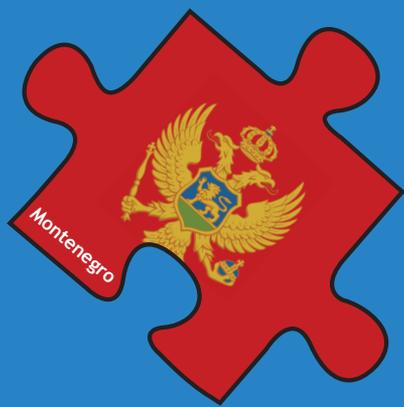


Serbia

Macedonia

Croatia

Republika
Srpska



Montenegro

CITIZEN PARTICIPATION IN THE WORK OF PARLIAMENTS IN THE REGION

comparative experiences in 2009 and 2010



Podgorica, 2011.



CITIZEN PARTICIPATION IN THE WORK OF PARLIAMENTS IN THE REGION

**COMPARATIVE EXPERIENCES
IN 2009 AND 2010**

Podgorica 2011.

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1. INTRODUCTION

This document contains the data on interaction of parliaments in the region with their respective citizens and shows that all the countries, with the exception of Montenegro, have a well-defined legal and institutional framework for such interaction. Some parliaments, as is the case in Croatia, Serbia and Republika Srpska, have specially designated bodies for considering civic petitions and complaints, while in Macedonia this falls under the domain of the Human Rights and Freedoms Committee.

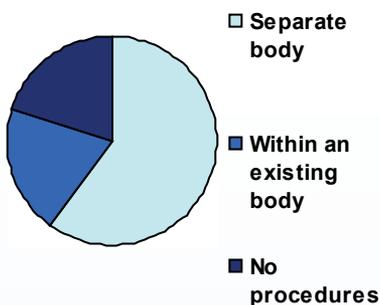
Montenegro is the only one not having the mechanisms in place for considering civic petitions, nor a specially designated body to deal with these matters. For this reason, MANS is continuously taking actions and interacting with the representatives of the Parliament in order to overcome this problem in near future.

This document is based on the data procured from the parliaments in the region and their underlying regulations.

The analysis was done within the project supported by the European Union, through the EU Delegation to Montenegro, and covers five parliaments of the region. The views presented here do not necessarily reflect the official stance of the donor who provided financial support for the project.

2. CONSIDERATION OF CIVIC PETITIONS IN THE PARLIAMENTS OF THE REGION

All parliaments in the region, with the exception of the Parliament of Montenegro, have procedures in place for interaction with citizens.



Graph 1: Overview of ways for considering civic petitions in the parliaments in the region

Thus, parliaments in Croatia, Serbia and Republika Srpska have specially designated bodies to consider civic petitions, complaints and appeals dealing exclusively with interaction with citizens, while the Parliament of Macedonia deals with these matters through another working body – Standing Inquiry Committee for Protection of Civil Rights and Freedoms. In Montenegro there are no impediments for any of the parliamentary bodies to consider citizen petitions, but to date it has been done only once by the Human Rights Committee.

Although Montenegro is far behind other countries in the region when it comes to legal and institutional frameworks for considering civic initiatives, appeals and petitions, the situation is similar to all other countries of the region regarding public participation in the working sessions of parliamentary bodies. All parliaments enable citizens, at the invitation of the chair of the respective body, to participate in the work of a certain committee without voting right. A step forward in this direction was taken by Croatia which, according to the parliamentary Rules of Procedure, enables non-MPs to be appointed to certain bodies as permanent members with the voting right.

3. OVERVIEW OF PARLIAMENTARY BODIES BY COUNTRY

The table below gives an overview of competences of working bodies of the parliaments in the region in charge of considering citizen applications.

Parliament	Name of the body	Competences
Croatia	Petitions and Appeals Committee ¹	<p>Petitions and Appeals Committee:</p> <ul style="list-style-type: none"> - consider petitions, appeals and proposals directed to Parliament and alert the responsible authorities of violations of the law and civil rights in procedures before the state administration and bodies which are vested with public authority, - alert the Parliament of the violation of laws and other negative phenomena of wider significance and proposes the initiation of the necessary measures for their elimination, - investigate, through the offices of the authorised bodies, the grounds for petitions, appeals and proposals and indicates the need for undertaking legally-founded measures to the authorised bodies and report thereupon to the sponsor of the petition, appeal or proposal, - submit a report on its work once annually to Parliament.²
Macedonia	Standing Inquiry Committee for the Protection of Civil Rights and Freedoms	<p>The Committee considers issues regarding:</p> <ul style="list-style-type: none"> - general questions, proposals and opinions regarding the implementation of the provisions of the Constitution of the Republic of Macedonia, concerning the basic civil freedoms and rights,

¹ <http://www.sabor.hr/Default.aspx?sec=2347>

² Article 93 of the Rules of Procedure of the Croatian Parliament

Parlament	Name of the body	Competences
Macedonia	<p style="text-align: center;">Standing Inquiry Committee for the Protection of Civil Rights and Freedoms</p>	<ul style="list-style-type: none"> - points to the need of adoption of laws, regulations and acts with a view to a more comprehensive protection of civil freedoms and rights, - follows, reviews and analyses the implementation of the ratified international acts which regulate protection of civil freedoms and rights, - reviews communications from citizens and takes a position upon them, - cooperates with scientific and professional organizations in the filed of protection of civil freedoms and rights, - cooperates with relevant foreign and international bodies in the filed of the protection of the civil freedoms and rights, - carries out other activities within its competence.
Republika Srpska	<p style="text-align: center;">Committee for Submissions, Proposals and Social Oversight</p>	<p>Committee for Submissions, Proposals and Social Oversight:</p> <ul style="list-style-type: none"> - reviews and considers the submissions and proposals sent to the National Assembly by citizens, companies and organisations and communities and, as needs be, proposes to competent authorities and organisations the measures to address the issues and problems presented and inform the sponsors thereof, - studies submissions and proposal by which citizens, companies and organisations and communities indicate to shortcomings in laws and other acts stemming from inadequate solutions or indicate irregularities in their implementation by competent authorities, in order to take appropriate action and

Parlament	Name of the body	Competences
Republika Srpska	Committee for Submissions, Proposals and Social Oversight	<p>inform the National Assembly thereof,</p> <ul style="list-style-type: none"> - monitor and consider issues and phenomena related to policy implementation and law and other acts and regulations enforcement referring to disposal of funds, distribution of gains, protection of property, manner of exercise of rights and duties of state authorities, companies and other organisations and communities, - informs the National Assembly of the problems noted while considering submissions and proposal and proposes measures to be taken,³ - cooperates with the ombudsman offices of Republika Srpska and Bosnia and Herzegovina.
Serbia	Committee on Petitions and Proposals	<ul style="list-style-type: none"> - Committee on petitions and Proposals consider petitions and proposals addressed to the National Assembly, propose to the National Assembly and to appropriate bodies measures for the settlement of issues contained therein, and inform the petitioners accordingly if so requested. - The Committee submit a report to the National Assembly about its observations concerning petitions and proposals at least once during every regular sitting.⁴
Montenegro	No designated working body for considering civic initiatives. More details are provided in Chapter 5 herein.	

³ Article 71 of the Rules of Procedure of the National Assembly of Republika Srpska

⁴ Article 67 of the Rules of Procedure of the National Assembly of the Republic of Serbia

4. ACTIVITIES OF PARLIAMENTARY BODIES IN THE REGION

This Chapter provides detailed information on the activities of parliamentary bodies in the region considering civic petitions, whose main area of competence involves interaction with citizens. Moreover, we present the data on the composition of such bodies, and information whether such bodies are chaired by MPs coming from the ranks of governing or opposition parties.

4.1. Hrvatska

The Petitions and Appeals Committee of the Croatian Parliament consists of 13 members, and the chair is always an opposition MP.⁵ Over the past two years this body passed in total 16 conclusions regarding the petitions submitted, and in one case there were no grounds for taking action. Out of 15 cases in which actions were taken, 3 were civic petitions supported by a large number of citizens, while other cases were individual citizen complaints.

Over the previous period the Petitions and Appeals Committee dealt with problems citizens encountered regarding administrative and judicial proceedings, inspection control, improper attitude of criminal prosecution bodies towards a specific criminal report, the issues of nationality, environmental protection, and the like.

It is noteworthy that in each case in which the Committee took action it provided, in the form of conclusions, clear recommendations for actions of the executive with the obligation on the part of relevant bodies to report to the Committee on the actions taken, thus ensuring that the Committee conclusions do not remain a dead letter.

As for the presence of third parties at Committee sessions, there are no publicly available data on persons attending the sessions of any committees of the Croatian Parliament.

⁵ Igor Dragovan from SDP

4.2. Macedonia

The Standing Inquiry Committee for the Protection of Civil Rights and Freedoms of the Parliament of Macedonia⁶ has eight members, and the office of the chair is held by the opposition MP.⁷ This Committee held 11 sessions in total. The greatest attention was devoted to the specific case of human rights violation which led to the establishment of a separate subcommittee tasked with preparing a report on this case. Moreover, the Committee dealt with a complaint referring to sexual exploitation of children, and a complaint of a private TV station in Macedonia.

In addition, the Committee also considered annual EC Progress Reports, the Ombudsman reports, as well as a set of laws concerning human rights and freedoms, personal data protection, and amendments to the Criminal Procedure Code.

Interestingly, this committee is very open to the members of the public and various organisations, and thus these 11 sessions were attended by over 30 members of various Macedonian NGOs, and by over 10 members of foreign embassies in Macedonia and the EU delegation.

4.3. Republika Srpska

The Committee for Submissions, Proposals and Social Oversight⁸ of the National Assembly of Republika Srpska consists of seven members, with the chair coming from the ranks of the opposition.⁹

This Committee is not obliged to publicise the minutes and other documents from sessions, and thus there are no officially available data on its activities. Nevertheless, we have been informed from the side of this Committee that they receive citizen petitions daily and act upon them regularly, with most of the petitions referring to the length of court proceedings, property-related disputes and labour rights.

⁶ www.sobranie.mk/?ItemID=B029F595A44B0049BB0C38372A2CEF54

⁷ Vesna Bendevska from SDSM

⁸ www.narodnaskupstinars.net/cir/odbori/odbor.php?id_odb=7

⁹ Borislav Bojić, SDS

There are no publicly available data on the number of third parties who attended this Committee's sessions.

4.4. Serbia

The Committee on Petitions and Proposals of the National Assembly of Serbia is composed of 17 members. This Committee, according to the official data of the National Assembly of Serbia did not hold a single session in 2009, and thus the chair was not elected. In 2010, the Committee on Petitions and Proposals of the National Assembly of Serbia held four sessions, one out of its regular seat, while one session scheduled was not held because of the lack of quorum. At the first session held last year they elected the chair from among the governing coalition MPs.¹⁰

According to the data available at the parliament's website, this committee has an expert service considering the petitions and complaints received at the National Assembly, forwarding them later to MPs for consideration. In 2010 the Committee members had a number of talks with representatives of independent institutions to gain a better insight into complaints and petitions received that year. It may be drawn from the information provided that the Committee had regular quarterly sessions to consider petitions and complaints received between the sessions. The greatest number of complaints of the citizens of Serbia referred to mismanaged privatisation, as well as inefficient work of courts and state authorities.

As already mentioned, the Committee held one session outside the National Assembly building, which was supported by UNDP within the project "Strengthening the Accountability of the National Assembly."¹¹ The Committee members used this opportunity to consider the work of some institutions referred to in complaints of the citizens of Nis, primarily the Property and Inspection Authority.

¹⁰ Saša Dujović, SPS

¹¹ The session was held in Nis, and the Committee members discussed the 5,500 complaints and petitions sent by the citizens of Nis to their local assembly over the period of two years.

5. CITIZEN PARTICIPATION IN THE WORK OF MONTENEGRIN PARLIAMENT

Montenegrin Parliament does not have clearly set legal and institutional framework for interaction with citizens.¹²

The Rules of Procedure of the Montenegrin Parliament do not envisage the way in which the parliament and citizens may interact, but rather the provisions laying down competences are quite widely set and most often envisage each committee to *'consider other matters relating to...'*

Such a wording of the Rules of Procedure leaves enough room for interactions between the Parliament and citizens, but the procedures for submission of civil initiatives to committees, as well as how the competent committees are to proceed upon such initiatives, need to be further elaborated.

Notwithstanding the opportunity to do so, the committees of the Montenegrin Parliament used only ones their right to directly consider civic initiatives and complaints.¹³

In order to provide for a well-rounded legal and institutional framework, an opposition party proposed the adoption of the Decision on the Establishment of the Petitions and Complaints Committee¹⁴ This proposal was, however, rejected by majority vote of governing coalition

¹²The 1993 Rule of Procedure of the Parliament of Montenegro set up the Petitions and Proposals Commission with the competence for considering civic motions, petitions and proposals, as well as proposing necessary actions. The 1996 Rules of Procedure abolished the Petitions and Proposals Commission and since then there is practically no interaction established between the Parliament and citizens of Montenegro. Since the abolishment of the Petitions and Proposals Commission, the 1996 Rules have been amended five times leading until the adoption of the new Rules of Procedure in effect as of October 2006. Thus, the fifty year long practice of existence of a separate body considering citizen petitions was abolished, given that the first such body was established in the Parliament of Montenegro as early as in 1946.

¹³The Committee for Human Rights and Freedoms of the 23rd Parliament adopted the initiative propounded by MANS and Montenegrin Association of Paraplegics referring to the rights of people with disabilities. During the 24th Parliament the initiative of MANS referring to the rights of miners who were on strike in the "Biočki stan" pit was indirectly considered. The initiative was submitted to the Committee for Human Rights and Freedoms and for the Committee for Health and Social Welfare. The Committee for Human Rights and Freedoms reformulated this initiative as if coming from the side of an MP and it was thus put on the agenda for the consideration of problems faced by miners at the joint session held by the two committees. At this session, the committees followed the proposals presented by MANS in its initiative. Still, most of the 16 initiatives submitted by MANS to various parliamentary committees have not been considered yet.

¹⁴The decision was proposed by the Socialist People's Party (SNP).

MPs at the session of the Committee for Political System, Justice and Administration, but conclusions were adopted stating that the Committee did recognise the need for better definition of interactions with the members of the public.

According to the Committee members, and at the proposal of the Deputy Speaker Rifat Rastoder, the problem should be overcome by setting up a subcommittee within the Committee for Human Rights and Freedoms that would be dealing with petitions and complaints. Another proposal was to consider the possibility of setting up a bureau within the Parliamentary Staff Service for communication with the public.

Crna Gora
SKUPŠTINA
Odbor za politički sistem,
pravosuđe i upravu
SU-SK Br.03- 482
Podgorica, 9. septembra 2009.godine

SKUPŠTINI CRNE GORE

PODGORICA

Na osnovu člana 69 Poslovnika Skupštine Crne Gore, Odbor za politički sistem, pravosuđe i upravu Skupštine Crne Gore, sa pete sjednice održane 9. septembra 2009. godine podnosi,

IZVJEŠTAJ O RAZMATRANJU PREDLOGA ODLUKE O OSNIVANJU ODBORA ZA PREDSTAVKE I PRITUŽBE

Na sjednici Odbora u prisustvu većine članova i predstavnika predlagača, vodila se rasprava o Predlogu odluke o osnivanju odbora za predstavke i pritužbe koji su Skupštini Crne Gore dostavili poslanici Socijalističke narodne partije.

Nakon rasprave Odbor većinom glasova nije podržao Predlog odluke o osnivanju odbora za predstavke i pritužbe, pa predlaže Skupštini da isti ne prihvati.

U vezi rasprave koja se vodila na Odboru većinom glasova podržan je sljedeći,

Zaključak

Odbor ocjenjuje da ima razloga za adekvatnijim uredjenjem oblasti komunikacije sa građanima i to na način :

- da se u okviru Odbora za ljudska prava razmotri mogućnost formiranja pododbora za oblast predstavki i pritužbi;
- da se razmotri mogućnost formiranja Biroa koji bi bio u funkciji komunikacije sa građanima.

The report from the session of the Committee for Political System, Justice and Administration, held on 9 September 2009, with the conclusion to launch the initiative for setting up a body for considering civic petitions and complaints.

Although such [proposals were supported by MPs, for over a year nothing has been done towards their implementation. Therefore, MANS asked to be received by the Deputy Speaker Rifat Rastoder¹⁵, who initiated the proposal in 2009, to put the issue of lack of consideration of civic petitions in the Parliament of Montenegro back on the agenda.



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SKUPŠTINA CRNE GORE
N/R RIFAT RASTODER, POTPREDSJEDNIK SKUPŠTINE

VO = MANS
DOK. 11502/10
PODGORICA, 08.11.2010

Podgorica, 08. novembar 2010. godine

Poštovani potpredsjedniče Rastoder,

Obrućam Vam se sa molbom da, u skladu sa Vašim raspoloživim vremenom, zakažete sastanak sa predstavnicima NVO MANS, u vezi sa problemom građanskih predstavi i pritužbi.

Naime, MANS u kontinuitetu dobija veliki broj predstavi i pritužbi građana Crne Gore u kojima nas mole da se u njihovo ime obratimo Skupštini Crne Gore, a Parlament, kao što Vam je dobro poznato, i dalje nema razvijen sistem za razmatranje predstavi i pritužbi od strane građana.

Ipak, upravo ste Vi, na sjednici Odbora za politički sistem, pravosuđe i upravu u septembru 2009. godine, bili jedan od poslanika koji je smatrao da treba preduzeti napore da se unaprijedi postojeća saradnja sa građanima. U skladu sa tim, predložili ste da se u sklopu Odbora za ljudska prava i slobode otvori pododbor koji bi se bavio predstavkama i pritužbama građana te da se unaprijedi postojeća služba Skupštine, koja bi se stavila u funkciju saradnje sa građanima.

Zbog svega navedenog, željeti bismo da sa Vama razgovaramo na ovu temu i da Vam predstavimo neke informacije do kojih je MANS došao prilikom istraživanja u ovoj oblasti, kako bi smo pokušali da Vam pomognemo da realizujete Vaš predlog sa sjednice Odbora za politički sistem, pravosuđe i upravu, koji već više od godinu dana čeka na realizaciju, iako je to pitanje od prioritarnog javnog interesa za građane Crne Gore.

Najljubaznije Vas molim da nam izadete u susret i zakažete sastanak, te da nas o terminu istog blagovremeno obavijestite.

Unaprijed zahvalan,

Vuk Mirošević
Direktor monitoring programa



This project is funded by the European Union, managed by the Delegation of the European Union to Montenegro and implemented by the Network for Affirmation of NGO Sector - MANS

Ovaj projekat je finansiran od strane Evropske Unije, preko Delegacije Evropske Unije u Crnoj Gori a implementira ga Mreža za Afirmaciju Nevladinog Sektora - MANS



Crna Gora
SKUPŠTINA CRNE GORE
PRIJEMNA KANCELARIJA
Podgorica, 8.11.2010.

The letter sent by MANS to the Deputy Speaker asking for meeting where the issue of setting up a body to consider civic petitions and complaints in the Parliament of Montenegro was discussed.

At the meeting, MANS representatives presented several ideas how to overcome the technical issue of establishing procedures to consider civic petitions and furnished their Draft Rulebook on Handling Citizen Petitions, Proposals and Complaints in order to facilitate setting up of the necessary system in the Parliament (the Draft Rulebook is annexed hereto).

The Deputy Speaker Rastoder honoured the proposals delivered by MANS and forwarded them to further procedure within the Parliament,

¹⁵ On 08 November 2010, and the meeting was held several days later.

including its consideration at the Collegium of the Speaker. The Collegium considered the initiative forwarded by the Deputy Speaker Rastoder and supported this proposal, which was then forwarded for further action to the Committee for Human Rights and Freedoms, in charge of setting up a subcommittee for consideration of civic petitions, pursuant to the 2009 conclusions. However, the Committee for Human Rights and Freedoms has not yet discussed this initiative.

Consequently, the issue of interaction between the citizens and the Parliament of Montenegro still lacks its legal and institutional definition.

As for the presence at sessions of various bodies of the Montenegrin Parliament, so far over 30 representatives of various NGOs¹⁶ attended such sessions, invited by the relevant chairs, without the right to vote, as envisaged by the Rules of Procedure of the Parliament of Montenegro.

¹⁶ On several occasions, MANS attended the sessions of various parliamentary bodies, including the Administrative Committee, the Committee for Health and Social Welfare, the Committee for Human Rights and Freedoms, the Committee for Constitutional Matters and Legislation, and the Committee for Economy, Finance and Budget.

6. USEFUL LINKS

Network for Affirmation of Non-Governmental Sector - MANS
www.mans.co.me

The Parliament of Montenegro
www.skupstina.me

Croatian Parliament
www.sabor.hr

The Parliament of Serbia
www.parlament.gov.rs

The National Assembly of Macedonia
www.sobranie.mk

National Assembly of Republika Srpska
www.narodnaskupstinars.net

ANNEX: RULEBOOK ON HANDLING CITIZEN PETITIONS, PROPOSALS AND COMPLAINTS PREPARED BY MANS

DRAFT

Pursuant to Articles 218 and 219 of the Rules of Procedure of the Parliament of Montenegro – consolidated text (Official Gazette of Montenegro 7/10), the Secretary General of the Parliament hereby adopts

RULEBOOK FOR HANDLING CITIZEN PETITIONS, PROPOSALS AND COMPLAINTS

Article 1

This Rulebook lays down the actions of the Staff Service of the Parliament of Montenegro (hereinafter: Parliamentary Staff Service) following the submission of petitions, proposals, complaints and other documents (hereinafter: Documents) by citizens of Montenegro, journalists, nongovernmental organisations, trade unions and other organisations (hereinafter: Citizens and Civil Society).

Article 2

Petitions, Proposals, Complaints and other Documents provided by Citizens and Civil Society shall mean all letters and documents sent to the Speaker and Deputy Speakers of the Parliament, to parliamentary bodies and MPs requesting taking action in the public interest, including: posing questions for the executive; scrutiny over the executive; amendments to the existing and adoption of new laws; giving opinions, recommendations and adoption of conclusions by the Parliament and working bodies.

Article 3

When Citizens and Civil Society submit Documents, the Department for Public Relations, International Relations and Protocol of the Parliamentary Staff Service shall forward this Document to entities referred to in Article 2 of this Rulebook and notify thereof the sponsor of the Document not later than 7 days from the day of its receipt.

When forwarding the Document referred to in paragraph 1 of this Article, the Parliamentary Staff Service shall inform the entity to whom

the Document is submitted that the relevant citizen or representative of the civil society will be provided with basic information related to forwarding of the Document.

Article 4

Upon consideration of the Document by the entity to whom it is forwarded, either by rejecting it or accepting it and acting pursuant to it, the entity gives feedback to the Parliamentary Staff Service not later than 7 days since the day of taking action.

The feedback shall contain the data on: the date of considering the Document; the decision with the rationale whether to act upon the Document; all information related to actions upon the Document and all documents which were created as a result of actions upon the Document.

Article 5

Upon receiving feedback from the entity, the Parliamentary Staff Service shall inform the Citizens and Civil Society of all the actions taken, including the submission of documents related to the case not later than 90 days from the day of receiving the act.

In case the Parliamentary Staff Service fails to receive feedback in the time envisaged, it informs the sponsor of the Document that no action has been taken in his case, and provides the contact details of the entity to which the Document was forwarded in order for the sponsor to be able to directly procure information of further actions regarding the consideration of the Document.

Article 6

All Documents provided by Citizens and Civil Society shall be archived in the Parliament of Montenegro in line with the law and posted on the Parliament's website, together with all accompanying documents.

Article 7

The Parliamentary Staff Service shall, not later than 30 days since the adoption of this Rulebook, compile all necessary forms to be used for correspondence between the sponsor of the Document, the Parliamentary Staff Service and entities to whom the Document is intended.

Article 8

Ovaj pravilnik stupa na snagu danom donošenja

