



PUBLIC PARTICIPATION PLATFORMS AND OPPORTUNITIES IN ARMENIA: MAPPING STUDY

SUMMARY OF FINDINGS

This study was carried out within the framework of the EU-funded project “Participatory Democracy in Action”, which aims to contribute to evidence-based and participatory decision-making in public administration and democratic processes. The project is implemented by Transparency International Anticorruption Center NGO and its partners, Martuni Women Community Council and Public Dialogue NGO. Its contents are the sole responsibility of Transparency International Anticorruption Center and do not necessarily reflect the views of the European Union.

The main purpose of the study was to review the existing dialogue and participation channels, particularly in terms of incorporating rights-based approach. The study covers the current legal and institutional framework and practical opportunities for public participation in Armenia, including the tools for public participation in policy development, implementation and monitoring processes, the activities of consultative bodies, participation at the community level, and participation opportunities for vulnerable groups. The study was conducted through document analysis, interviews and focus group discussions.

Main national **legal acts regulating participation** are the Constitution of Armenia, Law on Normative Legal Acts, Constitutional Law on the Rules of Procedure of the National Assembly, Law on Local Self-Government, and Procedure of Organising and Conducting Public Consultations approved by the government decree. Among international documents, in addition to the conventions ratified by Armenia, the Council of Europe Guidelines for civil participation in political decision making and Guidelines for States on the effective implementation of the right to participate in public affairs by Office of the United Nations High Commissioner for Human Rights were reviewed.

According to the research findings, the legal regulations and existing platforms for **access to information** are generally enabling for the exercise of this right. However, there are a number of problems in practice, related to delayed and incomplete answers to information inquiries, lack of pro-active publication of information by public administration and local self-government bodies as required by legislation, as well as the poor quality of the published information and the lack of open data format.

The **public participation opportunities** generally improved in recent years, with the exception of 2020, when a setback was noted in the enforcement of participation requirements and the use of existing platforms in the decision-making process. The main **legal gaps in participation** are related to the lack of mandatory public consultation of parliament-initiated legal drafts and regulations on participation in the stages of policy implementation and monitoring.

The **lack of effective communication and insufficient human capacities** in public administration are noted among the main obstacles to the participatory processes. On the other hand, the civil society organisations (CSOs) also lack **adequate skills and knowledge** for ensuring effective public

participation, while the public in general has **limited awareness on participation channels and low level of motivation** to participate in decision making processes.

The personal attitude of officials, good image of a CSO and using evidence-based approach, shared interest in utilisation of CSOs' resources and expertise, as well as specific policy areas and political will for engagement are mentioned as **major contributing factors** for effective participation.

One of the platforms largely used as a tool for participation in policy-making is the **unified platform for publication of drafts of legal acts** (e-draft.am). This platform provides publicity of the draft legal acts initiated by the executive authorities, providing an opportunity for any person to submit a recommendation. However, the e-draft.am platform does not function in full compliance with the procedures adopted by the government, and the incorporation of submitted recommendations is assessed by CSOs as insufficient. **Public hearings and face-to-face discussions** are another participation tool used rather frequently and allowing for direct dialogue between decision-makers and civil society. This format, however, is used by the discretion of government agencies, and the transparency of engagement criteria and discussion outcomes is often not ensured. CSOs and international organisations often play an important role in initiating and conducting public hearings and discussions, and their cooperation and contribution ensures wide coverage of such discussions and engagement of vulnerable groups. **Petition mechanism** established by constitutional reforms is not widely used by CSOs and public yet, while the electronic platform for petitions is not largely accessibility due to strict identification requirements. **Participation tools in the parliament** include hearings, expert discussions, working groups: these tools significantly contribute to the dialogue between the National Assembly and civil society, but are not sufficient for effective and meaningful participation as they are optional and used inconsistently.

A special chapter of the report describes **the work of various consultative bodies**. Public councils, joint working groups, multi-stakeholder platforms, committees and monitoring groups provide a step forward in reaching collaboration level in the participation ladder. At the same time, the potential of these bodies is not fully utilised by the government bodies, which fail to keep the regularity of meetings set by legal provisions and do not take full advantage of CSO input and expertise.

Participation on the local level is most often established through face-to-face personal interactions between citizens and officials, community hearings and discussions, and in some cases, activities of consultative bodies. Among the obstacles of local level participation, lack of political will for participatory governance, gaps in transparency and accountability of local self-government bodies, weaknesses of community councils, as well as low level of public awareness and motivation to participate are observed. As a rule, availability of local CSOs usually positively impacts the level and quality of participation in communities.

Finally, the study reviews the current legal and practical opportunities for the **participation of vulnerable groups**. A number of laws and policies adopted recently address gender equality and rights of persons with disabilities, but the regulations on discrimination against other groups (namely, the draft law "On Ensuring Equality") are still under discussion. The practical problems include lack of information access and physical accessibility for people with disabilities, discrimination against representatives of sexual minorities, limited skills of communicating with vulnerable groups, and complicated format of presenting information. Though the state and local authorities are generally open to the participation of vulnerable groups, they rarely take special efforts to engage these groups unless the discussed policy or draft law directly affects a specific group. In this regard, the most instrumental option is involvement of CSOs the decision-making process as representing interests of specific groups.

The report includes three case studies illustrating usage of participation tools and platforms, achievements and challenges in the areas such as election reforms, environmental policy, and community-level participation.

MAIN RECOMMENDATIONS

The recommendations of the report include the following:

1. Publish **complete and regularly updated information** on official websites in accordance with the law, providing its accessibility to all social groups and applying an "open data" format to allow for data comparison and analysis.
2. Establish **oversight mechanisms** to monitor the processes of publishing information and providing responses to inquiries, and **apply effective sanctions** in case of non-compliance with the legal provisions on access to information.
3. Build the **capacities of both state officials and CSOs** to establish effective dialogue and make use of available platforms and opportunities. In particular, CSOs need to improve their knowledge of the state system and the legislative process as well as skills in developing and presenting evidence-based recommendations, draft policies and legal acts.
4. Implement **awareness-raising activities** for general population; present information and documents of public interest in a user-friendly manner. Conduct public discussions locally, specifically targeting disadvantaged and vulnerable groups as well as remote communities, as these groups are most marginalised from participatory processes. Utilise new electronic communication tools and applications for disseminating information and sending notifications about community council meeting and public discussions, including links to existing platforms and tools in order to promote their usage.
5. Appoint a **staff member or team responsible for public consultations** in state agencies to organise a more effective participatory process, with their functions including maintaining a list of relevant CSOs and experts, personal communication with stakeholders, providing high-quality feedback, and keeping day-to-day communication to ensure CSO participation not only in the stage of policy development, but also in implementation and monitoring, which will help to coordinate efforts by the state agencies and CSOs in line with the state policy.
6. Ensure **mandatory public consultation of draft laws initiated by the parliament** within a reasonable timeframe, considering e-draft.am platform for this purpose. Organise **public discussions on drafts raising public interest** or having considerable impact on specific groups. Establish consistent and working **collaboration with relevant sectoral CSOs** by each parliamentary committee. Provide **accessibility** of parliament building and parliament-related information, as well as more user-friendly presentation formats.
7. Envisage relevant legal regulations to enforce **engagement of civil society in the implementation and monitoring** of policies and strategies, as well as allocation of necessary financial resources. The **social contracting** mechanism would allow to effectively regulate provision of social and health services by CSOs and ensure their input in the implementation of relevant policies.
8. Implement legal provisions related to the functionality of **unified electronic platform for legal drafts**, extend the timeline for consultation on extensive legal drafts and strategies, provide more user-friendly information on drafts (including in video or audio format), and publish the statistical data on the proposals submitted and their acceptance (disaggregated by state bodies).
9. Conduct mandatory **public hearings and discussions on drafts having great public interest** or considerable impact on specific groups, provide presence of high-level decision makers at the meetings, and publish the outcomes of these meetings in a table format, including provided and accepted suggestions. Ensure that information on such meetings is widely disseminated to allow participation of any interested person, maintain mailing list and/or database of CSOs working in relevant area, which is open for registration, and in case of invitation-based events provide

transparency of the participation criteria. Conduct **expert discussions in the early stages** of legislation development before preparing a draft or strategy document.

10. Raise awareness about the **electronic platform of petitions**, make it accessible to a wider audience, and establish mechanisms to find solutions to raised issues at least in cases where petitions have gained a certain number of supporters.
11. Ensure **full activity of consultative bodies** keeping the set regularity of meetings, developing agenda jointly, and ensuring more voice of these bodies in decision-making. Provide full transparency of member selection, sessions, and outcomes of consultative group activities. Run expert groups (including on paid basis) to conduct professional analysis and provide recommendations both on new drafts and existing legislation.
12. Ensure full utilisation of existing information platforms **by local governments**, including timely publication of required information on community websites, as well as provide additional channels for disseminating information. Develop participation-related knowledge and skills of both community members and local government representatives. Ensure meaningful and effective participation at community meetings, hearings, and discussions, involving as wide range of stakeholders as possible, providing feedback on the proposals, and ensuring transparency of event outcomes and accountability for further actions. Strengthen the community council institute to represent the interests of the population, and support local initiative groups and CSOs.
13. Make efforts to **engage representatives of vulnerable groups** not only in the discussion of drafts that directly concern them, but also any issue of public interest. Provide physical access to government facilities for people with mobility problems, adjust official websites for the use of visually impaired citizens and provide sign language translation in official videos. Train representatives of state institutions to be able to effectively communicate with different groups. Take into account the needs of all social groups in any decision-making process and conduct expert analysis to identify the impact of any legal act on vulnerable groups.

The full text of the report (in Armenian) is available at:

<https://transparency.am/en/publications/view/409>.