

The role of ombudsmen and petitions committees in detecting breaches of EU law

SUMMARY

Over the last decades, national and EU political institutions have sought ways to get closer to citizens, who are showing an increasing dissatisfaction with the performance of democratic institutions. The right to petition and the right to submit complaints to ombudsmen can be considered two privileged instruments for strengthening this relationship, since they are two of the most accessible ways for citizens to address political institutions, notably to react to the application of EU law and policy. Indeed, it has been within these rights (the twin rights) that pioneering efforts have been made to enhance the relationship with the citizens, notably through the use of new technologies. The impact of new technologies is reflected at various levels as they facilitate the exercise of the twin rights, they democratise access to information or facilitate communication between institutions and citizens. Despite the efforts made, many of the best practices are not yet widespread and some weaknesses have been identified. One of the major shortcomings is the lack of knowledge of the profile of those who make use of their right to petition or to complain. This briefing provides some recommendations on how to empower parliaments and enforce citizens' rights through the petitions and complaints process.

Background

Petitions and complaints to ombudsmen are two of the most accessible ways for citizens to react to the application of EU law and policy, whose growing impact on the lives of all is undeniable. They deal typically with legislation improvement proposals and complaints against public authorities of the Member States, including complaints that relate to activities that are within the scope of EU law.

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Differences in the roles of ombudsmen and petitions committees in the Member States

The right to petition is the right every citizen has to present, individually or collectively, to sovereign bodies and other public entities, complaints to defend their rights or to defend the general interest (hereinafter *petitions*). This means that a petition can serve to defend individual rights or interests, or to challenge Parliament on a matter of general interest, in particular in its area of legislative competence and government control.

The right to complain is the right of citizens to submit complaints concerning public authorities to an ombudsman (hereinafter *complaints*), who will examine them – without having decision-making powers – and who can submit recommendations to prevent or correct injustices to the competent bodies. Despite the



differences between Member States (in powers and responsibilities), ombudsmen are independent and impartial persons.

Both rights can be seen as forms of *advocacy democracy*¹, or semi-direct democracy, falling somewhere in between representative democracy (e.g. elections) and direct forms of deliberation by citizens (e.g. referenda). Advocacy democracy seeks to expand the means of political participation, in which “citizens participate in policy deliberation and formation – either directly or through surrogates such as public interest groups – although the final decisions are still made by elites”².

Framing the scope of these rights is of paramount importance. The right to petition is intended to give citizens a voice, to “take their policy concerns directly to the heart of Parliament and to influence the Parliamentary agenda”³, but there is no right to a favourable decision. There is, first and foremost, a right to a procedure, while complaints are aimed at obtaining a decision – not from the entity which could satisfy the claim but from the ombudsman (who considers “the complaint to be justified in whole or in part and the reasons for this view”⁴). As we will see later, this difference is reflected in the importance given to the procedure by the petitions systems’ best practices, in particular to its publicity, offering opportunities for citizens’ participation (hearings) and by calling MPs, government members and senior public administration officials for debates. In the case of ombudsmen, the procedure is more discreet, becoming available and mirrored in the ombudsman’s decision or final report.

This is related to the type of interests pursued by the twin rights. Complaints are more inclined to *res private* themes, while petitions address *res publica* issues (Riehm, Böhle, e Lindner, 2014). Nevertheless, it is not rare that ombudsmen sponsor a cause of general interest. When this happens, they lend their credibility to such causes, whose public impact is thus, generally, reinforced. This is due to the independence that characterises the ombudsman, who is not a political-partisan actor. In fact, the ombudsman’s particular status puts him/her in a privileged position to defend positions which politicians sometimes do not defend for fear of political costs, as in the case of the defense of minorities.

In general, petitions systems endeavour to strengthen democracy by promoting citizens’ participation and engagement in political affairs, by narrowing the distance between those represented and their representatives, by promoting greater transparency, and by ensuring information flows. The ombudsman is directed more towards the defense of human rights and ensuring the good functioning of the administration.

Framing these rights correctly should be a central concern, so as to avoid dysfunctional expectations, in particular regarding petitions (through which citizens directly address political power), as is suggested by some studies (Carman, 2006; Tibúrcio, 2017), while the ombudsman’s role of intermediation shields her/him from such unrealistic expectations.

Differences between complaints (to ombudsmen) and petitions

Petitions to parliaments and complaints to ombudsmen are **conventional** forms of participation⁵, regulated by a legal framework: constitutions and/or law, with **few formal constraints**.

The right to petition is a **form of direct participation**, since petitioners do not normally need an intermediary to exercise this right. The right to complain to an ombudsman is an **indirect form of participation**. Indeed, an ombudsman acts as a mediator or even substitutes for the complainant in her/his relationship with the entities to which the complaint is addressed.

Intermediation has consequences on how rights are exercised. When citizens act in direct participation, as in petitions, the issues raised are normally formulated in the exact terms intended by the citizens. However, when an ombudsman sponsors a complaint, this lends the complaint a special authority, increasing its chances of success. On the other hand, while the success of petitions seems to depend, to a greater or lesser

¹Dalton, Scarrow and Cain (2004).

²Dalton, Scarrow and Cain (2004).

³As is presented by the [Irish petition system website information](#).

⁴[The European Network of Ombudsmen Statement adopted at the Sixth Seminar of the National Ombudsmen of EU Member States and Candidate Countries, Strasbourg 14-16 October 2007.](#)

⁵ Barnes and Kaase (1979) were the first to distinguish between conventional and unconventional participation. Conventional or institutional forms of participation include more formal and politicised participation, such as voting or contacting a politician, being framed by the existing political institutions. Unconventional or non-institutional participation, on the other hand, is characterised by its informality and scarce regulation, occurring outside the institutional framework, in confrontation with the political elite.

extent, on its visibility and support by public opinion, the ombudsman's action, by virtue of her/his authority (and of course the private nature – *res privata* – of the complaints), requires greater discretion.

The exercise of the right to petition has an ample and **varied scope of action**, normally reflecting the variety of areas in which citizens may be affected by the action of the public authorities. The right to complain to an ombudsman shares this characteristic with the right to petition. However, the more particularistic vocation of complaints, focusing on the defense of rights, brings to the fore issues of the social and human rights sphere.

None of the twin rights require a significant effort. On the contrary, petitions and complaints can be submitted by any means, including by e-mail, and they just have to be written down. They are commonly both free of costs. In fact, complaints to an ombudsman are even more informal, as complainants can often address the ombudsman orally (e.g. by telephone).

The **frequency** with which the twin rights can be used is extremely broad. It is not limited either in terms of frequency or in terms of quantity.

Table 1 - Characterisation of the right of petition as a form of political participation

As a form of political participation	RIGHT TO PETITION	OMBUDSMAN	As a form of democracy (Representative / Advocacy / Direct)
Conventional / non-conventional	<i>Conventional</i>	<i>Conventional</i>	Advocacy democracy
Direct / indirect	<i><u>Direct</u></i>	<i><u>Indirect</u></i>	
Legal / illegal	<i>Legal</i>	<i>Legal</i>	
Mode of action	<i>Individual or collective</i>	<i>Individual or collective</i>	
Scope of results	<i><u>General and (in some cases) Particular</u></i>	<i><u>Particular and (in some cases) General</u></i>	
Scope of action	<i>Diversified</i>	<i>Diversified</i>	
Degree of effort	<i>reduced</i>	<i>reduced</i>	
Initiative	<i>Impulse, timing and object depends on the petitioner</i>	<i>Impulse, timing and object depends on the petitioner</i>	
Frequency of use	<i>Without limitations</i>	<i>Without limitations</i>	

The efforts required from citizens are therefore relatively minimal. Timing and subject rely almost entirely on the citizens, favouring a participation less directed by elites – top down – and more directed at elites – bottom-up.

In fact, citizens define the moment when they wish to participate through these two instruments. However, it is important to stress that ombudsmen are able, in many cases, to act of their own accord, while petitions are just reactive. This difference has certainly an impact in matters relating to the implementation of European legislation.

Best practices in the work of national ombudsmen and petitions committees

The foregoing analysis served to confirm that the right to petition and the right to submit complaints to ombudsmen are rights that share many of the main characteristics and dimensions of participation mentioned above, albeit with some relevant differences. Here an adapted version of the “Evaluation criteria of petition systems” that were applied in the study “[The right to petition](#)” (Tibúrcio, 2015) will be used to identify key characteristics that enhance the effectiveness of the twin rights. The key features for the good functioning of these rights are related to the legal and institutional framework and to the behaviour of the main players. Some are already widespread. This is the case with the right of every petitioner/complainant to obtain a formal response to their petition/complaint, without which these rights would result “as empty as the right to write letters”⁶ and the incentive to participate would be severely harmed. There are others which, while not fundamental, help to increase the potential of the rights in question.

Reaching the underrepresented

Both of the twin rights are characterised by their openness. The majority of ombudsmen and petitions bodies admit complaints and petitions from any person who lives in the territory (national citizens or nationals from third countries). ‘Corporate bodies’ petitions are also generally accepted. The Scottish petitions system stands out for being one of the most inclusive, admitting petitions from any individual, including foreign citizens, residents or not, or underage.

Despite the openness of the systems, the profile of petitioners/complainants is often not as diverse as that of the population as a whole. It is considered that the broader this group is, allowing the participation of people normally outside the traditional participation mechanisms (e.g. foreigners who cannot vote in elections in the host country), the more effective the rights can be, thus contributing to a fairer and more inclusive society for citizens (a goal that is in the origin of both petitions and ombudsman complaints). A broad range of participants also has the potential of capturing situations that would otherwise escape the knowledge of public authorities and situations that may have a specific impact on these groups of individuals. It is important to highlight the role that, in some countries, ombudsman actions⁷ have had in introducing minority rights.

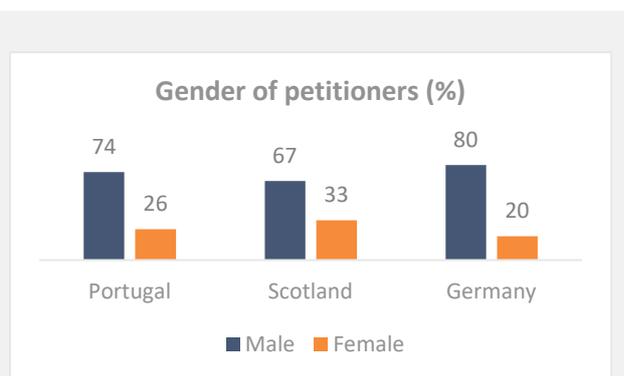
This relates to what Dalton, Scarrow and Cain (2004) considered one of the main weaknesses of advocacy democracy: the risk of it being used disproportionately by those who already have a significant influence in the public sphere, thereby exacerbating political inequalities.

Given the above, it is important to learn about the variety of the civil society that is engaged and who the petitioners and complainants are. Is there an equitable participation of men and women (the figure on the side suggests that this often is not the case)? Are minorities participating? This briefing recommends strongly that parliaments and ombudsmen have systematic and updated information on the profile of the petitioners and complainants.

The [Ombudsman of Lithuania](#) conducts public perception surveys on a yearly basis in order to assess whether or not citizens are aware of the institution’s role and areas of activity.

This allowed the Ombudsman’s Office to learn which group of citizens were less aware of the institution’s role and it directed its awareness campaigns towards those particular groups.

Source: OECD (2018)



Note: Portugal (2005-2013); Scotland (2000-2006); Germany (“Public petitions” 2007-2009)

Source: Tibúrcio (2017)

⁶ Accurate remark attributed to Paul Laband (reputed German Law professor of the 19th century).

⁷[European Network of Ombudsmen - Network in Focus 2018.](#)

Monitoring

Therefore, it is important to know better who are the citizens who participate through these instruments. It is also important to learn about what they think of their experience.

Systematic collection of data on petitions and complaints, and in particular on the profile of citizens who use their rights, is still not a widespread practice, on the contrary.

The [Police Ombudsman for Northern Ireland](#) publishes in the Equality Monitoring Report a very complete profile of complainants, regarding age, gender, marital status, employment status, sexual orientation, community background, racial group, country of birth, disability, dependants and political opinion.

Every person making a complaint to the Police Ombudsman for Northern Ireland is asked to complete an Equality Monitoring Form, which is returned to the Statistics and Research Branch within the Office.

There is even less information on the **users' assessment of the system of petitions and complaints**, which is crucial for a "real time" knowledge of the performance of the rights in the eyes of those who use them. This may be important to identify problems and propose improvements.

The Scottish and the German petitions committees prompted studies in collaboration with universities) that included such an **assessment** (Carman, 2006; Riehm, Böhle, e Lindner, 2014; Kies, 2016). However, although they are valuable contributions at this level, they were limited to a certain time period and are not yet conducted in a systematic way. This impedes a wider knowledge, in particular about the impact of the experience on the citizens' trust in public institutions. In effect, Carman (2006) and Tibúrcio (2017) have shown that the petitions process and its treatment influence the way citizens perceive their experience as well as their opinion on political institutions.

The procedure

Hearings and debates

Modern petitions systems have enriched the petitions procedure by granting rights so as to permit a greater involvement of petitioners via **hearings** in Parliament (where citizens may explain directly, in their own words, their claim), triggering a **parliamentary debate**, on the issues stated in the petitions (sometimes in conjunction with the hearing), either in a committee or – in certain circumstances – in a plenary session.

These features are highly amplified when they are broadcast, in particular if they can be watched on the Internet (as is the case with petitions in the EU, as well as in Scotland and Portugal).

In this respect, complaints to ombudsmen call for greater caution in publicising the process (e.g. possible contacts between the ombudsman or her/his staff and the complainant), particularly in view of the fact that most complaints are *res privata* and, therefore, require the protection of the complainant's privacy. Moreover, if it is done by video, in conformity with the best practices of petitions hearings, we believe that this may undermine the intermediation role that is intrinsic to the role of an ombudsman, who is often responsible for formulating the question in the way that best serves the complaint. However, we find these objections to be mitigated if such disclosure is made, for example, through pictures, notably using social networks such as Instagram (Twitter, Facebook or Whatsapp may also be suitable for this purpose).

In a survey carried out by the Public Services Ombudsman for Wales (United Kingdom), users suggested that the service could be improved with "more face-to-face contact".

Source: OCDE (2018)

As concerns the debates, it should be noted that in seven countries ombudsman complaints can be debated in a plenary session of the parliament⁸.

⁸Like in Austria Bulgaria, Luxembourg or Norway (Riehm, Böhle, e Lindner, 2014).

Both hearings and debates offer citizens an opportunity to influence the agenda setting of politicians.

Thresholds

Risks: **Obstacle** to hearings and debates; **Unequal efforts** for citizens of large population areas and those living in rural areas; It can **reinforce the unrealistic expectation** – that the claim will certainly be upheld.

Advantages: **Certainty**, as petitioners know that if they attain the required threshold, a hearing - or debate – will have to be held; **incentive to share** the petition with the community.

However, there are differences between them that are worth highlighting. In a reflection on the new system of e-petitions of the House of Commons of the United Kingdom, which came into force in 2015, Asher, Leston-Bandeira and Spaier (2017) assert that “the public tends to reflect in a more polarised way to parliamentary debates than to oral evidence sessions. (...). Debates are conducted under long embedded traditions of adversarial politics. Oral evidence sessions, on the contrary, which take place in committee tend to be more of a consensual affair”.

In some systems the possibilities are related to the number of signatures gathered by the petition (a threshold⁹).

Table 2 – Hearings and debates in petitions systems in the EU

European Parliament	Scotland	UK	Portugal	Luxembourg
<p>The EP petition system promotes petitioners’ participation in committee meetings where they can be heard if their petition is placed on the agenda, and matters raised by the petitions can be debated in committee and eventually in plenary. The Petitions Committee however does in practice restrict its use of the latter possibility to a few selected cases considered of broader political importance.</p>	<p>Hearings and debates in committee are common practice and there is no threshold.</p> <p>Government members or executive representatives often participate in the committee meetings and petitioners are invited to attend and can also ask questions directly, which happens frequently.</p>	<p>In the new e-petition system (since 2015), there is a threshold of 100,000 signatures for a petition to be considered for debate.</p> <p>With 10,000 signatures, the petition is entitled to receive a response from the Government.</p>	<p>Hearings are mandatory for petitions with more than 1,000 signatures (in these cases petitioners have the right to be heard). Petitions with more than 4,000 signatures are debated in plenary.</p> <p>Hearing and debates are broadcasted on the Parliament TV.</p>	<p>Petitions that collect within 42 days more than 4,500 signatures are debated in a joint meeting between the Petitions Committee and the competent standing committee for the matter. The minister concerned shall also be present, as well as the petitioner(s). The debate is broadcast on the Parliament TV.</p>

Interaction with the supporters of petitions/complaints

Although complaints to ombudsmen do not have thresholds, some countries accept collective complaints¹⁰.

The **UK petition** system provides to signatories [emails with updates about what happens in Parliament with petitions supported by them](#).

The **Portuguese Parliament** introduced in 2017 a [petitions platform](#) that allows communication with all the petition’s signatories.

Collective petitions are generally accepted. In this respect, it is worth mentioning the case of parliamentary online platforms that, in addition to facilitating the collection of signatures with greater security, can allow parliaments and ombudsmen to interact with all signatories of the initiatives (rather than only with its authors, as is the case more often currently), notably by notifying them by e-mail of the

⁹ For an overview of the existing thresholds for debates and hearings in petition systems, please see the Study for the European Parliament “The [right to petition](#)” (Tibúrcio, 2015).

¹⁰ Such as Norway, Bulgaria, Estonia or Luxembourg (Riehm, Böhle, e Lindner, 2014).

main steps and stages taken and guaranteeing that all those who support these initiatives receive feedback on the matter.

The importance of electronic tools

An online platform to collect signatures and communicate with all signatories is one of the many **electronic tools** that can help petitions committees and ombudsman institutions to engage with citizens.

In fact, the ability to participate by electronic means expands the possibilities of the use of the twin rights by potentially reaching out to citizens who may otherwise be less inclined to institutional political participation, especially younger people. It can also contribute to greater citizens' engagement in the political process. Of course, institutions should be aware of the fact that there is unequal access to new technologies, which means that participation can also lead to an overrepresentation of some segments of the population (the "digital divide"¹¹), such as, older and better educated men.

However, it is **important to ensure that traditional forms of participation are maintained** (paper petitions or telephone complaints), in order to mitigate the risk of unequal treatment.

Open process

One of the major contributions electronic tools can make is the transformation of the process to become more public, by providing (almost in real time) the information produced during the process to the petitioner and to the general public through the internet. This allows for the engagement of the community, which otherwise would not be possible, i.e. "permitting petitioners to exchange views, enabling them to gather support and draw public attention, including of the media, to the issues raised, thereby allowing a previously complicated and discreet public scrutiny"¹².

Once again, the intermediary nature of the ombudsman and her/his focus on the decision (and not so much on the procedure) is reflected in the kind of documentation that official websites make available. Thus, if only a few countries publish the text of the complaints¹³, all publish their decisions¹⁴. The cases of the Irish Ombudsman and the Ombudsman of the Czech Republic are good examples of how it is possible to deepen the level of information publicity, empowering citizens to be aware of their rights.

Full examples of e-petitions: **Scotland, Portugal and Luxembourg** publish the petition texts and the main documents (admissibility notes, committee minutes, letters exchanged with the petitioner, questions to government, hearings video, answers, final report/response, etc.), as well as information on the petition stage and corresponding dates.

The **Ombudsman of the Czech Republic** has a comprehensive and easy to use [search engine](#) to find individual cases.

Online discussions

Some parliaments have created public forums that enable an online discussion of petitions, allowing a more active involvement of the wider public and gathering more information on certain issues. This kind of new e-features is still rare. We can point out the examples of Scotland's petitions committee, "public petitions" in Germany, and Luxembourg. Regarding ombudsmen, the case of the former online platform "*Médiateur et vous*", in France, is an interesting example of an online participative platform (independent of the official site of the Ombudsman) that brought together for discussion dozens of experts, citizens and often the Ombudsman. On this platform, debates were held on an issue that had been raised but never on a specific complaint, showing a less visible side to the ombudsman's action: a "more overtly public and political character" (Riehm, Böhle, e Lindner, 2014). Despite its interest, this experience lasted only approximately one year, and ended in 2011.

¹¹ Norris (2001).

¹² Tibúrcio (2015).

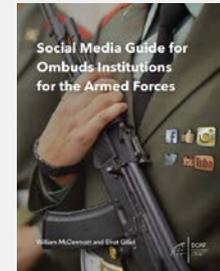
¹³ Hungary, Estonia, France, Lithuania and Malta (Riehm, Böhle, e Lindner, 2014).

¹⁴ (...) "this is done in different ways: 23% publish each individual case; 43% publish them in an aggregated format; and 26% publish them in another format which can include summary reports (which also illustrate selected key individual cases" (OECD, 2018).

Social media

Enhancing visibility is one of the things social media can do for ombudsmen and parliamentary petitions bodies¹⁵. Other things include improved provision of information to the public on what ombudsmen and petitions committees do and reaching hitherto ignored audiences. Another advantage is that discussions on social media, like Twitter, enables to tap into real-time reactions from the public on how their petitions are being dealt with in parliament (Asher, Leston-Bandeira and Spaiser, 2017).

Ombudsman institutions seem to be more active than petitions committees in using social media (the [Scottish Public Petitions Committee](#) and the House of [Commons Petitions Committee](#) using Twitter are among the exceptions). According to recent data (OECD, 2018¹⁶), around two thirds of ombudsman institutions are using social media to communicate their decisions and recommendations (mainly Facebook and Twitter). This may have something to do with the collective nature of petitions committees, in contrast to the individual nature of the ombudsman, which should make communication easier to manage. Practice suggests that both petition committees and ombudsman institutions tend to use social media mainly for one-way communication.



Some publications provide useful [social media guiding for ombudsman institutions](#).

Communication

Communication is of paramount importance for petitions systems and ombudsman institutions alike, as it contributes to raising awareness among citizens about their existence and roles, creating a link between citizens and public institutions and seeking input from relevant players.

We can find some innovative communication approaches from these institutions.

The Austrian Ombudsman showed how a TV show “[Bürgeranwalt](#)” (“Advocate for the People”) can be used to communicate his work to citizens, thus raising awareness and increasing visibility. The show, considered to have a relevant impact (it is the main way in which citizens learn about the existence of the ombudsman), is broadcast on Saturdays, on national prime-time television, and shows real-life examples of complaints as well as the solutions found for citizens.



During the 11th International Ombudsman Institute (IOI) World Conference, IOI Secretary General, Günter Kräuter, presented this TV show ([click here to watch the video- in English](#)).

“[A day in the life of an ombudsman](#)” is another example of good communication in this context. This film intends to show what the workday of an ombudsman looks like. It was created by the Office of the Dutch National Ombudsman and all scenes are played by the staff, except for the part of the ombudsman (played by an actress). All cases mentioned in the film are purely fictional but based on experience and work dynamics.

Nevertheless, **leaflets** remain an effective way to communicate the basics of how ombudsmen and petitions committees work, explaining to citizens how to use their rights. This communication practice is still not at all widespread but can greatly help the dissemination of information, because leaflets are easy to read and can be used both in digital (on websites) and printed versions, the latter of which can be distributed to key partners, such as local administrations, NGO’s, etc.



¹⁵[Inter-Parliamentary Union approved unanimously a resolution on using social media to enhance public engagement.](#)

¹⁶ A recent OECD survey show that 71% of respondent OIs (70% of ENO members) are on social media (OECD, 2018).

Cooperation and information sharing

The European Network of Ombudsmen (ENO) connects the European Ombudsman and national and regional ombudsmen, with the aim of making the EU dimension of the ombudsmen's work better known and ensuring that complainants can get help at the appropriate level. The ENO helps to share information about EU law and its impact in EU Member States. It facilitates cooperation between ombudsmen, with a view to safeguarding the rights of EU citizens and individuals under EU law.

The ENO shares experiences and best practices via seminars and meetings, a regular newsletter, an electronic discussion forum and a daily electronic news service.

There is a number of instruments for cooperation between the European Parliament and the national parliaments (such as the COSAC, the ECPRD, the IPEX, the Representatives of National Parliaments to the EU, or Joint Parliamentary Meetings)¹⁷. Close relations between these bodies are considered to help strengthen its legitimacy and bring Europe closer to its citizens and to the national parliaments. They have been introduced (particularly in recent years) to guarantee democratic scrutiny of European legislation at all levels (see article 12 of the Lisbon Treaty).

The ENO is specifically dedicated to support the ombudsmen's decision-making process, as far as the EU dimension of their work is concerned. As for the petition committees, the ECPRD or, in particular, the Representatives of National Parliaments to the EU¹⁸ can be useful but, with the exception of the latter, none of the existing cooperation instruments seem particularly well suited to support the examination of petitions.

Recommendations for ombudsmen and petitions committees

Ensuring that breaches of EU law and citizens' rights are detected and corrected

Taking into consideration best practices and the contribution of experts, some clues can be identified that can empower ombudsmen and petitions committees to help national and EU institutions ensure that breaches of EU law and citizens' rights are detected and corrected.

1 – Social media. These can help to disseminate awareness that petitions and complaints to ombudsmen can also serve to denounce problems with the implementation of EU legislation. It would therefore be desirable to have an account on a social media platform specifically dedicated to this topic, which would aggregate petitions and complaints from Member States (or at least one account for ombudsmen and another for petitions) and that would be fed by the contributions of each of the national institutions.

2 – Networking. Create a knowledge-sharing network that includes petitions committees, much like the ombudsmen's European Network of Ombudsman (ENO). In fact, maybe petitions committees of the various EU parliaments could be a part of ENO (of which, moreover, the EP and of the Bundestag Petitions Committee are already part) or create a network of their own.

3 – Collecting data. It is not easy to know the number of petitions and complaints that petitions systems and ombudsmen receive in relation with compliance with EU law. This information, namely knowing what kind of petitions and complaints are submitted and the follow-up given to them, would help to find more precise answers to reinforce the role of these institutions in this matter. To this end, it is proposed to carry out a questionnaire survey of all Member States (ombudsmen and parliaments) in order to collect this information.

4 – Autonomous chapter in annual report. Include in the annual reports of national ombudsmen and petitions committees an autonomous chapter on detection and correction of infringements of EU law. Systematic organisation of this information in the annual reporting exercise (a widespread practice in Member States) will help to identify these issues and facilitate their correction. This information could also be sent annually, on a specific date, to an entity (the EU petitions committee, the ENO?) with the responsibility of producing a report with the compiled information.

¹⁷ The fact sheet "[European Parliament: relations with the national parliaments](#)" summarises these instruments.

¹⁸ "National Parliaments' Representatives contribute to reinforce inter-parliamentary cooperation by facilitating a regular exchange of information between national parliaments and national parliaments and the European institutions." ([Guidelines for Inter-parliamentary Cooperation in the European Union Lisbon 2008](#)).

Ensuring greater visibility and closer contact with the citizen

1 – Easier participation. The possibility of submitting complaints and petitions by email is increasingly widespread. However, only ombudsmen allow for complaints by telephone. Petitions systems should consider adopting this practice, and can thus reach citizens who still see the written requirement as an obstacle, a concern that, given the seemingly inexorable expansion of ICTs, would be a safety net to include those who do not have access to it.

On the other hand, new technologies are still underutilised, and their contribution can be maximised in streamlining participation, namely through: i) submission of complaints and petitions via smartphone; ii) submission of petitions through videopetitions (easy sharing – and currently almost all phones and computers have cameras).

2 – Communication with all participants (authors and signatories). An official platform that assists citizens in the collection of signatures is a precious opportunity to communicate with all signatories and citizens who, from the outset, have already shown that they are receptive to this type of involvement.

3 – Social media. Social media can enhance an institution's visibility (e.g. explaining how it works, disclosing complaints and petitions with more signatures, the latest ones to conclude the process, or to be debated). Social media can also be used to reach new or ignored audiences, increase transparency and trust, remove barriers for participation, and make it easier for people to make complaints and sign petitions.

In order to avoid some of the risks associated with the maximisation of new technologies, this path should be gone down by taking small steps and developing an informed strategy appropriate to each of the desired platforms. It should therefore be borne in mind, for example, that different platforms offer different features¹⁹. Some steps already taken can be enhanced. For example, investing in a two-way communication through social media (today it is mainly a one-way communication). Investing in training staff for social media is crucial. A team specifically dedicated to the management of social media accounts also increases the chances of success.

4 – Monitoring and evaluation. A comprehensive evaluation of petitions and ombudsman systems should be based on appropriate indicators, covering the various dimensions of the twin rights, in particular at the level of the institutional framework and practice of their main actors: i) parliaments/ombudsmen; ii) the bodies with which they interact (e.g. the Government); iii) the citizens. On the latter, the available information is still scarce.

Therefore, it is proposed to carry out a periodical questionnaire survey of the users of (one of) the twin rights, so as to identify their profile and the evaluation of their experience. In order to allow a comparison of the replies, it would be desirable to have a set of questions common to the Member States, which would allow to identify the best experiences of each system.

Of great importance would be to conduct the questionnaire survey in two phases: one, at the beginning of the process, when the citizens submit the complaint/petition, the other, at the end of the procedure. This would allow for confronting the expectations with the concrete experiences of the citizen, and to know how this affects, for example, their confidence in political institutions and in democracy itself. Such a survey can only be conducted by the concerned institutions, since they are the only ones that have access to citizens at the beginning of the exercise of their rights.

5 – Targeted campaigns. Bearing in mind that there are groups of people who are often underrepresented in the exercise of their rights (such as women, the least educated, the youth, the rural population, etc.), ombudsmen and petitions committees should be pro-active in seeking to help these groups. This can be done in particular through:

- Information campaigns about the twin rights in which the target public appears as the main actor of these rights (video, leaflets, etc.).
- Promotional material in different languages, especially those of the main immigrant communities.
- Cooperation with civil society in the dissemination of the twin rights, particularly through those working on the ground who are in contact with specific groups, such as migrants, refugees associations, community groups or local government authorities.

¹⁹For instance: practice suggests that Facebook favours direct communication with citizens (although targeting audience – which is more effective – has to be paid, while Twitter is useful for reaching journalists).

- Use of social media, which allows advertising information products to specific demographics, such as age, gender, location, and interests.

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Contact: poldep-citizens@europarl.europa.eu

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