

Council of Europe Project

‘Promoting civil participation
in democratic decision-making in Ukraine’



Best practices in regulating civil participation tools at the local level

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Ukrainian edition:

Best practices in regulating civil participation tools at the local level

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The 'Promoting civil participation in democratic decision-making in Ukraine' Project

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Local initiative is an opportunity for urban residents to prepare independently a draft decision or proposal that must be considered at a local council session. A local initiative is submitted to a local council by collecting signatures of territorial community members. Draft decisions may be prepared on any matters within the competence of the local council.

Best practices of regulating the procedure for submission of local initiatives for the local council's consideration:

- ❖ the membership of the initiative team for introducing a local initiative — maximum 10 persons;
- ❖ a special procedure for setting up the initiative team is not required;
- ❖ the maximum number of signatures in support of a local initiative:
 - between 1,000 and 100 thousand residents — 100 signatures;
 - between 100 thousand and 500 thousand residents — maximum 250 signatures;
 - between 500 thousand and 1 million residents — maximum 500 signatures;
 - above 1 million residents — maximum 700 signatures.
- ❖ a list of all documents required for submitting a local initiative (a notice of the local initiative submission; a draft decision or proposal; an explanatory note or problem description; signature sheets in support of the local initiative);
- ❖ and exhaustive list of grounds for denying the registration of a local initiative has been developed;
- ❖ the city council's representatives assist in preparing a draft decision;
- ❖ all initiatives, irrespective of the opinions or recommendations of the local council's executive bodies, are submitted for consideration to the local council session;
- ❖ a local initiative is put before a regular or next sitting of the local council;
- ❖ an initiative team representative reports at the sittings whenever the local initiative is being considered;
- ❖ a reasoned decision is adopted following the consideration of a local initiative.

Best practices of determining the number of signatures required to submit local initiatives:

Vinnitsia City Council	250	Sievierodonetsk City Council	250
Dnipro City Council	250	Uzhhorod City Council	50
Zaporizhzhia City Council	250	Khmelnyskyi City Council	62
Ivano-Frankivsk City Council	200	Cherkasy City Council	50
Kramatorsk City Council	250	Chernivtsi City Council	50
Lviv City Council	200	Chernihiv City Council	300

Requirements on drafting a decision are set out in the local council's rules of procedure.

The right of a citizen to introduce a local initiative is stipulated in Article 9 of the Law of Ukraine 'On Local Self-Government in Ukraine'.

The local council defines a detailed procedure for introducing a local initiative in its special decision or in the territorial community charter.

The procedure for submitting local initiatives is best regulated in the following cities:

Vinnytsia — the Regulations No. 778 'On local initiatives in Vinnytsia' dated 23/06/2017

Ivano-Frankivsk — the Regulations No. 1744 'On local initiatives in Ivano-Frankivsk' dated 19/05/2015

Lviv — the Regulations No. 1969 'On local initiatives in Lviv' dated 18/05/2017

Uzhhorod — the Regulations No. 1268 'On local initiatives in Uzhhorod' dated 11/04/2014

Mariupol — the Regulations 'On local initiatives in Mariupol' dated 24/05/2017

Public hearings are collective meetings of citizens attended by a local chairman, deputies and officials from local authorities, where proposals on resolving the city's current problems are discussed and approved.

Best practices of regulating the procedure for holding public hearings:

- ❖ entities that initiate public hearings may include residents of the community, public self-organisation bodies (PSOBs), block-of-flats co-owners associations (BCAs), or authorities;
- ❖ a special procedure for setting up the initiative team is not required;
- ❖ the initiative team membership — maximum 10 persons;
- ❖ the maximum number of signatures in support of holding hearings:
 - between 1,000 and 100 thousand residents — maximum 150 signatures;
 - between 100 thousand and 500 thousand residents — maximum 250 signatures;
 - between 500 thousand and 1 million residents — maximum 500 signatures;
 - above 1 million residents — maximum 700 signatures.
- ❖ two documents must be submitted — a notice of the initiative for calling the hearings, and signature sheets;
- ❖ and exhaustive list of grounds for denying the public hearings has been developed;
- ❖ the term for consideration by the local authorities of a notice of hearings may not exceed 5 days;
- ❖ an announcement of public hearings is posted on the official website 7 days or more before the date of public hearings;
- ❖ chairman and secretary of public hearings are designated by the initiator or elected from among the participants of public hearings;
- ❖ the decision adopted at public hearings (resolution) is considered at the next regular sitting of the local council or executive committee;
- ❖ an initiative team representative reports at all sittings whenever a resolution of the hearings is being discussed;
- ❖ following a public hearing, all its documents are posted in a separate section on the council's official website.

Best practices of determining the number of signatures required to initiate public hearings:

Ivano-Frankivsk City Council	75	Sumy City Council	200/15
Kyiv City Council	500/100	Uzhhorod City Council	30
Kramatorsk City Council	250	Kherson City Council	300
Lviv City Council	75	Khmelnyskyi City Council	50
Mykolaiv City Council	100/15	Cherkasy City Council	250
Odesa City Council	300	Chernivtsi City Council	50

Following a public hearing, a collective resolution containing proposals to the local authorities on resolving the problem is drawn up. These proposals are forwarded to the local authorities and their consideration is mandatory!

The right of a citizen to hold public hearings is stipulated in Article 13 of the Law of Ukraine 'On Local Self-Government in Ukraine'.

A local council defines a detailed procedure for holding public hearings in the territorial community charter.

The procedure for holding public hearings is best regulated in the following cities:

Bila Tserkva — the Bila Tserkva City Territorial Community Charter dated 29/03/2018

Lviv — the Lviv City Territorial Community Charter dated 07/12/2017

Chernivtsi — the Regulations 'On public hearings in Chernivtsi', Annex to the Community Charter dated 08/08/2017

Uzhhorod — the Regulations 'On public hearings in Chernivtsi', Annex to the Community Charter dated 08/08/2017

Khmelnyskyi — the Khmelnytskyi City Territorial Community Charter dated 31/05/2017

General meeting of citizens at the place of residence is a collective gathering of territorial community members, where problems facing the territorial community are jointly discussed and proposals on resolving these problems are adopted.

Best practices of regulating the procedure for holding general meeting of citizens:

- ❖ entities that initiate convening of a general meeting include territorial community members and local authorities;
- ❖ the initiative team membership — maximum 10 persons;
- ❖ the maximum number of signatures in support of holding a meeting:
 - between 1,000 and 100 thousand residents — maximum 20 signatures;
 - between 100 thousand and 500 thousand residents — maximum 50 signatures;
 - between 500 thousand and 1 million residents — maximum 100 signatures;
 - above 1 million residents — maximum 200 signatures.
- ❖ the list of documents to initiate convening of a general meeting: an announcement of a general meeting;
- ❖ an announcement of a general meeting is posted on the official website 7 days or more before the date of the meeting;
- ❖ the ways of notifying the territorial community members of a general meeting are established, such as the local council's official website, the media, information stands, etc.;
- ❖ access for the territorial community members to the general meeting agenda is provided by posting it on the stands, the official website, etc.;
- ❖ chairman and secretary of a general meeting are designated by the initiator or elected from among the meeting attendees;
- ❖ a general meeting resolution considered by the local chairman, the local council, the executive committee according to their competence and a relevant application;
- ❖ an initiative team representative reports at all sittings whenever a general meeting resolution is being discussed;
- ❖ resolutions adopted by general meetings are taken into consideration by local self-government authorities, otherwise a reasoned refusal is given;
- ❖ following a general meeting, all its documents are posted in a separate section on the council's official website.

Following a meeting, a collective decision containing proposals to the local authorities on resolving the problem is adopted. These decisions approved by general meetings of citizens shall be taken into consideration by local authorities in their activities!

The right of a citizen to hold general meetings is stipulated in Article 8 of the Law of Ukraine 'On Local Self-Government in Ukraine'.

A local council defines a detailed procedure for holding general meetings in the territorial community charter.

The procedure for holding general meetings is best regulated in the following cities:

Kyiv — the Regulations No. 494/4558 'On general meetings of territorial community members at a place of residence in Kyiv' dated 19/04/2018

Chernivtsi — the Regulations No. 799 'On general meetings (conferences) of territorial community members at a place of residence in Chernivtsi', Annex to the Community Charter dated 08/08/2017

Kropyvnytskyi — the Kropyvnytskyi City Territorial Community Charter No. 2303 dated 31/01/2019

Bila Tserkva — the Bila Tserkva City Territorial Community Charter dated 29/03/2019

Electronic petitions are public appeals to government authorities and local councils, demanding that an important matter be considered or a problem be resolved.

Best practices of regulating the procedure for considering an electronic petition:

- ❖ the city council has passed a local act that regulates the procedure for consideration of electronic petitions (such as a community charter, regulations on electronic petitions);
- ❖ the number of signatures in support of an electronic petition has been established:
 - between 1,000 and 100,000 residents — maximum 150 signatures;
 - between 100,000 and 500,000 residents — maximum 250 signatures;
 - between 500,000 and 1,000,000 residents — maximum 500 signatures;
 - above 1,000,000 residents — maximum 1,000 signatures.
- ❖ the timeframe for collecting signatures in support of an electronic petition — at least 14 days;
- ❖ when initiating an electronic petition, no additional documents are required, other than an appeal;
- ❖ an opportunity to initiate consideration of an electronic petition is provided on the relevant authority's official website;
- ❖ the procedure for identification of the petition authors and signatories carried out through the use of a digital signature, BankID or MobileID;
- ❖ an electronic petition is considered by the authorities without delay, but no later than ten working days after the information about the beginning of its consideration has been made public, followed by consideration at the next executive committee meeting or at a regular local council session;
- ❖ an electronic petition is considered at the next meeting of the executive committee or local council;
- ❖ the outcome of the petition's consideration is either a decision by the local council or executive committee to support, or a reasoned refusal to support the electronic petition.

Consideration of an electronic petition is initiated by the public through collection of signatures on the relevant authority's official website or on a public association's website. Every citizen may draft an electronic petition and start the process of collecting signatures — to do this, one only has to undergo authorisation at the appropriate section on the authority's website and describe the gist of the appeal (a problem to be addressed).

An electronic petition that has collected the established number of signatures must be reviewed by the relevant authority in the manner prescribed by the local council.

Requirements on the number of signatures that have to be collected in support of the electronic petition, the deadline for collecting signatures and the procedure for consideration is determined in the territorial community charter.

The right of a citizen to submit electronic petitions is stipulated in Article 23¹ of the Law of Ukraine 'On Appeals by Citizens'.

The procedure for considering public petitions is best regulated in the following cities:

Chernihiv — the Chernihiv City Territorial Community Charter dated 28/01/2016

Sumy — the Regulations No. 2692-MR 'On the procedure for submission of electronic petitions and their consideration by the Sumy local self-government authorities' dated 25/10/2017

Chernivtsi — the Regulations 'On electronic petitions in Chernivtsi', Annex to the Community Charter dated 08/08/2017

Kramatorsk — the 'Procedure for consideration of electronic petitions by the Kramatorsk City Council' No. 28/VII-273 dated 12/10/2017

Public consultation is an open public debate (consultation) around a draft decision, or making public a proposal to resolve any specific issue, or a public opinion poll conducted by a local council and involving a wide range of territorial community members. Consultations entitle community members to participate in addressing municipal issues, to submit their proposals and comments on draft decisions, thereby increasing the level of trust in the local authorities.

Best practices of regulating the procedure for holding public consultations:

- ❖ the developer of the regulations or the executive committee's dedicated structural subdivision holds consultations with the public;
- ❖ the preferred form for consultations is a public meeting (held in the format of a round table, deliberations, conference, task group) to discuss regulations or a particular problem;
- ❖ provision is made for the development and adoption of an annual consultation schedule;
- ❖ an option is available for holding consultations initiated by the public;
- ❖ a list of matters has been defined, which always require public consultation;
- ❖ proposals may be submitted in writing or electronically;
- ❖ proposals submitted in the process of consultation are either taken into consideration or a reasoned refusal is given;
- ❖ documents associated with consultations (any submitted proposals, minutes of meetings, etc.) are posted in a separate section on the local council's official website.

Following a public consultation, the local council prepares and publishes a report.

The procedure for holding consultations by executive authorities is set out in the CMU Resolution No. 996 'On ensuring public participation in developing and implementing state policies'. However, the relevant procedure for local self-government authorities is of advisory nature only, and local councils are free not to use it. Because of this, local councils may adopt dedicated Regulations 'On consultations with the public'.

The procedure for conducting public consultations is best regulated in the following cities:

Ternopil — the Ternopil City Territorial Community Charter dated 05/04/2019

Kramatorsk — the 'Procedure for conducting public consultations in Kramatorsk' dated 23/11/2016

Kropyvnytskyi — the 'Procedure for holding consultations with the public on the matters of developing and implementing state policies in Kropyvnytskyi' No. 79 dated 19/06/2015

Chernivtsi — the Regulations 'On public consultations in Chernivtsi', Annex to the Community Charter No. 799 dated 08/08/2017

Public expert examination is a tool that entitles civil society institutions to:

- conduct expert examination and assess the performance of local self-government authorities;
- assess the efficiency of these bodies in adopting and implementing their decisions;
- submit proposals on addressing the problems facing the territorial community;

Best practices of regulating the procedure for conducting public expert examinations:

- ❖ it has been determined that the subject matter of public examination includes draft decisions, decisions, as well as review and assessment of the local self-government authorities' performance;
- ❖ conduct of a public expert examination may be initiated by civil society institutions (public associations, charities, public self-organisation bodies (PSOBs), block-of-flats co-owners associations (BCAs)), as well as by consultative and advisory councils under local self-government authorities;
- ❖ local self-government authorities facilitate conduct of a public expert examination;
- ❖ an order by the city chairman designates a person in charge of liaison with a civil society institution;
- ❖ a clear list of reasons for denying a public expert examination is in place;
- ❖ a civil society institution receives all the requisite documents to conduct a public expert examination within five working days or, if the amount of information is large, they are delivered within 20 working days;
- ❖ any proposals developed following the conducted examination must be considered by local self-government authorities and taken into account in their activities;
- ❖ any proposals developed following the conducted examination are reviewed, within two weeks from their receipt, by representatives of a civil society institution;
- ❖ proposals are reviewed by the local council, following which, an implementation plan for these proposals is approved.

By enabling access to the information held by a local council, public expert examination is beneficial for public associations; it is a way to make the authorities consider your proposals; an opportunity to influence and monitor the local council's operation.

The procedure for conduct of public expert examinations is set out in the CMU Resolution No. 976 'On approving the Procedure for facilitating the conduct of public expert examination of executive authorities' performance'. However, the relevant procedure for local self-government authorities is of advisory nature only. Because of this, local councils have to adopt dedicated Regulations 'On the Procedure for facilitating the conduct of public expert examination of local self-government authorities' and officers' performance'.

The procedure for conducting a public expert examination is best regulated in the following cities:

Vinnitsia — the Regulations 'On public expert examination in Vinnitsia' dated 23/06/2017

Bila Tserkva — the Bila Tserkva City Territorial Community Charter, Annex No. 5 dated 29/03/2018

Kramatorsk — the 'Procedure for facilitating public expert examination of the performance of local self-government authorities and officials in Kramatorsk' dated 31/05/2017

Khmelnyskyi — the Khmelnytskyi City Territorial Community Charter dated 31/05/2017

Chernivtsi — the 'Procedure for facilitating public expert examination of the performance of local self-government authorities and officials in Chernivtsi', Annex to the Community Charter No. 799 dated 08/08/2017

Public budget is a local budget portion from which those activities that have been directly determined by the territorial community members are funded, along with the performance of work and delivery of services under formal projects — winners of a competition.

Best practices of regulating the procedure for conducting public expert examinations:

- ❖ the amount of funds allocated under the regulations on public budget is 1 per cent or more of the development budget;
- ❖ the number of citizens' signatures in support of funding a project from the public budget is established as follows: maximum 15 signatures for smaller projects, maximum 25 signatures for major projects;
- ❖ projects may be submitted in writing or electronically;
- ❖ the nominating committee for selection of projects includes members of the public, city councillors and officers of the local council;
- ❖ at a nominating committee meeting, authors of negatively rated projects are offered an opportunity to defend their projects;
- ❖ at least two ways of voting for projects are available — in writing and electronically;
- ❖ the timeframe for voting for projects is at least 14 days;
- ❖ the list of expenditure areas that may be financed from the public budget is not restrictive;
- ❖ funding of communal enterprises and organisations, other than to purchase equipment, perform maintenance and overhauls, implement energy conservation measures or replace fences, is prohibited;
- ❖ a deadline for reporting on the results of the project completion is established;
- ❖ the regulations define ways of raising the public awareness of the public budget potential;

Funds from the public budget are targeted to implement the best development projects in the inhabited locality, which were forwarded to the local council by the territorial community residents.

Public budget is a good tool of liaison between the local council and the residents, which enables inclusion of those residents who permanently reside in the inhabited locality in the decision-making related to allocations of the development budget portions, their participation in the budgeting process and giving them opportunities for free access to information; it also ensures openness and transparency in the operation of the local council and its executive bodies.

The procedure for submission, selection and funding of projects is set out in a separate decision of the local council in its Regulations 'On public budget of the city'.

The procedure for implementing a public budget is best regulated in the following cities:

Kyiv — the Regulations 'On public budget of Kyiv' dated 17/04/2018

Rivne — the Regulations 'On public budget of Rivne' No. 5824 dated 25/04/2019

Sievierodonetsk — the Regulations 'On public budget of Sievierodonetsk' dated 30/01/2018

Chernihiv — the Regulations 'On public budget of Chernihiv' No. 29/VII-2 dated 29/03/2018

Electronic consultation is an open public debate (consultation) around a draft decision, or making public a proposal to resolve any specific issue, or a poll conducted through an electronic advisory system on the local council's official website.

Best practices of regulating the procedure for holding electronic consultations:

- ❖ the developer of the regulations or the executive committee's dedicated structural subdivision holds consultations;
- ❖ consultations may be optionally held in the formats of a survey, consultation, discussions around a regulation;

- ❖ provision is made for the development and adoption of an annual consultation schedule;
- ❖ participants are identified through the use of a digital signature, BankID or MobileID;
- ❖ an option is available for holding consultations initiated by the public;
- ❖ a register of stakeholders, with whom consultations are always held, is set up by local self-government authorities;
- ❖ an opportunity for an e-consultation user to access a register of stakeholders;
- ❖ a list of matters has been defined, which always require public consultation;
- ❖ proposals submitted in the process of consultation are either taken into consideration or a reasoned refusal is given;
- ❖ a report on an e-consultation outcome is posted by the established date in a separate section on the local council's official website.

Consultations entitle local community members to participate in addressing municipal issues, to submit their proposals and comments, thereby increasing the level of public trust in the local authorities.

E-consultations may be conducted in the following formats:

- survey — to gauge public opinion on the matters referred to the competence of local self-governance.
- consultation — making public a proposal to resolve any specific issue, with optional commenting by e-consultation participants.
- discussion of a regulation — making public by local self-government authorities of a draft regulation, with optional commenting on the document by e-consultation participants.

The procedure for conduct of e-consultations and subsequent integration of their outcomes in the activities of local self-government authorities is set out in a separate decision of the local council in its Regulations 'On electronic consultations'.

The procedure for conducting electronic consultations is best regulated in the following cities:

Ternopil — the Regulations 'On electronic consultations and polls in the Ternopil City Territorial Community' dated 20/12/2018

Khmelnyskyi — the 'Procedure for conducting electronic consultations and polls in Khmelnytskyi' No. 20 dated 14/12/2018

Drohobych — a decision of the Drohobych City Council's Executive Committee 'On conducting electronic consultations' dated 21/02/2019

Obukhiv — the Regulations 'On electronic consultations and polls in Obukhiv' dated 21/02/2019

KEY PRINCIPLES OF CIVIL PARTICIPATION

Civil participation in decision-making is a democratic principle common to all member states of the Council of Europe and also a way to ensure good democratic governance locally, by providing citizens and civil society organisations with an opportunity, along with elections, to make their voice heard.

The standards and documents of the Council of Europe emphasise the need to ensure the basic principles and conditions on which civil participation and good democratic governance should be based:

- different phases of the decision-making process being undertaken by the public authority, including the earliest stage in the decision or policy development, should be open to civil participation;
- local self-government authorities should raise awareness of belonging to the community and encourage citizens to take responsibility for contributing to the lives of their communities;
- promote balanced representation of women and men in local politics and local public life;
- equal participation of all groups including those with particular interests and needs, such as young people, the elderly, people with disabilities, or minorities;

- mutual respect;
- openness, transparency and accountability;
- innovation and openness to changes;
- responsiveness and feedback;
- sustainable financial management;
- human rights, cultural diversity and social cohesion;
- non-discrimination and inclusiveness, so that all voices, including those of the less privileged and most vulnerable, can be heard and taken into account.

Civil society can participate in the decision-making process at different levels of involvement, ranged from least to most active: INFORMATION, CONSULTATION, DIALOGUE, PARTNERSHIP.

A policy decision-making cycle comprises 6 stages, each one allowing for liaison between NGOs and government authorities: AGENDA DEVELOPMENT, POLICY DRAFTING, DECISION MAKING, POLICY IMPLEMENTATION, MONITORING, RESTATING.

Described below, the best practices in regulating civil participation tools represent entry points for the public at various stages of decision-making and at various levels of participation, helping to **improve the quality of public life and community development**.

The Council of Europe is the continent's leading human rights organisation. It comprises 47 member states, 28 of which are members of the European Union. All member States of the Council of Europe signed the European Convention on Human rights — a treaty aimed at protecting human rights, democracy and the rule of law. The European Court of Human Rights oversees compliance with the Convention by the member States