

# Comparative study

COMPARATIVE STUDY ON BEST PRACTICES OF CIVIC  
OVERSIGHT ON PUBLIC ISSUES IN V4 AND BELARUS

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# 1 THE INSTRUMENTS OF DIRECT DEMOCRACY

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## 1.1 INSTITUTIONS OF PUBLIC PARTICIPATION IN DECISION-MAKING PROCESSES

### 1.1.1 Poland

#### ***1.1.1.1 Request in administrative regime***

According to Polish Constitution's (Art. 63) and Administrative Proceedings Code (Art. 241), everyone has a right to submit a proposal in public interest to the institution as regards its tasks. It should contain recommendation how the activities of the institution should be improved. The institution is obliged to answer in 30 days. The request can also be submitted to include some position in the budget of the institution.

#### **Legal grounds**

Regulation of the Council of Ministers of 8 January 2002 on the organization of the admission and processing of complaints and applications.

Level of formalization: relatively informal - a simplified procedure, the possibility of submitting in an electronic form without a signature or an electronic signature, the application cannot be anonymous.

Administrative requests in Poland can be submitted in all matters important to residents because, according to the law, the subject of the application may be matters of improving the organization, strengthening the rule of law, improving work and preventing abuse, protecting property, better fulfil the needs of the population etc. The solutions proposed by the residents may concern the implementation of various human rights.

**Example:** The proposal to improve the hospital's operation, carried out by local authorities, will allow for a more complete implementation of the right to health. The proposal on changes in local public schools will allow the greater realization of the right to education. The proposal regarding the publication of certain information by public entities will allow for a more complete implementation of the right to know.

The administrative requests are addressed to the public entity under concern. The subject of the application does not have to be only connected with what is required by the law, but also what constitutes good practice.

**Example:** The resident can request the mayor to make a calendar of official meetings available on line. In Polish law there is no obligation to publish this information, moreover in the opinion of administrative courts, this is not public information. Nevertheless, we can convince the local authorities, through the administrative proposals, that making calendars available online will be an example of good practice and will positively influence the perception of public authorities and will be beneficial to citizens' knowledge of public matters.

Submitting of a request is also important for documenting its activities. Even if the addressee of the request does not share our proposals, he or she will have to justify the position in writing. His or her activity or inactivity can be later raised as a topic of a public debate.

According to Polish legislation, the administrative request is less formal than other administrative correspondence. It does not have to be signed and may be filed, among others, in electronic form (e-mail or fax). The request must contain the name and surname (or name - in the case of legal persons and other entities) and the address of the applicant. Anonymous applications are not considered according to the Regulation of the Council of Ministers<sup>1</sup>.

In Poland, administrative requests are processed in one instance. The method of consideration cannot be unlawful, as the settlement is an expression of the will of the representative of the body. There is no way to challenge the way of handling the request, but the negative conclusion of the application may be the subject of a complaint.

### **1.1.1.2 Complaint**

Complaint should concern failures in functioning of the existing procedures, solutions or misbehaviors in the institutions. It should be addressed to the higher-level body in order to assess the actions of the subordinate body. The topic of the complaint may be connected with both, illegal activity and action (or omission) that deviates from good standards. It can also refer to the negative consideration of the request.

**Example:** Resident may complain that mayor is acting unlawfully or his/her behavior does not realize the standards, or that he/she did not take into account the resident's administrative request, although the proposal would bring good results and was feasible.

The complaint must comply, in accordance with Polish law, with the same requirements as the administrative request. This means that the complaint is less formal than the rest of administrative correspondence, does not have to be signed and can be filed, among others in electronic form (e-mail or fax). The complaint must contain the first name and surname (or name - in the case of legal persons and other entities) and the address of the applicant. Anonymous complaints are not considered.

### **1.1.1.3 Petition**

Petitions are the most formal way of communication with gmina<sup>2</sup>. They are similar to requests but should concern changes in regulations and laws. From formal point of view there is no need more than one person should sign that petition. Of course, it is important from pressure point of view. Good thing about petitions is that the Authority should publish this petition. The bad one is that the Authority has 3 months for answering. This deadline can be extended exceptionally up to 6 months.

#### **Legal grounds**

The basis in the Constitution (Art. 63). Everyone has the right to submit petitions, applications and request in the public interest, his/her own interest or another person's with his/her consent to public authorities and to social

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<sup>1</sup> § 8 section 1 Regulation of the Council of Ministers of 8 January 2002 on the organization of the receipt and processing of complaints and requests

<sup>2</sup> The gmina is the principal unit of the administrative division of Poland, similar to a commune or municipality.

organizations and institutions in connection with their tasks in the field of public administration. The procedure for examining petitions, applications and complaints shall be specified by statute of the institution.

Legal basis: Act of 11 July 2014 on petitions (although the Polish Constitution of 1997 provides the right to submit petitions, by 2014 there were no legal procedures for examining them).

It is available to everyone, including a natural person (regardless of age), as well as other legal entities and organizational units without legal personality.

Formalization level: formalized, special procedure, necessity to provide data on petitioners, obligation to publish petition information on the Internet, extended petition deadline (maximum 6 months)

The choice between a petition, an "administrative" request and a complaint is on the citizen. As a rule, they are not mutually exclusive (citizen can file a complaint after a negative consideration of the "administrative" request, or at the same time: petition, request and complaint). It is good to remember that a negative consideration of a petition cannot be the subject of a complaint. At the beginning, the citizen can come up with a proposal for a specific action and submit an "administrative" request. If it is not successful, he/she can file a complaint with a higher authority. If that does not work, then citizen can involve more people and submit a petition.

**Example:** In Poland, many residents want the local authorities to publish on line a register of contracts, concluded with public funds, which contains information about contractors, contract amounts and contract subjects. To encourage local authorities to run such on line register, they submit an "administrative" request to the head of the city. If it is not taken into account, they can complain to the city council, and in the meantime, they can start activating the residents and preparing a petition in which they will ask the city council to oblige the mayor to take measures to ensure transparency of public life.

### 1.1.2 Slovak Republic

Petitions are one of the most commonly used participatory tools in Slovak municipalities. Citizens use petitions mostly to openly demonstrate the discontent with the (planned) decision of the municipal body or to support a particular public policy.

#### Legal grounds

The right to petition is included in the Constitution of the Slovak Republic. The Article 27 states: "The right to petition shall be guaranteed. Everyone shall have the right to address state bodies and local self-administration bodies in matters of public interest or of other common interest with petitions, proposals and complaints either individually or in association with others".

The practical use of the right is specified in the Act No. 85/1990 on Right to Petition. The law states that everyone has the right to approach the municipal

bodies (state bodies as well) with pleas, proposals and complaints – all representing different categories of the common term petitions.

The responsible municipal body (mayor or local council) is obliged to announce the outcome of settling the petition in 30 days. In addition to this, the municipal body is obliged to debate its content and demands with the petition committee if the petition was signed by at least 1000 citizens or 8% of citizens eligible to vote in the local elections in the municipality, to which the petition was addressed. It is important to note that this obligation to debate does not mean that the demand has to be met. It means merely that the municipal body needs to deal with the petition in the lawful manner.

Since 1.9.2015, the Law on the Petition Right provides an option to sign the petitions electronically, which significantly simplifies the petition campaign and the collection of supporting signatures. There are also several websites that allow citizens to easily create and share their own petitions, probably the most commonly used being [www.changenet.sk](http://www.changenet.sk).

A specific type of petitions in local government is that needed to hold the local referendum. In this case, the petition needs to be signed by at least 30 % of the eligible voters in the municipality in order to be effective. The same percentage of eligible voters' signatures is also needed to call a referendum on removing the mayor from office.

Unfortunately, there is no central register or any form of systematically gathered statistical data on the use of petitions in municipalities, since their processing is entirely in the purview of the particular municipalities. A stand-alone study (Sloboda, D., Dostál, O. a Kuhn, I., 2013) shows, some municipalities do not even keep a record of received and debated petitions.

The study was conducted on a sample of 247 municipalities – 138 towns, 17 city districts of Bratislava, 22 city districts of Košice and 70 communities. The authors inquired the municipalities mainly on:

- what is the proportion of the municipalities having a document on processing the petitions;
- how many petitions were debated on the local council sessions;
- what were the most common subjects of the petitions;
- what were the actions taken by the local council as a reaction to the petitions/

The results show that from the municipalities that responded to the question sent by the authors (212 in this case), only 36% had a document on processing the petitions. The percentage was much higher in case of towns (44,53%) compared to the communities (8,16%), the best results were found in the city districts of Bratislava (62,50%).

Even more interesting is the finding that in only less than a half of the municipalities, the petition was also debated on in the local council. Since the sessions of the local councils are mandatorily open to public, debating the petitions and the possible actions of the municipality is the best way to deal with the petitions.

The most common issues addressed by the petitions were the issues of urban development (27,39%). The petitions were aimed to support building constructions, reconstructions, infrastructural networks or to block building high-rises or industrial buldings. Petitions on transport infrastructure, repairs of roads and sidewalks and building parking lots were also quite common (17,59%), as well as petitions against closing down schools or nurseries (13,82%)

The reactions of the local council to the petition were in most cases positive, including full compliance with the content the petition (12,31 %) or at least positive stance and assigning the tasks

needed to resolve the situation concerned in the petition (25,63 %). However, in quite high number of cases (27,64%), the reaction of the council to the petition was neutral – the council simply „taken the petition into account“

### 1.1.3 Czech Republic

It must be clear, what is the subject of the petition, what the petitioners are asking, suggesting or complaining about. The petition must not raise appeals to the independence of the courts (for example, how the court will decide) or calls for human rights violations, inciting hatred or making violence. The deadline for the petition is 30 days.

The petitions may be addressed to:

- local authorities (the city district - the secretary's office, the city office of the city concerned or the regional office);
- on the ChD CR<sup>3</sup> (to relevant department of the Office of the ChD);
- on the Upper Chamber of the Parliament - the Senate;
- to EU offices or institutions in Brussels (eg. the European Parliament);
- to the courts (but the content of the petition must not be about the decision-making activity of the court or the judge itself).

The petition is filed solely in written form (according to §5 paragraph 1 of the petition) in the form of a petition sheet. The Authority's response is to provide an opinion on the petition's content and the way of its handling. Against the answer of the Office or its inaction cannot in principle be defended by any effective legal means, but it is possible to lodge a complaint, to take part in the meeting of the council, to mediate things etc.

#### Legal grounds

The Czechoslovak Federal Assembly approved the Act on the Law on Petitions on 27 March 1990 (Act No. 85/1990 Coll., On petitions). Together with the law on assembly law and the law on association of citizens, adopted in the same day, it was one of the three basic norms that guaranteed citizens' rights and freedoms to the citizens of the country shortly after the democratic November Revolution. Another regulation is the Ministry of the Interior Regulation No. 27/2004, on petitions, complaints, notices and suggestions.

The amendment of the petitions and procedures for their handling content also The Rules of Procedure of the Chamber of Deputies and the Rules of the Petitions Committee for petitions. The Petitions Committee (PC CHD CR)<sup>4</sup> was established directly on the basis of the Act on the Rules of Procedure of the CHD CR (§ 32 of the PC Rules of Procedure).

The Charter of Fundamental Rights and Freedoms adjusts the right of petition in Article 18.75, but on some points it differs from constitutional and legal regulation partly because the right of petition came into force before the Charter. Therefore, persons claiming, that their right to petition has been violated may directly invoke the modifications contained in the Charter as part

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<sup>3</sup> The Chamber Deputies of Czech Republic

<sup>4</sup> The Petitions Committee of Chamber of Deputies of Czech Republic

of the constitutional order of the Czech Republic and are not limited by the limits of the legal regulation.

In accordance with Article 18 of the Charter, the right of petition appertain to a natural person without distinction of nationality (Article 42 (2) of the Charter). For legal entities (LEs), the situation is legally more controversial. Some oppose the view that LEs of private law support the law and LEs of public law do not have one. The Office for Prague 6 states, that LEs<sup>5</sup> can exercise this right, if it is in line with the objectives of their activities.

The petition is provided, free of charge, by an individual (even a foreigner), a petition committee or a non-governmental organization. The petition committee is an organized group of natural persons, who are legally entitled to certain rights (the right of reply from the competent authorities or the duty of those authorities to respond to a petition). The Committee has duty to appoint one representative aged over 18 to contact the state authorities.

The petition committee is not a mandatory matter. Each person can express support for a specific petition by stating his/her name, surname and permanent address and attaching his/her signature (Section 4 (1) of the petition)<sup>6</sup>. Signature is handwritten or guaranteed by electronic (in the case of electronic petitions). In the case of the petition committee, the petition sheets contain the same initials of all members of the petitions committee as the signatories.

**Example:** at the Parliament of the Czech Republic, the ChD CR usually discusses the petitions in private and without the participation of the petitioner. However, if the petition exceeds 10 thousand signatures or is significant in the whole society, a public meeting of PC ChD CR is convened. However, committee representatives may call the petitioners arbitrarily, regardless of the number of signatories.

There is no need for official permission to collect signatures; the sheets may be left in a publicly accessible place and a person over the age of 16 may be authorized to collect them. Although the petition communicates to the authorities, what citizens think of the matter, it is not binding for the authorities, ie the authorities may not comply. It is rather a weaker legal instrument, as mentioned above.

Regarding the petitions and the protection of personal data relationship, the signatories do not have to give consent to the processing and need not be informed in the sense of § 11 of Act No. 101/2000 Coll. nor does the processing of personal data need to be reported to the Personal Data Protection Office. Moreover, the Office may not pass on the personal data of the signatories without their consent to a third party.

Frequent petitioners are typically non-governmental organizations (as a form of civic associations etc.). Petitions under the head of a particular organization can to have a positive effect on result of a whole petition event, for example as a signal about deeper engagement to address a particular life situation.

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<sup>5</sup> Legal Entities

<sup>6</sup> The foreigner states address of her/his real residence.



The aim of petitions is rather to draw attention to life situations and to inform the Authorities of the views of a certain group of people, than changing the situation. The alert and informative petition function in the Czech Republic is performing well. We distinguish two types of petitions: classical paper and electronic. The difference is in effect and efficiency. Signing a classic paper version is more difficult; it is less available for more people and spreads more slowly. An electronic one has the opposite effect, which moreover has a much greater moral and media impact.

Discussion on the relevance of electronic petitions is a chapter for separate space. On the one hand, the petition with unverified signatures without a unique electronic certificate is taken by the authorities rather as an internet survey, on the other hand, due to the fact, that petitions do not play role the number of signatures, the electronic petitions are accepted, that are printed and physically signed at least one signatory (e.g. by sender). The unprinted petitions are not obliged by the Authorities to answer, because they do not contain certified signatures and thus do not fulfill the wording of the law. To create electronic petitions, there are so-called petitioning hosts, where only the text and form of the counter can be inserted, everything else will be done by hosts.

#### **1.1.4 Belarus**

In today's Belarus, the most effective way of official communication between the citizens and the Authorities, as well as a form of public participation in decision-making, is the filing of petitions. This is the main way to protect the rights, freedoms and legitimate interests of citizens. By submitting appeals, citizens, legal entities and individual entrepreneurs can influence such decision-making processes as filing proposals on the expediency of making a decision, supporting or criticizing the measures taken, giving arguments, etc.

**Example:** the project "Convenient City" (<https://petitions.by>) refutes the widely publicly held opinion that civil servants do not care about citizens' opinion: "The results of the "Comfortable City" project show that about 60% of the petitions are effective". A summary of the most interesting cases appears regularly in the media.

Citizens, individual entrepreneurs, legal entities have the right to file petitions. Foreign citizens and stateless persons on the territory of the Republic of Belarus enjoy the right to appeal on an equal footing with citizens of the Republic of Belarus. The petition must contain the first name, surname and fathers name (or name - in the case of legal persons and other entities), the address of the applicant and e-mail in case of electronic petition. Anonymous complaints are not considered.

#### **Legal grounds**

The main legal document regulating appeals is the Law "On appeals from citizens and legal entities" July 18, 2011. The procedure of the processing of the citizens' and legal entities' appeals is governed by the Regulation "On the order of the processing of the appeals from citizens and legal entities, other organizations, individual entrepreneurs to state authorities", approved by the Council of Ministers decision of 30 December, 2011.

Legislation provides for different types of petitions:

1. According to the content of the petition:

- **Request** – application for assistance in the implementation of the rights, freedoms and (or) legal interests of the applicant, not related to their violation, as well as a report on violations of legislative acts, shortcomings in the work of public Authorities;
  - **Proposal** - recommendation on improving the activities of public Authorities, organizations, individual entrepreneurs, improving the legal regulation of relations in public affairs and public life, addressing issues of economic, political, social and other spheres of governance and public life;
  - **Complaint** - a demand to restore the rights, freedoms, legitimate interests of the applicant, violated by the actions (inaction) of organizations, citizens, including individual entrepreneurs.
2. According to the form:
- **Oral** (set out on personal reception). It should be noted that the law does not provide for telephone calls, moreover, even the obligation to receive telephone calls is not legally fixed;
  - **Written** (sent: on hand, by mail, at personal reception, by making comments and / or suggestions in the book of comments and suggestions);
  - **Electronic** - a petition received at the organization's email address or placed in a special section on the organization's official website in the global computer network Internet.
3. According to the number of signatories:
- **Individual** - one signatory appeal;
  - **Collective** - the petition of two or more signatories on the same issue (several issues).

In the legislation there is no such term as "petition", however in practice it is understood as collective appeals, including electronic ones.

Despite the fact that all types of petitions are legally equivalent, the law provides for increased attention and special control in regard to the consideration of collective petitions, taking into account the fact that they deal with issues related to, as a rule, a public interest, and sometimes even large social groups. Thus, paragraph 2 of Article 22 of the Law<sup>7</sup> provides that consideration of petitions signed by 30 or more citizens to be considered on site, unless otherwise provided by these petitions. For example, there is no need to go to the site when considering collective proposals for amending the legislation or, for example, collective petitions with a request to redesign a building project that has not yet been implemented.

According to paragraph 1.1 of Decree<sup>8</sup>, the petition must be submitted to the lowest-level state body with the relevant competence. If petition issue is not in the competence of the state body, there are the following options:

- the state body within five working days should forward the petition to the relevant state body and notify the applicant about it within the same period;
- within five working days, leave the petition without consideration on the merits and notify the applicant about it, explaining relevant administrative procedure and state body to address the issue.

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<sup>7</sup> Law "On appeals from citizens and legal entities" July 18, 2011

<sup>8</sup> Decree "On additional measures for processing petitions of citizens and legal entities" October 15, 2007 No 498

Written petitions must be considered not later than fifteen days, and petitions requiring additional examination and verification, not later than one month, unless another period is established by legislative acts.

Written replies (notices) to written petitions:

- should be set out in the language of reference;
- should be justified and motivated, if necessary with references to the norms of acts of legislation;
- should contain specific language that refutes or confirms the arguments of the applicants.

In addition, according to the second part of paragraph 1 of Article 18 of the Law<sup>9</sup>, written responses to complaints about actions (inaction) of state body should contain an analysis and assessment of these actions (inaction), information on measures taken in case of recognition of complaints as justified.

The response of the state body to the petition or the decision to leave the petition without consideration on the merits may be appealed to the higher-level state body. If the state body has a superior, then without referring to it, the applicant does not have the right to appeal to the court. If there is no higher-level state body, the complaint can be appealed to the court at once.

#### 1.1.5

##### Hungary

##### 1.1.5.1. Freedom of Information Requests Based on Public Interest

A democratic public sphere and the possibility for an open debate about public issues are based on the right of access to information. It is pointless to express an opinion in any debate if the debated information is inaccessible. Freedom of information is a constitutional right which provides for everyone's free access to information that is related to public policy decisions, public administration, and public spending, without justification as to why the claimant is interested in a given piece of information, and without giving explanations as to how he/she would use the information. Freedom of information, or the right to access and impart information, makes it possible to get to know the background of certain decisions made by state institutions and local governments, and it lets us adjudge whether our elected representatives or other office-bearers made the right decision or not. This right guarantees that we can access information about how, and for what, public money is spent, that we can ask for copies of contracts between public bodies and private companies, and that different public entities publish important information about their operation online.

Citizens of any country need access to public information in order to be active in shaping the public policies of their country or local government. This is also the case for Hungary as well, but unfortunately access to public information Hungary is restricted, especially if the information is politically sensitive. In the most serious cases, information referring to corruption or other actions which might impair public money can only be accessed through Freedom of Information Requests (FIR) submitted by the citizens, non-governmental organizations or journalists.

Access to public information is governed by Act CXII of 2011 on Informational Self-determination and Freedom of Information.

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<sup>9</sup> Law "On appeals from citizens and legal entities" July 18, 2011

Public information refers to data or information which is generated in connection with the management of a public service or its management of public actions. This can include names, functions, job positions, mandate, or other personal data related to the performers of a public task and other personal information which must be made accessible by the law. Information on the actions and duties of a public service body performing governmental tasks must also be made public on request, with only some exceptions made available by the law.

Anyone can submit an FIR either in person or in writing, or even by e-mail. It is not required to mention the purpose of the submission, or what the person wishes to do with the acquired public information. The public service bodies cannot ask for the aim of the submission to be mentioned and they cannot prohibit the publishing of the public interest data just because the person didn't specify the reason for the request.

Stakeholders:

- **Citizens:** Anyone has the right to access public information, since it is a constitutional right in Hungary. However, in practice, average citizens are uneducated in their rights, and if they want to access politically sensitive public information they are often met with resistance from public institutions.
- **Journalists:** The media plays a vital role in achieving accountability in the public sector. FIRs are widely used by journalists in Hungary, and they usually have good knowledge of the relevant legislation.
- **Civil society:** Members of NGOs in Hungary also frequently utilize FIRs to achieve their goals. They have the most advanced legal skills and capacities to deal with not just FIRs, but are also the ones best equipped to handle litigation if the FIR was denied.

Public institutions are obligated to publish the public interest data requested within 15 days from the submission of the request. The recipient can extend this deadline with 15 days, but only one. It can do so even without giving a reason for the decision, but has to inform the person submitting the FIR.

If the recipient denies to publish the requested public information, or has missed the final deadline of 30 days, the person submitting the FIR can take the matter to court, or can request the help of National Data Protection and Freedom of Information Authority. Legal action can only be taken within 30 days of the final deadline for publishing. Appeals against public institutions with national competence must be submitted to regional courts, appeals against other institutions performing public duties must be submitted to the competent district courts. During the legal proceedings the public institution is obligated to prove the lawfulness of denying the FIR.

Freedom of information is the guarantee of the transparent functioning of institutions and companies operating with public funds and serving public goals. Transparency is one of the most efficient antidotes to corruption. It allows everyone to ask questions about our public issues and about the operation of public and municipal bodies. The more people who exercise this right, and the more often they exercise it, the bigger the chance to reveal abuses and the flaws and deficiencies of public administration. By exercising this right, we can make decision-makers accountable for wrongdoings or crimes, or, if calling them to account is impossible, we can initiate to hold them accountable.

#### 1.1.5.2. Complaints and Public Interest Announcements

Complaints or public interest announcements are an important tool to keep public institutions accountable. Complaints are not widely utilized in Hungary, as they are generally viewed as an

ineffective tool to solve issues with public institutions, and in many cases the people making the complaint can suffer kickback from their place of employment when reporting e.g. incidents of graft or abuse of public funds.

In Hungary, complaints and public interest announcements are governed by Act. CLXV. of 2013 on Complaints and Public Interest Announcements.

According to the regulation, anyone can submit a complaint or public interest announcement to the public institution responsible for handling the complaint.

Stakeholders:

- **Citizens:** Most commonly complaints and public interest announcements are submitted by employees of companies or civil servants at public institution when they encounter unlawful behavior. They unfortunately often suffer negative consequences when reporting from inside their organizations. Active citizens who are not employed at the organization where the unlawful behavior took place have a better chance at avoiding kickback but also have difficulties in evaluating the effect of their complaint from outside the organization
- **Civil Society:** NGOs are better equipped to successfully submit effective complaints, but similarly to citizens who report from outside the organization where misuse of power took place they also find it hard to follow the evaluation process from outside.

If the person submitting the complaint has sent it to the wrong institution, the recipient must forward to complaint to the competent public body, and the sender has to be notified of this. The public institution responsible must evaluate the complaint within 30 days from receiving it. If it fails to do so, it must give the reasons for the delay and must announce the postponed deadline.

The complaint can be followed up through the protected online system managed by the office of the ombudsman responsible. This electronic system guarantees anonymity for the person submitting the complaint, since the person can request his personal data to be only accessible for the ombudsman and its office. The ombudsman then must forward the complaint to the public body responsible for handling the complaint and resolving the issue. Upon request the ombudsman must evaluate if the public body has properly investigated the contents of the complaint and whether it has made every effort to resolve the issue. This request can also be made if the complaint was denied, or the person submitting the complaint was unsatisfied with the action of the institution responsible for the issue. It is important to note that that no harm can come to the person submitting the claim for contacting the public institutions. This can be used to protect whistleblowers from kickback.

Overall although there are measures in place in the Hungarian legislation to handle complaints and public interest announcements, they are ineffective in protecting the person reporting the misuse of public power from negative consequences, especially at their place of employment, and the process of handling complaint is also slow and untransparent.

## 1.2 CITIZEN PARTICIPATION IN PUBLIC SPENDING

As part of political theories, participatory budgeting can be included in the theory of participatory or deliberative democracy. Discussions were led by thinkers such as J. Habermas, Ian Shapiro, David Held, J. Dryzek about etc. Deliberative form has been developed since the 1990s thanks to, notably, the renown of the thinker Jurgen Habermas. Participatory budgeting is appropriate to perceive as a supplement to current's representative democracy rather than its alternative. It is based on the

restoration of the public dialogue between equal and free citizens, on the basis of which democratic decisions are made. Participatory budgeting can be considered as a deliberative experiment.

To the deliberative elements, we count a wide range of discussions, strategic planning, and citizens' meetings over the issues, that are questionable or above the topics that their community is dealing with.

The United Nations Program for Human Settlements identified general participatory budgeting as: "The mechanism (or process) through which the population decides or participates in decisions about the destination of all or part of the available public resources". (Cabannes, 2004)

Participatory budgets have begun to be applied since 1989 in Brazil (the legendary Porto Alegre town) and then spread over the American continent, especially to the US. Over the last 15 years, they have been established in Europe (England, France, Lisbon, Berlin, Leipzig, Hamburg, Bonn, Sevilla, Cordoba, Rome, Scandinavia, etc.). Currently, the PBs operate in 1 500 cities worldwide. There are also up to 100 cities in Poland (Warsaw, Lodz, the city of Dabrowa Gornicza as a shining example etc.). Within the Visegrad Group 4, except for Prague and Warsaw, PBs also in Bratislava are in the process.

In Western and Northern Europe, the introduction of a PB was promoted primarily by local governments and state organizations. In contrast, in Eastern Europe, the promotion was rather by international organizations (such as the World Bank, United Nations, the United States Agency for International Development, the Agency for International Cooperation) in cooperation with their local partners.

New democracies since the 1990s have been tasked with launching a process of delegation of power to local governments, which has not always been done in a flexible way. In the post-communist states, there was a weakening of the state centrality in favor of decision-making procedures at the local level. This was necessary to create a scope for such mechanisms as a participatory budgeting.

## **1.2.1 Poland**

### **1.2.1.1 *Solecki fund***

Solecki Fund is a tool that enables the gmina council to allocate money from the gmina's budget for projects offered by local residents, so Solecki Fund is a form of participatory budget. However, the important difference is that there is a legal basis for it and it is difficult to change residents' decision. However, the important difference is that this institution has a legal basis, and officials cannot change the decision taken by local residents.

#### **Legal grounds**

Legal basis: the Act of 21 February 2014 on the *Solecki Fund*

The right to pass applications for funds under the *Solecki Fund* is vested in residents of the village council

Level of formalization: medium-formalized (it is necessary to separate the fund by the commune council and then submit the application by the village council at the indicated time, while the application for granting funds under the *solecki fund* is not formalized)

In Poland, the creation of the Solecki fund depends on the resolution of councilors. However, to encourage local officials to implement such a form of involving locals, part of the funds allocated to the Solecki Foundation are compensated at the expense of the state budget. The Solecki fund gives an opportunity to the inhabitants of the village council ("sołectwo" - the name of the auxiliary unit gmina) to make a decision to allocate funds without the participation of the politicians of the commune. Thanks to this, they can solve their local problems and learn responsibility for their community.

The commune council decides to allocate in the municipal budget the funds constituting the fund, adopting the resolution by 31 March of the year preceding the financial year, in which it agrees or does not agree fund allocation. The resolution on consent to the allocation of the fund applies to subsequent financial years following the year in which decision was taken. However, the resolution on non-approval of the fund's allocation applies only to the financial year following the year in which decision was taken.

To implement the Solecki fund, it is necessary to file an application with the village council, in which the allocation of funds from the fund will be presented by September 30 of the year preceding the budget year to which the application relates. The request of a given village council adopts a village meeting (consisting of residents of a village council) at the initiative of a village administrator, a village council or at least 15 adult inhabitants of a village council. The application should indicate the projects planned for implementation in the village council area, within the framework of the measures specified for the given village, together with an assessment of their cost and justification.

### **1.2.1.2 Participatory budget**

A budget with participation is a tool that allows residents of the city to make a decision about spending part of the money. It is introduced on the basis of the laws on consultations, and decisions are not binding on the authorities.

#### **Legal grounds**

Legal basis: the lack of statutory regulations regarding the participatory budget, in practice the form of consultations with residents, regulated in art. 5a of the Local Government Act, art. 3d law on powiat self-government, art. 10a of the Act on the self-government of the voivodship

Due to the fact that in practice the regulations concerning consultations with residents are used, everyone has the right to take them, regardless of their age, there is no justification for introducing the age census

Level of formalization: due to the practical application of regulations regarding consultation with residents, the level of formalization depends on local legal regulations; recommend the simplest procedure possible, allowing anonymous and free expression of opinions by residents and residents.

In Poland, it most often takes the form of consultations with residents, however, as already indicated, consultations are not binding on public authorities. A participatory budget based on the form of social consultations is a form of "social contract", according to which the authority will allocate funds for the purposes indicated by the residents. Failure to comply with this "social

contract” does not result in the unlawfulness of spending, and is the basis for assessing the activities of the commune authorities during the upcoming elections.

As mentioned earlier, consultations with residents should be anonymous to ensure freedom of opinion, so it is problematic from the legal and practical point of view to collect data on voters and their choice.

It is worth taking care to regulate the legal basis of the participatory budget, to make its decisions binding and to organize it in small local communities, which will allow real involvement of citizens in public affairs. This is important because the most important element of the participatory budget is not just voting and deciding on the allocation of public funds, but it is a discussion and clashing of positions. Then it is possible to really diagnose social needs and directions of development of the local community. Participatory budgets in the form of large plebiscites, consisting of voting on the Internet do not lead to the creation of a culture of dialogue and talk about local issues, and can also antagonize the community.

In practice, the participatory budget is less than a percent of the total budget of the commune, although there are no obstacles to increase the size of this budget. In addition, it is worth ensuring that residents are involved not only in deciding on spending funds within the participatory budget, but that they are involved in planning the entire budget, for example as part of public consultations on the draft next year's budget.

Polish legislation<sup>10</sup> requires each municipality to adopt a resolution regarding the mode of work on the draft budget resolution. It is a good practice to regulate the submission of applications and demands by residents in this procedure. The draft budget can also be consulted with residents.

**Example:** In Szczecin, the creation of the city budget was regulated in the 2010 resolution (amended in 2013) on the mode of work on the draft budget resolution. In one of the stages ("Creating the budgetary framework"), it was regulated that by June 10 of each year preceding the budget year, the needs are identified in the form of collecting proposals and proposals for the draft budget from, among others, residents of the city. In addition, the city budget draft for the next year was the subject of organized consultations with residents, during which two open meetings with residents were organized.

### 1.2.2 Slovak Republic

Participatory budgeting has several advantages that can be beneficial for the municipalities. Above all, it enables the citizens to directly decide on important municipal issues even within the four-year period in between the local elections. The nature of the process also helps building a closer relationship between the politicians and the local community, which is very important for informed decisions of the politicians based on the will and needs of the community, as well as for the informed decisions of the citizens when voting in the following elections. Involving community into the decision-making process also contributes to building an active civil society and to forming well-informed citizens. Members of the community, as well as the local politicians themselves learn more about the democratic processes and increase their knowledge about the complexity of the political issues. The gatherings of the citizens within the process of participatory budget-making is also a great and simple opportunity to build a community – the people get to know their neighbors and may feel more bound to their town or village.

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<sup>10</sup> Article 234 of the Public Finance Act



However, a good participatory budgeting process has its tolls. The process is very demanding on organization and time, since it requires regular meetings of the community until the point when the consensus is made. That can also discourage a large portion of the residents, especially in the case if the amount of the resources decided upon within the participatory budget is small. The participatory budgeting also requires a skilled moderator that will lead the discussion of the community and will do so impartially and unbiasedly.

The demands of the participatory budgeting with regards to time, managerial skills and negotiation skills might be the reason, why are the efforts to introduce participatory budgets in Slovak municipalities still in their infancy. Nevertheless, there are several cases when Slovak municipalities began to study the use of this participatory tool.

The experiments with the participatory budgeting in Slovak municipalities started around the year 2011 with the first city to introduce participatory budget being Banská Bystrica City. They mostly emerged out of the discussions with the NGO Utopia, which is now an organization with the most experiences in introducing the municipal participatory budgets in Slovakia. One of the fundamental problems of the participatory budgets in Slovak municipalities is the percentage of allocated resources. While it is a common practice in other countries to allocate 1-10% of the municipal budget to participatory budgeting, only one of the municipalities in Slovakia – Bratislava city district Nové Mesto should come close to 1% in 2017 (it allocated only 40 000 euro in 2016).

MUNICIPALITY	RESOURCES FOR PR (2017)	ANNUAL BUDGET (2017)	% OF ANNUAL BUDGET ALLOCATED FOR PR IN 2017
BANSKÁ BYSTRICA	30 000 eur	76 698 999 eur	0,39 %
BRATISLAVA	50 000 eur	343 250 936 eur	0,01 %
BRATISLAVA – NOVÉ MESTO	260 000 eur	26 319 857 eur	0,99 %
TRNAVA	50 000 eur	40 468 925 eur	0,12 %
PRIEVIDZA	40 000 eur	33 592 345 eur	0,12 %

However, the small-allocated amounts are not the only downsides of the participatory budgets in Slovak municipalities. Other essential principles of participatory budgeting are also often violated, whether it is a public deliberation, promotion, periodical repetition etc.

**Example:** the capital city of Slovakia - Bratislava allocates a very small amount of resources to the so-called Civil Budget. The municipality first collects the proposals of the projects through the „Idea Market“. After that, the projects are assessed by the experts and the Council for Civil Budget (composed of the nominees from NGOs) and publicly deliberated on (however, this should not be a one-time event in genuine participatory budgeting). Then, the selected projects are voted in an electronic voting, which is not adjusted appropriately - anyone can vote including residents of other municipalities and it is possible to vote several times because the votes are not bound to the specific address or IP address. In addition to all these problematic aspects, several winning projects from 2016 has still not been implemented.

There are also instances of municipalities that claim that they use some kind of a participatory budgeting even if that is not the case. By that, they mostly mean the allocation of the resources for the municipal area committees (municipal areas are different from municipal districts since they are not separate administrative units). They argue that the residents can push through their proposals or

projects through their representatives – local councilors that are members of the committees. In reality, this does not constitute a participatory budget, because as said before, a genuine participatory budgeting requires the fulfillment of several standards. The most important one is that the decision of the participating citizens is final and cannot be a subject of a subsequent decision of the elected representatives

### **1.2.3 Czech Republic**

#### ***1.2.3.1 Participatory budgeting***

Participatory budgeting is often applied at different political levels (the city district, the municipality, the higher territorial self-governing unit, the state, etc.), but not only in the public administration, also can be used e.g. in schools (Brno-middle part), various public institutions and organizations, that have their own budgets. There is, therefore, no universal model of participatory budgeting, that would be implemented everywhere. On the contrary, one might say, that what one case, that other model of participatory budgeting.

##### **Legal grounds**

The Participatory budgeting has support in local self-government laws (on territorial administrative units). The local self-government was already mentioned in the Constitution of the Czech Republic in 1993, but the laws on state administration themselves were adopted in a set of laws in 2000: Act No. 128/2000 Coll., On Municipalities, as amended, Act No. 129/2000 Coll., On Regions, as amended, Act No. 131/2000 Coll., On the Capital City of Prague, as amended or Act 250/2000 Coll. on Budgetary Rules of Territorial Budgets (July 7, 2000).

Participatory budgeting does not work on the principle of the grant system, i.e. the redistribution of money, but the main goal is to participate people in the discussion about the places they live in and show possibilities, what the municipality has (town). Town Hall teaches people to listen and communicate with them effectively and constructively.

Advantages of Participatory budgeting in Czech Republic:

- the citizens co-create the face of the village;
- the citizens more trust toward the Town Hall;
- the well of new ideas;
- the dialogue on the best use of public money;
- deepens the relationship of the people with the place where they live.

The form of the process and the amount of allocated money in the participatory budgeting varies from city to city. Often these are civic projects leading to public spaces modification and greenery, but also soft projects such as education, celebration events or neighboring meetings.

##### **Example**

Participatory budgeting have been operating in the Czech Republic since 2016, but the first cases were recorded in 2014 in Prague 7. Another pioneer was the town of Semily or Prague-Zbraslav (from 2015). In addition, the Central Bohemia

town-Mnichovice, Prague-Slivenec, Říčany, Děčín, Rumburk, Ždár na Sázavou, Ostrava South, Brno etc. are another followers. The PB testing was carried out by the non-profit company Agora Central Europe. A good example is represented by the town of Mnichovo Hradiště. The village is unique for its frequent and organized communication between town-authorities and citizens.

Typically, the participatory budgeting process has seven main steps:

1. The City Hall first allocating a certain amount of money. The municipality or city district will determine the basic rule, which way the citizens will be engaged.
2. An information campaign in order to explain to citizens how they will be able to get involved and how they will be decided in the process (community websites, local poll periodicals, public or internet debates, competitions).
3. Draft citizens' proposals - citizens prepare project proposals through which they should to present their intention, including the expected costs.
4. Verification of citizens' proposals by experts - expert inspection is ensured by authorized officers of the Office and evaluates, whether the submitted proposals meet the established rules or not, or they may decide that is the proposal accepted, but requires addition. Subsequently, the authors are acquainted with the result.
5. Presentation of proposals - any author of a proposal should have an opportunity to present your intention at public meetings. Here is room for citizens to discuss the presented proposals and space for justifying the rejection of some projects by representatives of the City Hall.
6. Voting - choice of projects proposed by citizens. Two to three weeks before the election, the project authors should be given time to support their fellow citizens. All citizens have the right to vote (the 16-year age limit is frequent). The choice has two faces - paper and electronic. Every voice is associated with identification data. The City Hall decides on the form of election mechanism.
7. Inclusion of projects into the city budget - the management of the municipality, based on the results of the vote, will get a clear overview of the citizens' preferences and how many winning proposals will be made. Even at this moment, there may be situations, that the City Hall will not support a project and will not implement it. If this situation occurs, the reasons for not respecting the voting results must be explained to citizens.

From a local government perspective, the participatory budgeting process has 4 phases:

1. Preparatory:
  - creation of working group;
  - proposal for the implementation process;
  - creating a Communication Strategy;
  - information campaign.
2. Realization:
  - create the rules for submitting a proposal;
  - processing of the application form;
  - challenge = space for the public to submit proposals;
  - technical analysis;
  - assessment of submitted proposals;
  - finalizing design solutions suitable for implementation;
  - public discussion;

- decision - public inquiry to select winning designs;
  - announcement of winning proposals;
  - realization of investments;
  - informing the public about the implementation.
3. Evaluation:
- evaluation report;
  - updating the Process Methodology.
4. Implementation:
- implementation of the Methodology of Process of the Preparation and Implementation;
  - allocation of PB funds to the draft budget for that year.

### **1.2.3.2 Grant system**

Grant system is very broad topic and it composed from various processes on the different levels. On the state level, Grant Agency of Czech Republic (GA CR) that grants money for science, research and development distribute the grants. On the state level, the grants provide individual ministries or The State Fund of Traffic Infrastructure as well.

There are a few another grant agencies in CR. In the area of education there is The Academy of science of the CR (AV CR) grant agency<sup>11</sup>; The Charles University in Prague and The Masaryk University in Brno run their own grand agencies (and some other Czech universities). Besides, agencies work like CZELO (Czech liaison offices for research and development), the Research Support Fund is cooperating between Financial Mechanism of the European Economic Area and the Norwegian Financial Mechanism (FM EHP and FM Norway), and Czech state budget to implementation of projects in support of cooperation between Czech research institutions and organizations with partners in donor countries. The Fulbright Commission in CR works based on the administration of Fulbright scholarships and grants and some other programs for study, research and teaching in the US. Grant activities are concerned by other foundations (CEZ etc.)<sup>12</sup> or non-profit organizations<sup>13</sup>.

On the local level, the regional authorities announce grant programs (like South Bohemia Regional Office<sup>14</sup>, the City Halls or Town Halls) allocate financial recourses on the public activities like:

- Sport, free time (hobbies) children and youth, education, health, environment and energy;
- On the social issues like crime prevention and anti-drug prevention, risk behavior prevention of children and youth;
- On the culture like integration of foreigners and national minorities, historic monuments preservation; on urban development; on the tourist industry<sup>15</sup>.

On the transnational level, the EU distributes funding from EU funds. Mostly finance flow to traffic infrastructure, to development of public spaces (for better quality of live), to education - science and

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<sup>11</sup> Grant agency of AV CR have critized from some scientiests of AV CR for too much bureaucracy and lack of institutional funds.

<sup>12</sup> Czech electric power Distribution Company.

<sup>13</sup> More details about the list of Czech and European grant agencies (<http://www.veda.cz/findInSection.do?sectionId=1252&categoryId=3744&page=1>)

<sup>14</sup> More info (<http://www.c-budejovice.cz/granty-jihoceskeho-kraje>)

<sup>15</sup> More info in case of Prague ([http://www.praha.eu/jnp/cz/o\\_meste/finance/dotace\\_a\\_granty/index.html](http://www.praha.eu/jnp/cz/o_meste/finance/dotace_a_granty/index.html)).

innovation (Smart Cities projects, Basic Schools), telecommunication technologies etc<sup>16</sup>. Further EU platforms work like PLOTEUS, COST etc.

### Legal grounds

GA CR was founded based on the Act No. 300/1992 Coll., on State Aid for Research and Development, in 1992 as an independent institution supporting basic scientific research in the Czech Republic. In 2002 was approved the act about funding the science from public means. It defines Act No. 130/2002 Coll., on Support of Research, Experimental Development and Innovation from Public Funds and on the Amendment of Certain Related Acts, as amended.

As regard to EU: (1) GA CR with relationship to EU, since 2014 has existed non-legislative act - Regulation of EU Commission, in accordance with Articles 107 and 108 of the Treaty, declares certain categories of aid (state) compatible with the internal market of EU. State funding which meets the conditions of Article 107 of the Treaty constitutes State aid and requires notification to the Commission by the Article 108 of the Treaty. (2) Municipalities with relation to EU, the rules are governed by Community framework for State aid for research and development and innovation (Official Journal of the European Union C 323 of 30.12.2006).

Local fund system in CR<sup>17</sup> is based on Act No. 218/2000 Coll., on Budgetary Rules and on Amendments to Certain Related Acts (Budgetary Rules). As for relationship between regional and municipal authorities, there was approved Act No. 250/2000 Coll., On Budgetary Rules<sup>18</sup> of Territorial Budgets<sup>19</sup>. It's important to mention here the difference between grant and subsidy in CR. For example, state (ministries) and regional authorities provide both grants and subsidies. Grant is a purposeful public utility benefit, is usually awarded in a public tender and after a submission of projects. It serves to supporting scientific, research and, eventually, institutions provide cultural projects and it. Subsidy is the form of providing a certain amount of funds, most often from the state or regional budget. It may or may not be determined for a particular purpose. Therefore, f.i. the subsidy for city of Prague from the MPSV (Ministry of Labour and Social Affairs) is provided based on Section 101a of Act No.

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<sup>16</sup> More info about EU funding for Prague :

([http://www.praha.eu/jnp/cz/o\\_meste/finance/dotace\\_a\\_granty/index.html](http://www.praha.eu/jnp/cz/o_meste/finance/dotace_a_granty/index.html) ), or about EU funding ([https://europa.eu/european-union/about-eu/funding-grants\\_en](https://europa.eu/european-union/about-eu/funding-grants_en) ) or EU funding of business ([https://europa.eu/youreurope/business/funding-grants/eu-programmes/index\\_en.htm](https://europa.eu/youreurope/business/funding-grants/eu-programmes/index_en.htm) ) or EU funding of education (<https://www.welcomeurope.com/european-subsidies-sector-Education+Training.html> ).

<sup>17</sup> Grant system of the cities is a financial support to partner organizations, institutions and active citizens who want to contribute to the goals of the City

<sup>18</sup> In the case of Prague, as will be mentioned below in chapter "How it works", Act No. 131/2000 Coll., on the Capital City of Prague, governs grant programs also. In the case of other municipalities, grants and subsidies are approved by Act No. 128/2000 Coll., On Municipalities (it's part of a set of laws about territorial administrative units)

<sup>19</sup> Through the Region and the Regional Authority, it also distribute some national means of protection of monuments, social care, restoration of countryside etc. Most of these resources is distributed to municipalities by grant way. In the recent years have increased the financial means from the EU funds

108/2006 Coll., On Social Services. Thus the subsidy programs in various areas (traffic, social services etc.) are related to individual acts referring to the appropriate ones (like mentioned above Act on Social Services).

The aim of GA CR is, annually on the grounds of public competition, awards the grants for the best projects of basic scientific research from all discipline of the science. Another task of the GA is also to monitor the progress of the solution, to achieve the objectives of the projects for each past year, and to evaluate the achieved results of the projects after their completion.

The average annual cost per project is about 800 thousand CZK. The GA CR provides financial support for scientific projects within the so-called standard projects, doctoral projects, postdoctoral projects (both named like junior projects), bilateral projects with international cooperation (like international projects) and finally EUROCORES projects organized by the European Science Foundation. Hence, GA distinguishes also three types of tender documentation. All of them refer to basic research<sup>20</sup>. In the recent years, statistical success for project design is about 30%. More successful one was recorded by science of inanimate nature, less one by social sciences and humanities.

Project proposals may be submitted during the competition period only in writing and the appropriate forms filled in the web application. Further details about project are communicated by the office of the GA. The Grant Agency of the Czech Republic publishes the Bulletin of the Czech GA. There are published, among other things, actual informations for all participants in the grant award procedure, public tendering and deadlines for submission of grant applications. Independent opponents and industry experts evaluate project proposals. The evaluation period usually ends at the end of November of the calendar year. Immediately after the end of the evaluation period, it is published a list of projects awarded a grant (on the GA CR websites). The applicant may file an appeal against the correctness of the procedure to the GA CR supervisory board.

The maximum duration of a standard grant projects is five years (newly since 2007), junior grants three years (post-doctoral) and four years (doctoral), the international projects is three or four years duration. Doctoral students can be rewarded from salaries.

The Presidency of the Grant Agency of the Czech Republic and the Presidium of the Grant Agency of the Academy of Sciences of the Czech Republic has concluded an agreement on the reciprocal transmission of basic information on the proposed and supported grant projects in which could occur overlapping themes<sup>21</sup>.

#### **LOCAL GRANTS SYSTEM**

In this paper is presented one example from procedure providing grant program (2018) for removing barriers around the area of Prague<sup>22</sup>. The City Council approved this program the 30th of January. The program follows on similar one approved in 2017. Grants may be requested by both natural and legal persons, including City Districts of the Czech Republic and the contributory organizations, the amount of the maximum grant subsidy is between 50 and 100% of the total costs of the project, given the type of applicant and the intended measure. The implementation of the project and the drawing of the aid is possible until 31 December 2019. The total amount of funds designed for this

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<sup>20</sup> More info about tender documentation and other info about GA CR (<https://gacr.cz/zadavaci-dokumentace/>)

<sup>21</sup> Grant agency of AV CR is criticized by some scientists of AV CR for too much bureaucracy and lack of institutional funds.

<sup>22</sup> It means program for projects enabling access to public areas for persons with reduced mobility (at schools, in buildings for hobbies, in cultural facilities etc.)

grant program in 2018 is 10 million CZK. During the processing of the application, it is possible to use consultations in the department of transport development. The condition for the grant applicant is the proper and timely financial statement of the grants awarded to the applicant in previous years as part of the grant support of the City of Prague.

The applications will be evaluated by the Commission of the City Council of Prague for the award of grants in the area of support for one-off events.

The City Council is entitled to invite (during evaluation) the representative of the project. The proposal for granting the aid will be submitted for approval to the City Council. The grant hasn't to fulfill the features of public support and has to be in accordance with EU Regulation (mentioned above in chapter "Legal basis in GS"). The results of the grant procedure will be notified to all applicants electronically or in writing within 15 days after negotiation and decision by the Council and after time will be published on the provider's internet portal ([www.granty.praha.eu](http://www.granty.praha.eu))<sup>23</sup>.

The applicant enables the controlling the use of funds in accordance with a public contract by the Act No. 320/2001 Coll - control in public administration and the amendment of some laws (Financial Control Act). In some cases can be changed or pro-longed the term of drawing the grants.

## **1.3 LOCAL REFERENDUM**

### **1.3.1 Poland**

A local referendum is a tool that is mentioned in the constitution, in the art. 170. There is also special law on referendum. If referendum is valid, the local authorities have to fulfil expectations. It can concern decisions on local issues or recalling the local authorities.

#### **Legal grounds**

Constitution (art. 170) - members of the local government community may decide, by way of a referendum, on matters related to this community, including the dismissal of a local government bodies coming from the direct elections. The rules and procedure for conducting a local referendum are specified by statute.

Act of 15 September 2000 on the local referendum. Only people with an active electoral right to the body constituting the unit can initiate a referendum.

Formalization level: very formal, which concerns the initiation of a referendum, collecting signatures of initiative support, a referendum campaign, as well as voting and reporting itself

A local referendum is formalized both at the stage of its initiation and at the stage of implementation and essentially concerns the most important issues from the point of view of the commune and its inhabitants. It is worth taking care in the law regulating the local referendum (in Poland it is the statutory level) that the initiative to organize a referendum could be performed not only by representatives of the authorities, but also by a certain group of residents.

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<sup>23</sup> Every application is evaluated by the set of certain criteria (project is fit with the strategic plans of the city; public area is used by the citizens; for min. 5 years is sustainability results of the project guaranteed etc.).

From a practical point of view, a referendum - in accordance with Polish law - is connected with providing a positive or negative answer to a given question or questions or on choosing between the proposed options. Therefore, the local referendum is reminiscent of elections.

#### **SUBJECT OF THE REFERENDUM**

In accordance with Polish law, a local referendum may refer to the dismissal of the body constituting this unit ( commune (gmina) council, powiat council or voivodship council), executive body (mayor powiat management and voivodship board) ), self-taxation of residents for public purposes falling within the scope of tasks and competences of commune bodies, the manner of resolving a case concerning this community, falling within the scope of tasks and competences of the bodies of a given unit; other important matters regarding the social, economic or cultural ties that connect this community.

#### **PEOPLE ENTITLED TO PARTICIPATE IN THE REFERENDUM**

People who are permanently residing in the area of a given local government unit and who have an active electoral right to the council have the right to participate in the referendum. The Act on the local referendum is a fact, so local law cannot change the catalogue of those entitled to take part in the referendum.

#### **INITIATOR OF THE REFERENDUM**

The initiative of holding a referendum at the request of residents of a local government unit have, as a rule:

1. a group of at least 15 citizens, who have the right to vote for the local authority, and in relation to the municipal referendum - also five citizens who have the right to choose to the commune council;
2. the statutory field structure of a political party operating in a given local government unit;
3. a social organization with legal personality, whose statutory area of activity is at least the area of a given local government unit. These are the initiators of the referendum who are continuing the campaign to collect the required number of signatures of support.

The referendum is carried out on the initiative of the body constituting a given local government unit (commune, powiat or voivodeship council) or on the request of at least 10% of the residents of the commune or powiat eligible to vote; 5% of voivodeship residents entitled to vote. A referendum regarding the dismissal of a local government council may take place only at the request of the residents, whereas a referendum regarding the appeal of the mayor may also be carried out on the initiative of the commune council. The residents request regarding the calling off the commune authorities may be submitted after 10 months from the date of election of the body or 10 months from the day of the last referendum regarding its cancellation and no later than 8 months before the end of his/her/its term.

After the referendum initiator makes the decision to take action, the mayor powiat executive or the voivodship marshal should be notified in writing of the intention to put forward a referendum initiative. This notification must contain personal data of the initiators (or data of a political party or organization) and a topic of a referendum.

Submission of a notification is confirmed in writing. If the initiator asks for it, the number of inhabitants of the local government unit entitled to vote is also given in writing. The number is drawn up on the basis of the voter register in the municipality, which is current at the end of the quarter



preceding the submission of the application. This is important in the further part of the activities to determine the number of signatures required, so that the referendum would take place.

#### **INFORMATION ABOUT THE PLANNED REFERENDUM**

In further action, the initiator of the referendum, at its own expense, makes public the topic of the intended referendum, the question of the referendum or the proposed referendum, or if the application concerns a referendum on self-taxation - the purpose or goals and principles of self-taxation. If the reason to run referendum is calling off the local authorities - in the information justification should be given. This information is distributed in the manner that is usually used in a given commune (gmina), and on the poviats or voivodships - through an announcement in the public daily press in a given poviats or voivodships.

#### **COLLECTING SIGNATURES OF SUPPORT FROM RESIDENTS**

The notification is important in the light of further actions by the initiator of the referendum, because within 60 days of the notification, signatures of support for the idea of holding a referendum are collected on specially prepared lists.

If the initiator does not collect the required number of signatures, they are subject to protocol destruction, and if an appropriate number is collected - they constitute the basis for requesting municipal authorities to conduct a local referendum. Municipal authorities are bound by an application if it meets the statutory requirements and does not lead to unlawful decisions.

(Decision to hold a referendum) Local authorities pass a resolution regarding the holding of a referendum, which includes, among others, question or questions of the referendum or variants proposed to the residents of the unit to choose; the date of the referendum; a specimen of ballots (also in Braille) and a timetable of activities related to the holding of a referendum. If the object of the referendum is to dismiss the body of the local government unit, the election commissioner decides to conduct the referendum.

#### **JUDICIAL ROUTE**

A decision on the decision of the decision-making body and the commissioner to the initiator of the referendum is a complaint to the administrative court. Shortened time limits have been adopted here - the administrative court reviews the complaint within 14 days from the date of lodging the complaint, and the cassation complaint is lodged within 14 days.

(Referendum campaign) After the resolution of the council or the commissioner's decision regarding the referendum, a referendum campaign takes place. During this campaign local government unit (gmina council, poviats council or voivodships council) which decided on the referendum explains the essence of problems to be resolved, the content of questions and variants put forward, as well as the position of the initiator of the referendum and political parties, associations and residents in the matter subjected to a referendum. The referendum campaign begins on the day of passing the resolution of the body constituting the local government unit or the decision of the election commissioner to conduct the referendum and is terminated 24 hours before the voting day. From the end of the referendum campaign, until the end of the vote, it is forbidden to summon assemblies, organize parades and manifestations, deliver speeches, distribute leaflets, and otherwise conduct agitation in connection with the referendum.

If the referendum concerns the dismissal of the local government unit, it is forbidden for the bodies of the local government unit and members of these bodies to participate at the expense of the local government unit in the referendum campaign.

#### **RESTRICTIONS ON THE REFERENDUM CAMPAIGN**

Polish law includes a number of restrictions regarding the referendum campaign. It cannot be carried out in the offices of government and self-government administration and courts; work establishments, in a manner and in forms interfering with their normal functioning; military units and other organizational units subordinate to the minister competent for national defence and civil defence departments, as well as barracks of police units. It is also forbidden to organize lottery raffles, other types of games of chance and contests where prize money or items of value higher than the value of small items normally used for advertising and promotional purposes.

In turn, all posters, slogans or leaflets about the referendum, which contain a clear indication of who they come from, or stating by whom they are posted, are subject to legal protection.

However, if posters, slogans, leaflets, statements or other forms of propaganda and agitation contain false data and information, every interested party has the right to submit an application to the regional court for: 1) confiscation of such materials; 2) issuing a ban on publishing such materials; 3) ordering rectification of information; 4) ordering the apology 5) ordering the participant to pay the amount of up to PLN 10,000 to a charity institution; 6) ordering from the participant in proceedings for the benefit of the applicant up to PLN 10,000 as a result of damages. The law guarantees very short deadlines (24 hours) for the appeal route and then for the appeal to be reviewed by a higher court.

The Polish law also provides shortened time limits for rectifying information published by the press.

#### **FINANCING THE LOCAL REFERENDUM**

Financing the referendum in Poland is public. The costs of the referendum itself coincide with the budget of the local government unit covered by the referendum and the state budget when the referendum is organized by the electoral commissioner.

Financial statements from budget expenditures incurred in connection with the referendum ordered by the body constituting a local government unit, the executive body of this unit shall submit to the body acting at the session no later than three months after the date of the referendum.

In turn, the expenses of the initiator of the referendum incurred in connection with the referendum are covered from its own sources. Moreover, the initiator of the referendum and other entities participating in the referendum campaign cannot be transferred, and the initiator of the referendum cannot accept for referendum funds:

1. from the state budget, budgets of local government units, associations of local government units and other communal, poviát and voivodeship legal persons;
2. from state organizational units;
3. from state-owned enterprises, as well as from entities with the participation of the State Treasury, local government units, associations of local government units and other commune, poviát and voivodship legal persons, excluding public companies;
4. from entities using within the last year from subsidies from the state budget or from subsidies to the budget of local government units, excluding political parties;

5. from natural persons who have no place of residence in the territory of the Republic of Poland, with the exception of Polish citizens living abroad;
6. from foreigners residing in the Republic of Poland;
7. from legal persons not having their registered office in the territory of the Republic of Poland;
8. from other entities not having their registered office in the Republic of Poland, who have the ability to incur liabilities and acquire rights on their own behalf;
9. from legal entities with the participation of foreign entities, with the exclusion of public companies;
10. from foreign diplomatic missions, consular offices, special missions and international organizations, as well as other foreign agencies that enjoy diplomatic and consular immunities and privileges pursuant to agreements, laws or commonly established international customs.

The proxy of the initiator of the referendum is obliged to prepare a financial report on income and expenses related to the referendum.

(Conducting a referendum) The referendum is carried out and determined by the relevant territorial (voivodship, poviast and commune) commissions for this purpose, and referendum committees for the matters of referendum, hereinafter referred to as "territorial commissions" and "district commissions", which are appointed by the constituting a local government unit, or electoral commissioner. The provisions of electoral law shall apply accordingly to the operation of these committees.

#### **RESULTS OF THE LOCAL REFERENDUM AND ITS VALIDITY**

A referendum, as a rule, is valid if at least 30% of those entitled to vote took part in it. However, a referendum regarding the dismissal of the body of a local government unit coming from direct elections is valid if participation in it took no less than 3/5 of the number participating in the selection of the appealed authority.

On the other hand, the result of the referendum is decisive if more than half of the valid votes were cast after one of the solutions in the matter subjected to the referendum. The result of the municipal referendum on self-taxation of residents for public purposes is decisive, if at least two-thirds of the valid votes were cast in favor of self-administration.

If a referendum is considered successful, the competent local government will immediately take steps to implement it.

#### **REFERENDA PROTESTS**

Within 7 days from the date of submission of the referendum results, each resident of a given local government unit entitled to take part in it may protest if violation of the legal provisions was allowed, and the violation could have a significant impact on the referendum result.

#### **PENAL PROVISIONS REGARDING LOCAL REFERENDUM**

Regulations concerning the local referendum are supplemented by criminal provisions, sanctioning, among others, collecting signatures of persons supporting the submission of a referendum application in the event of pressure to enforce a signature; conducting a referendum campaign in violation of bans; giving the initiator a referendum or accepting, on behalf of the initiator, a

referendum, financial or non-monetary resources in violation of the prohibitions; or the consequences of failure to submit the report by the initiator of the referendum.

### **1.3.2 Slovak Republic**

The Act No. 369/1990 on Municipalities establishes an obligation to hold a local referendum in several cases. The law states that the details of the organization of the local referendum should be established by a local ordinance. The referendum is held mandatorily if the issue in question is:

- unification of the municipalities;
- division of the municipality;
- dissolution of the municipality;
- change of the name of the municipality.

A local referendum is also automatically held in case that at least 30% of the eligible voters in the municipality sign the petition on removing the mayor from office or if the mayor violates the constitution, laws or other universal legal regulations and the local councils passes a vote of no confidence.

The other type of local referendum is a facultative one, which can be initiated by a petition signed by at least 30% of the citizens of the municipality. The local council can also call a referendum on any important municipal issue with merely a simple majority of votes. However, the very important restriction is that the referendum is valid only if at least half of the eligible voters in the municipality participated in it and if the decision was adopted by a majority of the voters. These strict restrictions cause that a vast majority of local referendums are not valid and make this participatory tool in reality a hardly used tool for influencing the municipal political outcomes.

The research of the Conservative Institute of M. R. Štefánik (Sloboda, D., Dostál, O. a Kuhn, I., 2013) focused on whether municipalities had passed an ordinance specifying the details of the local referendum and whether this participatory tool had been used in reality. Out of 212 municipalities in the research sample, only a third had passed a document on the procedures of the local referendum. It is a slightly higher number than in the case of popular assemblies, which as Spáč and Sloboda (Spáč, P. Sloboda, D., 2014) explain, can relate to the fact that the Act on Municipalities explicitly states that the details of the referendum should be established by the municipalities, while in the case of popular assemblies, such provision does not exist. However, compared to the popular assemblies, the local referendum are held much less frequently. In 2003-2012, the local referendum was held only in nine out of the 212 municipalities. Only two of these referendums were initiated by the petition of the citizens and only one was valid.

### **1.3.3 Czech Republic**

The Czech Constitution allows direct citizens' decision-making in the form of a referendum in case of an international treaty ratification (however this must be stipulated by a constitutional act). There is no provision for a general referendum at the constitutional level with the exception stated below, even though former President Vaclav Havel, within his handwritten commentary to this fundamental text arising along with the new state, drew attention to the absence of this direct democracy instrument. National referendum organization is therefore possible under the conditions introduced by the so-called "Euro Amendment" of the Constitution. As a result, the Constitution speaks directly about a referendum only in Art.10a p.2 stipulating that certain powers of Czech Republic authorities may be transferred by an international treaty to an international organization or institution. Ratification of such a treaty requires the Parliament's consent unless a constitutional act provides that such ratification require the approval obtained in a referendum.

Although the primary motivation for the Art.10a's adoption was the entry of the Czech Republic into the European Union, its general formulation allows further possible transfer of some powers of Czech authorities to any international organization and institution. This general formulation also allows similar referendum execution in the future and its use wasn't exhausted with adoption of the Constitutional Act on the Referendum on the Accession of the Czech Republic to the European Union and with the executed referendum on the accession of the Czech Republic to the European Union held on the 13th and 14th of June 2003.

#### **Legal grounds**

Local referendum basis can be found in the Constitution primarily in the Art.100 p. 1 according to which territorial self-governing units are territorial communities of citizens with the right to self-government, as well as in the Charter of Fundamental Rights and Freedoms Art.21 p.1, according to which citizens have the right to participate directly or by free choice of their representatives. These provisions are the basis for acts on regional and local referendum.

#### **REGIONAL REFERENDUM IN THE CZECH REPUBLIC**

As it follows from the explanatory report to the Regional Referendum Act, the introduction of this institute supposed to support and strengthen the regional self-government that was introduced in 2000. The regional referendum should have served as a secondary source of legitimacy of regional power that was lacking long-standing tradition. The Regional Referendum Act was also created in an effort to provide citizens opportunity to express their opinion on issues that exceed local sphere and still belong to regional self-government.

Although the Regional Referendum Act came into force on the 1st of January 2011, there had been no regional referendum executed before the publication of this text, even though it was possible to note an effort to organize one. It is a question what is causing such a little interest in this institute of direct democracy, whether the complexity of the regional referendum organizing process, problematic identification of the areas in which the regional referendum can be executed, lack of citizens' interest to participate in the decision-making process on issues that go beyond the municipality framework or the lack of regional government willingness to identify citizens' views on specific issues.

#### **LOCAL REFERENDUM IN THE CZECH REPUBLIC**

Executing local referendum, as a tool of citizens' direct decision-making on consent or disagreement with specific questions concerning the self-government of this community, is regulated by the Local Referendum Act (hereafter referred to as the "LRA")

The local referendum is executed by secret voting based on the universal, equal and direct voting rights. The right to vote in the local referendum is entitled to:

1. the Czech Republic citizen who has reached the age of 18 years at least on the second day of the local referendum and at the same time has a permanent residence in the municipality where the local referendum is being executed;
2. European Union citizen who has reached the age of 18 years at least on the second day of the local referendum and at the same time is registered for permanent residence in the municipality on the day of the local referendum.

On the other hand, a person, who is in custody or imprisonment at the time of the vote, a person with limited legal capacity, a person with a restricted freedom on the basis of the law for the protection of the health of people, or who is carrying out the military service if the participation in the local referendum does not allow the fulfillment of the obligations arising from this service, is not entitled to vote in a local referendum.

Local referendum voting takes place within a one day. An exception to this rule is execution of a local referendum at the same time as the elections. In these cases, the referendum takes place at the same time as the election, therefore the local referendum can be executed in several days.

The question in a local referendum has to be asked in such a way that it can be answered with the word "yes" or "no". LRA defines the subject of the local referendum in both positive and negative ways. As for the positive way, LRA states that a local referendum can be executed on matters that belong to the independent competence of an authority of a municipality. Negative way uses closed enumeration of areas where local referendums cannot be executed (local referendum regarding local fees, establishment of community bodies, election or dismissal of the mayor etc.).

There are two ways to execute a local referendum according to the LRA – based on decision of the municipal council; or on the basis of a binding motion of a preparatory committee.

The LRA distinguishes between two terms connected with local referendum results –the validity and binding nature of a local referendum. Validity means that the necessary number of entitled persons participated in the voting process of a local referendum and that no decision was taken by a court expressing invalidity of a local referendum. The validity of decision in a local referendum requires the participation of at least 35% entitled persons.

In order to be binding for local authorities, half of participating persons must vote for one of the possibilities and at the same time it has to be at least 25% of all the entitled persons.

Local referendum review by court can be separated into two different areas. In the first case, the so called preliminary review comes into consideration if a local referendum is not organized by the local authority after receiving a binding motion of a preparatory committee. A preparatory committee is entitled to seek judicial protection if: a) the committee disagrees with a call to remove imperfections of a proposal for a local referendum; or b) a municipal council does not perform a decision about a preparatory committee's motion for organizing a local referendum or decides not to organize a local referendum. The second case, in so-called post-voting review, comes into consideration after the announcement/declaration and the vote in the local referendum itself. Thus, an action for invalidity of a vote and an action for a declaration of invalidity of a decision in a local referendum may be filled to a court.

#### **1.3.4 Belarus**

According to Belarusian legislation, local referendum exists in order to address key issues for local population belonging to particular administrative-territorial units corresponding to relevant councils, executive and administrative bodies.

##### **Legal grounds**

Main legal acts regulating the exercise of local referendum in Belarus are Electoral Code of the Republic of Belarus edited January 4, 2010 (see paragraph. 22, Art. 111-112 and paragraph 25, Art. 125-128) Law On Local Government and Self-Government in the Republic of Belarus, January 4, 2010. According to the

Article 111 of the Electoral Code, referendum is an option for citizens of the Republic of Belarus to decide on major issues of public and social life.

It is important to note that in practice after the restoration of independence in Belarus, only republican referendums took place and they all were initiated from above, and not from below, by the citizens, therefore it is impossible to talk about the accumulated law enforcement practice. The lack of practice caused limits of the legal framework.

Exclusively Article 34 (Law on Local Government and Self-Government in the Republic of Belarus), is addressing the issue of local referendums. This means that the mechanism for organizing and implementing local referendums, as well as definition of issues that cannot be put forward for a local referendum, is basically regulated by the Electoral Code.

It sounds cool, but according to the law “the main stakeholders” are the relevant local councils, executive and administrative bodies. According to Part 2 of Article 112 of the Electoral Code, key issues for local population belonging to particular administrative-territorial units corresponding to relevant councils, executive and administrative bodies can be submitted to a local referendum. What is “the most important issue” for the local people and what is not the law does not define in legal terms, since this concept is rather subjective. Thus, the definition of “the most important issue” can be the first serious obstacle for the initiators on their long way to holding a local referendum

According to Part 1 of Article 126 of the Electoral Code, two subjects are entitled to initiate the implementation of a local referendum:

1. Local representative bodies represented by local Councils of Deputies;
2. At least 10% of the citizens of the Republic of Belarus permanently residing in the territory of the relevant region, district, city or village.

Since it is unlikely that the local council will have the inspiration to initiate a local referendum, we will focus exclusively on the issues related to the mechanism for organizing and conducting voting in case citizens will initiate referendum in their own.

According to the textbook "Forms of citizens' participation in the implementation of local self-government" (Plisko M.K., 2014) the preparation and implementation of a referendum requires from citizens perfect knowledge of the organizational and legal procedures, that can be conditionally divided into 7 consecutive stages. It should be taken into account that the preparation and implementation of a local referendum requires lots of organizational and personal effort, so the initiator should decide in advance whether it would pay off.

Except of directly organizational and legal procedures, there are still several important areas of work. In order for the initiative to have a positive outcome, it is very useful to do analytical work before the official start work. First, there is a need to gather information and identify groups of possible supporters and opponents of the proposal that is planned to be submitted to the local referendum. It makes sense to work with representatives of interested groups to identify the strengths and weaknesses of their arguments. This can help to formulate the question of the referendum in a form that will be more acceptable to a larger circle of people. Second, cooperation with interested groups should continue all the time until the day of the referendum ("Convinient City" team, 2017).

Surprisingly, the lack of practice of holding local referendums can just tell us about careful and well done work on the analysis of possible actions and reactions of supporters and opponents of referendums, analysis of their interest and administrative means of struggle.

Despite the fact that the issue of local referenda in such case is better to see from the theoretical-scientific approach, we do a list of seven important steps:

1. According to Part 2 of Article 126 of the Electoral Code, the initial stage on the way to a local referendum is the formation of an initiative group of persons entitled to participate in a referendum in the amount of:
  - In the region and the city of Minsk - no less than 50 persons;
  - In the district, town, or district of the city - no less than 20 persons;
  - In a village - at least 10 persons.

At the meeting on the creation of the initiative group, more than 50% of citizens who have agreed to join should be present.

The question (draft decision), which is submitted to the referendum, should be formulated clearly and has no double meaning in order for receive clear response.

It is important to mention one organizational challenge: own signatures of all citizens who have agreed to join the composition of the initiative group, including their name, first name, patronymic name, place of residence, year of birth, passport number must be notarized.

It is not hard to do the first step. It is necessary to do the initial advertising campaign in social networks and online media, to attract a relatively small number of people really interested in dealing with the issue. Even the issue with notarized signatures can only filter out random people, but will not spot really interested enthusiasts.

2. After the preparation of all necessary documents, the head of the initiative group sends an application to the corresponding Executive Committee requesting registration of the initiative group and the issue proposed for the referendum.
3. The regional (Minsk city) justice department issues an opinion on the compliance of the issue proposed for referendum with the requirements of the law; as well as opinions on the compliance of the legislation with the steps taken to create the initiative group.

If the local Executive Committee refuses to register the initiative group of the referendum, you can make an appeal to the district or city court within one month (Part 6, Article 126 of the Electoral Code). It is not clear why, but among the listed options in part 6 of Art. 126 of the Electoral Code there are no references to the regional courts.

Re-initiation of a referendum by citizens on the same issue is allowed not earlier than one year after the rejection of the proposal for a referendum and not earlier than three years after the referendum on this issue (Part 14, Article 116 of the Electoral Code).

4. After receiving positive conclusions from the judiciary, within 30 days from the day of the initiative group's application for registration, the respective local executive committee registers the initiative group and issue proposed for the local referendum. This means that the Executive Committee issues a certificate of registration to the initiative group (leader of the group), a sample of the signature sheets, and the members of the initiative group get their credentials.

5. At this stage, the initiative group collects signatures of at least 10% of the citizens of the Republic of Belarus permanently residing on the territory of the relevant region, district, city, district in the city or village. Only members of the initiative group can collect signatures.

Particularly at this stage, you will need the whole arsenal of means of interaction with the population and civil servants. It is necessary to think about who might be interested in this campaign and work hard to get them involved.

The quality of the work performed and publicity will have significant value and it will influence the decision on whether the initiative for a local referendum will be blocked during two following steps.



6. According to the Electoral Code, the Executive Committee has 10 days for verification of collection the required number of valid signatures. The verification of signatures takes place in accordance with Article 116 of the Electoral Code. If the Executive Committee verifies the required number of signatures based on the results of the audit, the initiative group draws up the final act on the collection of signatures and passes it to the relevant executive committee, which is obliged to send this act to the local Council of Deputies.
7. The decision on the appointment of the regional (Minsk city), district, city, village referendum, according to part 1 of the Article 127 of the Electoral Code must be adopted at the session of the local Council of Deputies no later than 30 days after the Executive Committee sends this proposal. At the same time the decision on the appointment of a regional referendum in a city with a district division (Minsk and others) is taken by the City Council of Deputies.

The date of the referendum is determined by the local Council of Deputies no later than three months after the date of issue of the decision to held a referendum. The decision of the local Council of Deputies to appoint a referendum is published in press and other mass media.

It should be noted, that the law does not give an answer to the question whether the local Council of Deputies has the right not to set a date for the referendum, considering the initiative group successfully passed all previous stages, in other words, fulfilled all legal requirements.

Most likely, if the initiative group did their work well and the issue got enough publicity, even after a rejection it is possible to continue the fight in another form, for example, to start the preparation for a local assembly or think about making collective appeal, which will be discussed later. Another option will be to keep the initiative group for the next local or republican elections, so that the raised issue will be carried out by more candidates.

#### **Example**

There was a case in Minsk when the activist decided to start and register an initiative group. Nevertheless, as it often happens, they did not make it until registration. It happened even in view of the fact that Margarita Pavialchuk signed up for the same group. She is one of the most successful and persistent advocates for the citizens' rights. She became the real expert and thousands of people followed her.

We should keep in mind the fact that on the way to implementing referendum initiative there may be difficulties in securing financing for the activities of referendum commissions, since local budgets approved by the Councils of Deputies do not have a corresponding item of expenditure.

All financial expenses related to the preparation and implementation of the referendum (except for expenses related to the formation and operation of referendum commissions on the day of voting and the preparation of final documents) are the responsibility of the initiators of the referendum, i.e. the initiative group. After 2013, financing of these expenses should be carried out in accordance with Article 128 of the Electoral Code solely at the expense of the funds of the initiative group.

To conclude, the legislation dealing with the of local referendum issues, is not in good condition and it contains many so called double legal standards, some of the circumstances and conditions can lead to disputes in the case of implementing deficient legislation. Moreover, the timeframe of the

referendum is too long. On the other hand, deficient legal framework and broad time schedule create additional space for public information campaigns.

#### 1.3.14 Hungary

Organizing and participating in local referendums (LR) is a powerful opportunity for any individual or community to democratically influence public affairs. In addition to electing local representatives every five years, citizens can also organize LRs anytime between local elections.

Local referendums are governed by Act CLXXXIX of 2011 on the Local Governments in Hungary.

One of its most valuable advantages is that the outcome of a LR is legally binding and creates the task of the local municipality to implement the changes. It can be used for many different purposes.

- It can order the local government to act or vote on something (e.g. renaming a street),
- To make them withdraw a past decision (e.g. withdrawing an application),
- Or even to abstain from making a decision (e.g. block the construction of a waste disposal facility).

The question must be concerning a local public issue, which falls under the jurisdiction of the local government.

It cannot be about:

- local taxes,
- the dissolution of the local council,
- the personal decision on council members (e.g. if someone can be a member of a committee),
- the local budget.

The submission will also be denied if the outcome of the vote would lead to an outcome which cannot be legally enforced, or would violate someone's constitutional rights. The question should be concise and to the point, must be understood by the voters, must clearly state what responsibilities the outcome will create for the local council, and cannot contain defaming or vulgar wording. Two questions concerning the same decision or issue cannot be submitted at the same time.

In order to organize a LR, the organizer must first submit the question to vote upon at the competent election office. The office then decides on the validity and legality of the question, and if it approves, then hands over the forms for collecting signatures. If the organizer manages to collect enough signatures, he then submits the forms to the election office. The local government council is now obligated to appoint a date for the voting.

The effectiveness of LRs largely depends on the size of the local voting population. Smaller towns can organize LRs more easily, while communities in the capital are at a disadvantage because of the huge population. The number of required signatures to start the voting is regulated by the local council, but it must be between 10% and 25% of the total voting population. The required amount of signatures must be acquired within 30 days of receiving the signature forms from the election office. There are limits to where the organizers can collect signatures, e.g. one cannot collect them at their place of work during working hours, or in public institutions such as schools or hospitals. The organizers must oblige to strict data protection guidelines while handling the personal data of signatories.

If the required number of signatures have been collected, and the voting can proceed. Its outcome is only valid if over half of the voting population has cast a valid vote. It is only legally binding if over half of the valid votes agree.

## **2 THE USE OF INSTRUMENTS OF DIRECT DEMOCRACY**

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### **2.1 PETITIONS: GOOD PRACTICE VS. BAD PRACTICE**

#### **2.1.1 Bad practice: ban on gambling in Bratislava Slovak Republic**

It has to be noted, that the petition on banning gambling is different from other local petitions, since the petition itself is mentioned in a specific legal norm – The Act No. 171/2005 on Gambling Games. The law states, that a local council can pass an ordinance banning gambling games in the municipality solely in the case that at least 30% of the citizens of the municipality sign the petition expressing discontent with the fact that the gambling is disturbing public order in the municipality. In case of Bratislava and Košice, the quorum can be set lower (but not lower than 15% of the citizens) in the specific laws dealing with the municipal regime in these two cities (Act No. 377/1990 on the Capital of the Slovak Republic and Act No. 401/1990 on Košice City).

Only if this quorum is met, the local council is eligible to make a decision in this matter and ban the gambling clubs, casinos etc. in the entire territory of the municipality. The council can also define the categories of buildings, in which the placement of the gambling club will be banned. The categories, as defined in the paragraph 38 of the said norm are:

- hotels, motels and pensions;
- buildings for shops and services;
- buildings for culture and public entertainment;
- block of flats (the gambling club can be placed in the block of flats only if endorsed by the majority of the owners);

The petition on ban on gambling in Bratislava was one of the most prominent communal topics addressed by national media in the last few years.

The signature-collecting for the petition was initiated in May 2015 by a joint initiative of the mayors of 17 city districts of Bratislava and the mayor of Bratislava Ivo Nesrovnal, called Bratislava Against Gambling. The collection of the signatures was a long time effort and the petition with 136139 signatures was filed more than year later, in June 2016. However, after the examination carried out by the municipal office in cooperation with the Ministry of Interior of the Slovak Republic, it was ascertained that the number of valid signatures was “only” 98118. This was still much higher than the required 15%, since the number represented 27,82% adult citizens of Bratislava.

The petition led to the vote in the local council on the ordinance establishing a ban on gambling in Bratislava in February 2017. To the surprise of the city's leadership as well as the public, the vote was not successful with only 24 out of 41 presented (and 45 in total) councilors voting for the total ban on gambling in Bratislava (3/5 was needed). This situation was that much more surprising, since all 45 councilors had signed the petition months before the vote. The main argument against the adoption of the ordinance was that the councilors did not have an option to vote on a strict regulation of gambling instead of a total prohibition. The dissatisfied councilors wanted to vote on the ban regarding every category of buildings separately, for example, they planned to retain the casinos in hotels.

Massive media outburst and continual referring to the tens of thousands of signatures in favor of the ban led to the second vote in the local council on March 2017. This time, the vote was successful with 27 votes in favor of the ban. However, the story of the ban on gambling in Bratislava is still not over, because the Association of the Entertainment and Games, created by the entrepreneurs in the gambling industry, filed a protest arguing that the council cannot decide on the same matter for the second time, if there was not a second valid petition in place. In May 2017, the regional prosecutor's office decided that the ordinance had been passed unlawfully and should be revoked. Since the municipality refused to do so, the prosecutor filed a lawsuit suing the capital city for non-compliance with his protest and not revoking the disputed ordinance.

Since the licenses for most of the gambling clubs, casinos, etc. in Bratislava will be still valid in the next few years, the fate of the gambling in Bratislava remains unresolved at the time. However, the petition has had a strong effect on the prominence and media coverage of the issue and due to the provision of the legislation on gambling, it was also a necessary precondition of the council's decision.

### **2.1.2 Good practice: several cases from Belarus**

In the 21st century, there is no need to go anywhere to sign and file a petition. One of the most popular web platforms for creating and submitting a petition in Belarus is <https://petitions.by>, where over 1200 petitions were filed, more than 200,000 signatures were collected, and more than 890 responses were received from state bodies.

During the period of the "Convenient City" project, the range of issues resolved through petitions has significantly expanded. Initially, it began with housing and communal issues, including infrastructure for bicycles, now we can notice the growth of the petition on human rights, equality, preservation of cultural and historical heritage. It is clear that in a country with a rather low level of democracy, most decisions are not made in favor of their citizens. For example, to petition No. 192<sup>24</sup> to check the facts of mercenarism and the training of mercenaries, including those from minors, a formal answer was received from the Ministry of Internal Affairs.

Campaign against the demolition of houses in Asmolouka (district of the Minsk)<sup>25</sup> was one of the most vivid and memorable public campaigns. This campaign is also characterized by the maximum involvement of both the local community and various NGOs and activists. We think that the key element of victory was the close cooperation of civil society and the local community. Sure, there were supporters who wanted to destroy Asmolauka. For example, Yuri Zisser said: «Is this a real heritage!? If they were trying to destroy old houses Rakauskaja or Internacyjanalnaja street... I would have been the first to stop them! But these barracks... I have no idea why to fight for"? However, this victory became a positive example for everybody and it inspired many activists fighting against the demolition of other districts of Minsk.

Petitions affecting less politically sensitive issues are more likely to succeed. For example, the petition for the cancellation of the decision to sell fishing grounds of the Prypiac<sup>26</sup> river has collected 1840 signatures and led to amendments to the legislation.

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<sup>24</sup> <https://petitions.by/petitions/192>

<sup>25</sup> <https://petitions.by/petitions/744>

<sup>26</sup> <https://petitions.by/petitions/669>

Another significant victory was the petition "to abolish auto reply "This number is tranfered to another operator"<sup>27</sup>. Ministry of Information sent a letter to mobile operators requesting to change the format of the message.

Little by little, the Belarusian community demonstrates the hope that more important issues will be resolved through petitions. That is why, despite the financial and organizational limitations and resistance of the bureaucracy, the "Comfortable City" project has finally succeeded. Since the creators of the project are confident that the collective petitions of residents is a way for citizens to exercise their right to local self-government, and the project will continue to grow and become better and better.

## **2.2 CITIZEN PARTICIPATION IN PUBLIC SPENDING: GOOD PRACTICE VS. BAD PRACTICE**

### **2.2.1 Good practice: participatory budgets in Czech Republic**

#### **EXAMPLES FROM THE CITY OF PRAGUE**

1. Participatory budget in Prague 8 District. By the end of May 2017, citizens could submit ideas for improving the public space in Prague 8. The Prague 8 City Hall allocated 10 million crowns to the PB

It was a condition of the citizens' suggestions, that they had to have an investment and local character, they had to concern public landscaping and be of public benefit. The proposal had to relate to the land owned by the City Hall. There were no support for "soft projects", i.e. actions, activities, project documentation etc.

Most voices were received by the projects like "Outdoor Classroom / Arbor for Science Education" (513 votes), "Feasibility Study of the Multifunctional Sports Hall of the Prague 8 " (428 votes) and "Reconstruction of Outdoor Playground in Kindergarten - Klíčanska" (300 votes).

2. Participatory budget in Prague 10 District. After previous debates, the City Hall of Prague 10 voted on the proposal to incorporate PB into the City Hall budget in 2015. The proposal was approved in the first attempt. Shortly thereafter (June 30, 2015), another important political decision was made when the City Hall of Prague 10 accepted an offer from Agora CE, in order to be attended in a project called Participatory Budgeting - an Innovative Tool for Citizenship Dialogue. This project was supported by a grant from Iceland, Liechtenstein and Norway within the EEA Funds. Its main objective was to pilot the participative budgeting method to provide a good example for other municipalities in the Czech Republic.

Participatory budgets is in the hands of municipalities or towns, eventually their parts. Other actors also often develop the initiative budgeting:

1. aGORA (is a Czech nonprofit organization that focuses on consolidating democratic principles in society and seeks to improve dialogue and create partnerships between state administration, local government, the general public and other stakeholders). Agora also worked on the Methodology of Creating a Participatory Budget for Cities in the Czech Republic

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<sup>27</sup> <https://petitions.by/petitions/1058>

2. Democracy 2.1 (D21) is an organization that has developed a specific voting system, that has been created for greater efficiency of choice, in fact, any kind. Method D21 is based on a more free way of voting, which is characterized by the granting of more votes and the existence of negative votes to highlight the voter's opinion
3. NNHC (National network of healthy cities) emphasizes sustainable development of municipalities, partnerships among municipalities, greater involvement of citizens in decision-making on public affairs of the municipality and also the improvement of healthy lifestyle
4. The Alternative "From the Bottom" is linked to the Slovak Utopia organization. It aims to spreading of opportunities for participation and public discussion. It emphasizes the development of community life or, for example, employee participation

### **2.2.2 Bad practice:**

## **2.3 LOCAL REFERENDUM: GOOD PRACTICE VS. BAD PRACTICE**

### **2.3.1 Czech Republic: Positive and Negative practice in local Referendums executed in 2015-2016**

Many of the local referendums executed in 2015 and 2016 can be widely labeled as examples of positive practice for a number of reasons further analyzed in the comparative study. If we talk about positive practice, we mean the organization of a local referendum on the basis of a decision of the municipal council or a proposal of a preparatory committee to execute a local referendum in accordance with the law without any excesses or other unusual practices.

The above mentioned applies especially in the case of organization of a local referendum on the grounds of a public proposal. This implies a situation in which a preparatory committee is first properly formed and afterwards submits a faultless proposal for a local referendum execution supported by the corresponding number of signatures of the entitled persons to a municipality office. The municipality office shall then examine the proposal together with signature sheets within 15 days from its submission. If any incorrect or incomplete information are detected, the municipal office shall call up the authorized representative of the preparatory committee on correction within a period not shorter than 7 days. If the preparatory committee's proposal is faultless, it shall be submitted to a municipality council for consideration at its next meeting. The municipality council, at its earliest meeting, decides by resolution that the local referendum will be declared and at the same time sets the day (days) of its execution. Local referendum declaration stands for publishing the municipality councils' resolution on the official board for at least 15 days. A local referendum shall be executed no later than 90 days after the day of its declaration unless the preparatory committee has set a later date in the local referendum proposal. Such an organization can be described as a positive practice in accordance with the law and case law.

In an ideal case, a local referendum would be executed in conjunction with some of the elections, but voting shall take place in separate rooms. Voting in a local referendum would involve a sufficient number of entitled persons guaranteeing the validity and binding nature of a decision taken in a local referendum. There will be no offense committed in connection with a local referendum and its vote or decision taken would not be subjected to a judicial review.

An example of positive practice for all the local referendums executed in the given period of time is the Protivanov city, which is known by authors because of their previous practice at the TI's ALAC that was repeatedly contacted by a client asking help in the matter of building a new part of a wind

power plant park. Although, this was a local referendum declared on the basis of a municipality councils' resolution (without an activity of a preparatory committee), records of the council meetings show a number of positive aspects, which deserve higher attention.

Cases reviewed by courts are ranked under negative practice, despite the fact that most of the lawsuits of the preparatory committees, cassation complaints or constitutional complaints were not complied and the proposals were mostly rejected. Specifically, it was the urban district Ostrava Jih, the statutory city of Brno, the towns of Černolice and Podolí.

In relation to the total number of the local referendums executed in 2015 and 2016, the "negative practice", whose designation can be argued especially in the light of the statements of the courts, constitutes relatively small sector. This cannot be seen otherwise than a positive signal to the local referendums executed in the future and to the civic activity in general.

### **2.3.2 Good practice: the Protivanov town**

In 2015, a reconstruction of a wind power plant park and its subsequent extension from existing two to another five wind turbines began to be discussed within the municipality council. There are a number of positive aspects showing from the municipality councils' records, which can be clearly identified as examples of positive practice.

At first, elected representatives agreed that the citizens of this town should be involved in the topic. Therefore a public survey was proposed and that the results of it should be followed by a local referendum. Relatively thorough detection of an opinion of the citizens of the municipality was reasoned by the fact that the planned wind power plants construction exceeds the electoral period of the current council. Further, the municipality council records shows, that the representatives considered the proposed payment to the municipality at 1% of the annual turnover as unacceptable in view of the situation on the green energy market and that the conditions of the operators of other wind power plants were more interesting. Last but not least, at the meeting of the council, it was said that the representatives and their family members should not accept invitations to the wind power plant park visits by its operator to avoid situations that could induce any potential conflict of interest and that the representatives, including their families, had the possibility to view and explore the wind power plant park closer with other citizens on an open day. In the end of the council's meeting representatives approved a resolution on the survey and the local referendum in a ratio of 10:1.

In March 2016 the survey was conducted that showed that the citizens did not take a negative stand to the wind power plant park, wind turbines did not bother them and they were not worried about possible negative impact on their health. The survey was attended by 53% of citizens older than 18 years and almost half of respondents (47%) inclined to expand the wind park.

In July of the same year, documents on declaration of the local referendum were prepared in order to follow up the conducted survey. The date of the local referendum was set on the 7th and 8th of October 2016, in order to match the local referendum with the elections to the Olomouc Regional Council in accordance with a number of recommendations and consistent case law. The local referendum voting took place in the same building of the Protivanov city office where elections were held, but again in accordance with recommendation of the Ministry of the Interior, in its separate part (another room). At the end of the meeting of the city council, the local referendum was declared on the question: "Do you agree that town council shall support the extension of the existing wind power plant park located in the cadastral territory of Protivanov by maximum of another five wind turbines?" The documents were approved and a resolution on the declaration of a local referendum was adopted in September 2016 in a ratio of 7: 2.

The local referendum was attended by 48.9% of entitled persons; therefore the local referendum was valid. Among those who participated, 225 (56.82%) voters voted YES and 155 (39.14%) voted NO. The local referendum was then also binding as more than 25% of entitled persons registered in the lists of entitled persons expressed their opinion on the reconstruction and extension of the wind power plant park.

The wind power plant park has been operating for ten years near the Protivanov town. During this time, citizens had the opportunity to be acquainted with the wind park, gain some experience with it and form a qualified opinion. Municipal representatives considered this opinion important and they tried to look into this opinion quite closely while considering whether to accept one of the investor's options, starting with the reconstruction of the two existing wind turbines, up to the extension of the wind power plant park by another five wind turbines. Municipal representatives were interested in the opinion of their citizens mainly because the construction exceeded their existing mandate.

These situations are ideal for the local referendum execution, as citizens of a given municipality should decide directly in similar cases. Efforts to limit potential conflicts of interest and circumspect consideration of the green energy situation on the market in order to achieve the highest possible performance for the municipality are commendable as well.

### **2.3.3 Bad practice: the city district Ostrava Jih**

The case of the Ostrava Jih city district could be considered as a demonstrative example of how essential is the communication with citizens and how its lack causes conflicts with large consequences between the citizens and their elected municipal representatives.

The essence of this matter consisted in the merging of a kindergarten and an elementary school. This decision was accused of an absence of a procedure according to any rules or any school concept at all and its adoption was blamed of being made against the will of the public by force and without any consultation or communication. The citizens were not given a scope for asking questions or to discuss the issue. Because of the lack of informing the citizens and interest of the elected representatives, widespread annoyance about the decision was relatively understandable and resulted into an attempt to change this decision through a local referendum.

Local referendum preparatory committee was formed and able to collect 10 336 signatures of entitled persons, and thus enough to oblige a municipal council to declare a local referendum. The local referendum proposal of the preparatory committee accompanied by signature sheets was delivered to the city office and discussed at a city board meeting. Records of this meeting indicate a whole range of problematic aspects.

Two guests were invited at the city board meeting – preparatory committee authorized representative and another member of the preparatory committee –who were, in our opinion, subject to undue pressure and reproach from the board. Although the board stated that the formal conditions for declaring a local referendum had been met, the preparatory committee members had to face the question of whether they really insist on declaring a local referendum and whether they are aware of the need of at least 30 000 entitled persons to take a decision in a local referendum so it would be binding for the city council. The members of the preparatory committee were also asked whether they realized that a local referendum would cost close to four million CZK (approximately 160 000 €) and whether it would not be appropriate to spend it more efficiently, such as sidewalks repairs, buying toys or school blackboards into kindergartens and schools or other investments. In addition to this emotional extortion, it was mentioned that the signature sheets were signed by 3



000 entitled persons twice, which entitles city office to impose a fine up to 3 000 CZK (app. 120 €) per signature according to the offense procedure.

The members of the preparatory committee argued that no such thing would have happened if the public had been properly informed in advance and the decision had not been taken quite rapidly and virtually behind the back of citizens.

Record from the subsequent meeting of the municipal council indicates further problematic aspects. If we ignore throwing responsibility for the local referendum execution costs over from the municipality to the preparatory committee, two moments are substantial and relate to the time development of the whole case. First, a change in the wording of one of the referendum questions was debated, which due to the rapid merging of schools, had become obsolete. Question was altered from the original "Do you agree to merging (...)" to "Do you agree with the restoration, new establishment of a kindergarten and elementary school (...) ". The preparatory committee again argued that the local referendum proposal was delivered before the merger itself, and if it had not been decided so rapidly, the results of the petition had been awaited and the matter had been properly discussed with the citizens, there would have been no need for a modification and disputed situation that had come up. The opinion of the legal analysis on the given situation differed depending on the side for which it was elaborated – either for the city district or for the preparatory committee.

The second important point, which was not given as much attention as the matter would deserve, was the proposal of a municipal council to move the local referendum to an earlier date. Due to the time consecution, it should have been one of the closest terms allowed by the LRA, as it is shown in the municipal council discussion record and preparatory committee's lawsuit.

A possibility of accepting the questions of the preparatory committee and deciding on them without a local referendum execution was also discussed on the municipal council meeting. However, restoration of the kindergarten and elementary school was not approved at 11:12:18 (for / against / abstained).

The local referendum took place on the 30th of April 2016 and out of the total number of 86 394 entitled persons only 3.6% took part, thus the executed local referendum was neither valid nor binding. The result of the vote was as follows, the question: "Do you agree to merge the Mitušova 8, Ostrava-Hrabůvka Elementary School and Kindergarten, state-funded organizations and Mitušova 16, Ostrava-Hrabůvka Elementary school and Kindergarten?" was answered with YES by 318 (10.31%) entitled persons and with NO by 2667 (86.51%) entitled persons. In case of the question number two "Do you agree that any decisions of the Board and Council of the city district Ostrava-Jih concerning merging or canceling elementary and kindergarten schools should always be subjected to a public hearing with citizens and the elaboration of a professional concept by an independent third party?", 2 803 entitled voters (90.92%) voted in favor of the answer and 231 (7.49%) entitled persons against. The minimum number of votes required for the binding nature of the local referendum was 21 599, thus the local referendum was not binding for the municipal council.

Conflicts that preceded the local referendum were followed by more disputes further solved by the Regional Court in Ostrava and the Supreme Administrative Court.

The Preparatory Committee addressed the Regional Court in Ostrava with a motion to pronounce invalidity of the vote in the local referendum. The preparatory committee has put forward several arguments in favor of the motion. The preparatory committee argued that the Mayor had decided not to reserve city district boards to present the questions of the local referendum and that he had

with high probability deliberately damaged the banner of the preparatory committee informing about the local referendum and its questions. Furthermore, the city district obstructed a placement of banners supporting the referendum on public place, and on an election day the city district had made an illegal campaign against the local referendum directly in the voting rooms.

In the statement of the city district to the motion of the preparatory committee, it was stated that the mayor has a possibility to reserve the city district boards but is not obliged to do so and that the damage of the banner was currently under the criminal proceedings and the city district would not speculate about a possible perpetrator. The city district further stated that in connection with banners placement the district requested two assessments – current static expert opinion and opinion of the Police of the Czech Republic that the panels would not endanger the safety of pedestrians and road traffic. Last but not least, the city district objected to the alleged campaign and stated that before the local referendum itself, a leaflet that was distributed had been graphically designed to give an impression that it was a document issued by the city district. It was, however, a fraud that had been investigated at the time by the Czech Police. The city district wanted to protest against this leaflet, thus on the day of the local referendum distributed another document intended to be solely for the electoral commission in order to help its members to answer potential questions of voters.

The court nonetheless did not deal with all the controversy prior and during the local referendum as the preparatory committee quite unfortunately missed the deadline for the submission of the motion. The preparatory committee submitted the motion on the last possible day at 21:32 while in order to meet the deadline, the motion has to be submitted to the court no later than 16:00. This time limit is fixed and cannot be prolonged or waived. The Regional Court in Ostrava therefore denied the motion of the preparatory committee with regard to the delay. This procedure was also confirmed by the Supreme Administrative Court, which argued with existing case-law on the given matter.

Even though no court decision was given, we believe that the preparatory committee's motion would not be granted anyway. Potential obstructions of the city district and interventions taken into account were not of such nature and intensity that it could discourage such a high percentage of potential voters – more precisely that it would be so significant to affect voters' attendance, which reached only up to the 3,57%.

Therefore, it seems that the topic of the local referendum was not interesting enough for the entitled voters. The low level of participation and civic activism generally results even more, taken into consideration that in the city district of Ostrava Jih it was the historically first local referendum executed, and because of this rarity and extraordinary character it could and should have aroused much higher interest of entitled persons.

This criticized actions of the elected representatives and their disrespectful attitudes towards citizens and towards this instrument of a direct democracy as well, indicates potentially greater problem of contemporary society. This problem is caused by the lack of interest in matters of local character and the lack of interest in public affairs in general whereas the proactive relation to public affairs could be seen as the most effective instrument for the control of public matters which contributes to a higher level of the political culture overall.

### **3 LESSONS LEARNED AND RECOMMENDATION FOR BELARUS (HANDBOOK)**

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