

Law of the Republic of Azerbaijan on Public Participation

In accordance with part I of the 1st section of Article 94 of the Constitution of the Republic of Azerbaijan, this law regulates relations arising when involving the citizens of the Republic of Azerbaijan in the realization of state governance.

Chapter I

General provisions

Article 1. Main definitions

1.0. For the purposes of this law the following main definitions are used:

1.0.1. **public participation** - participation in preparation and implementation of the state policy in different fields of state and social life; participation of citizens and civil society institutions in decision-making on nationwide and local level; participation of citizens and civil society institutions in the forms defined in this Law in organization of public control over the activity of the central executive authority bodies defined by the relevant executive authority bodies (hereinafter – central executive authority bodies), local executive authority, and self-government bodies; consultation of state bodies with the society and consideration of the public opinion;

1.0.2. **civil society institutions** - non-governmental organizations (public unions and foundations), mass media, trade unions, initiative groups of citizens, and *mahalla* committees of municipalities;

1.0.3. **public council** - a consultative body, established by the central or local executive authority bodies and local self-government bodies for realization of the purposes considered in this Law;

1.0.4. **public discussion** - a gathering, organized with participation of authorized representatives of relevant state and local self-government bodies, representatives of civil society institutions, citizens specialists, and experts for preparing the proposals of different strata of the population on relevant issues in adoption of decisions of public importance.

1.0.5. **public hearing** - a gathering, organized with participation of authorized representatives of relevant state and local self-government bodies, representatives of civil society institutions, citizens, specialists, and experts for conducting consultations with the public and informing the citizens on draft legal acts, various issues of state and society life.

1.0.6. **studying public opinion** - conducting sociological surveys and other similar activities with the aim of studying the opinion of different strata of the population on various issues of state and social life.

1..0.7. **public discussion of draft legal acts** - research, analysis and evaluation of draft legal acts with participation of the persons taking part in their drafting, as well as civil society institutions, citizens, experts, and specialists.

1.0.8 **written consultation** - application by central and local executive authorities and local self-government bodies to civil society institutions for learning their opinion on draft legal acts and analyzing, summarizing, and evaluating opinions, remarks, and suggestions submitted in a written form.

Article 2: Legislation on Public Participation of the Republic of Azerbaijan

2.1. The legislation on public participation of the Republic of Azerbaijan consists of the Constitution of the Republic of Azerbaijan, international treaties to which the Republic of Azerbaijan is a party, and this law

2.2. The provisions of this law do not limit other rights of civil society institutions and individuals regarding the realization of public participation not considered in this law.

Article 3. Purposes of public participation

3.0. Purposes of public participation are below:

3.0.1. involving citizens in participation in state governance;

3.0.2. realization of public control over the activity of central and local executive authorities and local self-government bodies;

3.0.3. organization of effective mutual activity between central and local executive authorities and local self-government bodies and the public;

3.0.4. provision of clarity and transparency in the activities of central and local executive authorities and local self-government bodies;

3.0.5. consideration of public opinion and citizens' legal interests in the formation of state policy, its implementation, and decision making;

3.0.6. protection of the fundamental human and citizen rights.

Article 4. Principles of Public Participations

4.0. Public participation is realized under the following principles:

4.0.1. rule of law;

4.0.2. voluntariness;

4.0.3. transparency;

4.0.4. pluralism;

4.0.5. equality and non-discrimination.

Article 5. Forms of Public Participation

5.1. Forms of public participation include the following:

5.1.1. public council;

5.1.2. public discussion;

5.1.3. public hearing;

5.1.4. studying public opinion;

5.1.5. public discussion of draft legal acts;

5.1.6. written consultation.

5.2. This law does not limit the realization of public participation in other forms.

Chapter II

Public Councils

Article 6. Rule of establishment of public councils

6.1. A public council consists of 5-15 members elected by civil society institutions in accordance with the regulation defined by the relevant executive authority body, taking into consideration the requirements defined in this Law. Each citizen of the Republic of Azerbaijan, who is at least 16 years old can become a member of a public council.

6.2. The term of office of a public council is 2 years.

6.3. Central and local executive authorities and local self-government bodies announce on its webpage or through other means the nomination of candidates to a public council and dates for the beginning and completion of their registration process. The period for nomination and registration of candidates cannot be less than 20 working days.

6.4. Each civil society institution can nominate only 1 candidate to the membership of a public council. Within a month after the completion of the candidates' nominations the elections for the public council are held.

6.5. Civil society institutions not nominating candidates are also able to participate in election of members of a public council.

6.6. Members of a public council, including at local executive authorities and local self-government bodies, are elected by secret ballot among candidates at the joint meeting, with participation of an equal number of representatives of the civil society institutions (their local representations).

6.7. Members are not paid salary, honorarium, compensation, or other payments for their activity on a public council.

6.8. Issues related to technical (with the exception of financial resources of central and local executive authority bodies and local self-government bodies) and informational support of the activities of public councils are to be addressed by the relevant central or local executive authority or local self-government body.

6.9 Central and local executive and local self-government bodies shall create an environment for independent functioning of public councils.

Article 7. Rights and duties of public councils

7.1. A public council has the following rights:

7.1.1. To receive from central and local executive authorities and local self-government bodies necessary information for its activity and draft legal acts on issues requiring discussions with the public';

7.1.2. To submit proposals to the central and local executive authority and local self-government bodies on organization of public discussions;

- 7.1.3. To make proposals on formation and implementation of state policy in relevant districts and fields;
- 7.1.4. To submit proposals on preparation of draft legal acts on preparing and implementing of state policy in appropriate field;
- 7.1.5. To collect proposals of civil society institutions on solutions to the issues of essential importance to the public, summarize them and submit to the central and local executive authorities and self-government bodies;
- 7.1.6. To organize open events (public discussions, hearings, seminars, conferences, round tables and other events) for the discussions of topical issues on development of certain fields or administrative-territorial units;
- 7.1.7. To conduct surveys to learn public opinion or submit proposals to the relevant organizations for conducting surveys.
- 7.1.8. To conduct public discussion of draft legal acts;
- 7.1.9. To attract the employees of the central and local executive authorities and local self-governed bodies, civil society institutions, experts, and the representatives of the scientific organizations, as well as international organizations and different specialists to the work of the council;
- 7.1.10. To create permanent and temporary working groups (committees, commissions, expert groups, working groups, etc.) to implement its purposes;
- 7.2. Members of public council have the right to enter the premises of central and local executive authorities and local self-government bodies according to the rules defined by the relevant body.
- 7.3. A public council has the following duties:
- 7.3.1. to comply with the Constitution and the laws of the Republic of Azerbaijan, as well as other normative-legal acts;
- 7.3.2. to inform the population about the activity of the council;
- 7.3.3. to develop and publish annual report on its activity;
- 7.3.4. to be impartial to discussed issues.

Article 8. Meetings of public council

- 9.1. Meetings of public council are held not less than 4 times in a year. Extraordinary meetings are called at the initiative of a chairman of the public council or at the request of one third (1/3) of the members.
- 9.2 Meetings of public council are held open.
- 9.3. Draft agenda of a meeting of a public council is formed by the proposals of the public council chairman and members and is approved at the meeting. Central and local executive authorities and local self-government bodies can propose issues for the discussions of the public council.
- 9.4. There is a quorum when more than half of the members of public council are taking part in a meeting. A meeting of a public council is led by the chairman. If the chairman is absent at the meeting, it is headed by the deputy chairman.
- 9.5. Acts of the public council are adopted by a simple majority of votes and signed by the chairman. If the number of votes is equal, the vote of the chairman is decisive.

Article 9. Chairman, Deputy Chairman and Secretary of Public Council

- 9.1. A chairman of the public council is elected for 2 years from the members of the council at the meeting of the council.
- 9.2. A chairman of the public council:

- 9.2.1. Leads the activities of public council;
- 9.2.2. Represents the council in relations with state and local self-government bodies and civil society institutions;
- 9.2.3. Determines the priority directions of public council activities;
- 9.2.4. Chairs the public council's meeting;
- 9.3. A Deputy Chairman of the public council is elected for 2 years from the members of the council at the meeting of the council.
- 9.4. A Secretary of the public council is elected from the members of the council for two years at the meeting of the council;
- 9.5. Secretary of the public council:
 - 9.5.1. Ensures the current activity of public council;
 - 9.5.2. Coordinates the activities of the members of public council;
 - 9.5.3. Presents accordingly the acts of the public council;
 - 9.5.4. Organizes the public council's clerical work.

Article 10. Regulations of public council

- 10.1. The working rules of a Public Council are defined in the internal procedures that are adopted in its meeting.
- 10.2. Regulations of a public council considers the following:
 - 10.2.1. Time and rules of conducting the meetings of public council;
 - 10.2.2. Rules on adoption of the public council's acts;
 - 10.2.3. Rules on election of the chairman, deputy chairman, and secretary of the public council;
 - 10.2.4. Rules on creating the permanent and temporary working bodies (committees, commissions, expert groups, working groups and etc.) of a public council and their duties;
 - 10.2.5. Grounds and rules for termination of the membership to public council;
 - 10.2.6. Issues of organization of mutual activities between a public council and the central and local executive authorities and local self-government bodies;
 - 10.2.7. Rules on involving the representatives of central and local executive authorities and local self-government bodies, representatives of civil society institutions, experts, and scientific organizations, as well as international organizations, and different specialists in the work of the public council.
 - 10.2.8. Other issues on organization of structure and activity of public council.

Article 11. Acts of public council

- 11.1. A public council shall adopt decisions on organizational issues and opinions, proposals and appeals on other issues.
- 11.2. Opinions and proposals of a public council shall be considered by the central and local executive authorities and local self-government bodies to whom they are addressed in accordance with the Law of the Republic of Azerbaijan on Procedure of Consideration of Citizen Appeals.
- 11.3. Failure to consider the opinions and proposals of a public council shall be justified by the relevant body or official.

Chapter III. Public hearing and public discussion

Article 12. Initiative of public hearing and public discussion

State and local self-government bodies, civil society institutions, public councils, or citizens can be initiators of public hearing and public discussion.

Article 13. Main requirements for organization and conducting of public hearings and public discussions

13.1. The following shall be taken into consideration while organizing and conducting public hearings and public discussions:

13.1.1. To define the goal and subject of a public hearing or public discussion clearly;

13.1.2. To inform all interested parties about the subject of a discussion or hearing;

13.1.3 To engage experts and specialists in hearings and discussions;

13.1.4. To conduct independent and broad analysis of the problem;

13.1.5. To open for discussion alternative drafts and suggestions when required;

13.1.6. To ensure participation of powerful representatives of all relevant state and local self-government bodies at the discussion or hearing;

13.1.7. To inform all interested parties about the results of a hearing or a discussion;

14.2 Public hearings and public discussions are held open. Any person can participate in hearings and express his/her considerations on the discussed issue.

Article 14. The organization of public hearing and public discussion

14.1. The organizer of public hearing and public discussion:

14.1.1. defines and approves the subject of a hearing or a discussion;

14.1.2. defines the subject of the main reports and reporters;

14.1.3. prepares a draft program of the hearing or discussion;

14.1.4. defines the place, time, and duration of the hearing or discussion;

14.1.5. defines the principles of selection of participants and forms of invitation and invites them;

14.1.6. prepares information for the public and mass media and places such information for everybody's access;

14.1.7. prepares a preliminary draft of the final document (documents) of a hearing or a discussion.

14.2. The announcement on organization of a public hearing or a public discussion is placed on the websites of the initiator or mass media no less than 7 working days before the event, with an indication of its time and place.

Article 15. Final document of public hearing and public discussion

15.1. In a case when public discussion is organized by civil society institutions, a final document of the public hearing is prepared in a form of summary of main idea, opinion, and proposals expressed during the hearing; signed by the chair of the hearing; and, upon completion of the hearing, submitted to the relevant state and local self-government bodies and mass media at latest within 3 working days.

15.2. In a case when public discussion is organized by civil society institutions, a final document is adopted in a form of opinions or proposals; signed by the chair of the meeting; and, upon completion of the discussion, submitted to relevant state and local self-government bodies and mass media at latest within 3 working days.

15.3. Final documents of public hearing and public discussion are considered according to the rules defined by Article 11.2 of this Law.

Chapter IV

Written consultation

Article 16. Organization of written consultations

16.1. Central and local executive authorities and local self-government bodies shall publish on their website or mass media information about the starting of written consultations on draft acts they have prepared.

16.2. Draft legal acts or their relevant structural elements considered information with limited access under the Law of the Republic of Azerbaijan on Obtaining Information shall not be published for written consultation.

Article 17. Duration of written consultation

17.1. Central and local executive authorities and local self-government bodies will provide civil society institutions with at least 7 working days to provide opinions, remarks, and proposals on draft legal acts they have prepared.

17.2. After discussing and evaluating submitted opinions, remarks, and proposals, central and local executive authorities and local self-government bodies will within 14 days provide a justification of its decision to consider or refuse submissions and publish it.

Chapter V

Public hearing and public discussion on draft legal acts

Article 18. Organization of public hearing and public discussion on draft laws

18.1. According to part I of Article 96 of the Constitution of the Republic of Azerbaijan public hearings and public discussions of draft laws submitted to Milli Majlis of the Republic of Azerbaijan are organized by the Secretariat of the Milli Majlis of the Republic of Azerbaijan.

18.2. For organization of public hearing and public discussion on draft laws the Secretariat of Milli Majlis of the Republic of Azerbaijan:

18.2.1. Allocates a special section on the website of the Milli Majlis of the Republic of Azerbaijan;

18.2.2. Within 3 days from being sent to a relevant committee, places all draft laws registered by the Secretariat of Milli Majlis of the Republic of Azerbaijan on the special section of the website of Milli Majlis;

18.2.3 Publishes the text of the draft law along with the following information on the special section of the website of Milli Majlis: information about the initiator of the draft law; the registration number of the draft law; the committee(s) to which it has been sent; the schedule and location of public hearings, as well as the duration and rules for conducting public discussion; the rules for submitting of opinions, remarks, and proposals; and the duration and results of consideration;

18.2.4. Informs the public of the results of consideration of submitted opinions, recommendations, and proposals;

18.2.5. Publishes the updated draft law after the first and second readings.

18.3. The rules for conducting public hearings on draft laws are defined by the Internal Regulations of Milli Majlis of the Republic of Azerbaijan.

Article 19. Conducting public hearings and public discussions on other draft legal acts

Public hearings and public discussions on draft legal acts, prepared by central and local executive authorities and local self-government bodies are conducted according to the rules defined by the relevant executive authority body.

Chapter VI

Concluding provisions

Article 20. Responsibility for violation of this Law

Persons, violating the requirements of this Law are responsible under the Code of Administrative Offenses of the Republic of Azerbaijan.

Article 21. Entry into force of the Law

This law will enter into force on June 1, 2014.

Ilham Aliyev
President of the Republic of Azerbaijan

Baku, 22 November 2013.

