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Public Participation: Principles and Best practice

Trust in public institutions is key to a thriving civil society, but in many countries, trust is lacking, and opportunities to engage in government decision-making are absent. To address this, ICNL works with partners around the world to develop and reform laws and policies so that they provide greater civil society participation at the national, regional, and local levels.

ICNL supports efforts to implement new initiatives in an inclusive manner so that everyone can participate effectively. ICNL cooperates with local partners to ensure that international standards are known and understood. Working together, civil society and governments around the world have made progress in expanding opportunities for meaningful public participation, but more remains to be done.

International legal framework

Article 25, ICCPR

Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:

(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;

(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;

Article 25 of the International Covenant on Civil and Political Rights codifies the right to participate in public affairs, there was a broad interpretation of the right to participate in public affairs, including:

- Directly by voting in referenda, by being elected, or presumably by participating in other means of direct democracy.

- Through freely chosen representatives that are elected according to international election obligations and standards;
- Through consultative processes;
- Through debate and dialogue;
- Individually and with others.
- By establishing and joining organizations, including civil society organizations, unions and political parties;
- Through equal access to public service positions, including employment in public positions.

It should be noted that most constitutions in the Middle East and North Africa region refer to the right to public participation and affirmed it in the 2004 Arab Charter on Human Rights.

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Principles of public participation:
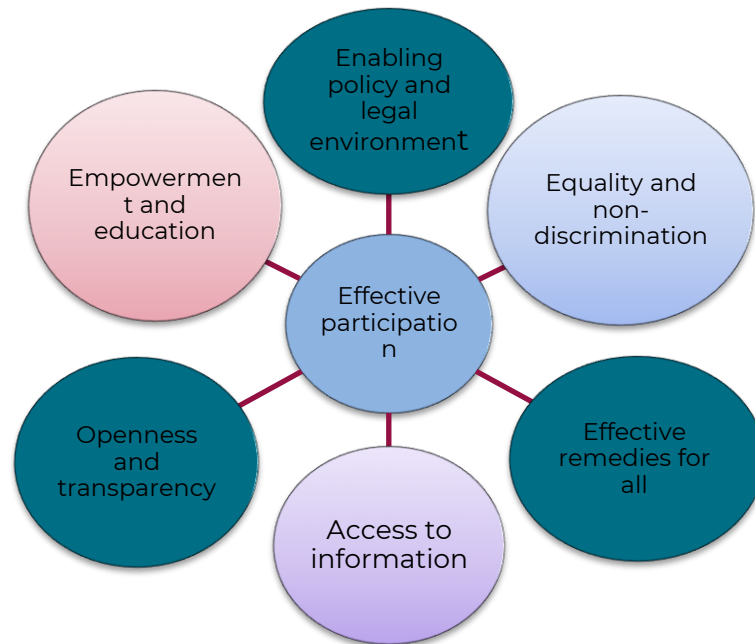
- **ENABLING ENVIRONMENT** Requires States to create and maintain an environment where all human rights, particularly the rights to equality and non-discrimination, freedom of opinion and expression, and freedom of peaceful assembly and association, are fully respected and enjoyed by all individuals. Access to information should also be guaranteed.

- **SAFETY** Requires that life, physical integrity, liberty, security and privacy of all individuals, including journalists and human rights defenders, be protected at all times.

- **EQUALITY** Rights to equality and non-discrimination should be protected and implemented to ensure inclusiveness in the exercise of the right to participate in public affairs.

- **EMPOWERMENT** Requires support and encouragement of individuals, empowered and equipped with the knowledge and capacity to claim and exercise their rights to participate. States should encourage this through civic education programs at all levels.

- **OPENNESS** Requires promoting transparency in all aspects of decision-making processes and accountability of public authorities.
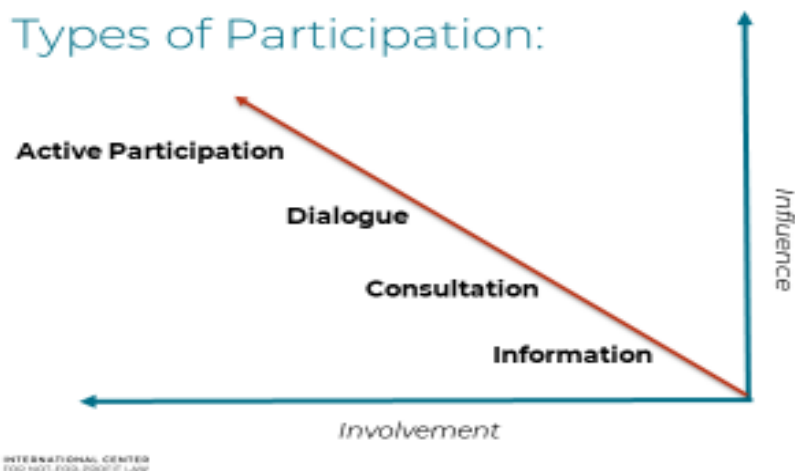
- **REMEDIES** Requires States to ensure access to justice and provide effective remedies when the right to participate is violated.

Public participation in decision making can take different forms, including:

- **Provision of information** - A one-way relationship in which information flows in one direction, from the government to citizens. The government informs citizens about its decisions and initiatives as it sees fit, or citizens extract information at their own initiative. **E.g.** public access to documents of public significance, an official gazette, and the government's Internet pages. Diverse information sources, both offline and online, to key documents and without restrictions on analysis and re-use of such information. **Use ICT tools** to create spaces and opportunities for the public to take part meaningfully in a variety of activities e.g. submitting, commenting and voting on, legislative and policy proposals.
- **Consultation** - The government seeks feedback from citizens in the process of shaping public policy. It is a two-way relationship in which the government determines participants, in order to receive sound feedback. The government ensures that citizens are provided with pertinent information in advance. **E.g.** comments to draft laws. Using tools, such as meetings, public hearings, focus groups, surveys, questionnaires and digital tools. Provide feedback on the outcome of consultations: **Other best practices and general considerations for promoting public consultation**
  - Provide all necessary documents in advance
  - Provide adequate time.
  - Provide feedback on the information received during the consultation process.

- Provide remedies for non-compliance.
- **Dialogue** – this is a structured, long-lasting and results-oriented process based on mutual interest in the exchange of opinions between public authorities, individuals, NGOs and civil society at large. **E.g.** creation of permanent platforms - regular public hearings, public forums, advisory councils or similar structures.
- **Active involvement** - A higher degree of a two-way relationship in which citizens are actively involved in shaping public policies, such as through membership in working groups or committees commissioned to prepare a draft law. Public authorities can adopt transparent criteria and processes for the representation of individuals, NGOs and civil society; Establish various types of partnerships involving public authorities, NGOs and representatives of civil society at different stages of the decision-making process, which may include partnerships relating to the implementation of decisions.

Examples of Mechanisms:

Designated websites or platforms	Public campaigns	Multi-stakeholder committees or councils / advisory bodies
Public hearings	Conferences and discussions	Consultations
Working groups	Hackathons	Surveys

The conduct of public affairs is a broad concept that covers all aspects of public administration and policy formulation and implementation at international, national, regional and local levels. Direct participation in the conduct of public affairs may take place in different contexts and using a variety of mechanisms or tools, such as:

Public consultations can include a range of tools and mechanisms including:

- Open plenary or committee sessions to ensure debates during the decision-making.
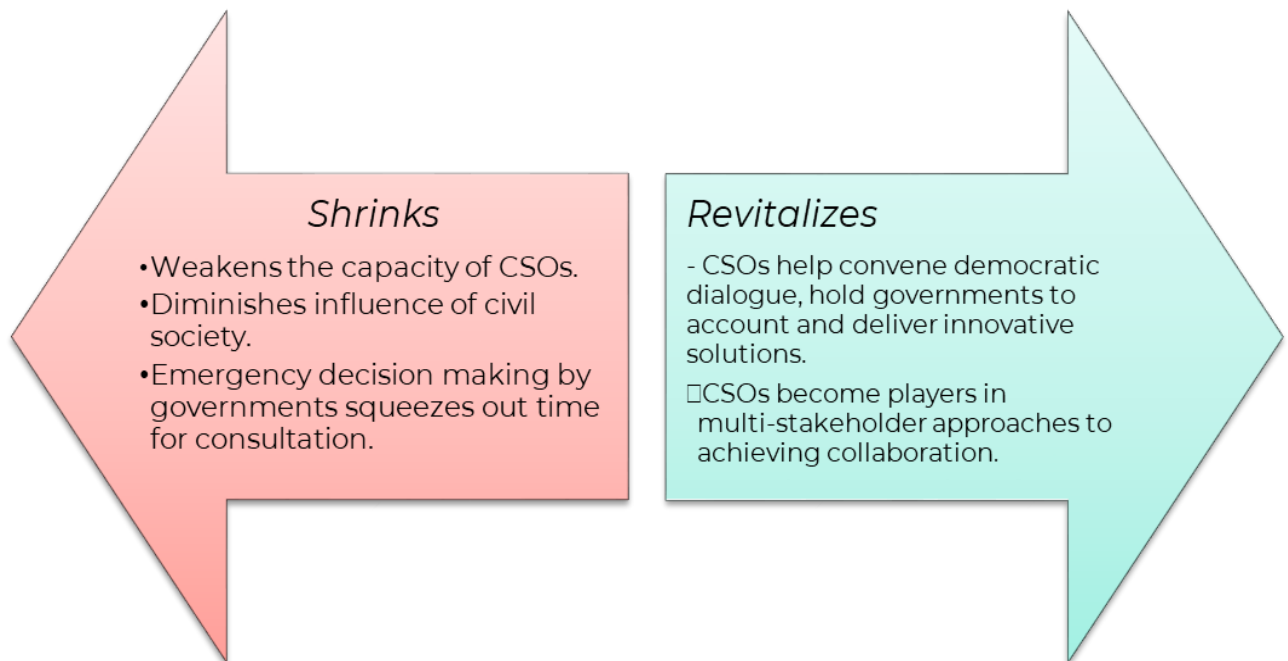- Mechanisms to submit queries and proposals.

- Joint assessment strategies.
- Online consultation (e.g. web platforms) or in person meetings (e.g. focus group, panels, public debates, expert seminars, etc.).
- Mechanisms to follow progress such as polls, online surveys or questionnaires, to collect interests and suggestions from stakeholders.

Direct Participation - Examples (both offline and online): (Popular assemblies)

- Public debate and dialogue with representatives
- Self-organization, associations, assemblies.

What Potential Impact will COVID-19 on the Right to Public Participation?

Shrinks
- Weakens the capacity of CSOs.
- Diminishes influence of civil society.
- Emergency decision making by governments squeezes out time for consultation.

Revitalizes
- CSOs help convene democratic dialogue, hold governments to account and deliver innovative solutions.
- CSOs become players in multi-stakeholder approaches to achieving collaboration.

http://www.oecd.org/coronavirus/policy-responses/strategic-foresight-for-the-covid-19-crisis-and-beyond-using-futures-thinking-to-design-better-public-policies-c3448fa5

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During COVID-19, public participation in decision making is more crucial than ever because people need measures that respond with their actual needs, so governments must ensure:

The right to take part in decision-making.	The right to access to information	Inclusive participation by civil society.

Importance of Public Participation During a Crisis

"Civil society must be regarded as an essential partner of governments in responding to the present crisis, in terms of helping to frame inclusive policies, disseminating information, building shared and cooperative approaches, and providing social support to vulnerable communities."

UNITED NATIONS
HUMAN RIGHTS
OFFICE OF THE HIGH COMMISSIONER

https://www.ohchr.org/Documents/Issues/FAssociation/Checklist.pdf

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Practical Steps Authorities can Take During COVID-19

1. Authorities should publicly recognize the role of civil society as an essential partner in responding to and recovering from the Covid-19 emergency crisis.

Examples:

- The city of Chicago (United States) launched a COVID-19 Recovery Taskforce, mobilising experts from industry, regional government leaders, community-based partners and policymakers, articulated around five core committees.
- The city of Barcelona (Spain) is working on a city pact with stakeholders from the social, cultural and sports sectors, as well as political parties, to reflect on how to best answer the crisis.

2. Civil society must enjoy an enabling environment to participate in the design and implementation of effective public health strategies, disseminate information, build cooperative approaches, and provide social support to vulnerable communities amid the Covid-19 emergency.

According to a recent survey of 47 major global cities:

- 94% declared they were engaging stakeholders in recovery planning
- 83% listed multiple stakeholders as planning and delivery partners. Stakeholders included research and academic institutions, multilateral organisations and banks, philanthropic foundations and funders, and community-level stakeholders.

3. CSOs delivering services and humanitarian assistance should have access to emergency public funding while preserving their independence. These funding programs should be transparent, fair and accessible.

Example:

- In its recovery strategy, Milan (Italy) plans to ensure the participation of everyone including local institutions, representatives, non-profits, citizens' associations and self-employed individuals through the enhanced use of digital tools and the implementation of appropriate measures for the most vulnerable in areas such as food, assistance and grocery delivery through collaboration with non-profits and donors.

4. Identify cost-effective and easily accessible solutions or techniques to facilitate participation. May include online consultations, surveys, needs-assessments, crowd-sourcing input and/or feedback, use innovative mechanisms, such as hackathons.

E-participation tools should be used to create spaces and opportunities for the public to take part meaningfully in a variety of activities e.g. submitting, commenting and voting on, legislative and policy proposals. Look for new tools such as surveys, questionnaires, videoconferencing, smart phone applications, chats, for engaging before, during and after public decision-making, etc.

Examples:

- Sydney (Australia): Conducted a survey from 18 May to 3 June to inform its City Recovery Plan. This survey allowed the city to receive direct input and suggestions on behalf of local businesses, property owners, organisations, residents, workers, students and other groups. The information will be made available in a public report. The city has also invited all residents to submit additional feedback and has specifically provided support for residents with hearing or speech impairments or in need of an interpreter.
- To support its tourism recovery, Valmiera (Latvia) organised a hackathon to generate and finance ideas and projects to facilitate Latvian and Estonian tourism back to the city.
- In its recovery strategy, Milan (Italy) plans to ensure the participation of everyone including local institutions, representatives, non-profits, citizens' associations and self-employed individuals through the enhanced use of digital tools and the implementation of appropriate measures for the most vulnerable in areas such as food, assistance and grocery delivery through collaboration with non-profits and donors.

5. Address digital security and inclusiveness

When developing new tools, stakeholders should consider the following:

The most commonly used forms of technology in your community (Computers, smart phones, SMS); average bandwidth speeds and storage capabilities; how to address the digital divide; will the use of the tools be inexpensive or free.

Examples:

- In Libya, the government and telecom companies agreed that individuals using the app to solicit information and seek medical advice about COVID-19 do not incur data charges.
- The City of Toronto (Canada) has partnered with ICT companies to provide free temporary internet access for low-income neighbourhoods, long-term care homes and shelters.

6. Authorities should adopt measures to ensure participation of women-led organizations, women's rights organizations, youth groups, and minority and indigenous communities in the design, development, and implementation of covid-19 response and recovery decision making.

Effective measures should be developed and implemented to make ICT widely available, especially for women, persons with disabilities, older persons, persons living in rural areas and indigenous peoples.

Example:

- Norway's Prime Minister held an online press conference with a Q&A session specifically for youth to help ease their fears. During COVID-19, open data and e-

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participation could help build public trust in government crisis response measures and support vulnerable groups in society.

Resources:

- [OHCHR Guidelines on the effective implementation of the right to participate in public affairs](#)
- UN Human Rights Committee, General Comment No. 25
- Models to promote Cooperation between Civil Society and Public Authorities, By ICNL,ECNL and USAID
- https://www.ohchr.org/Documents/Issues/FAssociation/Checklist.pdf
- https://www.ohchr.org/Documents/Issues/PublicAffairs/GuidelinesRightParticipatePublicAffairs_briefer.pdf
- https://ecnl.org/keeping-civic-space-healthy-rights-card-on-public-participation-in-decision-making-during-covid-19/
- http://www.oecd.org/coronavirus/policy-responses/cities-policy-responses-fd1053ff/