e-DEMOCRACY
ICT - A DRIVER FOR IMPROVING DEMOCRACY

PUBLIC PARTICIPATION IN LEGISLATION PREPARATION PROCEDURES

GOVERNMENT MIRROR

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nextsense

G eGovernance
Centre for
Development

LEGAL FRAMEWORK

- Article 71, of Rules of Procedure for Operation of the Government of the Republic of Macedonia:

"All stakeholders may submit their opinions, commentaries and proposals in the Unique National Electronic Register of Regulation regarding the published proposal for legislation and draft laws within 10 days from the day of publication."

"The Responsible Ministry prepares report for received opinions in which states the reasons why notes and proposals have not been adopted and publish them on ministries website and on the Unique National Electronic Register of Regulation"

- Instructions for involving stakeholders in legislation preparation procedures, adopted in 2011

Increased number of days for consultations to 30 (Article 5)

GOVERNMENT MIRROR – MONITORING

- Monitoring period:
March 1, 2012 – October 31, 2012

- Monitoring the public participation through the available e-tools

- Questionnaire 1 - communication environment provided by the proposer of the act for participation of civil society in its activity (general mechanisms for public participation)

- Questionnaire 2 -   preparation of acts
- 30 acts selected from the Annual Programme of Work of the Government of Republic of Macedonia

COMMUNICATION AND SUPPORT ENVIRONMENT – QUESTIONNAIRE 1

- **Indicators** are formulated as statements that represent the standards of good public involvement

- Total of 35 indicators (15+20) - Compared to Slovenia 3 new indicators included

- Grades:

Grade 1 (the lowest score)   (a score of 20% or less)

Grade 2   (a score of 21% to 40%)

Grade 3   (a score of 41% to 60%)

Grade 4   (a score of 61% to 80%)

Grade 5 (the highest score)   (a score of 81% to 100%)

COMMUNICATION AND SUPPORT ENVIRONMENT

- Questionnaire 1: Distributed to 23 state institutions

- Responses received from 16:

  - Ministry of Defence, Ministry of Environment and Urban Planning, Ministry of Local Self-Government, Ministry of Culture, Ministry of Labour and Social Affairs, Ministry of Transportation and Communications, Ministry of Internal Affairs, Ministry of Education and Science, Secretariat for European Affaires, Agency for Youth and Sports, Commission for protection against discrimination, the Secretariat for the implementation of the Ohrid Framework Agreement (SIOFA), Commission for Relations with Religious Communities, State Commission for the prevention of corruption (DKSK)

- No reply from 6:

  Ministry of Justice, Ministry of Finance, Ministry of Foreign Affairs, Ministry of Agriculture, Ministry of Health, Department for Cooperation with NGO; Finds itself as non-competent 1: Agency for Emigration

COMMUNICATION ENVIRONMENT - RESULTS

A	General mechanisms for public participation employed by the government body proposing the legislation			
The government body		**Points**	**Score**	**Grade**
1	Appoints a named person authorised to give information of public character on CSOs	16	100%	5
2	Appoints coordinator to estimate the impact of regulations	9	69%	4
3	Disseminates publications (periodicals / newsletters) about its work	10	63%	4
4	Publishes forecasts of the start dates of preparations/ procedures for legislation in daily newspapers	5	38%	2
5	Publishes forecasts of the start dates of preparations/ procedures for legislation on relevant websites (E.g.. ENER, the e-democracy portal, government body web-site)	11	85%	5
6	Uses other media for informing the public	14	88%	5

COMMUNICATION ENVIRONMENT - RESULTS

The government body proposing the legislation wither on its web-site or via an e-newsletter:		Points	Score	Grade
7	Publishes details and information about public participation in specific procedures (laws, strategies etc.)	13	81%	5
8	Uses structured e-questionnaires to gauge public opinion	5	31%	2
9	Publishes the proposals and comments made by the public about the work of the proposing government body	5	31%	2
10	Uses structured e-questionnaires to gauge public opinion prepared for specific legislation processes	5	38%	2
11	Publishes answers and explanations with regard to the proposals put forward by the interested members of public	7	54%	3
12	Publishes a list of frequently asked questions and answers concerning public participation in specific cases	3	23%	2
13	Enables interested members of the public to sign up to a registry	2	13%	1
14	Emails interested members of the public with electronic news	12	75%	4
15	Organises e-public debates (via forums, blogs, web conferences etc.) and prepares and publishes the outcomes of these debates	8	50%	3

COMMUNICATION ENVIRONMENT - RESULTS

B	The support environment conducive to the inclusion of civil society in the government body proposing the legislation			
The government body proposing the legislation:		**Points**	**Score**	**Grade**
16	Appoints a named person authorised to cooperate with CSOs	14	88%	5
17	Enables CSOs to sign up to a registry (for regular information sharing)	4	25%	2
18	Invites interested CSOs to sign up/ register for receiving information	5	31%	2
19	Has a prepared written document (guidelines) for the inclusion of civil society organizations	4	25%	2
20	Includes the representatives of civil society on the governments councils or on the expert councils and commissions working with the government body, even if it is not legally required to do so	12	75%	4
21	Includes represents of civil society in its delegations to international events	6	38%	2
22	Lays down in advance a method of selecting civil society representatives in instances in which the number of civil society representatives must be limited	3	19%	1
23	Trains its staff about the participation of civil society in the work of government departments	12	75%	4

COMMUNICATION ENVIRONMENT - RESULTS

The financial support environment for the inclusion of NGOs and civil society in the procedure of legislation preparation			
The government body proposing the legislation:	**Points**	**Score**	**Grade**
24 Finances CSOs programmes (institutional support)	7	54%	3
25 Finances CSOs projects (project activities)	7	54%	3
26 Has dedicated a fund available to cover the costs of CSOs representatives participating on government commissions etc.	3	19%	1
27 Has dedicated funds available for support services for the inclusion (legal consultation and information support) and advocacy of CSOs	0	0%	1
28 Offers CSOs use of premises, free of charge or subsidised	3	19%	1
29 Offers additional forms of support (hiring equipment, training etc.)	8	50%	3

COMMUNICATION ENVIRONMENT - RESULTS

Monitoring and evaluating the implementation of legislation

The government body proposing the legislation:	Points	Score	Grade
30 Monitors and evaluates legislation implementation in its own area of operation	13	81%	5
31 Includes representatives of civil society in the monitoring and evaluation of legislation	7	44%	3
Publishes reports on the monitoring and evaluation of legislation:			
32 In electronic form on its web site (web site URL)	4	25%	2
33 In printed hardcopy (e.g.. publication,.. etc.)	4	25%	2
34 Publishes reports on the extent to which the public has been included in the legislation preparation, and the impact of the public's inclusion	1	6%	1
35 At the end of the preparation of the legislation in the memorandum the government body always informs the public on the public`s inclusion and cooperation	8	53%	3

Communication and support environment

Results by Institution (max 35 points)	Set 1	Set 2	Total	Grade
Ministry of Labour and Social Affaires	10	14	**24**	4
Agency for Youth and Sports	10	14	**24**	4
Ministry of Culture	11	12	**23**	4
Ministry of Education and Science	11	11	**22**	4
Ministry of Environment and Urban Planning	9	12	**21**	3
Commission for protection against discrimination*	7	7	**14**	3
Ministry of Local Self-Government	10	6	**16**	3
Ministry of Information Society and Administration	9	7	**16**	3
Ministry of Defence	6	9	**15**	3
Secretariat for European Affaires*	6	7	**13**	3
Secretariat for the implementation of the Ohrid Framework Agreement (SIOFA)*	3	7	**11**	3
Ministry of Transport and Communications	9	5	**14**	2
Ministry of Internal Affaires	9	4	**13**	2
State Commission for the prevention of corruption (DKSK)*	3	6	**9**	2
Ministry of Economy	7	4	**11**	2
Commission for Relations with Religious Communities*	4	2	**6**	2

INTERNET BASED MONITORING

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THANK YOU!

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