Permanent Mission of Estonia

Geneva

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The Permanent Mission of the Republic of Estonia to the United Nations and Other International Organisations in Geneva presents its compliments to the Office of the High Commissioner for Human Rights and in response to the Latter's letter from 9 July 2012, has the honour to forward the reply of the Government of Estonia to the questionnaire on participation of persons living in poverty in public policies and programmes, elaborated by the Special Rapporteur on extreme poverty and human rights, Magdalena Sepulveda Carmona.

The Permanent Mission of Estonia to the United Nations and Other International Organisations in Geneva avails itself of this opportunity to renew to the Office of the High Commissioner for Human Rights the assurances of its highest consideration.

Geneva, 14 December 2012

Enclosure: 5 pages

Office of the High Commissioner for Human Rights

GENEVA

Response of Estonia to the questionnaire on participation of persons living in poverty

List and describe any legislation, public policy or programme which was expressly designed to include the participation of persons living in poverty in design, implementation or evaluation of decisions that affect their lives/public policy interventions. Examples needed.

In Estonia, there is no specific legislation, public policy or programme *expressly designed* to include the participation of persons living in poverty. Arranging for the participation of persons living in poverty is foreseen in the Good Public Engagement Code of Practice of the Estonian Government, which applies to all existing interest groups. It is important to underline that the participation is open to all natural and legal persons, and also non-formal associations. (Please find the respective Code of Practice attached to this letter.)

1. What is the subject and main aim of the programme or policy in question?
   - Is the participatory process related to the entire programme or to a specific aspect or it?
   - Where in the programme or policy cycle does the participatory process occur?

The aim of the Estonian Good Public Engagement Code of Practices is to engage the interest groups and the public in the decision-making process and to ensure the best possible quality and legitimacy of the final decisions.

Within the scope of the Estonian Good Public Engagement Code of Practices the interest groups are involved in designing decisions that affect their lives (i.e. legal acts at the level of the Parliament, the Government and the ministers as well as Government positions on EU issues) at the earliest possible stage and during all stages of the policy formulation process. This begins with the information dissemination stage, where the information on planned resolutions and/or legislation and the drafts of strategic documents are made available. This is followed by a consultation stage, where the concerned interest groups and public representatives are asked for their opinions and proposals. This stage lasts for approximately 4 weeks and can be extended depending on the volume of the draft documents. Working groups are organized in order to develop a draft for a strategic document. Upon termination of the consultations and working groups, a summarized return report on the results of the consultations/working group is provided by the initiator agency. This document points out all proposals and observations made by interest groups and explains reasons for taking them into account/gives reasons for not taking them into account. The summarized return report is made public with the policy draft document via the information system of drafts of the Government.

2. How is the participatory process structured and managed and what are its desired outcomes?
   - Who are the government departments, agencies or actors involved in the design and facilitation of the process?
   - Where do the consultations take place?
   - How is the information on both the programme and the participatory process distributed to the public, including persons living in poverty? Please specify the mechanism used for dissemination?
   - What are the procedures employed to allow the public to submit comments, information, analysis or opinions that it considers relevant to the process?

All government authorities preparing a legal act are involved, mainly ministries. Already at the first stage the relevant ministries make available on their respective websites contact information of the unit or official providing information on engagement issues.

Consultations may take place in working groups coming together regularly or via information channels. Consultation channels are selected taking into account the possibilities of the interest groups in accessing the consultation documents. In case of wider public participation, information is published in the Information System of Draft Acts (http://eelnoud.valitsus.ee/), on Participation Web (www.osale.ee) and, as appropriate, through other channels. The same channels allow the public to submit comments, information, analysis or opinion that it considers relevant to the process.

3. What measures are taken to ensure that persons living in poverty can participate?
   - How are the participants identified?
   - Are participants prepared and supported before the consultations?
   - Are the potential financial and opportunity costs to the participants taken into account?
   - What measures are taken to ensure the diversity of the participants in terms of gender, ethnicity, age etc? How is the participation of marginalized groups living in poverty ensured and supported, for example indigenous peoples, persons with disabilities, or older persons?

In addition to the engagement proceedings described under question 1, it should be underlined that the need for and the extent of public engagement is decided during impact assessment stage. As a result of the impact assessment the circle of interest groups whom the intended decision will affect is identified by the government authority. Communication on launching public consultations is done through direct actions and dissemination mechanisms described under question 2. Both the ensuring of a balanced representation of interests during public engagement and taking into account the possibilities of access of the interest groups are emphasised in the Code of Practice.

4. What are the particular challenges faced, or obstacles that have to be overcome, to ensure meaningful participation by those living in poverty?

The representation of those living in poverty should be improved. In order to address this and related challenges, the shelter organization for all the associations dealing with poverty issues, EAPN Estonia, was established in 2010.

5. How successful is the process in terms of the levels of participation of persons living in poverty? If available, please include information on how the process is evaluated, including if the participants are able to give feedback.

The majority of associations engaged in different discussion on social issues have poverty issues on their agenda and, thus, are representing persons living in poverty.

One of the recent examples of successful engagement of interest groups was the drafting of the Estonian Children and Family Development Plan of Estonia for 2012-2020, where adequate income ensuring for children and families is one of the five main strategic aims of this document. During the preparation of the development plan, the Ministry of Social Affairs achieved the participation of over 60 non-governmental associations, representing a very broad range of citizens. Consultations took place in several working groups, led by the ministries involved. In addition to this, several expert interviews were held and the department of the ministry concerned went on tour in different regions of the country to speak and to get a direct feedback from local inhabitants, by doing so going beyond the scope of persons involved covered by multiple associations engaged.

6. What is the impact (actual or envisaged) of the participatory process on the design or implementation of the legislation/policy/programme?
   - What follow-up is undertaken after the process with the participants, if any? Are the outcomes of the process shared with the participants?
   - How are the results documented and how are they used?

The follow-up, outcomes sharing and reporting of results is generally explained under question 1.

7. What are the lessons learnt from the process? What additional changes would have been necessary to case the constraints on the participation of persons living in poverty?

Our current Code of Practice is an updated version (adopted on 29.12.2011) of previously existing procedures and therefore it is too early to proceed with the evaluation of this specific document.

Good Public Engagement Code of Practice

1. Public Engagement

1.1. Government authorities engage interest groups and the public in the decision-making process to ensure the best possible quality and legitimacy of the decisions.

1.2. For the purposes of the Good Public Engagement Code of Practice, "public engagement" means informing and consulting with interest groups and the public in the decision-making process. "Informing" means providing interest groups and the public with balanced and objective information that enables the aim of and alternative options for the decision to be understood. "Public consultation" means asking for feedback from interest groups and the public in all stages of policy-making, including in raising problems, designating goals, analysing alternative solutions and preparing a draft.

1.3. Public Engagement is applied in developing policy initiatives of a considerable impact on interest groups or society as a whole. The main principle is that the bigger the expected impact, the bigger the opportunity to participate should be. The need for and the extent of public engagement is decided during impact assessment and public engagement is carried out when preparing a draft decision of an estimated significant impact or interest.

1.4. Public engagement is applied when preparing a legal act to be adopted or a decision to be made at the level of the *Riigikogu*, the Government of the Republic and the ministers. The Good Public Engagement Code of Practice also applies to forming Government positions on European Union issues.

2. Interest groups and the public engaged

2.1. A government authority assesses the impact of a draft decision on interest groups and society as a whole according to the Impact Assessment Guidelines and decides on the need for and extent and timing of the public engagement. Impacts are identified according to the Impact Assessment Guidelines approved by the Government of the Republic.

2.2. A government authority identifies the interest groups whom the intended decision will affect. The interest group may be a set of natural persons, a legal person or a non-formal association whom the drafted decision could affect, who participate in the implementation of the decision or who have clearly expressed interest in the field. During public engagement it is important to ensure a balanced representation of interests.

2.3. The circle of interest groups is extended during public engagement, as appropriate. Participation does not presume a legally defined status or a legal relation with the authority preparing the decision. Engagement of the public may involve differences in the manner and timing of engaging interest groups, based on the expediency.

3. Designing public engagement and notifying of participation possibilities

3.1. Ministries must determine interest groups to be engaged, stages of proceeding and initial deadlines of a draft Act and the name and contact information of the official responsible for drawing up the draft not later than by the time the Intention to develop the draft or the Proposal to prepare a strategy document is sent for official consultation among ministries. The aforesaid information is presented next to the Intention to develop a draft Act or a Proposal to prepare a strategy document. Ministries make available on its website contact information of the unit or official providing information about engagement issues.

. Cooperation with interest groups and the public in different stages of preparing decision and explaining purpose of engagement

4.1. When developing drafts, a government authority consults with interest groups and the public in the earliest possible stage of proceeding and during the whole process. A public consultation must in any event be carried out in two stages of proceedings: when applying for a Mandate for developing a draft and when the draft has already been developed.

4.2. A government authority submits an Intention to develop a draft Act, a Proposal to prepare a strategy document or another issue of an estimated significant impact as well as the draft itself, before making a decision, through the Information System of Draft Acts or, where appropriate, also by addressing interest groups directly to collect proposals and express an opinion.

4.3. In European Union issues a government authority submits an initiative of the European Commission to interest groups along with a draft position of the Government of Estonia along with explanatory note. The authority keeps interest groups informed about the progress of debates in European Union institutions and, should the positions of Estonia change, also notifies interest groups of the changes.

4.4. If a draft is accompanied by an impact analysis report, this is also submitted along with the draft for public consultation.

4.5. A government authority provides interest groups with information about opening a public consultation. Interest groups and the public is explained why the draft decision is needed, what is the purpose of public engagement, what is the scope for their feedback and further course of proceeding of the draft, including:

- the interest groups addressed;
- issues about which positions of interest groups are seeked;
- manners and deadline of providing feedback for interest groups are specified;
- further course of engagement and further proceeding of the draft is described.

4.6. Parties engaged are granted an adequate period for providing their feedback. A public consultation lasts for four weeks. In justified cases the period of consultation may be shortened. The period of consultation is extended in the case of voluminous drafts or in other justified cases.

5. Information channels for public consultation

Consultation channels must be selected taking into account the possibilities of the public and interest groups to access the documents sent for consultation. If consultation presumes participation of the wider public, information is published in the Information System of Draft Acts and, through that, in the Participation Web and, as appropriate, through other channels.

6. Feedback and notifying of consultation results

6.1. Interest groups must be provided with adequate feedback within a reasonable period of time, generally within 30 days of the end of consultation. If consultation lasts for more than three months or takes place in several stages, a government authority compiles, as appropriate, an interim summary about the feedback obtained during consultation and consideration thereof, changes, as appropriate, the consultation schedule and notifies all the engaged interest groups thereof.

6.2. Decision-makers must be notified of the results of consultation with interest groups. A government authority prepares a summary about the consultation results. The summary sets out interest groups who

were invited to participate in the consultation, presents the proposals and comments made, explains consideration of the proposals or comments and provides a justification if they were not adopted by the government authority preparing the decision.

6.3. The summary is annexed to the decision being deliberated and is forwarded to all interest groups along with the feedback specified in clause 6.1. If the analysis of feedback requires, as an exception, more time than 30 days, interest groups are forwarded information about a new deadline. The summary is published in the Information System of Draft Acts next to the draft being processed and also made available after the end of the proceeding.

7. Assessment

7.1. At the end of public consultation of important drafts a government authority analyses the conduct of engagement, including attainment of the goal, relevance of the used methods, participation of interest groups in consultation, efficiency of providing feedback and satisfaction of interest groups with the engagement. For the purpose the government authority also asks for an assessment about the conduct from interest groups engaged.

7.2. Results of the assessment are considered in planning and organising the next public engagements.