

# PUBLIC CONSULTATIONS: A CLOSER LOOK AT ACCESSIBILITY, INCLUSIVENESS, AND NON-DISCRIMINATION



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# PUBLIC CONSULTATIONS: A CLOSER LOOK AT ACCESSIBILITY, INCLUSIVENESS, AND NON-DISCRIMINATION

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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 **accessibility, inclusiveness, and non-discrimination** in public consultations.*

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

# INTRODUCTION

*Accessibility* is a core principle in public consultations, ensuring that democratic processes are inclusive, equitable, and representative of the diverse communities they aim to serve. By removing physical, digital, and socio-economic barriers, consultations can amplify voices from marginalized or underrepresented groups, fostering greater public trust and engagement. This includes ensuring that documents, notifications, and consultation methods are accessible to all, creating equal opportunities for participation across society.

A meaningful consultation goes beyond engaging those who routinely participate in the activities of a given institutions. It actively seeks the input of all relevant and affected stakeholders, ensuring that policies reflect the needs of diverse communities. To achieve this, the consultation process must adhere to principles of *inclusivity* and *non-discrimination*, providing platforms for voices from all backgrounds, identities, and socio-economic statuses. Tailoring the consultation to accommodate the unique challenges and characteristics of different groups allows decision-makers to gather more comprehensive feedback and make policies that better serve all citizens.

Monitoring of these aspects by civil society, ensures that marginalized and underrepresented groups can actively engage in public consultations, holding institutions accountable for eliminating barriers and creating opportunities for all voices to be heard inclusively.

# 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

The *accessibility* of consultation documents and notifications received an overall score of 141 out of 200 (71%). Consultation notifications are primarily distributed electronically, often through both through the Electronic Register for Notification and Public Consultation (ERNPC) and the websites of the relevant institutions. The documents under review, which were mostly text-based, were available in accessible formats that are compatible with most computers and commonly used software. Additionally, some data-heavy documents were provided in Excel format, allowing users to download and interact with the data independently. However, there were occasional issues, such as missing or deleted documents, a lack of translations for materials partially published in English, and incomplete notifications that lacked logistical details, thereby hindering access to the consultation process.

While institutions performed well in terms of document accessibility, they struggled to ensure overall accessibility throughout the process. *Inclusiveness* and *non-discrimination* scored only 129 out of 400 points (32%). The consultation methods predominantly relied on e-consultations, which are not equally accessible to all citizens, failing to address the diverse needs, capacities, and backgrounds of the population. Additionally, consultation documents rarely identified interest groups likely to be impacted by proposed laws in advance, limiting efforts to reach all relevant stakeholders. Furthermore, there was limited evidence of meaningful and diverse participation from non-governmental actors during both the drafting and consultation phases.

## MONITORING RESULTS

Institutional performance on the indicator of document access was rated at 81%, while access to consultation notifications stood at 60%. Most draft acts received three out of four points for accessibility, with nine out of fifty achieving maximal scores.

The vast majority of documents available in the ERNPC, monitored for this report, were both accessible and reusable. However, several institutions were found to lack a public consultation section on their websites: the Council of Ministers and the newly formed Ministry of Finance, as well as the Ministry of Economy, Culture, and Innovation (which replaced the Ministry of Finance and Economy covered by the monitoring). It was noted that certain key documents, including Law no. 60/2023 regarding special treatment for "General Medicine" students, Decision of Council of Ministers No. 338/2023 concerning the closure of the

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

Academy of Albanological Studies, and Law no. 21/2024 on amendments to Law no. 81/2017 on protected areas, did not receive any points for the availability of consultation documents – despite generated public interest and controversy.

Regarding public consultation notifications, they were mostly displayed both on the ERNPC and the respective institutional websites. However, the logistics for in-person consultations were often incomplete, which hindered the accessibility of the consultation process.

**Table 1. Accessibility, inclusiveness and non-discrimination indicators from highest to lowest performing**

1.	Accessibility of the consultation documents	81%
2.	Accessibility of the notifications for consultation	60%
3.	Suitability of selected consultation methods	53%
4.	Diversity of groups participating in public consultation	36%
5.	Pre-process identification of the groups affected by decision-making, potential interest groups, vulnerable groups	28%
6.	Diversity of groups participating in the drafting process	11%

On inclusiveness and non-discrimination, none of the 50 draft acts monitored achieved the maximum score of eight points. The highest score was attained by Law No. 20/2023 on Beekeeping.

The indicator measuring the suitability of consultation methods scored a modest 53%, which is problematic in terms of ensuring that consultations are accessible to everyone despite capacities, special needs, socio-economic status, or other personal characteristics. Moreover, early identification of relevant interest groups, a critical priority, was achieved only at 28%. Despite consultation guidelines recommending the use of a stakeholder analysis matrix prior to consultations, none of the institutions implemented this step. Broader engagement of diverse groups in the public consultation process also fell short, with diversity of participants scoring just 36% and inclusion in the drafting phase even lower at 11%. Regarding the latter, non-governmental actors were largely excluded from the drafting process, as institutions failed to report their participation in the consultation of 41 out of 50 draft acts.

# COMPARISON OF INSTITUTIONAL PERFORMANCE

The Ministry of Infrastructure and Energy achieved the highest accessibility of documents' score among the 10 monitored institutions, earning 19 out of 20 points. Close behind were the Ministry of Interior with 17 points and the Agency for Water Resources Management with 16 points. Three institutions - the Ministry of Agriculture and Rural Development, the Ministry of Tourism and Environment, and the Ministry of Health and Social Protection - each scored 15 out of 20 points, reflecting mid-level performance in accessibility of documents. Meanwhile, the Ministry of Justice and the Council of Ministers, with 13 points each, also demonstrated moderate performance, indicating room for improvement in making consultation documents and notifications more accessible. At the lower end of the scale, the Ministry of Finance and Economy and the Ministry of Education and Sports scored the fewest points, with just 9 out of 20.

**Table 2. Institutional performance on accessibility**

Institution	MoI	MARD	MoJ	MTE	MIE	CoM	MFE	AWRM	MES	MHSP
Points for Accessibility (Max. 20)	17	15	13	15	19	13	9	16	9	15
Percentage for Accessibility	80%	45%	95%	65%	65%	75%	45%	75%	75%	85%

**Table 3. Institutional performance on inclusiveness and non-discrimination**

Institution	CoM	MoJ	MES	MoI	MARD	AWRM	MFE	MHSP	MIE	MTE
Points for Inclusiveness and Non-discrimination (Max. 40)	10	20	8	18	19	7	13	5	17	12
Percentage for Inclusiveness and Non-discrimination	25%	50%	20%	45%	48%	18%	33%	13%	43%	30%

In terms of inclusiveness and non-discrimination in public consultations, the Ministry of Justice, the Ministry of Agriculture and Rural Development, and the Ministry of Interior stood out compared to others, scoring 20, 19, and 18 points respectively out of 40. In contrast, the Ministry of Infrastructure and Energy and the Ministry of Finance and Economy demonstrated below average levels of inclusiveness. At the lower end, the Council of Ministers earned 10 points, while the Ministry of Education and Sports, the Agency for Water Resources Management, and the Ministry of Health and Social Protection scored just 8, 7, and 5 points respectively out of 40, indicating significant challenges in fostering inclusivity during consultations.

# RECOMMENDATIONS

To increase the accessibility, inclusiveness and non-discrimination in public consultation processes, institutions should:

- Intensify efforts toward properly identifying, reaching and including interest groups and non-governmental actors in consultations, whether this is in the drafting phase or the consultation on the consolidated version;
- Identify and implement suitable methods of consultation, beyond e-consultation, reflective of the needs and capacities of the affected communities and interest groups;
- Provide a dedicated section on public consultations on their websites;
- Distribute timely, and accessible notifications on public consultation, as well as clear logistical details for the consultation meetings;
- Ensure that all supporting documents for the consultations are easily accessible and reusable.