

Law of the Republic of Azerbaijan on Public Participation

In accordance with I part of the 1st section of Article 94 of the Constitution of the Republic of Azerbaijan this law regulates relations arising in involvement of the citizens of the Republic of Azerbaijan in 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 society 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 with 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 at 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 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 opinion of different strata of population on various issues of state and society 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 authority and local self-government bodies to civil society institutions for learning their opinion on draft legal acts and analyzing, summarizing and evaluating of 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 to participation in state governance;

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

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

3.0.4. provision of clarity and transparency in activity of central and local executive authority 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 council

6.1. Public council is elected consisting of 5-15 members 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 achieved 16 years old can become a member of the public council.

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

6.3. Central and local executive authority and local self-government body announces on its webpage or through other means the nomination of candidates to public council, dates for beginning and completion of their registration process. 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 the public council. Within a month after the completion of the candidates' nominations the elections to the public council are held.

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

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

6.7. Members are not paid salary, honorarium, compensation and other payments for their activity in public council.

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

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

Article 7. Rights and duties of public council

7.1. Public council has the following rights:

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

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 district and field;

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 solution of the issues essentially important for the public, summarize them and submit to the central and local executive authority 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 field or administrative-territorial unit;

7.1.7. To conduct surveys on learning of public opinion or submit proposals to the relevant organizations on conduction of survey.

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 has the right to enter to the premises of central and local executive authorities and local self-government bodies according to the rule defined by the relevant body.

7.3. Public council has the following duties:

7.3.1. to comply 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 by initiative of a chairman of the public council or at the request of one third (1/3) part of the members.

9.2 Meetings of public council are held open.

9.3. Draft agenda of the meeting of public council is formed by the proposals of public council chairman and members and is approved at the meeting. Central and local executive authorities and local self-government bodies can propose issues to the discussions of the public council.

9.4. Meeting is competent when more than half of the members of public council are taking part at the meetings. The meeting of the 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 the 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 the Public Council are defined in the internal procedures that are adopted in its meeting.
- 10.2. Regulations of 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 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 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 to 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. Public council shall adopt the decisions on organizational issues, and opinion, proposals and appeals on other issues.
- 12.2. Opinions and proposals of 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".
- 12.3. Failure to consider the opinions and proposals of 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, citizens can be initiators of public hearing and public discussion.

Article 13. Main requirements for organization and conducting of public hearing and public discussion

13.1. The following shall be taken into consideration while organizing and conducting of public hearing and public discussion:

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

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

13.1.3 To engage experts and specialists to 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 local self-government bodies at the discussion or hearing;

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

14.2 Public hearings and public discussions are held open. Any person can participate in hearings and express his/her considerations on 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 and a discussion;

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

14.1.3. prepares draft program of hearing and discussion;

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

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

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

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

14.2. The announcement on organization of a public hearing or a public discussion is placed on the websites of an 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 public hearing is prepared in a form of summary of main idea, opinion and proposals expressed during hearing, signed by a chair of the hearing and upon completion of the hearing submitted to 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 a chair of the meeting and upon completion the discussion at latest within 3 working days submitted to relevant state and local self-government bodies and mass media.

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

Chapter IV

Written consultation

Article 16. Organization of written consultations

16.1. Central and local executive authority and local self-government bodies shall publish information about starting of written consultations on draft acts, prepared by them on their website or mass media.

16.2. Draft legal acts or their relevant structure elements, considering 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 authority and local self-government bodies consider at least 7 working days to civil society institutions to provide opinions, remarks and proposals on draft legal acts prepared by them.

17.2. After discussing and evaluating submitted opinions. Remarks and proposals central and local executive authority and local self-government bodies decide justified decision on considering or refusing them within 14 days 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 hearing and public discussion on 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. Places all draft laws registered by the Secretariat of Milli Majlis of the Republic of Azerbaijan within 3 days from being sent to a relevant committee on the special section of the website of Milli Majlis;

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

18.2.4. Informs the public on 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 rule of conducting public hearings on draft laws is defined by the Internal Regulations of Milli Majlis of the Republic of Azerbaijan.

Article 19. Conducting public hearing and public discussion on other draft legal acts

Public hearing and public discussion on draft legal acts, prepared by central and local executive authority and local self-government bodies conducted according to the rule 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 Administrative Offences Code of the Republic of Azerbaijan.

Article 21. Entry into force of the Law

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

Ilham Aliyev
President of the Republic of Azerbaijan

Baku, 22 November 2013.