

Panel Discussion

Inclusion of Citizens in Social and Political Life: Summary of Novi Sad Panel Discussion

The panel discussion “Inclusion of Citizens in Social and Political Life Through the Right to Petition and Submit Recommendations” jointly organized by YUCOM – the Lawyers’ Committee for Human Rights and the Heinrich Boell Foundation, was held in Hall 3 of the Assembly of Vojvodina in Novi Sad on the morning of May 25th, 2010.

The panel discussions was held as part of the “Inclusion of Citizens in Social and Political Life Through the Right to Petition and Submit Recommendations,” project that is supported by the Delegation of the European Union to Serbia.

The project’s main goal is advocating for citizens’ participation in political life and their direct involvement in the decision-making process on all levels of public authority. This goal can implemented by adopting necessary legislation and establishing an effective mechanism for the regulation of the right to petitions and recommendations.

The objective of the panel discussion is to create a constructive dialogue between public authority representatives and citizens about the models of realization of the constitutional right to submit petitions and recommendations.

A constructive dialogue would remove only some of the existing confusion in the petition system; some of which include:

- whether or not public authorities have procedures that govern responses to petitions and other official recommendations
- what are the experiences of public authorities concerning petitions and other recommendations.
 - what are the main obstacles for providing replies to petitions and recommendations.



The research of the legal regulations that govern the realization of these constitutional rights was conducted and 5 workshops were organized with representatives of nongovernmental organizations, unions and the broader public in Belgrade, Niš, Preševo, Kragujevac and Novi Sad.



It was concluded that there is no legal framework which regulates these rights, as well as that the practice of acting upon the citizens’ petitions and recommendations shows a high level of ignoring this right by the public authorities.



Follow-up panel discussions will be held in the cities where initial workshops took place so that now the same group of participants will be informed about the results of the exercise following the previously implemented workshop. In addition, given that the opportunities for these meetings among all relevant regional stakeholders are very rare, panels in these cities would be a valuable opportunity for both authorities and citizens to discuss at the local level how to improve cooperation regarding citizens’ will to exercise right to petition, as well as the local authorities’ response in the process.



The first speaker in the panel discussion was **Milan Đukić**. He



presented the work of the Committee for Recommendations and Petitions of Provincial Assembly, of which he is a member. Mr. Đukić noted that there were forty applications to the Committee during the 2010 year and that the board gives

the answers to the applicants. Also, the Committee has had the cooperation of the Provincial Ombudsman. The representatives of Committee and Provincial Ombudsman have been monitoring the detention conditions in the Vojvodina territory. However, the problem remains that 14 municipalities in Vojvodina do not have this kind of Committees within their local parliaments. Thus, citizens of those municipalities are not able to communicate with their local parliamentary representatives.

Vesna Pesic (MP) spoke about her



experience with the petitioning process during 1980s. She emphasized that during the era there existed a petitioning movement that had great influence on the government.

Although, petitioners during this time were observed by police.

Today however, the government is immune on the all kind of citizen initiatives. For example, Ms. Pesic emphasized that the Serbian Parliament did not adopt any of proposal of law submitted by citizens through their constitutional and legal instrument – citizens' initiative.

The link between parliamentary representatives and the citizens-- the MPs, do not have an effective system to introduce citizen initiatives before the parliament. First, few citizen are able to directly communicate with their local

MP. Secondly, although MPs have the right to raise questions to the Government every week, they must first receive the approval of the chief of parliamentary group before they are allowed to pose their respective questions as the MPs are overseen by head of the party. Thus, representative democracy in Serbia is limited which in turn also limits direct democracy.

Ms. Katarina Jozic (YUCOM) stated that the seriously



consideration of citizens' petitions and recommendations by administration and the administrations prompt response to these petitions will raise both transparency and efficiency in state administration; both of which are principles of European administrative space.

Further, she explained that the right to citizen petitions and recommendations are constitutional rights and that the Serbian Constitution guarantees that authorities must respond to citizens when prompted. Nevertheless, there is no legal framework about deadlines and form (i.e. necessary explanation by addressee) for such responses. Therefore in practice, it is very rare that authorities provide any sort of response to petition requests. By submitting 25 different recommendations and petitions on March 9, YUCOM, with other organizations, tested the conduct of various authorities to petition requests. After 60 days, only one local authority had responded to the submitted petition.

This example demonstrates that the constitutional right for an official response is not actually implemented in practice. However, the reasons for these inconsistencies are different and Ms. Jozic invited present representatives of authorities to talk about reasons.



Wolfgang Klotz (Heinrich Boell Foundation) spoke about the development tendencies of direct democracy instruments both in EU countries and the region. Further, he presented the internet portal developed by YUCOM and Heinrich Boell Foundation as the one of the

tools of direct democracy that are currently present in the EU states (United Kingdom, Germany etc).





Nenad Borovic, the President of Ruma, emphasized that in his municipality the citizens communicate directly with the representatives of local assembly who in turn redirect the citizens' applications to the proper authorities.

Furthermore, he expressed his concerns regarding the police interrogation of petitioners in a village near Ruma. The petitioners had wanted to expel a teacher from a local school. Although 800 people (roughly the population of the whole village) had signed the petition, the petition's organizers were accused inaccurate claims in the text of petitions, when it was in fact, actually very clear.

Milan Antonijevic (YUCOM), the moderator of the panel discussion, explained that within this project YUCOM has communicated with the recently established Committee for Recommendations and Submissions of Serbian Parliament and that the Committee is willing to cooperate with NGOs. This is positive sign that an effective link between citizens and parliament will be established.

Finally, the panel discussion emphasized the role of the media as monitoring power is essential. The presence of the journalists on the panel discussion encourages and explains that it is possible to have the attention of the Serbian media in such direct democracy matters. Although the topic is not related to specific affair, the journalists of Vojvodina reported the panel, and raised questions and participated in the panel discussions.

See: <http://www.youtube.com/watch?v=JJajCBYb32U>
<http://www.autonomija.info/kloc-prioriteti-gradana-i-politicara-nisu-jednaki.html>
<http://www.autonomija.info/pesic-ustav-odvojio-poslanike-od-gradana.html>
<http://www.dnevnik.rs/node/23759>
http://rtv.rs/sr_lat/drustvo/pravo-na-peticije-koje---niko-ne-uvazava_191319.
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The Lawyers' Committee For Human Rights (YUCOM) is an expert, voluntary, non-governmental organization whose members are legal experts engaged in promoting and advocating the idea of the rule of law and uphold of human rights, raising public awareness, conceiving, designing and leading civic initiatives, rendering legal assistance to victims of human rights violation, as well as developing co-operation with national and international organizations involved in human rights protection and promotion.

YUCOM is recognized as an organization advocating human rights and promoting active participation of citizens in legal initiatives. It has profiled itself and gained much recognition as a human rights defenders' organization.

