

The Citizen's Charter

Towards a New Public Administration - Citizen Partnership

On the 15/11/2001, the Council of Ministers approved the text of a "Citizen's charter" proposed by HE Minister of State for Administrative Reform Fouad El Saad.

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Introduction

The attempts of the administrative reform have witnessed during the past decade, especially in advanced countries, an important changeover represented by giving priority to the public administration-citizen relationship and by focusing on the problem of improving the relation between the state and the citizens through meeting their needs and offering them optimum services. In all, serving the citizen remains the main concern of every democratic system basically since the citizen finances the state's functions and expects, in return, efficient, high quality and non-discriminative services.

There are many reasons for the change we are noticing in the advanced countries, of which: The diffusion of democratic systems, the increased interest in the subject of human rights in all political, economic, social and administrative fields, the growth of the citizens' potential - via the institutions of the civil society and others - to influence the policies of the state and the administration and to guide them towards serving the citizens' real needs.

Another reason for this change lies also in the global trend, over the past decade, towards privatization which was often justified as being the best means to efficiently provide services to the citizen with minimal cost. And, if the state resorts to the private sector to provide better services, it is normal for it to adopt the same policy in its public institutions in order to improve the quality of its services.

In an attempt to fulfill the new trend as regards the administration-citizen partnership, many countries turned to various approaches including the introduction of the Citizen's Charter which is an official document that determines the citizen's rights and obligations in his relation with the administration, knowing that the policy adopted in many countries is the establishment of a general charter that constitutes a general framework of the administration-citizen relationship, provided it is supplemented by a number of specialized charters that set this relation in the different administrative sectors.

In most cases, the Citizen's Charter seeks to achieve the following main goals:

- consolidate the administration's democratic trend and to comply with the system of the rule of law.
- achieve the principle of transparency and the responsibility of the public administration towards the citizen.
- protect the citizen from the administration's abuse of power.
- reinforce the relations between the state and the citizens and restore trust in the state.
- improve the quality of services provided by the state.

The need for such a charter is more insistent in a country like Lebanon, due to the deterioration of the administration's condition and the large gap between the public administration and the citizen as a result of many factors, most important of which are:

- The mentality that has prevailed since the period of the French mandate, and to a large extent during the independence period, was that of a 'ruling administration', rather than a 'serving administration'. The Lebanese administration believes that its main mission lies in organizing the citizens' relations and preventing them from breaking the existing laws. No doubt, the historical cumulative precipitates in looking at the administration's role and its relation with the citizen constitute the main reason behind this mentality that the Lebanese often suffer from. It is high time for the administration to reconsider its role, from an administration whose responsibilities are limited to commanding and preventing, to an administration that strives to serve the citizens and to facilitate their interaction with the State.
- The illegal political interference, often marked by a sectarian aspect, which has, to some extent, subsided for a short while during the independence period, has intensified after the incidents that afflicted the country. The politicians have hardhandedly seized the administration, and abused it for their personal interests. Consequently, the public administration became, to a certain extent, a tool for serving its own interests and the interests of politicians and a few other influential financial and economic groups. It is natural, in such a situation, that serving the citizens becomes largely dependent on the extent that the needs of the citizens and those of the politicians and/or the civil servants agree.
- The outdated, arduous and complicated work styles and procedures are, as all admit, one of the main complaints of the citizen and subsequently one of the main reasons for the lack of confidence in the administration's capability or willingness to serve this citizen and to improve his relations with the State and the administration. Simplifying administrative procedures and facilitating the citizens' transactions constitute an important means of overcoming the citizens' frustration and recovering their trust in the administration or the State.

- The ineffectiveness of the system of calling the politicians and the civil servants to account constitutes a major reason for the disappointment of citizens and the decline of their trust. Besides, the poor control of the parliament over the executive power responsible for the workflow in the public administrations/agencies augments the indifference and disregard of many civil servants towards the citizen without fear of retribution.

Under such circumstances, it becomes clear that there exists a great need to change the traditional look of the administration towards its role and the method of its interaction with the citizens in order to eliminate injustice and to restore confidence and establish a real partnership between the administration and the citizen as an essential condition for any authentic administrative reform.

The civil servant should understand that the citizen is his employer in as much as he is employed by the State, and that the citizen has rights that the State should acknowledge and observe. It is regrettable that the Lebanese laws focus, in the first degree, on the civil servant's obligation towards the State disregarding his/her obligations towards the citizen.

Fortunately, the State has lately realized the importance of the administration-citizen relationship, and has incorporated it within a document: A Strategy for the Development and Improvement of the Public Administration, that was presented by the Minister of State for Administrative Reform and approved by the Council of Ministers on the 13th of September 2001. This document considers that the compliance of the public administration with the citizen's needs is one of the fundamental principles of a modern public administration. It also asserts that "the principle of compliance with the citizen's needs demands a transition from a bureaucratic system to an open one. In view of this, the compliance of the public administration should observe the principle of association between the administration and the citizen in the aim of providing better services, facilitating the access to information and adopting transparency".

We hope that the proposed charter which constitutes a frame for the administration-citizen relationship in general, be a prelude to other more specialized charters that cover various administrative sectors, especially education and health; and yet to point that the proposed charter involves all the civil servants in ministries, administrations, agencies and municipalities.

Finally, it should be highlighted that, in spite of its moral influence, the charter's success in fulfilling the desired goals depends strongly on its adoption by the civil society and the civil servants, particularly the senior officials, in addition to full support by the political authorities.

The citizen's charter includes the following headings:

- Transactions: simplicity and speed.
- Public function's code of ethics.
- Citizenship code of ethics.
- Right to access: Transparency and combating corruption.
- Accountability and participation.

First: Transactions: Simplicity and Speed

Citizens are entitled to:

1. Have their public affairs in all administrations handled by employees characterized by competence, professionalism, proficiency and professional ethics free from political favoritism.

2. Be acquainted with all the stages and procedures related to their administrative transactions, especially those falling within the framework of daily services that concern all citizens, by way of the various means available: circulars (citizen's guide), posters, announcements, automated phones, electronic networks and specialized information offices in the public administrations.

3. Be familiarized with stages and procedures of the administrative transactions and their costs, especially for illiterate citizens who are ignorant of their essential rights or who suffer from difficult economic and social conditions. These people should be enabled to attain their essential rights by means of an administrative information system and an administrative service compatible with the difficulty of their conditions.

4. A diversified administrative information system that helps them understand the mechanisms of the work of public administrations on both national and local levels, and that curbs corruption and favoritism.

5. Simple administrative transactions, varying in difficulty according to importance and nature, and compliant with the following three principles:

- The principle of legality: i.e. the list of attachments and identification documents should be set by a law, decree, or decision.
- The principle of relativity: i.e. the volume of data and documents required should be relative to the subject of the application so that routine transactions do not constitute a squander of time except to the minimal extent.
- The principle of clarity: i.e. the forms and the documents related to the transactions should be easily and clearly designed and phrased in an administrative language comprehensible to the majority of citizens.

6. The acquisition, without delay, of an authenticated copy of individual administrative decisions that concern the citizens in order to become acquainted with the legal viewpoints and justifications of these decisions. This right shall not be disclaimed, due to force majeure or exceptional circumstances, unless within limits set according to each case. It would also be possible in critical cases to verbally notify the content of the decision, provided that it would be subsequently executed in writing within the shortest possible period.

7. Quality services, in all areas, compatible with the adopted international consumer protection standards and qualifications, particularly in the field of environment. Each administration shall set and maintain a 'customer service standards' system for the services it offers to the citizen.

8. Daily interaction with a public administration that upkeeps their dignity and is characterized by equality and non-discrimination, and far from being placed in a position of soliciting services through flattery, blackmailing or submissiveness. This necessitates that the administration evaluates the performance of the civil servants, especially their way of dealing with the citizens.

The administration shall:

9. Justify the individual administrative decisions in writing, except in cases related to national defense, foreign policy, judicial procedures, the right to privacy and other matters specified in existing laws and regulations.

10. Easily identify the legal regulations and the effective organizational stipulations. Administrations shall compile the applied legislation, classify them according to subject and make them accessible to the citizens.

11. Fight bureaucracy and administrative routine by way of simplifying transactions, rationalizing cost, diminishing the number of forms, documents, papers and certificates required to complete the transactions, specifying the time limits to finalize these transactions, and working on expanding the use of electronic information networks in order to facilitate processing of transactions.

12. Establish information offices in public administrations/agencies and municipalities wherever necessary to provide citizens with the needed information, and to link these offices through information networks so that the citizen may access information concerning his / her transactions in the various departments from any information office.

13. Extend daily working hours throughout the afternoon for two or more days per week in overloaded ministries and government administrations.

14. Provide opportunities for all citizens to resort to judicial authorities and reduce the time limits for considering the cases.

Second: The Public function's code of ethics

The civil servant shall:

15. Be guided by public interest in his work, and ensure the application of effective rules and regulations without violation or negligence.

16. Place the service of citizens before his / her personal interests and commitments.

17. Accomplish the citizens' transactions with speed, precision and integrity within the limits of his duties.

18. Interact with the citizens, within the effective rules and regulations, with courtesy, efficiency and respect to their rights and dignity.

19. Endeavor to ensure equality and objectivity in dealing with the citizens without any discrimination or bias because of race, religion, sex, belief or political affiliation.

20. Inform the citizen whose file is being handled, of the civil servant's full name, function, phone number, and work address so that the citizen may contact him when necessary.

Third: The Citizenship Code of Ethics

The citizen shall:

21. Deal with the civil servants with respect and courtesy on the basis that they are performing a public service that requires a high degree of responsibility and produces national revenue.

22. Refrain from using of influence, or pressuring the civil servants into disregarding laws and regulations, paying bribes, announcing false statements, presenting forged documents or encouraging the civil servant through presents, promises or benefits to commit acts not in the public interest.

23. Disclose any violation, fraud or corruption in order not to become an accessory to the mal-practices and squandering of public money.

24. Pay all taxes and fees according to laws and regulations, present the documents and papers related to his / her transactions, and facilitate the work of the civil servants. He / she shall also abide by the rules and regulations of the public administration and respect the time limits specified for the submission of applications, and for payment of the required fees.

25. Contribute in reducing the public administrations' financial burdens through respect of public property and public money, wisely using public facilities, and adhering to the rules of public safety, environment and public health. He shall also encourage the institutions of the civil society, the communal associations and the media in the mobilization of efforts to prevent violation of public property.

Fourth: access to information, transparency and combating corruption

Citizens are entitled to:

26. Transparency in all that is related to public expenditures through the implementation of provisions related to transparency, and through publicizing ways of expenditure in the various media outlets.

27. Access, at the site of the concerned administration, information of public nature related to the work of the administration under the existing laws and regulations, provided that such information are not subject legally to the principle of confidentiality. Besides, any physical or moral person is eligible to copy and publish these documents, wholly or partly, on his own responsibility, provided that such does not cause damage to the personal and private rights and freedoms of the individual,

28. Access information and data on information networks, comment on it and discuss it. Citizens are also eligible to object to, correct or refuse the publication of any information related to themselves on the networks provided they exhibit valid justification. Besides, public administrations and agencies are prohibited from including in their database any data of personal or private nature without the consent of the person concerned.

29. Access the budget of public administrations and agencies and municipalities after fifteen days of approval and publication. The closing account of the past year together with a list of individuals and establishments that have benefited from it and an inventory of its assets shall be attached to the budget. Such information shall be issued in a bulletin format or as a poster on the billboard of the concerned administration/agency/municipality.

30. Object to any levied taxes or fees if he / she finds it to be erroneous, or misleading. The citizen is eligible for an answer to his objection without any delay and within the time limit stipulated by the law. The objecting citizen shall be notified of all

summons, notices, communications, decisions, etc... through the proper administrative channels and information and communications technologies.

The Administration shall:

31. Announce the executed public projects where the cost exceeds 50 times the minimum wage, and place a billboard at the site of the project which includes all basic information and data pertaining to same, as well as depositing the original documents related to a project at the headquarters of the concerned administration to enable citizens to access them.

32. Respect the rights of the consumers to benefit from public services (water, electricity, telephones, hospitals, schools...), provided that those consumers are represented in societies or committees where they express their opinion as regards the quality of the provided services.

33. Inform citizens who submit justified requests about public works through official authentic information, especially available statistical data within the limitation of existing laws and regulations, provided that such data is not classified.

34. Provide courts with all necessary information pertaining to litigants, cooperate with the judiciary and do not impede its work.

35. Publish annual reports and information bulletins about the work of ministries and public administrations and their achievements.

36. Maintain confidentiality of private information pertaining to citizens that a civil servant obtains in the course of his / her duty, and shall not utilize it for personal purposes.

37. Establish a system allowing employees, as well as citizens, to submit suggestions related to improving and developing administrative work in the various administrations.

Fifth: Accountability and Participation

The Administration shall:

38. Ensure the access of citizens, within acceptable durations and without any impediments, to authorities entrusted with receiving and examining complaints, and those authorities shall provide all necessary information about ways of submitting complaints, the name, address and telephone number of the employee entrusted with receiving same, and shall deal with the citizen in a serious manner, without discrimination or bias. Besides, the administration shall admit the right of the citizen in his endeavor to attain his rights to refer to the authorities entrusted with the receipt of complaints, members of the parliament, various bodies of the civil society, media outlets and in extreme cases, to courts.

39. Respond promptly to the questions and /or postal or electronic mails of citizens and their telephone queries in a clear and simple language.

40. Conduct annual polls and statistics that exhibit the satisfaction or dissatisfaction of citizens as regards the standard of performance and services of the administrations.

41. Admit the right of employees to demonstrate their professional expertise and to communicate with the society through various means within the framework of the existing legal and organizational stipulations.

42. Facilitate and support the participation of competent employees of all categories in all scientific and training events that contribute to a better relationship between the administration and citizens, as well as in the various publication activities that contribute to the development of this relationship.

43. Ensure the prompt execution of the rulings of administrative judiciary for the benefit of citizens.

44. Enhance the positive image of those responsible for public services, and avoid, through adhering to the evidence of innocence, any primitive measures, whether judicial or administrative, that surpass administrative conduct accountability or responsibility for public funds. The aim behind that is to avoid any action that causes damage to dignity of an employee and the stature of the public function.

45. Establish traditions and mechanisms to honor employees who served in the public administration or have been retired in order to upkeep the reputation of the public function and its stature so that it wins the respect of citizens and attracts into the service young and competent elements with high morals.

46. Enhance the accountability and disciplinary systems to realize the concept of responsibility in the public service.

47. Develop a code of conduct for the civil servants that defines clearly the ethical rules that are to be adopted.

48. Protect 'whistleblowers' against harassment or vengeance acts that they may be subject to from citizens and employees due to uncovering certain violations.

49. Allow the participation of the bodies of the civil society in discussing the policies of the public administration pertaining to those bodies before they are adopted in their final form.

50. Establish a system for granting annual rewards for a limited number of employees distinguished in their dealing with citizens.