



National Assembly of the Republic of Serbia

Public Hearings at the National Assembly

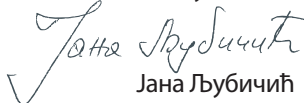
A Word from the Secretary General

Public hearings, as an instrument in the work of National Assembly committees, are particularly significant in achieving its legislative and oversight function. Previously, these processes were only reflected in a normative form and, to an extent, in professional literature.

Having in mind the above, as well as the orientation of public hearings towards the general public and the larger number of participants involved in their implementation, an assessment was made that a brochure entitled "Public Hearings at the National Assembly" should be drafted, aimed at presenting these processes in a simple way, thus making them more accessible to citizens, and/or visitors to the National Assembly.

We hereby note the significant professional and material assistance provided by the Westminster Foundation for Democracy in creating this brochure, and wish to thank them for this.

Secretary General

The image shows a handwritten signature in black ink, which appears to read 'Jana Lyubichiy'. The signature is fluid and cursive, written over the printed name below it.

Јана Љубичић





The Term, Organization, Participants and Subject of Public Hearings

Public hearings are one of the procedures at the disposal of parliamentary committees in order to obtain information, expert opinions, clarification, certain solutions regarding draft legislation or regulations in force, in order to monitor the implementation and enforcement of laws, as well as clarify certain issues of importance for achieving oversight over the operation of the executive branch. Therefore, public hearings may be of a legislative or oversight nature. In practice, they are meetings organized by the competent committee, attended by the stakeholder members of parliament, as well as representatives of the executive branch, independent state bodies, civil society organizations, professional associations or citizens' associations, provided to exchange opinions, positions and information on a given issue within the scope of the committee.

Brief History and Overview of Best Practices

The process of public hearings represents an important instrument in the work of parliaments, arising in practice in Anglo-Saxon parliaments such as the British Parliament and the US Congress, with subsequent examples in a number of parliaments in Scandinavian countries. The genesis of these processes is found as early as the 17th century, as the result of the need to achieve oversight by the English Parliament over the work of the executive branch, i.e. the government and each minister in particular. The process of public hearings is implemented by parliamentary committees, and it represents a significant improvement in the oversight over the work of ministers and other public officials, as opposed to the traditional form of oversight implemented mostly through parliamentary questions.

Public hearings are detailed, long-lasting and persistent questionings, primarily of ministers and other public officials, regarding their work. They are frequently called “sessions with the presentation of evidence”. In practice and through the implementation of public hearings,

parliamentary committees are able to respond to issues of greater public significance and thus enable the parliament to successfully achieve its competencies, with the core axis thereof being the rule of law and the system of division of power.

Parliaments today are rather uniform in implementing these processes to a great extent, with procedures most frequently regulated by parliamentary Rules of Procedure, and less frequently through additional special rules.

Public hearings were introduced to the National Assembly, as one of the processes used by committees to implement their scope, through the Law on the National Assembly, and procedurally regulated in detail by the Rules of Procedure of the National Assembly. Consistent normative regulation during recent years had significant impact on the wide use of these procedures and contributed to better understanding of certain issues, as well as improving the situation in certain areas of society.

For those who wish to know more: articles 2, 3, 4 and 99 of the Constitution of the Republic of Serbia; Article 27 of the Law on the National Assembly.

Implementation of Public Hearings at the National Assembly





Why Do Committees Organize Public Hearings?

National Assembly committees organize public hearings primarily in order to obtain information, i.e. expert opinions on draft regulations undergoing parliamentary procedures, to clarify certain solutions from a draft regulation or regulation in force, clarify issues of importance for preparing a draft regulation or any other issue within the competency of the committee. Likewise, public hearings may be organized in order to monitor the implementation and enforcement of laws, as well as clarify certain issues of importance for implementing oversight over the work of executive bodies.



Who Proposes Public Hearings?

The proposal to organize a public hearing may be submitted by any committee member, with the proposal containing the subject and list of persons to be invited. The decision to organize a public hearing is made by the committee, with the committee chairperson notifying the Speaker of the National Assembly.

Who May Participate in a Public Hearing?

These processes represent a unique way for all stakeholders to become involved in a discussion regarding the subject matter issue. Persons invited to a public hearing primarily include representatives of the Government, line ministries, special organizations and agencies, representatives of independent state institutions, organizations and bodies, representatives of citizens' associations, universities, professional public and independent experts.

The invited persons and stakeholders participating in a public hearing may submit written information regarding the subject of the public hearing that they deem relevant for the course of the public hearing. Information is submitted to the committee, and the committee may forward it to other persons invited.

Public Hearing Proceedings

Public hearings are held regardless of the number of committee members present. The committee chairperson presides over the meeting and provides introductory notes on the subject of the public hearing, open issues, as well as the procedure for holding the public hearing. The committee chairperson is in charge of maintaining order within the meeting and respecting the schedule of the public hearing and speakers. Those invited have a certain time available to present their view of the subject and open questions, and respond to questions from committee members.

Information on Public Hearings Held

The committee chairperson submits information on the public hearing to the Speaker of the National Assembly, committee members and participants of the public hearing upon its completion. The information contains the names of participants at the public hearing, a brief overview of the statements, positions and proposals presented at the public hearing.

Committee members and public hearing participants may submit written objections to the information on the public hearing to the committee chairperson, who then forwards these to persons on the list of those present.



Practice and Basic Value of Holding Public Hearings

The basic value of these procedures lies, primarily, in elevating the democratic level of the procedure for adopting laws, achieving a more complete implementation of the oversight function of the National Assembly, and finally, increasing the transparency of the work of the National Assembly, i.e. bringing its activities closer to the citizens.

Namely, public hearings provide an opportunity for including a wider range of participants in discussions on a given subject, who are then able to express their attitudes, opinions and proposals regarding draft laws under parliamentary procedure. Likewise, in analysing the situation in the sphere of executive power, independent state institutions and bodies, professional associations and civil society organizations provide a precious spectrum of information to the committee, who in turn contribute to the comprehensive and more successful implementation of the oversight function of the National Assembly through their further activities.

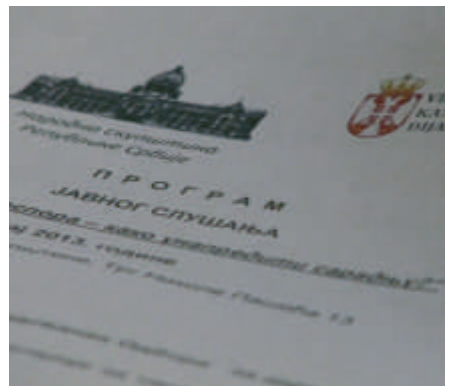
Third, the openness and transparency in the work of the National Assembly significantly contributes to raising interest among the public and their activation in finding the best ways to achieve their interests and protect their rights.

Previous Practice of National Assembly Committees

National Assembly committees, as well as members of parliament, are showing a lot of interest and engagement in using the public hearing process as a practice significantly contributing to raising the level of achievement of the competencies of the National Assembly.

National Assembly committees hold an average of over twenty public hearings annually, relating to diverse social areas (healthcare, education, culture, social protection, human rights, environmental protection, etc.)

Starting from their scope, committees utilized the public hearing process with a large number of participants, and in regards to significant issues from diverse social areas, these committee activities resonated through public awareness.



Committees in Utilizing the Public Hearing Process

Thus a public hearing was held, organized by the Committee for Labour and Social Affairs, Social Inclusion and Poverty Reduction, after a year of implementing the Law on Social Protection, in order to additionally analyze open issues of social policies, protection, rights and obligations in this field. A public hearing was organized with the same goal regarding the issue of education strategy development, within the remit of the Committee for Education, Technological Development and Science.

Public hearings also contributed to discussions on current topics such as that on genetically modified organisms, organized by the Committee for Environmental Protection. Likewise, the Committee for Human and Minority Rights and Gender Equality contributed

significantly to issues in the field of family care, protection from family violence and child abuse on the internet, through organizing public hearings. The rights and freedoms of media were debated again through the public hearing entitled "Media Freedom", organized by the Committee for Culture and Information.

Special care was also given in public hearings, organized by the relevant committees of the National Assembly, to the process of the European integration of Serbia, issues and rights of the diaspora, strategic directions in combating narcotics and other current issues.

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