Development heard from 637 groups, town hall discussions convened by Members of Parliament involved more than 20,000 citizens, and the lead department (Human Resources Development Canada) received 43,700 workbooks from individuals and groups, convened a number of policy seminars and colloquia, and engaged in some of the earliest web-based consultation seen in Canada.

Romanow Commission (2001/2002)

Roy Romanow was appointed to chair the Royal Commission on the Future of Health Care in Canada in April 2001, with the report of the Commission delivered in November 2002. The consultative phase of the Commission's work included open public hearings across the country where presenters could address the hearing by telephone, with the proceedings broadcast on CPAC television. The Commission partnered with universities for a series of televised policy dialogue sessions where a panel of health care experts discussed possible solutions to health care challenges. A series of six nationally televised Policy Forums featured health policy experts engaging in moderated discussions of key health care issues, with each program followed by an open-line call-in segment that allowed interested Canadians to question the participants. Nine issue papers were distributed by mail and through the Commission website, with each pointing to an online survey that allowed interested individuals or groups to express their views on the proposed alternatives. Survey completion numbers ranged from 1 000 to 2500 for each issue paper. Twelve regional one-day "citizens' deliberative dialogue" sessions were convened across the country, with each session bringing together approximately 40 randomly selected Canadians to discuss four scenarios for revitalizing the health care system,

DC150 (2010)

In May 2010, the federal Minister of Industry launched an online consultation website for "Canada's first-ever digital economy strategy," dubbed Digital Canada 150 (DC150), inviting "views on the goals of a Canadian digital economy strategy, the concrete steps needed to reach these goals and how governments, the private and not-for-profit sectors can best collaborate to create a strategy for future success."³ The legacy website for the consultation exercise contains 254 submissions by organizations and individuals (some authored by multiple individuals). These submissions were gathered through a traditional approach to public and stakeholder consultation, where respondents were invited to upload a submission in response to the government's consultation paper. However, the consultation site also included an "Ideas Forum," where 137 ideas, proposals, or suggestions were posted by consultation participants, and where other site participants could comment on, as well as upvote or downvote the proposal. The most active proposal, to "Open Access to Canada's Public Sector Information and Data," received 370 votes (of which only 16 were downvotes) and 28 comments. The proposal specifically called for the creation of an open data portal at data.gc.ca—something that the federal government did do the following March.

Open government (2011/2012)

The Government of Canada launched its Open Government initiative in March 2011, followed by a public consultation exercise engaging citizens, the private sector, civil society, and other levels of government. Broad public consultation was part of its commitment to joining the Open Government Partnership, an international initiative to promote transparency, accountability, and citizen engagement. Between December 2011 and March 2012, President of the Treasury Board Tony Clement sponsored online consultations using the data.gc.ca website and the Consulting with Canadians site. Clement also hosted the Government of Canada's first "Twitter Town Hall" on December 15, 2011, receiving 555 tweets in

both official languages (442 in English), responding to 58 questions from 115 unique Twitter accounts. Participants (267 respondents) completed an online survey containing demographic questions, Likert-style responses on previous consultation experiences, priority selection and ranking, and open-ended questions.

Electoral reform (2016/2017)

Acting on a 2015 campaign promise, the federal government initiated a public engagement process for instituting a new electoral system. A Special Parliamentary Committee on Electoral Reform was mandated to invite Members of Parliament to convene town hall meetings, consult with relevant experts and organizations, and conduct a national engagement process that was innovative and inclusive. The Committee invited Canadians to participate through Twitter using the hashtag combination #ERRE #Q. Other than this, the Special Committee operated much the same as traditional committees, with a number of Ottawa-based hearings, several cross-country tours, an online survey, and the opportunity to submit a briefing. In addition to the work of the Special Committee, the Minister responsible developed and web-distributed a citizens' dialogue guide that imagined individual citizens and civil society organizations holding electoral reform discussion groups in their homes, out of which group reports would be submitted to the Special Committee. The Minister also commissioned an engagement initiative (<https://www.mydemocracy.ca/>) that surveyed users about their views on democracy. Invitations were mailed to every household in Canada, with over 383 000 users completing it.

We can see from these cases that citizen and stakeholder engagement may not have progressed radically at the federal level in Canada in the quarter century, despite advances in technology building on an earlier expansion of opportunities for citizens and stakeholders to contribute to policymaking. Along the timeline of the seven cases, the government has regularly adopted technology to improve information dissemination and make participation easier. Yet citizen and stakeholder engagement still rests on a model where governments convene consultations and control dialogue from the centre. This has begun to change. An example of 'co-creation' is **Equal Voice, Canada** is a non-governmental organization mandated to promote equal representation of women in Canada's Parliament, in provincial/territorial legislatures, and on municipal and band councils; parliamentarians actively participate in activities and events to promote the organization's work and contribute expertise through a multi-partisan Advisory Board.

Other lessons emerge from these cases. The volume of communication coming from all directions has increased because the costs of communicating out have collapsed, leading to an increase in the range and volume of content now available and no bar to who can be a content creator. This has implications for the attention of participants, the expectations of citizens and stakeholders, the challenge of evaluating the volume of contributions, and the elusive nature of consensus in the digital era. A supplemental aspect of this competition for attention raises questions of whether citizens and stakeholders need to be incentivized to participate.

Once having convened citizens and stakeholders in a policymaking exercise, governments may also find that this second-generation Internet technology increases not just the volume but also the diversity of ideas in circulation, making consensus more elusive.

Government engagement exercises must also be transparent in reporting on how participant contributions were evaluated, and how representativeness of contributors was assessed. As more

avenues for participation are made available, the central challenge for government is in making sense of the massive volume of contributions. Providing additional opportunities for participation that then get accumulated in simple counting tables or word clouds may fail to satisfy participants that their contribution was valued.

The table below shows the range of consultation approaches used in each of these consultation exercises.

Type of Tool	Spicer	SSR	Romanow	CPP	DC150	OpenGov	ERRE
Town Hall Meetings	✓	✓	✓			✓	✓
Citizen led group discussions	✓						✓
Idea Line	✓		✓		✓		
Submissions	✓	✓	✓	✓	✓	✓	✓
Workbooks	✓	✓	✓				✓
Website		✓	✓	✓	✓	✓	✓
Online Survey			✓	✓		✓	✓
Web 2.0					✓		
Twitter hashtags					✓	✓	✓

VI.7 Country Close Up: Estonia

Estonia is a parliamentary representative democratic republic, where the Prime Minister is the head of the government. The Riigikogu is the unicameral parliament of Estonia having 101 members elected by the people and 11 Standing Committees. In addition to approving legislation, the Parliament appoints high officials, elects the President and ratifies significant foreign treaties and approves the budget. To organise the work of Parliament, members elect a three member Board chaired by the Riigikogu's President. The Committee Chairperson decides who is invited to discussions of the items on the Committee's agenda, and decides whether to invite representatives of state agencies and other persons to take part in Committee sittings. The right to initiate Acts and submit draft resolutions of the Riigikogu is vested in the following:

- 1) members of the Riigikogu;
- 2) parliamentary groups of the Riigikogu;
- 3) committees of the Riigikogu;
- 4) the Government of the Republic.

A committee of the Riigikogu has the right to:

- require the Government of the Republic, executive authorities of the State to present data necessary for the performance of its functions;

- require a member of the Government of the Republic to participate in a committee sitting in order to obtain information on matters within the powers of the member of the Government;
- invite officials of government authorities and other persons to participate in a sitting of the committee in order to inform and advise the committee. The committee invites to participate in the discussion of a bill those interest groups that were invited to participate in the preparation of the bill and who wish to take part in discussing the bill. The Chairperson or Deputy Chairperson decides who is to be invited to the committee meeting which usually revolves around groups most closely associated with the issue. In some cases, there are Expressions of Interest in place where individuals can send submissions and based on a review of their submissions, receive an invitation to a hearing.

After regaining its freedom in 1991, Estonia has emerged as a pioneer in digital government and e-governance, with the small Baltic nation implementing innovative solutions to enhance the democratic process. Estonia's use of modern information and communication technologies has placed the country at the forefront of states that are aiming to modernize their public sector and provide transparent governance. Numerous online public services are available to Estonian citizens and residents including digital identification, digital signatures, electronic tax filing, online medical prescriptions and, ultimately, internet voting. In addition to the number of online public services that governmental offices offer to their 'customers', they are indeed widely used and accepted by citizens. Digital identification, the foundational building block of modern digital democracy, is compulsory for all citizens and in 2014 it was used more than 80 million times for authentication and 35 million times for digital transactions. Ninety five percent of all income tax declarations are filed online, and every third citizen voted online in the last two elections.

Estonia's success in converting their public services online is first and foremost based on the widespread use of electronic identification cards. Since 2002 about 1.2 million of these credit-card size personal identification documents have been issued allowing citizens to digitally identify themselves and sign documents or actions. ID-cards are compulsory for all citizens and they are equally valid for digital and physical identification.

The Estonian public sector enjoys quite a high level of digitalization. There are hundreds of e-services gathered under one umbrella at the gateway to Estonian government information and e-services Eesti.ee(<https://www.eesti.ee/en/>). The Estonian Parliament also uses all the benefits of our e-government and is at the forefront of using and promoting web-based services meet the needs of citizens in some quite advanced ways. As of autumn 2020, the Riigikogu is using a new verbatim records system. The system is called Hans and is based on speech recognition technology. The system records the proceedings in the Plenary Hall as sound files, and speech recognition writes them down. The new system embodies a complete workflow of information processing, starting with sound recording in the Plenary Hall and ending with its publication in text format on the home page of the Riigikogu. One of the components of Hans is the speech recognition server that was developed at the Tallinn University of Technology and using ai, and which needs a large quantity of data to function optimally. The Chancellery of the Riigikogu uses unique hardware and software that were specifically developed for its plenary sittings by a private Estonian company. The system is also unique in that the hardware is tailor-made for our parliament. The system has been interfaced with all the other information systems in use.

Two relevant initiatives to increase participatory democracy

Estonian People's Assembly

This was probably the first and biggest deliberative initiative in Estonia. The People's Assembly took place from 2013 to 2014 and took its origins in the social protest regarding the expectation to have more political openness. The dissatisfaction of the public was expressed in a manifesto called Charter 12 (Harta 12), initiated by 17 civil society activists and signed by nearly 18,000 citizens. Following this movement, the Estonian President initiated the so-called "Ice-Cellar Process" which brought together representatives of political parties, social interest groups and non-profit sector representatives, political scientists and other opinion leaders. Following from this, two initiatives were set-up: an online crowdsourcing function for collecting policy proposals from citizens, and a deliberation day to discuss these ideas. The aim was to find solutions through public-deliberation processes aimed at putting into practice the principle of open government and bringing governing closer to the public.

The deliberative process was organised by the Estonian Cooperation Assembly, the Praxis Centre for Policy Studies, the Network of Estonian Non-profit Organisations NENO, the Open Estonia Foundation and the e-Governance Academy, together with representatives of the four parliamentary parties, the Office of the President of the Republic of Estonia as well as several IT and communication professionals. Approximately three thousand people participated in the process of the People's Assembly that lasted 14 weeks. From this, three proposals out of the fifteen that were sent to the parliament became laws. In addition, four proposals have been partly implemented or re-defined as commitments in the government coalition programme. Legal amendments were adopted that require the parliament to start official procedures based on public petitions that receive at least 1,000 supporting signatures.

Citizen Initiative Portal (rahvaalgatus.ee)

A prominent achievement is the establishment of the "People's initiative", Rahvaalgatus.ee, a digital platform that enables Estonian citizens to propose, discuss, and collaboratively shape new laws and policies by harnessing modern digital tools. Established in 2016, Rahvaalgatus allows us to make initiatives both on a national and local level. A proposal to the Parliament has to gather at least 1000 signatures.

The Citizen Initiative Portal allows citizens to write proposals, hold discussions, compose and send digitally signed collective addresses to the Estonian Parliament. Every citizen of Estonia aged over 16 can submit a proposal to the Portal and follow its process in parliament and whether or not it will become a draft act. If the Riigikogu decides to proceed with the Address they will forward it to the relevant committees. The Board of Riigikogu will inform the contact person(s) within a 30-day period starting from the submission date as to whether the Address will be taken up or not. If the Address does not correspond to the necessary requirements, the Board of the Riigikogu will return it to the contact person(s) with an opportunity to make amendments, or will inform the contact person(s) that it will not proceed with the Address and will give the reasons for the decision. The petitions have had an impact: two have successfully changed a law and several have been discussed in the Parliament. More work, however, needs to be done on the process. The condition to collect 1000 signatures privileges professional organisations, while Estonian villages and smaller communities raise the issue of how proposals from villages are taken into account until they reach Parliament.

After 7 years of operation, over 500 000 signatures have been given (over a third of Estonian population, the EU equivalent would be 200 million signatures), 119 initiatives have been sent to the Parliament and

its user base is still rapidly growing. A couple of initiatives have become laws: the 2019 initiative on the prohibition of fur farms in Estonia which resulted in Parliament banning fur farms as of July 2023, and the 2020 petition to amend the Family Law which would amend the family that discriminates against same-sex couples and ensures their constitutional right to equal treatment which resulted in the legalisation of same-sex marriage as of June 2023.

The success of the platform can be attributed to five key factors:

1. **Accessibility:** Rahvaalgatus.ee is designed to be user-friendly and easily accessible to all citizens, regardless of their technological expertise. This has significantly lowered the barriers to entry for civic participation and allowed for a wider range of voices to contribute to the democratic process.
2. **Transparency:** The platform promotes transparency in governance by making it easy for citizens to track the progress of their proposals and monitor how they are being addressed by the government. As you can follow the proceedings of an initiative that you have supported, this has fostered a sense of trust between the government and its citizens, leading to increased civic engagement.
3. **Collaboration:** Rahvaalgatus.ee encourages collaboration by allowing users to comment on and discuss each other's proposals by having a mandatory co-creation phase (minimum 3 days). This feature has resulted in more comprehensive and well-rounded proposals, as users can build on each other's ideas and address potential shortcomings, while also finding each other and merging similar initiatives into one.
4. **Responsiveness:** The Estonian Parliament has demonstrated a strong commitment to taking the proposals on Rahvaalgatus.ee seriously. By engaging with citizens' ideas and incorporating their feedback into the legislative process, the parliament has shown that it values the input of its constituents, further enhancing the democratic process in Estonia.
5. **Integration with e-governance:** Rahvaalgatus.ee is seamlessly integrated with Estonia's existing e-governance infrastructure, such as the electronic ID card system, SIM card centred mobile-ID and its newer smartphone-centred counterpart: the Smart-ID. This integration has made it even more convenient for citizens to participate in the democratic process, further driving the platform's adoption.

Rahvaalgatus also serves as a potent weapon against the onslaught of populism. Social media tends to amplify extreme posts to garner more attention, often exacerbated by fake accounts. Thanks to Estonia's secure [eID system](#), Rahvaalgatus ensures a distortion-free representation of public views. This system effectively counters situations where a single individual could artificially inflate petition signatures, maintaining transparency. Rahvaalgatus also provides a comprehensive overview of issues concerning the Estonian public, distinguishing itself from social media algorithms that limit exposure to a fraction of conversations and opinions. This distinction allows for a more accurate reflection of true realities.

Rahvaalgatus distinguishes itself by offering a comprehensive overview of issues, overcoming the limitations imposed by social media algorithms. This distinction results in a more accurate reflection of the diverse realities shaping Estonian public opinion. Rahvaalgatus continues to empower Estonians to actively participate in the democratic processes that shape their nation's future.

Since 2012, impact assessment and public engagement are essentially compulsory in Estonia, derived from government regulation and based on the Good Practice of Involvement.

The Good Practice of Involvement

1. Public Engagement

- 1.1. Government authorities engage interest groups and the public in the decision-making process to ensure the best possible quality and legitimacy of the decisions.
- 1.2. For the purposes of the Good Public Engagement Code of Practice, “public engagement” means informing and consulting with interest groups and the public in the decision-making process. “Informing” means providing interest groups and the public with balanced and objective information that enables the aim of and alternative options for the decision to be understood. “Public consultation” means asking for feedback from interest groups and the public in all stages of policy-making, including in raising problems, designating goals, analysing alternative solutions and preparing a draft.
- 1.3. Public Engagement is applied in developing policy initiatives of a considerable impact on interest groups or society as a whole. The main principle is that the bigger the expected impact, the bigger the opportunity to participate should be. The need for and the extent of public engagement is decided during impact assessment and public engagement is carried out when preparing a draft decision of an estimated significant impact or interest.
- 1.4. Public engagement is applied when preparing a legal act to be adopted or a decision to be made at the level of the *Riigikogu*, the Government of the Republic and the ministers. The Good Public Engagement Code of Practice also applies to forming Government positions on European Union issues.

2. Interest groups and the public engaged

- 2.1 A government authority assesses the impact of a draft decision on interest groups and society as a whole according to the Impact Assessment Guidelines and decides on the need for and extent and timing of the public engagement. Impacts are identified according to the Impact Assessment Guidelines approved by the Government of the Republic.
- 2.2 A government authority identifies the interest groups whom the intended decision will affect. The interest group may be a set of natural persons, a legal person or a non-formal association whom the drafted decision could affect, who participate in the implementation of the decision or who have clearly expressed interest in the field. During public engagement it is important to ensure a balanced representation of interests.
- 2.3 The circle of interest groups is extended during public engagement, as appropriate. Participation does not presume a legally defined status or a legal relation with the authority preparing the decision. Engagement of the public may involve differences in the manner and timing of engaging interest groups, based on the expediency.

3. Designing public engagement and notifying of participation possibilities

- 3.1 Ministries must determine interest groups to be engaged, stages of proceeding and initial deadlines of a draft Act and the name and contact information of the official responsible for drawing up the draft not later than by the time the Intention to develop the draft or the Proposal to prepare a strategy document is sent for official consultation among ministries. The aforesaid information is presented next to the Intention to develop a draft Act or a Proposal to prepare a strategy document. Ministries make available on its website contact information of the unit or official providing information about engagement issues.

4. Cooperation with interest groups and the public in different stages of preparing decision and explaining purpose of engagement

4.1. When developing drafts, a government authority consults with interest groups and the public in the earliest possible stage of proceeding and during the whole process. A public consultation must in any event be carried out in two stages of proceedings: when applying for a Mandate for developing a draft and when the draft has already been developed.

4.2 A government authority submits an Intention to develop a draft Act, a Proposal to prepare a strategy document or another issue of an estimated significant impact as well as the draft itself, before making a decision, through the Information System of Draft Acts or, where appropriate, also by addressing interest groups directly to collect proposals and express an opinion.

4.3 In European Union issues a government authority submits an initiative of the European Commission to interest groups along with a draft position of the Government of Estonia along with explanatory note. The authority keeps interest groups informed about the progress of debates in European Union institutions and, should the positions of Estonia change, also notifies interest groups of the changes.

4.4 If a draft is accompanied by an impact analysis report, this is also submitted along with the draft for public consultation.

4.5 A government authority provides interest groups with information about opening a public consultation. Interest groups and the public is explained why the draft decision is needed, what is the purpose of public engagement, what is the scope for their feedback and further course of proceeding of the draft, including:

- the interest groups addressed;
- issues about which positions of interest groups are sought;
- manners and deadline of providing feedback for interest groups are specified;
- further course of engagement and further proceeding of the draft is described.

4.6. Parties engaged are granted an adequate period for providing their feedback. A public consultation lasts for four weeks. In justified cases the period of consultation may be shortened. The period of consultation is extended in the case of voluminous drafts or in other justified cases.

5. Information channels for public consultation

5.1 Consultation channels must be selected taking into account the possibilities of the public and interest groups to access the documents sent for consultation. If consultation presumes participation of the wider public, information is published in the Information System of Draft Acts and, through that, in the Participation Web and, as appropriate, through other channels.

6. Feedback and notifying of consultation results

6.1. Interest groups must be provided with adequate feedback within a reasonable period of time, generally within 30 days of the end of consultation. If consultation lasts for more than three months or takes place in several stages, a government authority compiles, as appropriate, an interim summary about the feedback obtained during consultation and consideration thereof, changes, as appropriate, the consultation schedule and notifies all the engaged interest groups thereof.

6.2. Decision-makers must be notified of the results of consultation with interest groups. A government authority prepares a summary about the consultation results. The summary sets out interest groups who were invited to participate in the consultation, presents the proposals and comments made, explains consideration of the proposals or comments and provides a justification if they were not adopted by the government authority preparing the decision.

6.3. The summary is annexed to the decision being deliberated and is forwarded to all interest groups along with the feedback specified in clause 6.1. If the analysis of feedback requires, as an exception, more time than 30 days, interest groups are forwarded information about a new deadline. The summary is published in the Information System of Draft Acts next to the draft being processed and also made available after the end of the proceeding.

7. Assessment

- 7.1. At the end of public consultation of important drafts, a government authority analyses the conduct of engagement, including attainment of the goal, relevance of the used methods, participation of interest groups in consultation, efficiency of providing feedback and satisfaction of interest groups with the engagement. For the purpose the government authority also asks for an assessment about the conduct from interest groups engaged.
- 7.2. Results of the assessment are considered in planning and organising the next public engagements.

NGO participation in Estonian public policies

Citizen engagement in Estonia is becoming a part of systematic policy-making. The main regulation is the [Riigikogu Rules of Procedure and Internal Rules Act](#). Involvement of interest groups may include informing interest groups about the process of the draft, asking for their opinion on the draft, as well as inviting them to a committee session to present their views. The committee includes in the discussion of the draft those relevant interest groups that were involved in the preparation of the draft and who wish to participate in the discussion of the draft. When the draft is being processed in the Riigikogu, the purpose of involvement is to ensure transparent legislation, to receive additional information and proposals from interest groups about the regulation selected in the pending draft, and to specify the proposals submitted to the draft.

Commitments of Estonia in the Open Government Partnership (OGP)

Estonia joined the Open Government Partnership in 2011 and is now working on the implementation of the third Action Plan (2016-2018) and the three major themes: e-government, public participation, public service delivery. With respect to the subject of [participation](#), the Action Plan commits to improving participation options in the policy-making process and increasing the capability of governmental authorities and non-governmental partners to cooperate, participate and engage interest groups.

VI.8 Country Close Up: Republic of Korea (*Enhancing parliamentary expertise through policy seminars*)

MPs in South Korea initiate 97% of all Bills submitted to Parliament; its Parliament carries out an active programme of 1,500 policy seminars per year on the grounds of Parliament, in which MPs engage with experts and citizens to inform their policy and legislative development work. These involve more than 7,000 participants and thanks to social media, are becoming more accessible to citizens. South Korea also carries out an annual Parliamentary 20 day inspection of Government and also holds highly regarded Citizens' Assemblies.

Policy seminars programme

In the Republic of Korea, most legislation is initiated by individual MPs. In the early 2000s, bills initiated by MPs accounted for about three-quarters of all bills submitted. From May 2020 to the present, MPs' bills have made up 96.8% of all bills submitted (MPs: 18,991 cases, Government: 629 cases). Policy seminars are an important source of the expertise that MPs need to draft those bills in such numbers.

In 2005, the National Assembly amended the law to provide funding to strengthen the policy and legislative development capacity of lawmakers. A budget for this is allocated every year, which is used for publishing, purchasing information resources, and gathering expert advice and public opinion through

policy seminars. Each MP's office holds a policy seminar by selecting a topic related to a particular social issue or standing committee activity.

Every year, around 1,500 policy seminars are held in the conference room of the National Assembly, with the participation of around 7,000 experts and stakeholders, from academia, non-governmental organizations, research institutes and government, among others. Policy seminars are also open to the public, except when there are special limitations. In addition to the thousands of presenters, speakers and experts, tens of thousands of citizens therefore visit the National Assembly each year to participate in the policy seminars.

Policy seminars have helped MPs to increase their knowledge and establish expert networks. The results of the discussions are often submitted as bills or used in standing committee meetings. Policy seminars also provide a way for experts and citizens to engage directly with the legislative and policy-making process in the National Assembly. Over time, the importance of policy seminars has grown. The centre of discussion on social issues has shifted from the Government to the National Assembly.

Increasing public access to policy seminars

Policy seminars are intended to be widely accessible to the public and the schedule of policy seminars is published on the website of the National Assembly. However, since policy seminars are entirely managed by the MP's office, there is a skills gap in dealing with videos and content. In addition, citizens who do not participate in person have no way of knowing what was discussed at a policy seminar. To solve these problems, the National Assembly plans to introduce a policy seminar real-time broadcasting system in 2023.

The new system's goal is to broadcast the policy seminars held by the National Assembly to the public in real-time, thus increasing their usefulness. The system includes a digital video recording and archiving service, so that each MP's office can record their own policy seminars and transmit them on YouTube with the help of experts. The real-time broadcasting system is also intended to increase two-way communication between the public and the lawmakers during policy seminars by incorporating interactive communication technologies such as an online chat feature. The National Assembly intends to make a short video summary of every policy seminar so that citizens can easily understand the content.

VI.9 Country Close Up: South Africa: Embedding meaningful engagement

The work of the Parliament of South Africa highlights good practices in institutionalizing and embedding public engagement, based on specific requirements in the country's Constitution. Parliament has made efforts to ensure that its engagement practices:

- align practical actions with cultural and historical context
- shape constitutional vision into institutionalized frameworks
- translate those frameworks into regular initiatives and institutionalized support structures
- use the right tools to accomplish these goals
- include consistent monitoring and evaluation mechanisms.

Public engagement is enshrined in the Constitution

The adoption of the 1996 Constitution of the Republic of South Africa following the collapse of the apartheid regime was seen as a watershed moment in the quest to promote public participation in decision-making. This process started with the Government adopting a participatory approach to drafting the new Constitution, which has gone on to enshrine the public's involvement in legislative and other processes of governance.

Public engagement practice by the Parliament of South Africa is grounded in this constitutional promise of public involvement to overcome a history of exclusion. This example emphasizes how institutionalized engagement can reflect the historical context in which it occurs.

Developing an engagement framework for the legislative sector

Effective engagement requires deliberate strategies and frameworks. The 2013 *Public Participation Framework for the South African Legislative Sector* has become the overarching guideline, setting out “norms and standards for Public Participation within the Legislative Sector. The framework was created collaboratively through the network of national and subnational legislatures, and key stakeholders, including MPs and officials, were involved in both formulating and implementing the framework, ensuring that the political decisions become reality. For its part, the Parliament of South Africa has developed a **Public Participation Model (PPM)** which outlines the mechanisms and processes through which Parliament can provide for meaningful public involvement and participation in its legislative and other processes. The Model also increases the accountability of Members of Parliament to the people with the introduction of a feedback loop.

Translating the framework into parliamentary engagement

The PPM is implemented through a number of ongoing institutionalized activities. Engagement initiatives are planned in ways that promote access and social cohesion, with particular regard to language, venue use and interaction with rural communities that are digitally unconnected.

A significant proportion of activities are channelled through the NCOP, which represents the nine provinces in the national legislature. Some of these activities are detailed below:

- **Provincial Week** provides a consistent space for parliamentary interaction and feedback with provinces, leaders and other key stakeholders. The NCOP sets aside one week, every year or two years, for oversight work in the provinces in conjunction with the provincial legislatures.
- **Local Government Week** helps the institution to strengthen its relationship with the South African Local Government Association by taking parliament to municipalities across the country.
- **Taking Parliament to the People (TPTTP)** takes parliament to different parts of the country, normally in remote areas with limited infrastructure. Since its inception, the activity has happened regularly in March and November each year. It has promoted increased access to parliament and fostered better participation through public education.
- **Sectoral engagement** initiatives enable parliament to focus on identified special interest groups by providing them with a platform to raise issues they face on a daily basis relating to service delivery, implementation of laws or government policies as well as an opportunity to present recommendations or suggestions for remedial action.
- Other mechanisms of engagement include **public participation in law-making** (where the National Assembly and the NCOP facilitate involvement by the public, especially CSOs, in the

process of legislation), **processing of petitions** and **committee specific** activities (where the public has access to all sittings of the Houses as well as committee meetings).

Over the past three decades, public engagement has reached a point of maturity and a number of lessons can therefore be drawn. The South African case study demonstrates the importance of:

- **translating the constitutional vision into practical frameworks:** The Parliament of South Africa has both the PPM and Legislative Sector Public Participation Framework.
- **Set up monitoring and evaluation systems:** The final step of an institutionalized process involves monitoring and evaluating initiatives so that public engagement practice can be continuously honed and challenges can be addressed. This also serves as a way to close the feedback loop, by demonstrating the results of engagement to community members and MPs who were involved in the initiatives.

VI.10 Martial Law & States of Emergency – Country Comparisons

On February 24, 2022, Russia launched a large-scale military invasion of Ukraine — an operation broadly seen as a continuation of the 2014 annexation of Crimea and the subsequent conflict in the Donbas and Luhansk regions. Immediately following the Russian invasion, the Government of Ukraine responded by enacting laws aimed at ensuring the smooth and effective operations of the country's legislative, executive, and judicial branches. Among these mechanisms was a decree on the introduction of martial law, which was adopted by Ukrainian President Volodymyr Zelensky on day one of the invasion. The decree was then codified and has come to be known as the 2022 Martial Law which established the legal basis for action by various governmental and military divisions under such a regime. In contrast to other recent examples of martial law being declared, the text featured a series of guarantees related to human rights and freedoms, rights, and legal interests of legal entities. It also created new temporary mechanisms to ensure the continued functioning of existing state authorities and municipalities. The law also provided for limitations of certain constitutional rights and freedoms generally afforded to citizens, as well as rights normally afforded to legal entities. A key feature of the law is the conferral of special powers on the military command that give it the right, along with state authorities, to establish and implement measures of the martial legal regime (e.g. to issue binding orders and directives on matters of defense and public security). In order to implement the new law, military administrative structures have been established and for which the power to set up these structures lies with the President of Ukraine.

Key Martial Law Rules and Regulations

When martial law is implemented, it is governed by certain fundamental principles to ensure the fair and proportional use of this extraordinary measure and safeguard the rights of citizens.

1. **Necessity:** Martial law should only be invoked when absolutely necessary. This usually involves situations where civilian law enforcement mechanisms have broken down, or there is a grave and immediate threat to public order and safety.
2. **Proportionality:** The use of force and military authority under martial law should be proportional to the objectives it aims to achieve. This means that any infringement on citizens' rights should not be more extensive than needed to restore order and maintain the rule of law.
3. **Temporary:** Martial law is a temporary measure. Once the situation normalises or improves, martial law should be lifted, and the civilian control of the country should be fully restored.

4. **Accountability:** There should be proper oversight and accountability of the military authorities implementing martial law. This ensures that any potential abuses of power are quickly identified and rectified, protecting the rights of citizens.

5. **Legality:** Martial law should be implemented according to the legal framework of a country.

Protecting Citizens' Rights Under Martial Law

While martial law may involve the suspension or limitation of certain rights and freedoms, it is crucial to ensure that citizens' rights are protected to the greatest extent possible via the following principles:

1. **Minimum impact:** Any suspension or limitation of rights should be minimal, strictly necessary, and proportionate to the situation at hand. This involves using the least restrictive measure available, considering the circumstances.
2. **Non-discrimination:** Under martial law, all individuals should be treated fairly and without discrimination, following principles such as equality before the law
3. This means that restrictions or suspensions of rights should not disproportionately impact specific groups, communities, or individuals.
4. **Legal remedies:** Individuals should have the right to challenge decisions made under martial law, allowing for scrutiny and review by independent and impartial courts or tribunals.

Martial Law Case Studies: Lessons Learned

Martial law has been invoked in various countries at different points in history. By comparing martial law implementation in different national contexts, we can derive insights into the unique challenges and lessons learned in each case.

1. **The Second World War (UK):** During World War II, the UK imposed martial law in some areas, mainly to address the threat of enemy invasion and maintain public order. A key lesson is that martial law can help restore stability in times of extreme conflict, but it must ultimately be lifted once normalcy is re-established to safeguard democratic values.
2. **The Troubles (Northern Ireland):** Martial law was implemented in Northern Ireland from the late 1960s to the early 1990s to combat violence and unrest during The Troubles. A key takeaway from this case study include the need to respect human rights, even amidst extreme circumstances, to prevent further polarisation and the potential breakdown of society.
3. **1981 Poland:** In December 1981, General Wojciech Jaruzelski imposed martial law in Poland to suppress the Solidarity trade union movement. The government imposed a six-day workweek while the mass media, public services, healthcare services, power stations, coal mines, seaports, railway stations, and most key factories were placed under military management. Media and educational institutions underwent "verification", a process that tested each employee's attitude towards the regime and to the Solidarity movement, Military courts were established to bypass the normal court system, to imprison those spreading fake news. In an attempt to crush resistance, civilian phone lines were routinely tapped and monitored by government agents. Even after martial law was lifted, a number of restrictions remained in place for several years that drastically reduced the civil liberties of the

citizenry. It also led to severe economic consequences. The ruling military dictatorship instituted major price rises (dubbed "economic reforms"), which resulted in a fall in real wages. The resulting economic crisis led to even more rationing of most basic products and materials. As a consequence of the economic hardships and political repressions, an exodus of Poles saw 700,000 migrate to the West between 1981 and 1989. Key lessons are: i) martial law can be used by authoritarian regimes as a tool to curb opposition and stifle freedom, highlighting the importance of monitoring and oversight to ensure the just application of this measure; ii) the lifting of martial law may not automatically ensure a full return of civil liberties, necessitating continuous efforts to promote democratic values.

4. **Philippines (1972 – 1981):** President Ferdinand Marcos declared martial law in the Philippines in 1972, which lasted until 1981. Excessive human rights violations and prolonged dictatorship were serious concerns during this period.
5. **Tiananmen Square Protests (China, 1989):** Martial law was imposed in Beijing during the 1989 Tiananmen Square protests, resulting in a violent crackdown on pro-democracy demonstrators. A lesson was the potential for martial law to be utilized by governments as an excuse for violent repression and the silencing of dissent.
6. **2013 Egyptian Coup:** Following the coup against President Mohamed Morsi in Egypt in 2013, martial law was temporarily imposed. This example highlights challenges of ensuring a smooth transition back to civilian rule following a period of martial law, particularly in societies with a history of political fragility.

Martial Law in Different Political Systems

As an aspiring democracy, Ukraine's situation differs significantly from all recent examples of martial law being imposed. The role of Parliament in all other highlighted countries became completely submerged under the will of the national leader and the government.

In **democratic systems**, martial law should be used sparingly and as a last resort to restore public order and security. It should never be employed as a means of suppressing dissent or stifling democratic processes. Parliamentary oversight and judicial scrutiny of martial law are crucial in upholding democratic principles and preventing abuses of power. In such systems, martial law should be lifted as soon as the crisis is resolved, to ensure the restoration of democratic practices and civil liberties. Martial law in **authoritarian systems** can often lead to human rights abuses and repression of dissenting voices. International oversight and pressure may be necessary to curb the excesses of martial law in these systems and advocate for the respect of human rights and democratic principles. Martial law can be a delicate issue in **transitional societies**, where the balance of power and political stability may be precarious. It poses both the risk of exacerbating tensions and the possibility of restoring order and facilitating a return to a stable political environment.

The example of the **government in Poland from 2015 – 2023** is instructive as regards challenges in the functioning of Parliament in a democratic system with an authoritarian government in power. The Polish Government is obliged by law to consult all parties affected by a law but the Government's clear majority in Parliament reduced the need to win over social actors as many were perceived as enemies. Public

consultation was largely bypassed by introducing legislative initiatives through MPs as such initiatives do not require regular consultation mechanisms and therefore exclude experts and the public. The quick passage of major laws reduced the time available for meaningful consultation. During the COVID-19 pandemic, many laws were not consulted in advance and the Prime Minister could even dismiss members of the Council for Social Dialogue composed of trade unions and employers. Poland chose not to be a member of the Open Government Partnership (OGP). The Sejm's Bureau of Research (BAS) provides analytical support but has been progressively streamlined to reflect the political will of the majority; the quality of its expertise has declined and it no longer issues key studies. The Government has also taken the summoning of Ministers to the Sejm less seriously. While Committees can invite experts to hearings, but if a Bill is introduced by an individual MP, the summoning of experts must be supported by a majority of MPs. The Government used this procedural rule to limit the invitation of experts close to the Parliamentary opposition. The number of Sejm Committees exceeds the number of Ministries but most ministries have only a single oversight Committee.

The **Estonia approach** in emergency situations is presented below and which closely mirrors how Ukraine's Parliament functioned in 2022-2023. In its Parliamentary Rules and Procedures, they are prepared to cut out many steps in the process to accelerate the passage of legislation including no formation of lead committees, no external consultation and limited Parliamentary debate.

From the Estonia Parliament Rules of Procedure

118. Special rules for proceedings on draft resolutions of Riigikogu that concern declaration of state of emergency, state of war, mobilisation or demobilisation, or that are related to increasing level of defence readiness

- (1) Draft resolutions of the Riigikogu that concern the declaration of the state of emergency, state of war, mobilisation or demobilisation, or that are related to increasing the level of defence readiness are deliberated in a single reading.
- (2) No lead committee is appointed for the draft resolution. The bill is included in the agenda at the earliest opportunity by motion of the Board of the Riigikogu or at the proposal of the President of the Riigikogu.
- (3) At the reading of the draft resolution, a report is made by the Prime Minister or, where they have been respectively authorised by the Prime Minister, another member of the Government. A member of the Riigikogu may ask one oral question of the presenter.
- (4) At the reading of the bill, the floor is opened for debate for representatives of the parliamentary groups of the Riigikogu to present comments. No motions to amend the draft resolution are submitted. After the debate is concluded, the draft resolution is put to the final vote.

Annex 1 - Proposed Countries for this Analysis

Criteria	Countries	Justification
The other current EU candidate countries, or a smaller number of these candidate countries which have experienced similar political transformations as Ukraine	Serbia Montenegro Albania Macedonia Moldova Kosovo	Usefulness of comparing Parliamentary practices among countries applying for EU membership with Ukraine For efficiency reasons, select a sample of these countries, particular where significant data about their current status as regards rule of law and public sector transparency already exists: - Serbia - Montenegro - Albania - Macedonia - Kosovo The SIGMA group, on behalf of the OECD, has published significantly on the Western Balkans as part of its work on the Principles of Public Administration and which includes a comparative assessment of the preconditions for good public administration and also performance in practice. SIGMA uses 6 major criteria in its evaluation, of particular importance are two criteria (Policy Development & Coordination, Accountability), both of which address the role of Parliament and the interplay between Parliament and Government, including a variety of useful sub indicators which are pertinent for this analysis. A key sub criteria under the Policy Development & Coordination criteria is Public Consultation in Public Policy.
Neighbouring countries continuing their transition to democracy but with recent challenges in maintaining democratic principles	Poland Georgia	Parliamentary engagement with citizens is worth studying given the volatility in the influence of Government on other institutions, including Parliament. An example is in Poland, before and during the 2015—2023 right wing government, which had significant impacts on Parliament's engagement with citizens.
Neighbouring countries with immediate proximity to (and prior control by) Russia and history of Russian control but which are now demonstrating cutting edge democratic mechanisms to engage citizens, led by digitisation	Estonia	Estonia's global leadership in digitization as part of its public sector engagement with citizens (including Parliament) is an aspirational example for Ukraine. Their verbatim records system called Hans, based on speech recognition technology, are an important (and faster) information source for citizens about Parliamentary deliberations. Their Citizens Initiative portal, called Rahvaalgatus, launched in 2016, has facilitated greater citizen engagement with decision makers and ensures distortion-free representation of public views. In the last 7 years, it has collected signatures from over 1/3 of the Estonian population and has sent 119 initiatives to Parliament.

		The Brazil Parliament is consistently ranked at the top worldwide in terms of digital maturity. This includes e-Democracia established in 2009, maintained to increase the exchange of innovative ideas between civil society and Parliament. The Brazil Parliament is also known for its innovative use of Artificial Intelligence, and its deployment of the world's first virtual Parliament. A key lesson learned in Brazil has been the need for a wider institutional strategy to embrace digital technology in the legislative process.
Countries exemplifying high standards of global best practice in Parliamentary engagement with citizens	Canada Australia UK	Including one or more such countries ensures an important aspirational dimension to this study. Canada, for example, demonstrates best practice and innovation in a variety of areas including with its Parliamentary website (about how Parliament works and how citizens can participate), cooperation with independent CSOs, citizens assemblies, pop-up constituency offices, citizen e-petitions, online briefings, online consultation, engagement of witnesses at Committee hearings, and innovations in information visualization. The Canadian Parliament's commitment to gender equality is also worth highlighting, primarily via their Standing Committee on the Status of Women. Scandinavian Parliaments are acknowledged world leaders in their approach to gender equality but we will need to limit the number of country examples. It will also be important to include a country whose Parliament takes consultation seriously as part of its budget oversight work.
Countries with unique achievements in Parliament's citizen engagement and with a legacy of heavy state control / dictatorship	South Korea 1 country from South America (Peru, Chile, Ecuador)	Best Parliamentary practices on citizen engagement are increasing in number and originating from an increasing number of countries and continents, particularly South America and address everything from developing a citizen participation strategy, awareness raising about Parliament, establishing citizen participation offices, use of parliamentary websites, interested persons appearances at hearings, use of citizens' online e-portals for consultations, petitions, Parliamentary tours, education for youth, Parliamentary media and social media. MPs in South Korea initiate 97% of all Bills submitted to Parliament; its Parliament carries out an active programme of 1,500 policy seminars per year on the grounds of Parliament, involving more than 7,000 participants and thanks to social media, are becoming more accessible to citizens.

Countries which have declared martial law and/or continue to be led by restrictive national governments	The Philippines Poland Egypt	The rationale for declaring martial law in these cases was/has been to maintain the ruling party's grip on power, much different than in Ukraine.
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Annex 2 (from) Rules of the Sejm of the Republic of Poland related to Consultation

- Any draft act shall be accompanied by a justification which should present the expected social, economic, financial and legal effects, the results of the consultations and provide information on the presented variants and opinions. In the case of committee and parliamentary bills that have not been consulted, the Marshal of the Sejm, before submitting them for first reading, refers the bill for consultation in the manner and on the terms specified in separate acts. The Marshal of the Sejm may return a draft bill or resolution to the applicant if the justification attached to the draft does not meet the requirements specified in paragraph.
- Local government organizations have the right, within 14 days of receiving the draft act (resolution), to present an opinion.
- Opinions submitted within the deadline referred to in section 7, shall be delivered to members of the Sejm committees or to all Deputies, respectively.
- Representatives of local governments have the right to present their opinions at meetings of parliamentary committees.

Public Hearings

- A public hearing may be held in relation to the draft act. The resolution on holding a public hearing is adopted by the committee to which the project was submitted for consideration.
- The resolution to hold a public hearing is adopted upon a written request submitted to the committee by a Member. A resolution to hold a public hearing may be adopted after the first reading of the bill is completed and before its detailed consideration begins.
- The right to participate in a public hearing regarding a draft act has the entities that, after announcing the draft in print notified the Sejm, at least 10 days before the date of the public hearing, of their interest in work on the draft act.
- The right to participate in a public hearing regarding the draft act also has the right to entities that have declared their interest in work on the draft act in the manner provided for in the Act of July 7, 2005 on lobbying activities in the law-making process.
- For local or technical reasons, the committee's presidium may limit the number of entities participating in the public hearing. This limitation should be made on the basis of a justified criterion applied uniformly to all entities. The criterion may be, in particular, the order of applications.
- Information about entities admitted to participate in the public hearing shall be made available in the Sejm Information System at least 2 days before the date of the public hearing.

- If for local or technical reasons, in particular due to the number of people willing to participate in a public hearing, it is not possible to organize a public hearing: 1) the presidium of the committee may change the date or place of the public hearing, providing the reasons for this change and the new date or place of the public hearing in the Sejm Information System, 2) the committee may cancel a public hearing, stating the reasons for the cancellation in the Sejm Information System.
- A public hearing takes place before detailed consideration of the project begins. A public hearing takes place only at one committee meeting.
- The chairman of the committee determines the order and time of speeches of entities that participate in the public hearing.
- An entity that has expressed interest in working on a draft act and takes part in a public hearing may, at the meeting at which the public hearing is held, submit the text of a speech not delivered at the meeting for the minutes. This shall apply to entities that expressed interest in working on the draft act and did not participate in the public hearing, however, the text may be submitted until the day of the public hearing.

Petitions

- A petition submitted to the Sejm shall be referred by the Marshal of the Sejm to the Committee for Petitions, for consideration.
- The Marshal of the Sejm may order joint consideration of petitions.
- If the petition does not meet the requirements specified in the Act on Petitions, the Marshal of the Sejm leaves the petition without consideration or calls on the entity submitting the petition to supplement or explain the content of the petition.
- The Marshal of the Sejm sets a deadline for the Commission to consider the petition.
- Consideration of a petition includes presentation of the petition by a deputy appointed by the Commission's presidium, discussion and decision on the manner of dealing with the petition.
- The committee may request other parliamentary committees to express their opinion on the petition under consideration.
- The method of dealing with the petition may be in particular: 1) submission of a bill or resolution by the Committee, 2) submission by the Committee of an amendment or motion to a bill or resolution during its consideration by another Sejm committee or during its second reading, 3) presentation by the Committee of another Sejm committee of an opinion on the draft act or resolution considered by it, 4) the Commission submitting the application; or 5) failure by the Commission to take into account the request that is the subject of the petition.
- The Marshal of the Sejm notifies the entity submitting the petition about the method of handling it along with the justification.
- Information on petitions are made available in the Sejm Information System.

Meetings of Sejm Committees

- At the request of the committee's presidium, ministers and heads of supreme state administration bodies, as well as heads of other state offices and institutions, are obliged to

present reports and provide information and participate in committee meetings where matters relating to their scope of activity are considered.

- The committee's presidium or its chairman may invite persons other than those mentioned above to participate in the meeting in order to provide information and explanations on matters that are the subject of the committee's deliberations or examinations.
- In committee meetings where draft laws are considered, persons performing professional lobbying activities and persons authorized to represent an entity performing professional lobbying activities may participate. They can take part in the discussion but shall not have the right to participate in the subcommittee meetings.
- Representatives of professional and social organizations and committee experts, as well as other persons, may participate in a committee meeting, at the invitation of the committee's presidium or its chairman.
- The Presidium of the Sejm shall determine the principles and procedure for the use of opinions and expert opinions by committees.
- A member of the committee, as well as another person taking part in the discussion, may submit comments to the minutes; The committee decides on their acceptance or rejection.

Entrepreneurs' Law Act

Rules for developing draft normative acts in the field of law economic and assessment of their functioning

- Before starting work on developing a draft act specifying the rules for undertaking, implementing or terminating business activity is carried out: 1) analysis of the possibility of achieving the goal of this normative act by means of others resources; 2) assessment of the expected socio-economic effects, including evaluation impact on micro-entrepreneurs, small and medium-sized entrepreneurs and analysis of compliance of the proposed regulations with the provisions of the Act.
- The results of the assessment and analyzes referred to in section 1, is posted in the justification for a draft normative act or in the assessment of the effects of regulation, constituting a separate part of the justification for the draft normative act.

ACT of July 11, 2014 about petitions

- A petition may be submitted by a natural person, a legal person, an organizational unit that is not a legal person or a group of these entities to a public authority, as well as to an organization or social institution in connection with tasks performed by it in the field of public administration.
- A petition may be submitted in the interest of: 1) public; 2) the entity submitting the petition; 3) a third party, with its consent. 3. The subject of the petition may be a request, in particular, to change legal provisions, take a decision or take other action in a matter concerning the entity submitting the petition, collective life or values requiring special protection in the name of the common good, falling within the scope of the tasks and competences of the addressee of the petition.

- The entity examining the petition shall notify the entity submitting the petition about the manner in which it was resolved, together with the justification, in writing or by means of electronic communication.
- The entity competent to consider the petition - The Sejm, the Senate or the decision-making body of a local government unit shall, annually, by June 30, place on its website or the website of the office serving it, collective information on petitions considered in the previous year. This information includes, in particular, data on the number, subject matter and method of handling the petition.

Media 20/05/2024

The Presidium of the Sejm submitted a draft amendment to the Rules of Procedure of the House about the transparency of the legislative process. The work in the Sejm is to be more accessible to citizens in order to increase the transparency of the legislative process and improve the quality of the law; This is to be achieved by amending the Rules of Procedure of the Sejm:

- Reform of legislative procedures: greater role for public consultations
- New deadlines in legislative proceedings and the obligation to justify amendments
- Possibility of a shortened legislative process in certain situations
- Increased role of public hearings in the law-making process

New rules for the platform for public consultations and lobbying Reform of legislative procedures: a greater role for public consultations.

- The bill was submitted to the Sejm last week and was referred to the Rules, Deputies' Affairs and Immunities Committee for first reading. The proposed changes are intended to limit the use of accelerated procedures to strictly defined and exceptional cases. They are also intended to expand the scope of public participation in the law-making process and fulfill one of the so-called milestones negotiated with the European Commission; the point is to make it more difficult to pass laws without consultation, as is the case with parliamentary bills.
- According to the proposed amendment to draft laws, before they are submitted to the first reading, opinions prepared by experts from the Chancellery of the Sejm on the assessment of the effects of the regulations will be requested. The bill assumes that the Marshal of the Sejm, after receiving a parliamentary bill and before submitting it for first reading, orders its publication in the Sejm's information system for public consultations. All draft laws may be subject to consultations. Participants of public consultations will submit comments on projects via the system; they will have 30 days to do so.
- Fast work will only be possible in exceptional cases - the Marshal of the Sejm may order that public consultations be waived or shortened - in particular if such a request is submitted by the project proponent. Information on the reasons for withdrawing from public consultations, setting a different date than the specified one or ending them earlier would be made available in the Sejm Information System.

New deadlines in legislative proceedings and the obligation to justify amendments.

- The Bureau's proposal assumes that the first reading of the bill may take place no earlier than the seventh day from the date of delivery of the draft form to the Members of Parliament, and the second reading - not earlier than one week from the date of delivery of the committee's report on the project to the Members.
- Applicants are to attach a justification to the amendments submitted, indicating the need and purpose of the change, and when they are submitted in the second reading, the bill is referred back to the committees that considered it. Proposed amendments in writing and their justification are also to be available in the system.

Possibility of a shortened legislative process in certain situations.

- In particularly justified cases, as emphasized, the proceedings with draft laws and resolutions may be shortened. This may be decided by the Sejm by an absolute majority of votes in the presence of at least half of the statutory number of Deputies, or by a committee also by an absolute majority of votes.
- MPs will also have more time to consider the committee's report - it may take place in the Sejm no earlier than the third day from the date of delivery of the report to the MPs - unless the Sejm decides otherwise.
- However, at the request of the Marshal of the Sejm, the Sejm will be able to consider a resolution of the Senate rejecting a bill or an amendment proposed in a resolution of the Senate without referring it to a committee. The motion would be decided by the Sejm by an absolute majority of votes in the presence of at least half of the statutory number of Deputies.

Increased role of public hearings in the law-making process

- The Bureau also proposes introducing a solution that will raise the profile of the public hearing. The representative of the proposer of the bill subject to the hearing will be obliged to present a position to the entities participating in it within seven days from the end of the hearing.
- In the justification of their project, members of the Sejm Presidium emphasize that the changes they propose are intended to limit the use of accelerated procedures to strictly defined and exceptional cases. They are also intended to expand the scope of social participation in the law-making process and to fulfill one of the so-called milestones negotiated with the European Commission, thanks to which Poland gained access to European funds from the National Reconstruction Plan.

New rules for the social consultation and lobbying platform

- The authors of the project indicate that public consultations will be carried out in an IT system that will be part of the Sejm Information System. They emphasize that due to the rules for processing personal data of consultation participants, as well as to prevent the posting of illegal content (e.g. so-called hate speech), it will be necessary to supplement, among others: provisions of the Act of July 7, 2005 on lobbying activities in the law-making process.
- On May 8 2024, Marshal of the Sejm Szymon Hołownia announced that the Presidium of the Sejm had provided a preliminary opinion on the draft changes to the rules of procedure of the chamber. He then announced that an online platform would be created thanks to which every

citizen would be able to participate in consultations on the law. "The process of submitting amendments, at the committee level, will also be completely open," he declared.