

Fact Sheet Participation portal at federal level

Starting position

In times of advancing digitization, citizen participation must also be expanded in the digital space. In its coalition agreement, the federal government writes: "We will create a participation platform for all published draft laws of the federal government, which will serve the transparent participation of citizens and associations and on which the federal government will then comment". So far this has not been realized. Although individual draft laws of the federal ministries are published, this is neither done on a central platform nor is there a possibility for citizens to make public statements.

Baden-Württemberg

- Significantly further ahead in digitization is Baden-Württemberg. The state government's investment portal is already being successfully used in the second legislative period (<https://beteiligungsportal.baden-wuerttemberg.de>). This offers citizens the opportunity to submit draft laws, which are given to associations for comment, and then have six weeks to comment publicly on an online platform.
- In the current legislative period, 1,500 comments and over 14,000 assessments were made on 56 projects. (As of September 2019) In about one third of the cases, comments have been incorporated into the legislative text. These included concretisations in terms of content, references in the explanatory statement and linguistic improvements.
- After completion of the commentary process, the written statement of the responsible ministry shows which suggestions were included or which were rejected, and with reasons.

Thuringia

- In Thuringia, citizens can comment online on draft laws submitted to the state parliament. The state parliament's discussion forum is used to post bills that have been approved by the committee responsible, including the opposition. (<https://forum.thueringer-landtag.de>).
- With questions arising from the 1st reading of the draft laws, the bills are published in a well-structured manner so that citizens can find their bearings and identify the key issues.
- However, practice in Thuringia also shows that the discussion forum is not advertised enough (even by the parliamentary groups in the state parliament) and is therefore not used by citizens to its full potential.

Requirements for a participation portal at federal level

- An online participation portal can only be one building block. Since commenting on legal texts is more suitable for "insiders", the online portal should be supplemented by other face-to-face participation formats. Social groups who have not yet dealt with the subject matter at all can then also be reached. A committee selected by lot could, for example, be involved at an early stage of the political decision-making process, in the preparation of key points for the draft bill.¹
- Online commenting should be possible throughout the entire process of drafting laws. It should start as early as the drafting of bills in the ministries or the parliamentary groups and refer to the basic need for regulation and the key points of the draft bill. In this case, a parliamentary group or a ministry planning a draft law would have to announce the start publicly and announce key points so that the dialogue can begin. At this stage,

there is still the greatest scope for setting the course. In addition, commentary is required on bills that are brought before the Bundestag, including opposition bills. Ideally, both options should be set in place.

- Comprehensive citizen participation affecting all bills should be made possible via a separate portal where bills can be commented on online. All comments should be publicly accessible. A moderator ensures that the discussion remains objective. The possibility for users to rate individual proposals would make the relevance of individual proposals clearer.
- In order to attract as many people as possible to the participation portal, it should be proactively advertised by the ministries and the parliamentary groups in the Bundestag, as well as by civil society. The main contents of the law should be made available in an understandable form alongside the draft. The portal should be accessible to all fellow citizens with permanent residence.
- All draft laws, including amending laws, should be discontinued, regardless of their importance. In the case of amending laws, a continuous text highlighting the changes should be published for reasons of comprehensibility. Citizens can thus decide for themselves which initiatives are important to them and which are not. If they consider a draft law to be generally not important, they will not make any comments.
- In order to attract as many people as possible to the participation portal, it should be proactively advertised by the ministries and the parliamentary groups in the Bundestag, but also by civil society. The main contents of the law should be made available in an understandable form alongside the draft. The portal should be accessible to all fellow citizens with permanent residence.
- All draft laws, including amendments, regardless of their importance, should allow adjustments. In the case of amendments and for the sake of comprehensibility, continuous text highlighting the changes should be published. Citizens can thus decide for themselves which initiatives are important to them and which are not. If they consider a draft law to be generally not important, they will not make any comments.
- The procedure of citizen participation must not be an alibi event. The statements made by citizens must not be allowed to disappear into files without a sound. An account must be given in writing of how the individual (factually summarised) proposals were handled. In the case of government drafts, the responsible ministries, and in the parliamentary procedure the lead committees, must explain and justify the extent to which proposals have been taken into account.
- In individual cases, no further legal entitlement of the citizen beyond a written statement should be provided for, but the possibility of hearing individual citizens orally and entering into a debate with them should be provided for by majority decision of the committee.
- The open source software Consul is an example of the implementation. In addition to comprehensive digital citizen participation, the platform also enables collaborative legislation. The application in over 130 cities and countries shows how digital and conventional participation can be well linked and thus be successful. Further information here: <https://www.mehr-demokratie.de/themen/beteiligungs-software-consul/>