

# PUBLIC CONSULTATIONS: EXAMINING CITIZEN PARTICIPATION AND EFFECTIVENESS



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# PUBLIC CONSULTATIONS: EXAMINING CITIZEN PARTICIPATION AND EFFECTIVENESS

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*This thematic report builds on the findings of the monitoring report “Public Consultations in Albania: The Illusion of Inclusion<sup>1</sup>”, published by the Institute for Democracy and Mediation. It highlights the monitoring results on **effectiveness** and **citizen participation** in public consultations.*

*This report was produced as part of the ‘Fostering Transparency and Good Governance’ project by the Institute for Democracy and Mediation (IDM), with the support of the National Endowment for Democracy (NED). The content of this publication does not necessarily reflect the views of NED.*

<sup>1</sup>See: <https://idmalbania.org/publication-cpt/monitoring-report-public-consultation-in-albania-the-illusion-of-inclusion/>

# INTRODUCTION

Meaningful public consultation processes are essential for developing laws and policies that can realistically address complex issues. Key indicators of an institution's commitment to *effectiveness of consultations* include reasonable planning of consultations throughout the year, sufficient time and notice for participation, and timely responses and approvals of draft acts that have been consulted. Selecting appropriate consultation methods and actively monitoring participation levels and outcomes are also crucial for ensuring effectiveness.

*Citizen participation in public consultations* is crucial for a well-functioning democracy and effective governance. When citizens engage actively, the effectiveness of the consultation process is enhanced, making it more meaningful and impactful. This engagement ensures that policies and legislation reflect the diverse needs and perspectives of the community, while also strengthening trust between citizens and their representatives, thus increasing the legitimacy of governmental decisions.

Effectiveness and citizen participation are two key principles emphasized in the law on notification and public consultation. Their monitoring by civil society helps identify areas for improvement, ensuring accountability in meaningful aspects of the process, beyond merely fulfilling formalities.

# METHODOLOGY

The methodology for monitoring public consultations is grounded in six key principles: transparency, accessibility, effectiveness, accountability, inclusiveness, non-discrimination, and citizen participation. To assess how institutions adhere to these principles, a scoring system with 31 indicators is developed - 15 of which are evaluated annually at the institutional level, and 16 are assessed for individual acts. This system generates a public consultation index that classifies institutional performance as low, average, or high based on the assigned scores. The monitoring process covered 10 central government institutions between March and June 2024. It analyzed 50 draft acts (laws, public policies, and strategic documents) that were consulted by the Albanian government during 2022–2023.

Data collection methods included desk research and Freedom of Information Requests.

The institutions involved in the monitoring are as follows:

- Ministry of Interior (MoI)
- Ministry of Agriculture and Rural Development (MARD)
- Ministry of Justice (MoJ)
- Ministry of Tourism and Environment (MTE)
- Ministry of Infrastructure and Energy (MIE)
- Council of Ministers (CoM)
- Ministry of Finance and Economy (MFE)
- Agency for Water Resources Management (AWRM)

- Ministry of Education and Sports (MES)
- Ministry of Health and Social Protection (MHSP)

A detailed version of the methodology, including criteria for selection of institutions and draft acts, and the evaluation matrix outlining the assessment criteria for each indicator, is available on the Institute for Democracy and Mediation's [website](#)<sup>2</sup>.

## EXECUTIVE SUMMARY

This monitoring revealed significant gaps in the implementation of citizens participation and effectiveness principles.

The overall *effectiveness* achieved by institutions in their consultation processes scored 108 out of 260 points (42%), indicating weaknesses in consultation planning, timely approvals, and internal monitoring, with institutions performing best mainly in meeting consultation deadlines.

On the other hand, *citizen participation* received the lowest score among all six principles, reaching only 69 out of 320 points (22%). This low score reflects limited involvement from non-governmental actors, poor disaggregation of data, and minimal meaningful engagement during the drafting phase. The best performing aspect was the publication of institutional databases of experts and interest groups

## MONITORING RESULTS

Regarding the *effectiveness* indicators, the 10 monitored institutions performed best in terms of suitable consultation deadlines, achieving an overall score of 71%. However, all other indicators scored below average including: annual distribution of consultations (43%), the implementation of the annual public consultations plan (35%), the timely approval of consulted draft acts within the year (10%), and the monitoring of the effectiveness of consultation methods and participation (5%). Notably, the internal monitoring of public consultation processes received no points at all.

Upon closer examination of the results, it was noted that although the minimum consultation period of 20 working days was mostly met, there was a lack of flexibility for more complex documents. Moreover, some institutions tended to concentrate their consultations in specific months, leading to extended periods of inactivity at certain times and a number of consultations happening simultaneously at others. Poor planning was also evidenced by delays in the approval of draft acts and limited implementation of annual consultation plans. Lastly, the lack of internal monitoring and evaluation of practices to assess the effectiveness of consultations was systematic, including the publication of related reports.

<sup>2</sup> See: <https://idmalbania.org/publication-cpt/monitoring-methodology-for-public-consultation-at-the-central-government-level/>

**Table 1. Citizen participation and effectiveness indicators from highest to lowest performing**

1.	Creating an institutional database of interest groups and experts for consultations	80%
2.	Suitability of the consultation deadline	71%
3.	Distribution of consultations throughout the calendar year	43%
4.	Number of comments generated by consultations	38%
5.	Implementation of the annual public consultations plan	35%
6.	Disaggregation of reported data on citizen engagement per each consulted draft act	29%
7.	Disaggregation of reported annual data on citizen engagement	13%
8.	Timely approval of consulted draft acts (within 1 year)	10%
9.	Assessing the effectiveness of consultation methods and participation	5%
10.	Number of contributing participants in consultation processes	5%
11.	Number of non-governmental participants in the consultation process	3%
12.	Number of non-governmental participants in the drafting phase of the act	0%
13.	Internal monitoring of the public consultation process	0%

When it comes to *citizen participation*, among the indicators assessed, the ten monitored institutions performed best on publishing their lists of experts and interest groups (80%). This was followed by the indicator that evaluated the number of comments generated during the consultation process, which scored 38%, and the indicator assessing the level of disaggregation of data on citizen engagement for each consulted draft act, with a score of 29%. The remaining indicators had significantly lower results, including the level of disaggregation of data on citizen engagement over a year (13%), the number of contributing participants (5%), the number of non-governmental actors participating in the consultation process (3%), and the number of non-governmental actors involved in the drafting process (0%).

Delving deeper into these results, the involvement of non-governmental actors during the early stages of law and policy drafting was noted to be a rare practice. When such involvement occurred, it is often characterized by insufficient evidence of meaningful engagement. Institutions typically provided only aggregated data on participants during the drafting or consultation phases, which fails to differentiate between various stakeholders (e.g., citizens, technical consultancies, or public authorities). This lack of distinction distorts the accuracy of citizen participation data. Individual consultation reports often lack detailed descriptions of the methods used and do not provide disaggregated data on stakeholder participation and feedback. These gaps were also evident in the semiannual and annual reports, which depend on the completeness of individual consultation reports.

# COMPARISON OF INSTITUTIONAL PERFORMANCE

The Ministry of Tourism and Environment, along with the Agency for Water Resources Management, achieved the highest effectiveness scores among the 10 monitored institutions, each reaching 50% of the available points. Conversely, the Ministry of Health and Social Protection, the Ministry of Infrastructure and Energy, and the Council of Ministers had the lowest scores, at 27%, 35% and 35%, respectively. The remaining five institutions performed slightly better, with scores ranging from 39% to 46%, although this was still below average.

**Table 2. Institutions' performance on effectiveness of consultations**

Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Effectiveness (Max. 26)	9	11	12	10	12	13	12	7	9	13
Percentage for Effectiveness	35%	42%	46%	39%	46%	50%	46%	27%	35%	50%

As per the citizen participation, the highest scores were recorded by the Ministry of Agriculture and Rural Development, and the Ministry of Tourism and Environment, with each earning only 12 out of the 32 points available. They were followed by the Ministry of Justice, the Ministry of Infrastructure and Energy, and the Ministry of Finance and Economy, which each scored 10 out of 32 points. The performance of the remaining institutions was considerably lower, with scores ranging between one to six points out of 32 for the level of citizen participation in their consultation processes.

**Table 3. Institutions' performance on citizen participation in consultations**

Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Citizen Participation (Max. 32)	6	10	3	3	12	1	10	2	10	12
Percentage for Citizen Participation	19%	31%	9%	9%	38%	3%	31%	6%	31%	38%

# RECOMMENDATIONS

To increase the effectiveness of public consultation processes, and improve citizen participation institutions should:

- Implement early-stage consultations with non-governmental actors, during the law and policy drafting phase;
- Adopt flexible, context-sensitive consultation deadlines that consider the complexity and volume of the documents involved;
- Improve the planning and predictability of the process by: prioritizing year-round consultation schedules, avoiding simultaneous activities, ensuring pre-planned consultations and the timely approval of draft acts;
- Diversify, and clearly document the consultation methods utilized, to demonstrate efforts in ensuring meaningful participation;
- Implement internal monitoring and evaluation mechanisms that assess the effectiveness of consultations, as well as publish the related monitoring reports;
- Report disaggregated data on participants and contributors, both in the drafting and consultation phases.