

## **Participation of civil society in parliamentary proceedings: public consultation, petition, public hearing**

In this presentation I would like to explain and discuss citizens' participation in the legislative process carried out in the Senate of the Republic of Poland.

### **Public consultations**

The first issue that I would like to discuss is the institution of public consultations. Public consultations are meant to get citizens involved, on an individual or collective basis (e.g. via organisations, associations, foundations or trade unions), in the works of Senators or the Senate committees concerning a given bill, by submitting opinions or remarks related to said bill. The aim of such consultations is to reach as broad audience as possible, and find out what citizens think about the bill.

When discussing the mode of conducting public consultations, it should be noted that, according to Article 79a of the Rules and Regulations of the Senate, the Chair of the Legislative Committee requests the relevant institutions or organisations to present their opinions on the bill if the obligation to obtain such opinions results from statutory provisions or from European Union legislation. The Senate bill is submitted for public consultations via the Senate website. Next, the Chair sets a deadline, which allows for the opinions to be taken into account during the first reading of the bill.

In the most recent times (in 2016), the Senate of the Republic of Poland held 4 public consultations which concerned:

- the bill to amend the act on legal charges in civil cases,
- the bill to amend the act on housing cooperatives,
- the bill to ban promotion of communism or any other totalitarian system in names of buildings, objects and facilities,
- the bill to amend the act on sign language and other means of communication.

### **Petitions**

Petitions are a direct form of governance in which citizens play a significant role. A petition is a letter containing a request, a proposal addressed to the government, and it can be submitted by an individual or by a group of citizens.

A petitions to the Senate is a citizen's letter which contains a legislative proposal which refers to the competence of the chamber – that is, the prerogative to introduce changes to the existing law in the statutory rank or to establish new solutions. The mode of consideration of petitions is defined by the Act of 11 July 2014 on Petitions (Journal of Laws of 2017, item 11230) and Section Xa of the Rules and Regulations of the Senate.

In order to discuss the mode of consideration of petitions, we need first to take a closer look at the circulation of correspondence addressed to the Senate and its bodies. All correspondence from citizens which is sent to the Senate is transferred to the Petitions and Correspondence Unit of the Analyses, Documentation and Correspondence Office of the Chancellery of the Senate. Correspondence is divided into public information, petitions and

so-called “unofficial” correspondence. If a given letter is classified as a petition, the Petitions and Correspondence Unit prepares for the Human Rights, the Rule of Law and Petitions Committee auxiliary material, so-called *Information on the petition* which includes:

- presentation of the petition: description of the petitioner's postulates and their justification,
- analysis of the legal status of the issues raised in the petition and information on earlier legislative work on this subject,
- information on the jurisprudence of the Constitutional Tribunal and ordinary or administrative courts, and on the actions of the government or stakeholders of the issues related to the petition.

The *Information* is accompanied by a package of materials including: a copy of the petition, selected legal acts, court rulings, bills, publications or information on actions taken in relation to the subject matter of the petition.

Pursuant to the Rules and Regulations of the Senate, upon the receipt of a petition, the Marshal of the Senate immediately refers it to the Human Rights, the Rule of Law and Petitions Committee. The Chairman of the Committee sets the deadline for consideration of the petition at the Committee sitting (not later than 3 months after its submission), or refers the petition to another – competent – public authority body. At the sitting, the Committee decides whether it will undertake any actions related to the petition or not. The Committee is also entitled to make a decision to cease all work related to the postulates of the petition at any stage of conducting said work.

The Committee, taking into consideration the postulates of the petition, prepares a bill on the basis of the petition and submits to the Marshal of the Senate a motion to undertake a legislative (resolution) initiative. Each time the Petitions and Correspondence Unit is obligated to inform the petitioner of any undertaken actions.

In 2016, the Marshal of the Senate referred 69 petitions to the Human Rights, the Rule of Law and Petitions Committee, including 45 individual, 18 collective and 6 repeated petitions. Moreover, the committee continued to work on 5 petitions which had been referred to it in 2015. In 2016, the Committee considered petitions at 23 sittings, and at each sitting, it analysed between 2 and 9 petitions. A list and description of the petitions can be found on the Senate's website: <http://www.senat.gov.pl/petycje/>, and the work of the committee on said petitions is also recorded there in the form of stenographic records and video recording of each sitting.

In 2016, the Human Rights, the Rule of Law and Petitions Committee prepared 8 bills on the basis of postulates of 9 petitions. Let me present two of them as examples:

1. The bill to amend the Code of Civil Procedure and the Law of the Administrative Courts Procedure (the bill concerns making it possible for minors to take part in public court proceeding, both civil and administrative), implementing an individual petition.

On 11 January 2017, the Senate adopted a resolution to submit the bill to the Sejm. On 21 April 2017, the Senate adopted the bill and the Senate adopted it without amendments. The act was published in the Journal of Laws and entered into force on 14 July 2017.

2. The bill to amend the Act on Broadcasting (the aim is to increase the amount of programmes made available with services for the disabled – subtitles, sign language interpreters, etc. –, so that from 2022 at least 50% of quarterly broadcasting time, excluding commercials and telesales, would be made available with such services – the current level is 10%). On 17 May 2017, the Senate adopted at its sitting a resolution to submit the bill to the Sejm. The works in the Sejm are still on-going.

After adoption of the Act on Petitions, in 2015 and 2016, the Chancellery of the Senate, together with the Institute of Public Affairs and the Office of the Human Rights Defender, as a partner institution, carried out an information and education-focused social campaign under the title of PETITION – YOUR RIGHT. What is most important, knowledge about the opportunities offered to citizens by the Act on Petitions was widely promoted. Authorities and public administration, in particular local governments and non-governmental organizations, were informed about the principles under which, under this act, petitions would be submitted and considered.

The information campaign was carried out also by:

- organising workshops for journalists from regional media in order to make sure that the information about the new act reaches local communities,
- providing training for employees of Senators' offices who, due to the tasks they perform, meet with citizens and provide them with information,
- organising public lectures and presentations for local governments and local communities, in libraries, community centres, etc.
- workshops, classes, and lectures for older schoolchildren and students,
- holding conferences in the Senate and the offices of the partners (Office of the Human Rights Defender and the Institute of Public Affairs).

There are various publications (brochures, leaflets, presentations) and practical guides concerning petitions available for download at the Senate's website.

### **Public hearing**

It is another form of direct participation of citizens in the law-making process. It provides an opportunity to be heard to those citizens who believe they would be affected by a proposed bill, or believe that their voice can improve the level of the debate or influence the quality or scope of the bill in question. The right to participate in a public hearing is vested in anyone who declares his/her will to do so to the committees at least 7 days before the date of the hearing. In addition, such person is to indicate the interest which they intend to protect with respect to a given regulation or the legal measure that they intend to seek.

A public hearing is held at a sitting of the committee responsible for consideration of the bill. The committee takes positions with regard to remarks presented during the public hearing, indicating the resulting conclusions or, if necessary, the reasons for not taking the remarks into account. The relevant information is published on the Senate's website within 30 days from the day of concluding the public hearing.

Currently, there are no public hearings being carried out in the Senate of the Republic of Poland. However, an example of the public hearing held in the Senate was the one which concerned the bill on petitions. That public hearing was held on 8 October 2013 in the Senate. The following institutions submitted opinions and statements on the bill:

- Minister of Justice,
- President of the Supreme Administrative Court,
- Minister of Finance,
- State Treasury Solicitors' Office,
- Ministry of Administration and Digitization,
- Helsinki Committee for Human Rights,
- Chairman of the National Council of the Judiciary.

Most of the submitted remarks were incorporated into the bill.