



**Service of the Parliament of Montenegro
Section for Research, Analysis, Library and Documentation**

Research paper:

**Citizens Addressing the Parliament-
petitions, complaints and proposals**

Podgorica, June 2012

Number: 05/2012.

Classification No: 00-52/12-

Date: June 2012

Prepared by: Section for Research, Analysis, Library and Documentation

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Foreword

This paper provides information about the right of citizens to address the parliament, parliament handling complaints, proposals and petitions, with focus on the existence of a specialized working body within the parliament that is in charge of handling petitions.¹ The document elaborates issues related to a parliamentary body competent for considering citizens' addressing the parliament, the procedure for submitting and considering petitions, competences and authority of the committee dealing with petitions, the decision-making procedures, the results of these decisions, the possibility of appeal against the decisions of the committee, finality and publishing of decisions, and the obligation for reporting to the parliament. In addition to the aforementioned, the document covers issues regarding the authority of the committee to arrange visits in order to collect the necessary data (i.e. *fact finding visits*), the right of the Committee to hear witnesses and experts, and the right of the committee to hear or conduct an inquiry on the subject of petitions. Furthermore, it provides data referring to the number of submitted petitions, obtained through a direct question "How many petitions are submitted to the Parliament on an annual basis?" However, due to different methods and procedures for addressing the parliament and due to possible terminological differences, these data should be carefully taken into consideration.

For preparing a research paper dealing with procedures for considering citizens' petitions, the Section for Research, Analysis, Library and Documentation has, *inter alia*, collected data through the ECPRD Network², covering the following countries: **Austria** (*Österreichisches Parlament*), **Belgium** (*House of Representatives*), **Bosnia and Herzegovina** (*Parlamentarna skupština*), **Denmark** (*Folketinget*), **Finland** (*Eduskunta*), **Georgia** (*Parliament of Georgia*), **Czech Republic** (*Chamber of Deputies*), **the Netherlands** (*the Dutch Parliament*), **Croatia** (*Hrvatski sabor*), **Italy** (*Chamber of Deputies*), **Israel** (*The Knesset*), **Cyprus** (*House of Representatives*), **Latvia** (*Saeima*), **Lithuania** (*Seimas*), **Macedonia** (*Sobranie*), **Germany** (*Bundestag*), **Parliamentary Assembly of the Council of Europe**, **Portugal** (*Assembly of the Republic of Portugal*), **Romania** (*Chamber of Deputies and Senate*), **Russia** (*Дума i Совем Федерациии*), **Slovenia** (*Državni zbor*), **Serbia** (*Narodna skupština*), **Switzerland** (*Federal Assembly*), **Sweden** (*Rikstag*), **United Kingdom** (*House of Commons*).

The answers by parliaments were analysed and summarised, and then presented graphically and in tabular form. The key findings are presented through charts, while the second part of the document provides detailed information on petitions. The information is classified into two categories depending on the existence or non-existence of a special parliamentary committee responsible for consideration of complaints/petitions. The procedure for submitting petitions to the parliamentary Committee on petitions and acting upon these petitions is presented in tabular form, whereas, the procedure for considering citizens' petitions in parliaments that do not have a special Committee on petitions, given the essence of the data, is described and explained in the narrative section of the research paper.

¹ Since the working bodies dealing with these issues are mostly referred to as bodies dealing with *petitions*, regardless of the form of address (individual or joint), this term is used throughout the paper.

² ECPRD Request No. 640 *Committee on Petitions*, October 2006 and ECPRD Request No. 1984 *Committee on Petitions (update)*, 10 May 2012

Summary

Guide to good practice titled “Parliament and Democracy in the 21st century“, states that ‘an important function for parliaments is to provide a framework through which citizens can file complaints and have them investigated, and that the public usually make complaints about the work of public authorities or seek exercise of their rights through their elected representatives. An elected member typically has more influence when taking up a case with a government body or public authority than it does an individual on his own.” The Guide further provides that “the right to petition is at least as old as the institution of parliament itself. It has even been argued that the Parliament in the United Kingdom originated in meetings of the King’s Council where petitions were considered. In France, the right to petition parliament has existed almost permanently since the French Revolution. With the increase in the influence and importance of parliaments, petitioning parliament became one of the main methods of handling complaints/petitions, so that parliaments had to set up special committees to cope with the ever increasing number of petitions. These committees can be considered as the first ‘human rights’ committees since their aim was and still is to redress injustice.“ (Ingeborg Schwarz, Parliamentary Human Rights Mechanisms, NDI, 2004).³

Petitioning the European Parliament

The right to petition, contained in the Treaty on European Union, is a fundamental right inextricably linked to its citizenship. It is an important and often effective way for people to be directly involved in the Parliament's activity and to have their concerns, proposals or complaints specifically addressed by the Committee members. Any citizen of the European Union, or resident in a Member State, any company, organisation or association with its headquarters in the European Union, may submit a petition to the European Parliament. A petition must be submitted in written form and in one of official languages of the EU. There are two ways for submitting petitions, by mail and by e-mail. The Committee on petitions consists of 34 members, and it represents an investigative committee, not a legislative one, which tries to ensure non-judicial remedies for citizens when substantiating claims. .

The Committee is obliged to report to the Parliament and has the authority to organise fact finding visits. Therefore, it plays a vital role in reconnecting with European citizens and in reinforcing the democratic legitimacy and accountability of the EU decision-making process.

Furthermore, with the entering of the Lisbon Treaty into force, European citizens’ initiative was introduced, enabling millions of citizens, from at least one quarter of all member states, to request from the European Commission to initiate legislation.

Izvor: *European Parliament*

<http://www.europarl.europa.eu/committees/en/peti/home.html;jsessionid=22B54DE3862D854EF6E4AB84FA00864A.node1>

³ Parliament and democracy in the 21st century, Inter Parliamentary Union, 2008, page 74

Different forms and aims of citizens' petitioning governmental bodies or organizations exercising public authority are also referred to as: petitions, complaints, proposals, civic initiatives, etc. In general, applicants submit their petitions in order to effectively enforce and protect their rights and interests, as well as initiate political and other initiatives of general interest. The legal basis for petitioning in many countries, including Montenegro⁴, is the supreme law, the Constitution (Germany, Italy, Serbia, Croatia, Russia, etc.), whereas the procedure of submission of such petitions, is more specifically governed by the rules of procedure. Furthermore, in some countries, there are specific laws dealing with petitions / complaints (Czech Republic, Germany, UK, Russia, etc.).

Therefore, bearing in mind, the importance of the rights of citizens in terms of their addressing state authorities, most parliaments provide a framework for the exercise of this right. In this sense, many parliaments have developed the practice of establishing special committees, which consider citizens' petitions (submitted in written form) – and are usually referred to as the Committee on petitions (Austria, Belgium, Bosnia and Herzegovina, Czech Republic, Netherlands, Croatia, Israel, Latvia, Lithuania, Germany, Romania, Slovenia). The Guide to good practice provides that nowadays such committees are usually reserved for the consideration of petitions indicating a general problem and supported by a large number of signatories. In many countries, a more usual avenue for individual complaint today is through the office of Ombudsman or Public Protector, whether accessed initially through a member of parliament or, more usually, directly by the complainant. However, even in the latter case, it remains the responsibility of the parliament to provide the legal framework and control the manner in which the protection of the public is ensured.

In addition to a special parliamentary committee, some parliaments have developed a practice, in which citizens' petitions are considered by other working bodies (**Denmark, Italy** - Lower House, **Portugal, Serbia and Switzerland**), whereas in the **United Kingdom**, there is a relevant department within the Government dealing with complaints. In Macedonia, citizens' petitions are considered by a standing inquiry Committee for Protection of Civil Rights and Freedoms, whereas in the **Parliamentary Assembly of the Council of Europe**, the citizens' petitions are considered by the Bureau, in consultation with relevant committees.

On the other hand, citizens' complaints, are also discussed by specific organizational units within the parliamentary services (**Georgia and Russia** - both houses), with the exception of the lower house of the Russian Parliament, in which complaints are discussed by MPs. In **Sweden and Finland**, citizens' complaints are considered by the Parliamentary Ombudsman with the aim of ensuring respect for the human rights. In **Cyprus**, the body competent for considering complaints and disputes of citizens is the Ombudsman, while members may receive individual citizens' petitions within their constituencies and may decide to forward such requests to the standing committees of the Parliament.

The complete document in Montenegrin language can be found at: http://www.skupstina.me/images/dokumenti/biblioteka-istrazivanja/3%20IstrazivackiRad_Peticije,%20predstavke%20i%20predlozi_jun2012.pdf

⁴ Constitution of Montenegro, Article 57