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Summery of the report on the participation of civil society in decision-making processes at the national level in 2020

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The report on the participation of civil society in decision-making processes at the national level in 2020 contains the results of research conducted by the Center for Development of Non-Governmental Organizations (CRNVO) with the aim to analyse the involvement of NGOs and the interested public in law-making, strategies and other acts. The reporting period to which the data refer is the calendar year 2020.

From 2018, the area of involvement of non-governmental organisations, but also the general public in decision-making processes is regulated by the Decree on the Election of Representatives of Non-Governmental Organizations to Working Bodies of State Administration Bodies and Conducting Public Debates in Drafting Laws and Strategies (Official Gazette No. 41/2018). This Decree combines two decrees that previously regulated this area: the Decree on the manner and procedure of cooperation between state administration bodies and non-governmental organizations ("Official Gazette of Montenegro", No. 07/12 of 30.01.2012) and the Decree on the procedure and the manner of conducting a public hearing in the preparation of the law ("Official Gazette of Montenegro", No. 02/12 of 24.02.2012).

The methodology used to conduct the research was the requirements for free access to information, as well as a detailed and continuous search of the websites of state administration bodies and e-government portals.

- Special challenges in the research: Reducing the number of administrative bodies and new sites

During this research, we faced a couple of specific challenges. At the end of last year, after the parliamentary elections and the election of the new government, the state administration bodies were restructured, mainly by merging several ministries, so that the scope of competencies of individual ministries was significantly expanded, while their number was reduced. Since requests for free access to information are one of the methods used in this research, they are addressed to the currently existing administrative bodies, noting that the requested information also applies to all previously existing bodies whose competencies they have taken over. collected by searching the websites of state administration bodies and e-government portals. This is due to the fact that the bodies that responded positively to the requests for STIs most often referred to their sites where the requested information was published. Here, we encountered another significant challenge, and

that is the fact that during the work on this research, new websites of ministries were created and the previous ones were shut down. Therefore, the links to the requested information that we received through the answers to the requests for free access to information were no longer valid, and in addition, the information that was the subject of this research on new sites is still not systematised, which made it difficult and slow to access them. . In this part, we must welcome the fact that one of the recommendations from our last year's report was accepted, and that is the need to create new sites for most state administration bodies, especially ministries, due to the extremely poor quality of previous ones. In the future, the necessary information will be obtained faster and easier. It should be added that most publications in all categories covered in the report are not available on the e-government portal.

Given that the previous year in Montenegro, as in the rest of the world, was marked by the epidemic of COVID-19 virus, this research is especially important because for the first time it gives a clear picture of how this emergency situation affected the involvement of civil society in decision-making processes at the national level, and may have identified certain opportunities to increase inclusiveness in these processes even in regular circumstances.

In accordance with Article 3 of the Decree on the Election of Representatives of Non-Governmental Organisations to the Working Bodies of State Administration Bodies and the Conduct of Public Hearing in the Preparation of Laws and Strategies in the Previous 2020, public administration bodies issued 53 calls for the election of representatives of non-governmental organizations. 24 of them are also on the e-government portal. Through these calls, a total of 81 NGO representatives in the working bodies were requested.

Lists of candidates were published for 32 bodies, while for 4 bodies there is a notification that there were no candidates. Out of these, a total of 36 lists and notifications, 17 of them were published on the e-government portal. Based on the available lists of candidates, 52 candidates were nominated for membership in working bodies on behalf of non-governmental organisations.

Pursuant to Article 12 of the Regulation, 19 calls for consultations were published, of which 8 are also available on the e-government portal. Six Reports from the consultation of the interested public were published, of which 5 on the e-government portal.

Pursuant to Articles 14-18 of the Regulation, 32 calls to participate in public hearings were published, 17 on the e-government portal. 20 reports from public hearings are available, of which 10 are also available on the e-government portal. 17 RIA forms have been published, 9 of which are also on the e-government portal.

Recommendations

- o Make full use of the e-government portal and always publish all calls, reports and similar notices on this platform, which is the obligation of state administration bodies.
- o Amend the Decree on the Election of Representatives of Non-Governmental Organizations to the Working Bodies of State Administration Bodies and Conduct Public Debates in the Preparation of Laws and Strategies by including the obligation to publish a decision on the appointment of NGO representatives in them.
- o Calls for public consultation in the initial phase of drafting acts to be send together with calls for working bodies. As working bodies are the most used, and consultations the least used form of participation in decision-making processes, and both are related to the drafting, ie preparation of draft acts, we believe that invitations to participate in them should be published jointly to maximize both mechanisms.
- o Enable online organization of public hearings, when objective circumstances do not allow traditional organization of events, and in regular circumstances leave the possibility of a hybrid model of organizing events, so that as many interested public as possible can contribute to them, even in cases when they are physically unable to attend.
- o Introduce a binding norm that no report from the public debate on draft laws can be adopted by the Government if the RIA form is not published together with the invitation to the debate.

