The Right to Petition

STUDY FOR THE PETI COMMITTEE

EN 2015
The Right to Petition

Abstract

At the request of the Petitions Committee, this study analyses the right to petition in the European Parliament, in Scotland and in the EU Member States, from a multi-disciplinary (historical, legal and political science) comparative perspective. An evaluation framework is proposed, with the aim of assessing how key characteristics of the different petition systems, related to the legal and institutional framework (conventional features and e-petitions) and to the main players behaviour (citizens, parliament and government), have an impact on the achievement of the goals of the right to petition, hereby enhancing its effectiveness.
DOCUMENT REQUESTED BY THE COMMITTEE ON PETITIONS

AUTHOR

Mr Tiago TIBURCIO
Researcher at ISCTE / CIES - Lisbon University Institute
E-mail: tiagotib@gmail.com

RESPONSIBLE ADMINISTRATOR

Ottavio MARZOCCHI
Policy Department C: Citizens' Rights and Constitutional Affairs
European Parliament
B-1047 Brussels
E-mail: poldep-citizens@ep.europarl.eu

LINGUISTIC VERSIONS

Original: EN

ABOUT THE EDITOR

Policy Departments provide in-house and external expertise to support EP committees and other parliamentary bodies in shaping legislation and exercising democratic scrutiny.

To contact the Policy Department or to subscribe to its monthly newsletter please write to: poldep-citizens@ep.europa.eu

European Parliament, manuscript completed in July 2015.

This document is available on the Internet at:
http://www.europarl.europa.eu/supporting-analyses

DISCLAIMER

The opinions expressed in this document are the sole responsibility of the author and do not necessarily represent the official position of the European Parliament.

Reproduction and translation for non-commercial purposes are authorised, provided the source is acknowledged and the publisher is given prior notice and sent a copy.
CONTENTS

LIST OF TABLES 5
LIST OF FIGURES 5
EXECUTIVE SUMMARY 6
1. INTRODUCTION 8
2. BRIEF CHARACTERIZATION OF THE RIGHT TO PETITION PARLIAMENT 12
3. AN EVALUATION OF PETITION SYSTEMS 16
   3.1. The goals of the right to petition 16
   3.2. Evaluation criteria: key characteristics of petition systems 17
4. AN ANALYSIS OF THE EFFECTIVENESS OF PETITION SYSTEMS 19
   4.1. Legal and institutional framework 21
       4.1.1. Right to a response 21
       4.1.2. Direct access 21
       4.1.3. Information provided to petitioners 21
       4.1.4. Type of petitioners 22
       4.1.5. Nature of interests 23
       4.1.6. Questions 23
       4.1.7. Submission of petitions (and signatures) via E-mail / e-form 25
       4.1.8. Petition text published on the Internet 26
       4.1.9. Information on the stage of the petition 26
       4.1.10. Publication of documents produced during the petition process 27
       4.1.11. E-features for all petitions 28
       4.1.12. Online discussions 28
   4.2. Main players’ behaviour 34
       4.2.1. Number of petitions 35
       4.2.2. Variety of civil society mobilized 35
       4.2.3. Petitions pursuing general interests 36
       4.2.4. Questions to Government 36
       4.2.5. Response within a reasonable timeframe 37
5. CONCLUSIONS AND RECOMMENDATIONS 39
   5.1. Recommendations to the European Parliament 40
REFERENCES 43
ANNEX I - Synoptic comparative table between petition systems 46
ANNEX II - Legal basis of petition systems (synoptic table) 50
LIST OF TABLES

TABLE 1:
Parliaments (lower houses) in EU Member States with petition systems (& Scotland & EU) 12

TABLE 2:
The right to petition and other participatory tools (synoptic table) 14

TABLE 3:
Evaluation criteria of petition systems 18

TABLE 4:
Evaluation framework of the effectiveness of petition systems (summary table) 20

TABLE 5:
Hearings and debates (thresholds - N. of signatures and % population) 24

LIST OF FIGURES

FIGURE 1:
Houses of the Oireachtas web portal (Ireland) 29

FIGURE 2:
Chambre des députés du grand duché de Luxembourg web portal 30

FIGURE 3:
Parlement Européen web portal 31

FIGURE 4:
Scottish Parliament web portal 32

FIGURE 5:
Assembleia da República web portal (Portugal) 33

FIGURE 6:
Bundestag web portal (Germany) 34
EXECUTIVE SUMMARY

The Committee on Petitions of the European Parliament requested an in-depth analysis on "The Right to Petition" in the European Parliament (EP) and in the Member States, in order to allow the Committee to obtain a better overview of the different petition systems available, their functioning and their effectiveness, and if possible to identify indicators of best practices within the different systems and processes. The Committee has also organised a public hearing on the same subject on the 23 of June 2015, where this paper has been presented.

With this purpose in mind, we start by a brief overview of the concept of the right of petition (Chapters 1 and 2). A particular focus is being given to the recent modernization of this historic participatory tool, mostly through the development of ICT features, which play an increasingly important role in the relationship between political institutions like Parliaments and civil society. In fact, certain Parliaments (and indeed governments) have seen in so called "e-petitions" a way to address some of the challenges faced by today's democracies, such as the growing distance between citizens, politicians and key political institutions. By doing so, Parliaments in particular, attempt to become more transparent, open and accessible, while in some cases promoting more of a dialogue and a more active engagement of citizens in the political process, so as to close or reduce possible communication gaps.

Then we propose an evaluation framework, which is based on the concept of "effectiveness", considered here as the achievement of the goals of the right to petition. In general, these goals are participation, feedback, equality and inclusion, transparency, information and accountability, debate and influence, involvement in the res publica (Chapter 3).

In order to know whether the goals of the right of petition are being attained, we operationalized the criteria that allow an empirical assessment, which mirrored the main characteristics that we can find in European petition systems (Chapter 4). This allows to review the development of the citizens' right to petition, as well as the current way in which it is exercised, managed and organized, as regulated by Constitutions, laws and other acts, such as Parliaments’ Rules of Procedure in the European Union (EU), in its Member States and in Scotland, highlighting similarities and differences between them, in a comparative perspective. For this purpose, we followed a multi-disciplinary approach, combining political science, legal and historical elements.

In the end, we use those criteria to better understand whether the goals pursued by the right of petition are been achieved, that is, to what extent they contribute to the effectiveness of the petitions system (Chapter 5).

Two annexes in the end of this paper provide a snapshot of the petition system of each Member State where it exists within, the EU and Scotland. The objectives of this paper can therefore be summarized as follows:

---

1 I would like to thank the Petitions Committee of the European Parliament for having requested the Policy Department for Citizens’ Rights and Constitutional Affairs to request a study on the Right to Petition. I hope that the present study satisfied the expectations and that it will contribute to a broader reflection on the right to petition in this early 21st century and on how the parliaments of Europe are making of this right a reality. I would also like to acknowledge the quality of the interventions and comments made during the hearing of the 23rd of June organised by the Petitions Committee on “The Right to petition” in the European Parliament. The debates and information gathered on that occasion were taken into account in the drafting of this final version of the document. Finally, I would like to thank Ottavio Marzocchi and David Lowe for their availability, commitment and suggestions in improving the quality of this study. Of course, this only involves them in the possible merits of the study and never in its errors and inaccuracies, which remain solely responsibility of the author.
• To conduct an evaluation of petition systems;
• To identify and examine similarities and differences between petition systems;
• To identify where possible, good practices which potentially could lead to enhance the effectiveness of the right to petition;
• To suggest recommendations regarding the eventual improvement of EU petition system.
1. INTRODUCTION

The historical origin of the right to petition is not consensual but it is ancient. While some academics consider that it should be credited to the Magna Carta of 1215 (Richard, 1932; Stancati, 1983), others consider that its origin should be dated back to earlier times, as this right exists since there is political power (Hauriou, 1929). In any case, the right to petition arose from the need to maintain a relationship between the community and the political power, long before the period of election and universal suffrage. With the English Petition of Rights (1628) and the Bill of Rights (1689), the right to petition was expressly provided by law as a way for citizens to address requests to the sovereign, in particular to defend their rights, without fear of reprisals. This right re-emerged with the establishment of the modern representative structures (Rodrigues, 1997; Durelle-Marc, 2008), benefiting from the constitutionalism movement since the late 18th century, which helped with its diffusion. We find it, for example, in the French Constitution of 1791 (Dubourg-Lavroff, 1992) and significantly in the First Amendment to the US Constitution (1789), followed up by many European and American fundamental laws. For this reason, Miranda considers the right to petition probably the oldest political right of citizens (2008).

In the twentieth century, while the right to petition has been adopted by most States, the progressive consolidation of democracy and of the rule of law, with institutions elected by citizens to represent their interests, as well as the consecration of the oversight power of the media contributed to the marginalization of this right. Although losing much of its importance, the right to petition the Parliament was kept up throughout in most European countries and introduced in a number of foreign legal systems (Escudero, 1983).

In Europe, we find it today in most jurisdictions (with rare exceptions, such as Cyprus, Estonia, Finland or Sweden), and also at local, regional and supra national level.

Over time, there have been some attempts to revitalize this participatory tool, notably a few decades ago, through the establishment of specific procedures for dealing with petitions. More recently, at the dawn of the millennium, some Parliaments, notably in the EU, have made a new attempt to modernize this right, in particular by involving new technologies and hereby reinvigorating representative democracy (Dalton, Scarrow and Cain, 2003; Dalton, 2004).

Indeed, as a backdrop for these efforts of modernization, we find the attempt to counter and respond to the growing dissatisfaction of citizens regarding the performance of representative institutions of contemporary democracies, showing a decline of confidence in these institutions (Putnam, Pharr and Dalton, 2000; Norris, 2002; Teixeira and Freire, 2009). The economic, financial and social crises that many Western democracies are experiencing since the end of the last decade seems to have further exacerbated this situation. Some authors even doubt the ability of representative democracies to maintain links with citizens (Mair, 2009).

The main instrument of this modernization has been Information and Communication Technology, which plays an increasingly important role in communication and the forming of public opinion, becoming a key tool in the relationship between political institutions and the public (Leston-Bandeira, 2009). Some Parliaments have made a simple link between the right to petition and ICT and seen this as a way to address some of the challenges faced by today's democracies, such as political apathy and distance between citizens, politicians and key political institutions. By going on-line Parliaments aim to become more
transparent, open and accessible institutions and promote dialogue and a more active engagement of citizens in the political process.

The Scottish Parliament was one of the pioneers in this process in Europe, as it created in 1999 a petition system largely based on electronic means. In 2005, it was the turn of the Portuguese and of the German Parliament. More recently, we can find further examples in Ireland (2012) and Luxembourg (2014) (see boxes below). In 2015, the UK Parliament in Westminster is launching a new petitions system, involving the creation of a Committee on Petitions, enhancing e-petitions and other key functionalities (oral evidence by petitioners, questions to government, etc.). However, it is too early to even see how it works in practice. Besides Scotland, there are other examples at regional level (like Wales) and also experiments at local level (Bristol in the UK, Malmö in Sweden and several municipalities of Norway) and at supranational level, such as in the EU, where the European Parliament launched a substantially upgraded multi-lingual electronic petition system in November 2014, to replace a more limited electronic submission procedure, and which is currently being further developed in a second phase of the project.

The Scottish Parliament played a pioneering role in Europe, as it created in 1999 a petition system largely based on electronic means. Irrespective of the way petitions are submitted (by E-mail or by regular mail), all petitions are published on the Internet and their exam (decision-making process) can be followed and monitored on the Scottish Parliament website. The key information related to the petition is available online, such as the number of signatures, documents related to the petition and the minutes of meetings where the petition is discussed. Electronic functionalities include the possibility to table petitions or sign already tabled petitions on-line, as well as to hold on-line discussions on the petitions. Although not mandatory, debates and hearings of the petitioners are common practice, independently of the number of signatures on the petition (there are no thresholds), and can be watched on the Internet. The site also includes a wide variety of information material, such as text, brochures and animated videos, available in several languages (including Arabic, Bengali, Punjabi, Simplified Chinese/Mandarin, or Urdu) explaining to the public how the petition system works, from submission, consideration to the final decision.

In 2005, the German Parliament (Bundestag), largely inspired by the Scottish example, initiated a reform to introduce Internet-related functionalities into the petition system. This reform included the possibility for petitions to be submitted by E-mail and, under certain conditions, to publish on the Internet the petition texts (so-called Public Petitions). If a petition is accepted by the Bundestag as a Public Petition, "supporting" signatures can be collected on the e-petition platform of the German Bundestag. These petitions can also be discussed on the Internet in public online forums. This reform included also other features aiming at improving the system, such as a possible hearing and a public debate in the Petitions Committee for petitions that reached 50.000 signatures. While most of these electronic features are available for "Public Petitions", conventional petitions are still in place, but are almost not affected by this modernization process and remain not public (including their processing).

---

3 Ostling (2011)
The Portuguese e-petition system was approved in 2003 and implemented in practice in 2005. All petitions, also those submitted by regular mail, are published on the Internet. Besides the petition text, the Parliament publishes several documents related to the petition process (admissibility note, questions to the government and respective answers, final report). Not all of these documents were made available on the Internet when the new e-petition system was introduced, but the Parliament progressively improved the functionalities. Petitioners can freely collect signatures on the Internet, although there is no Parliamentary platform to specifically support this.

More recent examples of modernization of petition systems can be found in the Irish Oireachtas (2012) and in Luxembourg (2014). In the Irish case, petitions can be submitted by electronic or conventional means to a Joint sub-Committee on Petitions composed of Members of the two Houses of Parliament. Details on the procedure (status, name of the petitioner and some historical details) are provided on the Internet, but not the text, not the final report. The very recent case of the Chamber of Representatives of Luxembourg has, like the German system, two kinds of petitions. Conventional petitions (pétitions ordinaires) and Public Petitions (pétitions publiques). The latter can be publicly debated, with hearing of the petitioners, if the petition collects more than 4.500 signatures on the petition platform. However, all petitions (conventional and Public Petitions) are published on the Internet, as well as information regarding the petitions developments.

Such reforms have brought a new visibility to this historic participatory tool, which has thus experienced, in many cases, a growth (as in the European Parliament or in Portugal) in the number of submissions, putting greater pressure on the treatment of petitions by Parliaments and governments. This positive trend furthermore has taken place against a backdrop of economic crisis that has tended to lead to deception with, and in some cases direct opposition to, existing political structures and a decline in institutional participation during election periods.

Despite these recent revitalization efforts, we still lack more comprehensive information about petitions systems across European Parliaments, notably in terms of assessment of how successful or unsuccessful those efforts were. For many years, the major study about European petitions systems was an in-house one coordinated by Marilia Allen Crespo (2001) for the European Parliament.

In the last few years a growing academic interest in petition systems in general emerged, with some studies covering important aspects of the impact of e-functionalities. The first major contribution to an evaluation and empirical analysis of Parliamentary petitions should be credited to the work of Carman, reviewing the Scottish case (2006). More recently, this has been complemented by the contributions of Bochel (2012) for the UK, Tibúrcio (2010) and Leston-Bandeira and Tibúrcio (2012) for Portugal, and Lindner and Riehm, who studied the German case (2011). Comparative studies are also beginning to emerge, such as Hough (2012), Tibúrcio (2015a) and in particular Riehm, Böhle, and Lindner (2014), whose study provide until this date the most comprehensive overview of national European Parliaments petition systems.

In the following pages, we first provide a brief overview of the concept of the right of petition (Chapter 2). Then we propose an evaluation framework, which is based on the concept of “effectiveness”, considered here as the achievement of the goals of the right

---

4 Riehm, Böhle and Lindner, 2014
to petition. These goals are participation, feedback, equality and inclusion, transparency, information and accountability, debate and influence, involvement in the *res publica* (Chapter 3).

In order to know whether the goals of the right of petition are being attained, we operationalized the criteria that allow an empirical assessment, which mirrored the main characteristics that we can find in European petition systems. These criteria are organized into two main groups: those concerning the **legal and institutional framework** (which include conventional petitions and e-petitions criteria) and the main **players behavior** (citizens, government and Parliament) (Chapter 4).

In the end, we use those criteria to better understand whether the goals pursued by the right of petition are been achieved, that is, to what extent they contribute to the **effectiveness** of the petitions system (Chapter 5).
2. BRIEF CHARACTERIZATION OF THE RIGHT TO PETITION PARLIAMENT

Most EU Member States’ Constitutions, laws or Parliamentary Rules of Procedure foresee a right to petition Parliaments. In this study, we only analyze petition systems as provided for in lower houses, although some upper houses of Member States' Parliaments (such as in Poland, Belgium and Spain) also deal with petitions. In addition to those, we include in our analysis the Scottish Parliament (for being a pioneer in the modernization and recognized as an example of success) and the European Parliament, which has a well-embedded process to deal with petitions but has been somewhat neglected in recent studies on the subject.

With the exceptions of Denmark, Estonia, Finland, Poland, Sweden and Cyprus, all EU National Parliaments’ lower houses have a procedure, to a greater or lesser extent, to examine petitions.

Table 1: Parliaments (lower houses) in EU Member States with petition systems (& Scotland & EU)

<table>
<thead>
<tr>
<th>Lower houses</th>
<th>Yes (∗); No (X)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>●</td>
</tr>
<tr>
<td>Belgium</td>
<td>●</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>●</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>●</td>
</tr>
<tr>
<td>France</td>
<td>●</td>
</tr>
<tr>
<td>Germany</td>
<td>●</td>
</tr>
<tr>
<td>Greece</td>
<td>●</td>
</tr>
<tr>
<td>Hungary</td>
<td>●</td>
</tr>
<tr>
<td>Ireland</td>
<td>●</td>
</tr>
<tr>
<td>Italy</td>
<td>●</td>
</tr>
<tr>
<td>Latvia</td>
<td>●</td>
</tr>
<tr>
<td>Lithuania</td>
<td>●</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>●</td>
</tr>
<tr>
<td>Malta</td>
<td>●</td>
</tr>
<tr>
<td>Netherlands</td>
<td>●</td>
</tr>
<tr>
<td>Portugal</td>
<td>●</td>
</tr>
<tr>
<td>Romania</td>
<td>●</td>
</tr>
<tr>
<td>Scotland</td>
<td>●</td>
</tr>
<tr>
<td>Slovakia</td>
<td>●</td>
</tr>
<tr>
<td>Slovenia</td>
<td>●</td>
</tr>
</tbody>
</table>
The Right to Petition

<table>
<thead>
<tr>
<th>Country</th>
<th>Rights</th>
</tr>
</thead>
<tbody>
<tr>
<td>Spain</td>
<td>●</td>
</tr>
<tr>
<td>United Kingdom (UK)</td>
<td>●</td>
</tr>
<tr>
<td>Scotland</td>
<td>●</td>
</tr>
<tr>
<td>European Parliament</td>
<td>●</td>
</tr>
<tr>
<td>Cyprus</td>
<td>X</td>
</tr>
<tr>
<td>Denmark</td>
<td>X</td>
</tr>
<tr>
<td>Estonia</td>
<td>X</td>
</tr>
<tr>
<td>Finland</td>
<td>X</td>
</tr>
<tr>
<td>Poland</td>
<td>X</td>
</tr>
<tr>
<td>Sweden</td>
<td>X</td>
</tr>
</tbody>
</table>

Source: Adapted from Riehm, Böhle, and Lindner (2014) and Fernandes (2013).

In most Parliaments, the right of petition is a conventional form of participation (regulated by a normative framework: by constitutions and/or by law)\(^5\), with few formal constraints. Typically, petitions are presented directly by citizens to Parliament, in writing. As Verba showed (1987), the efforts required from citizens are therefore relatively minimal. The timing and subject matter rely almost entirely on the petitioner, favouring a participation less directed by elites - top down - and more directed at elites - bottom-up.

The involvement of petitioners in the Parliamentary petition process is more or less active, depending on the petition system itself - which may vary considerably in this regard. However, in the end, final decisions always lie entirely in the hands of elected representatives.

Thus, the right of petition in this context is clearly framed as a form of “advocacy democracy”. Indeed, Dalton, Scarrow and Cain (2004) distinguish three modes of democracy, according to the type of participation: representative democracy, direct democracy and advocacy democracy (semi-direct democracy). The first, linked to the electoral process (e.g. elections); the second, concerns direct forms of deliberation by citizens that bypass (or complement) the process of representative democracy (e.g. referenda); finally, the third mode seeks to “expand the means of political participation through a new style of advocacy democracy, 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” (e.g. participation in public consultations). According to the authors, although less direct and not always easy to quantify in terms of institutional changes, an expansion of "democracy advocacy" clearly developed from the 1990s onwards.

The table below distinguishes synoptically the right to petition from other participatory tools. Through this comparison, we can easily conclude that its exercise is considerably more informal than others (thus easier to use); that the right to petition is closer to the representative form of democracy than to pure direct democracy; and that the final outcome is often more modest.

---

\(^5\) Barnes and Kaase (1979) were the first to distinguish between conventional and unconventional participation. Conventional or institutional forms of participation include more formal and politicized 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 characterized by its informality and scarce regulation, occurring outside the institutional framework, in confrontation with the political elite.
Table 2: The right to petition and other participatory tools (synoptic table)

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Right to petition</th>
<th>Legislative citizens' initiative</th>
<th>Referendum</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td><strong>Triggered by MPs / Government</strong></td>
</tr>
<tr>
<td><strong>Subjective</strong></td>
<td></td>
<td></td>
<td>Electors</td>
</tr>
<tr>
<td>National citizens (and often citizens from third countries)</td>
<td>Electors</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Typically no threshold to submission (one signature is enough)</td>
<td>Minimum threshold of signatories</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Form</strong></td>
<td></td>
<td></td>
<td>Typically specific formal requirements</td>
</tr>
<tr>
<td>Limited formal requirements (even if it proposes a new law)</td>
<td>Typically restrictions on some subjects</td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Subjects</strong></td>
<td></td>
<td></td>
<td>Typically restrictions on some subjects</td>
</tr>
<tr>
<td>Freedom of subjects</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>Process</strong></td>
<td></td>
<td></td>
<td>Decision (from Parliament) about the proposal</td>
</tr>
<tr>
<td>Typically no decision (approval/rejection) on the request</td>
<td>Decision (from Parliament) about the proposal</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Framing the scope of the right to petition is thus the first pillar on which to base any evaluation of the exercise of this right in different petition systems. The right of petition is intended to give a voice to citizens (to enable citizens to “take their policy concerns directly to the heart of Parliament and to influence the Parliamentary agenda”\(^6\)), but there is no right to a favourable decision, so the outcome of the process should not be seen as a criterion for the evaluation of the effectiveness of the system.

Moreover, its scope must also be understood within the powers of the entity to which it is addressed - in this case, Parliament - , especially in relation to its competences and fields of activity, notably the legislative and oversight functions. As Hough puts it, in evaluating the effectiveness of legislative petition systems, it is important to emphasize that in most cases “it is not the role of Parliament to deliver policy, but instead to allow policy to be debated and scrutinized” (2012, pp. 487).

If for example a petition requests a new hospital, or protests against the closure of a school, the petition is not actually asking Parliament to build a hospital or decide that the school remains open (which are typical executive powers falling into the responsibility of government, which Parliament cannot invade on the basis of the principle of separation of powers). Actually, what the petitions are requesting is that Parliament exercises its control function (which includes policy debate), i.e. to send questions to the competent ministry, demanding answers, perhaps summon the member of the government to be heard in Parliament or merely to debate the petition.

It is therefore within these boundaries (as offered by the system) that we should consider the criteria to be used to evaluate the effectiveness of the right of petition.

---

\(^6\) As is presented by the Irish petition system website information: [http://petitions.oireachtas.ie/online_petitions.nsf/PetitionForm?openform&type=intro+to+petitions&lang=EN&r=0, 8189047465566546](http://petitions.oireachtas.ie/online_petitions.nsf/PetitionForm?openform&type=intro+to+petitions&lang=EN&r=0, 8189047465566546)
3. AN EVALUATION OF PETITION SYSTEMS

As Riehm, Böhle, and Lindner (2014) showed, there are many petition systems and each one of them has its specific characteristics. But how can we tell if a system is more effective than other? Or, more precisely, how can we say that certain characteristics of the system are more effective than others?

**Effectiveness** is not an obvious quality, easily measurable or objectively verifiable (such as time, speed or distance). Nevertheless, the literature offers some definitions of effectiveness in political participation. Rowe and Frewer (2004) summarize the main conceptual definitions that have been used to evaluate effectiveness in political participation. They emphasize the importance of "cases where definitions are used in actual empirical evaluations, since this requires the operationalization of the definition", i.e, the development of instruments or processes "that enable the measurement of successful attainment of the effectiveness" (pp. 521). Macintosh and Whyte (2008) have proposed an elaborate model to evaluate participation that consists of a holistic approach to the evaluation of participation at the local level, suggesting a model with three perspectives: "democratic", "project" and "socio-technical" criteria. In short, these authors suggest that the model should include: i) the core values of democracy that the participation initiative is addressing; ii) the specific aims of the participative initiative in question and the extent to which the activities meet their objectives and iii) to what extent the tools deployed for the participative initiative do directly affect the outcomes. As the authors acknowledge, these perspectives overlap.

Based on Macintosh and Whyte's model, we recently proposed an **evaluation framework of the right to petition combining two dimensions** (Tibúrcio, 2015a): **democratic** (the goals of democracy) and **project** (goals of the right to petition). In this paper, we will focus on the dimension connected to the goals of petition systems.

Given the foregoing, we consider in this paper **effectiveness as success in achieving objectives or, in other words, the relationship between the goals set and the results actually found** (Capucha et al, 1996). Therefore, it's crucial to clarify what key goals petition systems are supposed to attain, in order to make success measurable.

3.1. The goals of the right to petition

The goals of the right to petition comprehend the objectives pursued by Parliamentary petition systems as a whole (including the objectives intended with the introduction of e-petitions).

In general, the **objectives** pursued by petition systems are the ability to **strengthen democracy** by promoting citizens’ participation and engagement in political affairs, to **narrow the distance between those represented and their representatives**, to promote **greater transparency**, as well as to **ensure information flows**.

These goals were identified on the basis of the legal framework defining the right to petition, as provided by Constitutions, laws on petitions and Parliamentary rules of procedure, which are listed in annex II, and, when available, on the basis of information provided on Parliament websites about their respective petition system (general info, e-flyers, videos).

The goals of the right to petition are organized in the following dimensions:
I. Feedback and transparency;
II. Equality and inclusion;
III. Involvement of citizens with *res publica*;
IV. Discussion and influence;
V. Participation of citizens;
VI. Information and accountability.

### 3.2. Evaluation criteria: key characteristics of petition systems

In order to know whether the above-mentioned objectives of the right of petition are being attained, we operationalized the criteria that allow an empirical assessment. These are listed in Table 3 and are a mirror of the main characteristics that we find in European petition systems.

These criteria were organized into two main groups: those concerning to the legal and institutional framework (which include conventional petitions and e-petitions criteria) and the main players behaviours (citizens, government and Parliament).
Table 3: Evaluation criteria of petition systems

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Criteria</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal and institutional framework</strong></td>
<td></td>
</tr>
<tr>
<td>Conventional features</td>
<td>Right to a response</td>
</tr>
<tr>
<td></td>
<td>Direct access</td>
</tr>
<tr>
<td></td>
<td>Information during the process</td>
</tr>
<tr>
<td></td>
<td>Type of petitioners</td>
</tr>
<tr>
<td></td>
<td>Nature of interests pursued (general or private)</td>
</tr>
<tr>
<td></td>
<td>Questions</td>
</tr>
<tr>
<td></td>
<td>Hearings</td>
</tr>
<tr>
<td></td>
<td>Debates</td>
</tr>
<tr>
<td>E-petitions</td>
<td>E-mail submissions</td>
</tr>
<tr>
<td></td>
<td>Publication of petitions on the Internet</td>
</tr>
<tr>
<td></td>
<td>Publication of the petition process on the Internet</td>
</tr>
<tr>
<td></td>
<td>Publication of the main documents on the Internet</td>
</tr>
<tr>
<td></td>
<td>E-functionalties for all petitions</td>
</tr>
<tr>
<td></td>
<td>Discussion online</td>
</tr>
<tr>
<td><strong>Main actors performance</strong></td>
<td></td>
</tr>
<tr>
<td>Citizens</td>
<td>Number of petitions submitted</td>
</tr>
<tr>
<td></td>
<td>Variety of civil society engaged</td>
</tr>
<tr>
<td></td>
<td>Petitions pursuing general interest</td>
</tr>
<tr>
<td>Government</td>
<td>Questions to government / response rate</td>
</tr>
<tr>
<td>Parliament</td>
<td>Response within a reasonable timeframe</td>
</tr>
</tbody>
</table>
4. AN ANALYSIS OF THE EFFECTIVENESS OF PETITION SYSTEMS

Table 4 summarizes our evaluation framework, whose detailed analysis we do in this chapter. The framework allows the examination of how a series of key characteristics (or dimensions) of the different petition systems, that are related to the legal and institutional framework (conventional features and e-petitions, illustrated in Chapter 4.1) and to the main players behaviour (citizens, parliament and government, illustrated in Chapter 4.2), have an impact and allow the achievement of the goals of the right to petition, hereby enhancing its effectiveness.
### Table 4: Evaluation framework of the effectiveness of petition systems (summary table)

<table>
<thead>
<tr>
<th>Key characteristics of petition systems</th>
<th>Goals of the right to petition</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Legal and institutional framework</strong></td>
<td><strong>Participation</strong></td>
</tr>
<tr>
<td>Conventional features</td>
<td>Right to a response</td>
</tr>
<tr>
<td></td>
<td>Direct access</td>
</tr>
<tr>
<td></td>
<td>Information provided</td>
</tr>
<tr>
<td></td>
<td>Type of petitioners</td>
</tr>
<tr>
<td></td>
<td>Nature of interests pursued (general or personal)</td>
</tr>
<tr>
<td></td>
<td>Questions</td>
</tr>
<tr>
<td></td>
<td>Hearings</td>
</tr>
<tr>
<td></td>
<td>Debates</td>
</tr>
<tr>
<td>E-petitions</td>
<td>E-mail submissions</td>
</tr>
<tr>
<td></td>
<td>Publication of petitions on the Internet</td>
</tr>
<tr>
<td></td>
<td>Publication of petitions process on the Internet</td>
</tr>
<tr>
<td></td>
<td>Publication of main documents on the Internet</td>
</tr>
<tr>
<td></td>
<td>E-functionalities for all petitions</td>
</tr>
<tr>
<td></td>
<td>Discussion online</td>
</tr>
<tr>
<td><strong>Response from main players</strong></td>
<td>Reasonable number of petitions</td>
</tr>
<tr>
<td></td>
<td>Variety of civil society mobilized</td>
</tr>
<tr>
<td></td>
<td>Petitions pursuing general interest</td>
</tr>
<tr>
<td></td>
<td>Questions to government/response rate</td>
</tr>
<tr>
<td></td>
<td>Response within a reasonable timeframe</td>
</tr>
</tbody>
</table>
4.1. Legal and institutional framework

4.1.1. Right to a response
The first criteria that the present study considers to be relevant for evaluating the effectiveness of the petition system is the existence of a right to a response, or the right of every petitioner to get a formal response once his/her petition has been considered by the Parliament. This is an achievement of modern petition systems, without which that right would result in a "right as empty as the right to write letters," in the words of Laband, a reputed German jurist of the nineteenth century. Although it is widespread in the majority of European petition systems, it is not guaranteed (by law or practice) in all of them (as in France or the United Kingdom).

4.1.2. Direct access
Direct access by citizens to the right to petition is also paramount. The majority of systems in Europe ensure that citizens who submit a petition are entitled that it is examined (thus allowing the right to a response) without any mediation. Still, there are some rare examples of systems where a sponsor (or "MP filter", as it is also known) is required, as is the case in the United Kingdom, Greece, Austria\(^7\) or Malta.

Both these characteristics are well enshrined in the EU and EP petition system. Concerning the goals of the right to petition, the right to a response and direct access enhance "feedback", "information and accountability", as can be seen in Table 4. Indeed, systems that require that the petition is sponsored by an MP introduce a discretionary element for the petition to be considered by Parliament. This severely limits its effectiveness because it reduces its scope as a right (transformed into a right "under condition"). As underlined by Dalton, Scarrow and Cain (2004), direct and unmediated access is one of the main virtues of advocacy democracy, which can improve accountability and transparency.

4.1.3. Information provided to petitioners
MSs petition systems differ in relation to level of information provided to petitioners by the Parliament on the main steps taken during the course of the petition process, such as decisions on admissibility, questions to the executive and their answers, or final decision. However, a minimum level of information is guaranteed to petitioners in most Parliamentary petition systems, (acc. Riehm, Böhle, and Lindner, 2014).

In accordance with the Rules of Procedure (RoP)\(^8\), the EU petition system guarantees this feedback to petitioners, which is confirmed by practice\(^9\).

Information provided to petitioners (within a reasonable time) during the petition process is a guarantee for greater "feedback", one of the main goals of petition systems.

---

\(^7\) In Austria, petitions (a "citizens' initiative", as called by the law) must be submitted via members of Parliament, unless the petition is supported by at least 500 Austrian citizens (§ 100) of the Federal law on the Rules of Procedure of the National Council.

\(^8\) Rule 215(6)(8), 216(9)

\(^9\) According to information gathered from the Secretariat of the Petitions Committee, petitioners are officially informed on the admissibility or inadmissibility of the petition, requests and questions to the executive about the petition, answers to these questions, final decision.
4.1.4. Type of petitioners

The "scope" of the right of petition, in terms of who can exercise it, also differs considerably across the EU. Some member states grant the right to submit petitions to any individual, be it a national citizen or resident, while others reserve such right to national citizens only. Some have a minimum age requirement; some restrict such right to persons having the right to vote; some allow also corporate bodies to submit petitions. A number of petition systems, like the Scottish, have no requirements concerning petitioners. The majority admit petitions from every individual who lives in the territory (country, region, etc.), like in Germany. Petition systems in the Netherlands, Italy, Portugal or the United Kingdom admit only petitions from national citizens. Corporate bodies’ petitions are generally accepted, even if that was not always the case. However, some systems accept restrictions to some of these entities, such as in Germany (with local authorities).

The EU petition system follows a wide criterion in relation to who can submit petitions, as it allows citizens of the EU and any natural or legal person residing or having its registered office in a Member State to table petitions. Additionally, it requires that the petition raises a matter which affects the petitioner directly.

Considering the goals of this right, we considerer that the broader this group is, allowing the participation of people normally distant from the traditional participation mechanisms (for example foreigners that cannot vote in elections in the host country), the more effective the exercise of this right can be. Scotland stands out for having the most inclusive system, admitting petitions from any individuals (Scottish citizens or not, even if they don’t reside in Scotland). The recently established Irish system follows the Scottish example. The German system is also quite inclusive.

In fact, inclusiveness is at the heart of the historical origin of the right to petition, as we can see for example in the revolutionary France in the late eighteenth century, when such right served to integrate in particular the population that, at some point, was excluded from the right of suffrage (like women, for example, who only much later were to obtain the right to vote), as is recalled by Dubourg-Lavroff (1992) or Rosanvallon (2000). This element is still part of the matrix of this right, which is why open systems in relation to the type of petitioners contribute to greater "equality" and "inclusion" of the system.

The fact that the EU applies a broad criterion regarding who is allowed to submit petitions has a positive impact on the "equality" and "inclusion" dimension. In 2013, 59 petitions (2% of the total) were submitted by foreign petitioners (petitioners whose nationality is not from a EU MS). In 2014, they were 42 (1,5%). This impact is moreover enhanced by Rule 215 (13) of the RoP, which states that petitions submitted by persons who are neither citizens of the EU nor residents (and consequently have no Treaty-based right to table petitions).
petitions) shall nonetheless be registered and filed separately. However, these "petitions" are extremely few in number and are not treated as such (and petitioners have no right to a response).

The EU Treaty on the Functioning of the European Union requires additionally that the petition deals with "a matter which affects directly the petitioner"\textsuperscript{16}. This requirement could potentially limit the right of the petition to be examined by the EP, should it be interpreted in a restrictive sense but this has not been the practice so far. Indeed the balance is drawn by the admissibility rules in such a way as to always give any benefit of doubt to the petitioner. It should be noted that this formulation does not find any counterpart in any other Parliamentary petition systems analyzed.

4.1.5. Nature of interests

Another relevant distinction relates to the nature of the interests pursued by petitions. Most Parliamentary petition systems in Europe admit both petitions raising private matters and petitions pursuing issues of general interest, as it is the case for the European Parliament. However, there are systems that accept only petitions related to typical Parliamentary competences, i.e., general interest petitions, such as in Scotland, Luxembourg, UK, Italy, Austria or the Czech Republic (Riehm, Böhle and Lindner, 2014). In the Netherlands, the petition system provides for two types of petitions. Those regulated by the Standing Orders (verzoekschriften), which cannot regard Parliament itself and in practice consist of individual grievances involving national government. And those (petities) which are not regulated by the Standing Orders, concern public policies, i.e., issues of general interest, and are treated by the standard committees (Andeweg, 2012).

Regarding the goals of petition systems, we consider that petitions pursuing general interests enable a more effective response by Parliaments, as they allow them to exercise their main functions, i.e. legislative and control functions. General interest petitions also "engage citizens in the res publica" and increase their "influence" on issues of interest to the community, as showed in Table 4. In fact, accepting petitions pursuing private matters can be seen as a historical remnant of the original right of petition, which called for the grace of the sovereign on a private case. This is clearly no longer the main role played by petition systems, as individual grievances are normally dealt with by ombudsmen or the judicial system.

Therefore, systems that admit only general interest petitions, like in Scotland, Czech Republic, Germany (for "public petitions"), Luxemburg and the recently established Irish system ensure greater effectiveness of the petition system. In fact, these examples suggest that the modernization of the petition system also aimed at enhancing the role and use of public interest petitions.

In systems where both kinds of petitions are admitted, the way petitioners choose to use this right (favouring the petitions of general interest or private nature) will determine the effectiveness of this criterion (as we shall see below).

4.1.6. Questions

Petitions often raise matters that concern government competencies, thus calling the Parliament to exercise its supervisory powers. Consequently, one of the most common activities that we can find in the different petition systems is to question the government on the subject raised by the petition. Some systems foresee that questions are sent to the executive as early as possible, as it is the case within the EU petition system: the

\textsuperscript{16} Article 227 of the Treaty and Rule 215(1) of the RoP.
Petitions Committee forwards many petitions to the executive body (the European Commission) in the early stages of the procedure so as to receive its preliminary assessment, largely of the legal basis of the petition concerned (further information can also be requested at later stages). Most of the systems do not provide any legal deadline for the government to respond. The European Commission has an indicative deadline to respond (three months depending on the complexity of the issue); in Germany the deadline is of six weeks, while in Portugal there is a binding deadline of 20 days.

### Table 5: Hearings and debates (thresholds - N. of signatures and % population)

<table>
<thead>
<tr>
<th>Parliament</th>
<th>Hearing</th>
<th>Debate</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Threshold</td>
<td>% of the pop.</td>
</tr>
<tr>
<td>European Parliament</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Portugal</td>
<td>Yes</td>
<td>1.000</td>
</tr>
<tr>
<td>Scotland</td>
<td>Yes</td>
<td>-</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Yes</td>
<td>4.500</td>
</tr>
<tr>
<td>Germany</td>
<td>Yes</td>
<td>50.000</td>
</tr>
<tr>
<td>Czech Rep.</td>
<td>Yes</td>
<td>10.000</td>
</tr>
<tr>
<td>Slovakia</td>
<td>No</td>
<td>-</td>
</tr>
</tbody>
</table>

**In terms of meeting the goals of the right to petition,** allowing a more active participation of petitioners through **hearings** in Parliament enhances "citizens engagement with public affairs", as well as more "debate and influence", as can be seen in Table 4. These are amplified when hearings are broadcasted, in particular if they can be watched on the Internet (as is the case in the **EU**, as well as in Scotland and, since recently, in Portugal). "Debate and influence" of citizens is also enhanced whenever petition systems allow a **Parliamentary debate**, in particular in plenary session, symbolically one of the most important stages of Parliamentary work.

In Scotland and in the **EU**, government members or representatives of the executive often participate in the committee meetings and petitioners are invited to attend and can also ask directly **questions**, which happens frequently. This is also the case in Luxembourg, although less often. This strongly enhances not only the "debate and influence" and the "involvement of citizens" but also "information and accountability" of public authorities. It can amount to a significant and useful oversight function.

Thresholds requiring a minimum number of signatures on a petition in order to hold an

---

17 Following Fung’s (2006) distinction between "active" and "passive" participation.
18 According to information gathered from the Secretariat of the Petitions Committee.
hearing or a debate on it constitute an obstacle and have a negative influence in the achievement of the goals pursued by the right to petition. The higher the threshold, the greater the obstacle for citizens. This seems to be the case for the 50,000 signatures threshold required by the German Petitions Committee to arrange a public hearing, which - as a consequence - takes place rarely (Saalfeld and Dobmeier, 2012).

The **lack of thresholds** in Scotland and the **European Parliament**, or the low thresholds in Portugal, promote the effectiveness of these petition systems in the mentioned dimensions. Luxembourg also has a low threshold, although it represents a much greater percentage of the population (0,86% of its population, compared with 0,04% in Portugal, 0,06% in Germany or 0,1% in the Czech Republic), which may make it more a burdensome collecting signatures, as it seems to be happening, with very few petitions attaining the threshold (2 in 100 since March 2014, when it was implemented 19).

Having said this, **thresholds can also have positive effects**. The first one is certainty, as petitioners know that if they attain the required threshold, a hearing - or debate - will have to be held. The other is that thresholds provide an incentive to share the petition with the community, with potential positive impacts on other objectives of the petition systems (especially the "involvement of citizens in the *res publica*" and "influence"). Assessing whether a minimum threshold of signatures is reasonable should have in consideration the country’s population, as well as the rules on the validity of petitions' signatures (name and signature, or also other data, such as identity document number, etc.) and notably on whether signatures can be collected online and how. In fact, while some systems require an electronic signature (e.g. Latvia), others provide that signatures are collected in their own platform (e.g. Luxembourg) and some accept any signature collected on the Internet (e.g. Portugal). **The less the constraints** for the collection of signatures, **the greater the impact** in terms of effectiveness.

The number of signatures collected by petitions will largely depend on the above-mentioned factors related to the recognition of signatures, which should therefore be taken into consideration when comparing systems.

**Electronic petitions (e-petitions)**

One of the dimensions related to the legal and institutional framework concerns electronic petitions. We identify the following key features that characterize e-petitions across European petitions systems.

4.1.7. **Submission of petitions (and signatures) via E-mail / e-form**

Over the last decade some Parliaments have adopted limited e-petitions functionalities, notably by accepting that petitions are submitted by E-mail or other electronic means (like an e-formulary), as was the case, among others, for Hungary or Slovenia. Nonetheless, there are petitions systems that still do not accept petitions submitted electronically, such as in France, Malta, Greece or Austria (Riehm, Böhle, and Lindner, 2014). However, the **majority of Parliaments in Europe admit petitions submitted by E-mail or e-form**. The **European Parliament** accepts petitions submitted through an e-form available also on its new dedicated web portal 20 (but not, in principle 21, by e-mail), requiring the petitioner to be registered.

---

19 Web portal of the Parliament of Luxembourg (consulted in 07/06/2015).
20 The EP web portal is currently being developed.
21 The formal submission of petitions to the European Parliament does not include the possibility of submission by e-mail. However, there are petitions sent by e-mail that are admitted, although this procedure is discouraged by the EP.
The Internet has facilitated the submission of petitions but also the gathering of support to petitions. In this regard, the main innovation in petition systems was that of admitting the collection of signatures on the Internet and, among these, the ones allowing citizens to express their support for a petition (by adding their signature), even after the petition has been submitted to Parliament, as is today the case in Austria, in Germany (for "public petitions"), in Portugal, in Luxembourg and in the EU petition system.

Regarding the goals of petition systems, the ability to submit petitions by electronic means expands the possibilities of use of this right by potentially reaching out to citizens who may otherwise be less inclined to institutional political participation, especially younger people. And this can contribute to greater "participation" and involvement in the political process generally. Submission by electronic means can be done either through an e-form, which usually requires a registration and access to a Parliamentary or institutional website, and submission by e-mail, the easiest way to do it. The EU petition system only allows petitions submitted by e-form and not by email, which is nonetheless accepted in Luxembourg, Scotland, Spain, Portugal, Belgium and in the United Kingdom.

This feature is not without risks, as showed in table 4, in particular the "digital divide" risk (Norris, 2001), i.e., if there is unequal access to new technologies, participation can lead to an overrepresentation of some segments of the population (for example, older and better educated men). It is therefore important to be aware of what happens in practice and, in particular, ensure that traditional forms of participation are maintained (paper petitions), in order to mitigate the risks of inequality identified in the table above.

4.1.8. Petition text published on the Internet

Another relevant dimension of e-petition systems refers to the publication of petitions on the Internet, regardless of how they have been submitted (conventional means, such as paper form, or electronic means). The publication on the Parliament website is guaranteed for all petitions in Portugal, Scotland or Luxembourg. In Germany, only petitions accepted as "public petitions" are published. However, most Parliaments in Europe still do not provide the text of the petitions on the Internet. In the case of Ireland and the European Parliament, only a brief summary of the petition (usually not more than a paragraph) is published on the Internet.

4.1.9. Information on the stage of the petition

In addition to the publication of the petition text, some petition systems provide for the publication on the Internet of information on the whole “petition process”, i.e., the indication of the stage reached by the petition, possible future developments and steps to be taken until the final decision, as well as the relevant dates. Some of the recently modernized petition systems provide such information online, allowing citizens to monitor the decision-making process of the petition, such as in Scotland, Portugal, Ireland or Luxembourg.

As illustrated below, the EP web portal provides some information about each petition - although currently rather limited. However, since November 2014, the new EU PETI web portal does allow not only petitioners but also whoever supports the petition to be automatically informed of any change in the petition status.

---

22 This new functionality of the recently launched PETI web portal, allows citizens to lend or withdraw their support to an admissible petition ("support function"), in application of Rule 216(4) of the RoP.
23 Such functionalities are to be considered in the near future (during the second phase of the PETI web portal project - launched in November 2014 -), which should allow greater synergies with the current in-house ePetitions system mentioned above.
4.1.10. Publication of documents produced during the petition process

Member States petition systems adopt different approaches in relation to the publication of the documents produced during the petition process, such as questions to the government and responses, as well as the final report/decision on the petition. Scotland, Portugal, Lithuania, Austria and Luxembourg regularly publish these documents\(^{24}\). The publication of the final decision on the petition is obviously a key aspect. However, in most of European Parliaments none of these documents are published.

In the EU petition system, the conditions for the publication of information on petitions are foreseen by Rule 217(2) RoP, according to which: "The title and a summary of the texts of petitions entered in the register, together with the texts of the opinions and the most important decisions forwarded in connection with the examination of the petitions, shall be made available to the public in a database, provided the petitioner agrees". Again, the recent PETI web portal provides some information related to each petition, although still rather limited (e.g. the title, country of origin, the petitions stage and short summary of the text of the petition) but does not include all the main documents\(^{25}\), which are only available to members and staff on the in-house electronic petition system. The information provided in the web portal\(^{26}\) does not yet seem to fully comply entirely with the latter RoP provision.

In the field of e-petitions the major contribution towards achieving the goals related to the right of petition comes therefore come from two key criteria: publication of petitions and publication of the main elements of the petitions process.

The provision of information to the petitioner and to the general public through the internet allows the petition process to open up, allowing citizens to follow any petition they want, permitting petitioners to exchange views, enabling them to gather support and draw public attention, including of the media, to the issues raised, hereby allowing a previously complicated and discreet public scrutiny.

In this respect, e-petitions becomes part of the petition system considered as a whole, coexisting and often interacting with elements of the system that have nothing to do with the new technologies, and amplifying their effects. This profound change in the nature of petitions system strongly enhances the achievement of many of its goals, particularly as to its "transparency", "feedback", "influence", "involvement of citizens in the res publica" and "accountability" (as can be seen above in table 4).

We can find full examples of these e-petition functionalities in the Parliaments of Scotland, Portugal and Luxembourg, which publish the petitions texts and the main documents produced (admissibility notes, committee minutes, letters exchanged with the petitioner, questions to government, answers, final report/response, etc.), as well as information on the petition stage and corresponding dates. As mentioned, the German Bundestag provides these features only for "public petitions" (but not for "conventional petitions").

In the case of the European Parliament, the information provided on the web portal is still limited when compared with the examples above, thus limiting the potential impact of this feature. For instance, the full text of the petition is not accessible, the position of the European Commission or of Member States are not directly accessible from the portal (although they might be available on the EP website) and the final response/decision is not

\(^{24}\) In addition to these documents, the Scottish petitions system publishes the minutes of the Petitions Committee, which includes hearings. The Portuguese Parliament also ensures the publication of key documents, and the hearings of petitioners are being made available (in audio support) on the Internet.

\(^{25}\) Notably the final responses/decisions, which are contained in the minutes of the committee meetings; a link is provided in the web portal petition page but does not seem to work for the moment.

\(^{26}\) But, as mentioned above, the PETI web portal is a work in progress.
provided (a link to the minutes of the committee meeting is indicated but is not currently working). However, the recent modernization of the PETI web portal ensures that all those who supported petitions through this portal are notified of changes to the status of petitions. This possibility is one of the advantages connected to the collection of signatures via a registry in a web portal of Parliament, strengthening the "feedback" and "involvement" of those who support a petition. In the vast majority of petition systems, citizens who just sign or support a petition (not the primary petitioners) do not have any official feedback.

4.1.11. E-features for all petitions

While in Scotland, Portugal, Luxembourg and in the European Parliament electronic features are granted to all petitions, other Parliaments reserve them to some petitions only. This is the case of Germany for instance, where while "public petitions" are published on the internet and enjoy a wide array of e-petitions functionalities (the petition text, documents and progress are accessible on-line), "conventional petitions" do not enjoy the same treatment. However, citizens have no right to see their "public petitions" accepted and treated by the Parliament as such, since there is a special admissibility assessment (with considerable discretion) to a petition to qualify as a "public petition". This helps to explain the reduced number of admissions of such petitions.

Regarding the goals of petition systems, they will be more effectively reached if most of the features of the e-petitions system are guaranteed to all the petitions and petitioners (due by law or in practice). In the European Parliament, Scotland, Portugal or Luxembourg, petitioners know in advance that their petitions will benefit from the publicity of e-petitions system. However, in Germany, the uncertainty regarding the acceptance of a petition as "public petition" (in contrast to what happens in other systems) and its reduced number weakens the potential impact of e-petitions features and affects negatively "transparency" and "political equality".

4.1.12. Online discussions

Finally, some Member States have created “public forums” that enable an online discussion of petitions, allowing a more active involvement of the wider public. This kind of new e-features is still rare, being established only in Scotland, in Germany for "public petitions", and Luxembourg.

Online discussions of petitions have a potential to strengthen the inclusiveness and potential public engagement in relation to the petition system. By enabling a discussion online of the petition, the system helps to disseminate it to a wider public, but also to gather new information, ideas and reactions to the original petition presented. However, practice shows a more nuanced picture of this tool, which does not seem to be completely successful. This might result from a lack of clarification on its precise role. Riehm, Böhle, and Lindner list some questions about the German petition system that explain this lack of clarity in relation to online discussions (2014), such as: "what is the purpose of the discussion forums?", "what are the main parties who should contribute to the discussion forums?", "what role do the German Bundestag and its members play in the forums?", "at
who are the results of the discussion forums mainly directed?”, "how are the results of the discussion forums integrated within the petition process?", "is there any analysis of the discussion forums?".31

Finally, and considering the goals of petition systems, it should be stressed that many e-petitions features benefit all petitions regardless of the way they were submitted (paper or electronically), which promotes the "inclusion" criterion. However, the collection of signatures/supporters that has to be done through a web portal or online debates of petitions exclude citizens who have not access to digital resources. And this can have a negative impact on the "equality and inclusion" criteria.

The following figures illustrate some examples of Parliamentary systems web pages, with the type and level of information provided therewith.

**Figure 1: Houses of the Oireachtas web portal (Ireland)**

<table>
<thead>
<tr>
<th>Petition</th>
<th>Current Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>Reference Number:</td>
<td>P00002/13</td>
</tr>
<tr>
<td>Status:</td>
<td>Petition Closed</td>
</tr>
<tr>
<td>Name of Petitioner:</td>
<td>Mr Joerg Thieme</td>
</tr>
<tr>
<td>Petition Title:</td>
<td>Implement right of abortion</td>
</tr>
<tr>
<td>Submitted By:</td>
<td>Individual</td>
</tr>
<tr>
<td>Petition Text:</td>
<td>In December 2010 the European Court of Justice ruled against Ireland for the lack of the right of an abortion. A young woman died in a hospital because she was refused an abortion. Ireland refused to take action after the court case ruling in 2010. This month a young mother died. We call on the Irish Government to act now to comply with the European Court of Rights ruling.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Historical Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>4) Status: Decision Of The Committee Date: 27 Feb 2013</td>
</tr>
<tr>
<td>3) Status: Being Examined For Compliance With Standing Orders Date: 27 Feb 2013</td>
</tr>
<tr>
<td>2) Status: Being Examined For Compliance With Standing Orders Date: 07 Jan 2013</td>
</tr>
<tr>
<td>1) Status: Being Examined For Compliance With Standing Orders Date: 07 Jan 2013</td>
</tr>
</tbody>
</table>

31 p. 260
### Figure 2: Chambre des députés du grand duché de Luxembourg web portal

<table>
<thead>
<tr>
<th>Date</th>
<th>Descriptif de l'événement</th>
<th>Liens</th>
</tr>
</thead>
<tbody>
<tr>
<td>29-10-2014</td>
<td>La pétition publique n°462 est déposée.</td>
<td><a href="http://www.chd.lu/wps/portal/public/PetitionDetail?action=doPetitionDetail&amp;id=361">Texte de la pétition</a></td>
</tr>
<tr>
<td>29-10-2014</td>
<td>Numéro de la pétition: 462. Commissaire de la pétition: Pour que le gouvernement luxembourgeois reconnaîsse l'État de Palestine et contribue à sa financement, prendre des mesures pour financer la reconstruction du territoire occupé et conserver l'État de Palestine comme un État souverain.</td>
<td></td>
</tr>
<tr>
<td>10-11-2014</td>
<td>La Commission des Petitions a donné un avis favorable au sujet de la pétition publique n°462.</td>
<td></td>
</tr>
<tr>
<td>13-11-2014</td>
<td>La pétition publique n°462 est déclarée recevable par la Conférence des Présidents.</td>
<td><a href="http://www.chd.lu/wps/portal/public/PetitionDetail?action=doPetitionDetail&amp;id=361">Déclaration de recevabilité et transmission à la Commission des Affaires étrangères et européennes, de la Défense, de la Coopération et de l’Immigration</a></td>
</tr>
<tr>
<td>14-11-2014</td>
<td>La pétition publique n°462 est ouverte à signature.</td>
<td></td>
</tr>
<tr>
<td>12-12-2014</td>
<td>La période de signature de la pétition publique n°462 est prolongée jusqu'au 27-12-2014.</td>
<td></td>
</tr>
<tr>
<td>28-12-2014</td>
<td>Clôture de la période de signature</td>
<td></td>
</tr>
<tr>
<td>15-01-2015</td>
<td>Le seuil des 4 000 signatures n'est pas atteint pour la pétition publique n°462. Nombre de signatures après validations: 2.018</td>
<td></td>
</tr>
<tr>
<td>20-01-2015</td>
<td>Demande concernant la poursuite de l'instruction de la pétition reclassée en pétition ordinaire</td>
<td></td>
</tr>
<tr>
<td>25-02-2015</td>
<td>La pétition publique n°462 est clôturée.</td>
<td><a href="http://www.chd.lu/wps/portal/public/PetitionDetail?action=doPetitionDetail&amp;id=361">Déclaration de clôture</a></td>
</tr>
</tbody>
</table>

Figure 3: Parlement Européen web portal

Petition 2549/2013 by Gerd Litzenburger (German) on chimney cleaning monopolies in Germany
Deadline for support: 31-12-2015 - Status: Available to supporters

Petition data
Summary title: Petition 2549/2013 by Gerd Litzenburger (German) on chimney cleaning monopolies in Germany
Petition number: 2549/2013
Topics: Internal Market, Industry and Enterprise
Country: Germany
Name of association: NULL

Petitioner data
Name: E. P.

Petition Summary
The petitioner objects to the fact that in Germany it is compulsory to use the services of licensed chimney cleaners, who may, accompanied by police officers, even force entry in order to inspect and clean domestic heating appliances and ensure that they are fully functional. Any work already done must be officially approved by a licensed inspector. The petitioner maintains that the German Government has, since 2003, been infringing EU law, including provisions regarding freedom to provide services, having failed to end the monopoly arrangements. Finally, he indicates that a French national was forced to stop providing chimney sweeping services in Germany as a result of pressure from the German union, which put obstacles in his way.

Figure 4: Scottish Parliament web portal

PE01535: Teach sustainability and ban disposable plastic bag

Petitioner: Alexander Fraser

Status: Closed

Date Lodged: 10 November 2014

Calling on the Scottish Parliament to urge the Scottish Government to:
> make teaching sustainability and the environment mandatory in secondary schools; and
> ban all disposable plastic bags in supermarkets and shops to aid the environment.

Read Petition background information
Previous action taken to resolve issue
Click here for the petition PDF

Petition History:

- SPICe Briefing (269KB pdf)
- Written Questions for PE01535 (18KB pdf)

Summary:

17 February 2015: The Committee agreed to close the petition, under Rule 15.7, on the basis that having considered the response received, it is of the view that sufficient action is being taken in this area. Link to Official Report 17 February 2015

Written Submissions:
- PE01535/A: School Leaders Scotland Letter of 8 December 2014 (63KB pdf)
- PE01535/B: Scottish Government Letter of 13 January 2015 (13KB pdf)
- PE01535/C: Scottish Retail Consortium Letter of 15 January 2015 (62KB pdf)
- PE01535/D: Zero Waste Scotland Letter of 2 February 2015 (60KB pdf)

Source: http://www.scottish.parliament.uk/GettingInvolved/Petitions/sustainability
Figure 5: Assembleia da República web portal (Portugal)

Atividade Parlamentar e Processo Legislativo

Página Inicial > Atividade Parlamentar e Processo Legislativo > Petição

Petição

voltar à pesquisa

Petição Nº 435/XII/4
Preterem que o Subsídio de Natal de 2015 seja pago numa única prestação.
Texto da Petição [formato PDP]

1º Peticionante: Manuel Torres da Silva
Entrada na AR: 2014.10.20
Nº de Assinaturas: 1194
Nº de Assinaturas Inicial: 6
Situacao: Concluida
Comissão a que deixou:

XII - Comissão de Orçamento, Finanças e Administração Pública

Audição em 2014-12-18 com Manuel Torres da Silva

Data de Baixa à Comissão: 2014.10.24
Admitida em: 2014.10.29
Arquivada em: 2015.03.04
Situacao na Comissão: Concluida
(Nota de Admissibilidade) [formato PDP]
PI Minista de Estado e das Finanças
RP Ministro de Estado e das Finanças

Relator: Ivo Oliveira (PS)
Nomeado em: 2014.10.29

Pedido de Informação a: MIN. DE ESTADO E DAS FINANÇAS em 2014.12.18
Nº Oficio pedido: 410/COPAP/2014
Resposta em: 2015.01.27

4.2. Main players’ behaviour

The major players of the right of petition are citizens, parliaments and governments or, in the EU petition system, the European Commission and Member states. The institutional design of the petitions system does not in itself guarantee an effective system, although it is a determining factor in establishing favourable conditions for this to happen. The ways in which the different actors perform in practice, however, does have a major impact on the effectiveness of the right to petition.

The response from citizens

The citizens’ use of the petition tool varies in different European parliaments, ranging from an average of only six petitions a year in France\(^{32}\) to 17,500 petitions a year in Germany\(^{33}\).

\(^{32}\) Between 1997 and 2007 (http://www.assemblee-nationale.fr/connaissance/petitions.asp#tab1)

\(^{33}\) Data for the 2006 - 2009 period (Riehm, Böhle and Lindner, 2014). The exceptional number of petitions submitted to the Bundestag can be explained by the fact that Germany doesn’t have a national Ombudsman, and consequently the German Parliament through its petition system plays a role comparable to that of the...
4.2.1. **Number of petitions**

The number of petitions submitted to Parliament is the indicator that allows a **first measure** of whether and how citizens engage with this participatory tool. **The higher the number of petitions the stronger is citizen's participation, the more effective is the petition system.**

However, practice suggests that petition systems reputed as more effective are not necessarily those with the highest number of petitions. For instance, Scotland and Portugal have received over the last five years an average of 88 and 122 petitions per year respectively. However, one can hardly consider "effective" a petition system with a significantly low level of participation, like the French system (available data show 29 petitions between 2002 and 2007) or the Belgian one with an average of 10 per year, furthermore showing a declining trend since the last decade. On the contrary, the number of petitions submitted to the **European Parliament** shows a marked increase over the last decade. Such an increase notably coincides with the introduction of e-petitions submissions since 2005, which also experienced an exponential growth since then.

However, it is important to bear in mind the extent to which even an increasingly participatory petition system can affect the remaining goals pursued by petition systems. In other words, **it must be ensured that progress on some of the goals is not unduly sacrificed for progress on others.** For instance, "equality" and "inclusion" will be harmed if, for example, the poorest citizens, with a lower level of education, or women, are unequally represented among petitioners. In fact, **equal access does not mean in any way equal use.**

Three other dimensions concerning citizens’ behaviour should also be taken into consideration: the nature of the interests actually pursued by most petitioners (private or general interest); the proportion of individual petitioners (citizens) versus petitions submitted by corporate bodies - associations, unions, lobbies, businesses, public entities, and the socio-economic profile of the petitioners, in particular regarding education, age and sex.

4.2.2. **Variety of civil society mobilized**

As we have seen, the participation of corporate bodies is widely accepted. However, it is important that the participation of citizens is not reduced to a negligible proportion. In fact, there can be a **risk for petitions to be taken over by the most influential or powerful corporate bodies**, those that are more familiar with participation mechanisms and that can best take advantage of this participation instrument. That is precisely what has happened in Portugal (notably with trade unions, which have a strong tradition of activism in Portugal) during the first years of the Portuguese democracy, in the 1980's (Braga da Cruz, 1988); such risk then clearly dissipated from 1991 onwards (Tibúrcio, 2010).

Ombudsman in relation to the high rate of petitions submitted which pursue individual interests, which are the typical complaints addressed to the Ombudsman.

---


39 This increase is bigger than the decrease in relation to the paper petitions.
This situation reflects one of the main weaknesses of "advocacy democracy" (Dalton, Scarrow and Cain, 2004): the risk of being used disproportionately by those who already have a significant influence in the public sphere, thereby exacerbating political inequalities (as showed in table 4). According to Carman (2006), this fear also existed at the start of the implementation of the Scottish petitions system. However, it never materialized in practice.

4.2.3. Petitions pursuing general interests

We considered above that petitions pursuing general interests enable a more effective response by Parliaments. This means that in systems that allow both general and private petitions, the greater the proportion of general interest petitions, the more effective the system should be, since the requests made by these petitions are more in line with the powers of Parliament (while other bodies, such as ombudsmen or the judicial system are better equipped to deal and resolve private or individual grievances). This does not mean that general interest petitions do not often originate from a personal interest. However, petitioners should be able to convert these personal and specific interests in requests that involve and promote general interests. In systems where there are clerks, such as the Scottish system or the recently established Irish system, this is one of the tasks they perform when assisting citizens wanting to submit petitions.

From this perspective, the right of petition seems to have a similar effect to the Public sphere effects of associations as identified by Warren (2004), which consists in transforming personal matters into public and political issues, contributing to citizens’ involvement in res publica, "public debate" and "inclusion" dimensions.

The European Parliament accepts both types of petitions and no distinction is made in the Treaties or in the RoP between public and private interest petitions. However, in practical terms, petitions that are considered to reach out to a broader degree of public interest are those that are more likely to appear on the Committee agenda for debate at meetings. Issues of concern to specific individuals on personal issues are responded to and closed without a full debate in the Committee being required. However, there is no information on the proportion of each available.

The response from government

4.2.4. Questions to Government

Law and practice can differ and it is important to explore whether the Parliament and the government concretely use all the legal prerogatives that at their disposal when they consider petitions (notably in relation to the questions to the executive and the respective answers) and do so in good time.

Effective coordination between Parliament and Government (often the competent authority to address and resolve the issues raised by petitions) can be tested through three relevant indicators: i) Do petitions raise questions from the Parliament to the government on a regular basis? ii) Do most questions receive a response from Government? iii) Does Government respond within a reasonable time?

Questions to the government are common in Scotland, the Netherlands, Luxembourg, Germany ("conventional" or "public petitions") and Portugal. The same happens in the European Parliament, where the European Commission is asked to examine and
The Right to Petition

state its position on petitions. Moreover, in Scotland and in the European Parliament, MPs/MEPs and petitioners often have the opportunity to directly question during committee meetings members of the executive/Commission officials on the petitions examined. During such meetings members of government or representatives from the Member State, perhaps from a regional or local authority concerned are also invited to participate and frequently do so, to respond to petitioners’ concerns.

As can be seen in the above table 4, response by the government is particularly relevant for the achievement of several of the goals of the right of petition. Questioning the executive allows Parliament and the petitioner, as well as the general public (when such information is made public), to obtain information from the Executive and the administration on policies, the applicable law, its implementation or impact on the case at stake, which are important for the petition process. It ensures that the actors involved in the petition process (as well as the general public) have better informed opinions, are aware of the position and views of the executive and can exert a greater control of the government. Greater number of questions raised, higher percentages of government answers, within short delays, strongly enhance "feedback", "equality", "transparency", "information and accountability".

The fulfilment of these criteria is further increased by the fact that, through e-petitions, access to information is extended to all citizens who are interested in monitoring the petition and its progress through the documents that are published on the Parliamentary website.

Having regard to the importance of obtaining responses from the executive for the effectiveness of the petition system, systematic information on the situation in MS and their petition systems is not always collected or cannot be extracted easily in this regard.

This appears to be the case for the European Parliament. However, replies from the executive often come late or with some considerable delay, which hinders the provision of information to the petitioners and the Parliament and prevents the examination of petitions within a reasonable time-frame. This situation consequently has negative consequences on the systems’ effectiveness.

The response from Parliament

4.2.5. Response within a reasonable timeframe

Some petition systems provide for binding deadlines for Parliaments to deliver a final response on a petition submitted to it. This is the case in Lithuania (90 days), Portugal (60 days) or the Czech Republic (30 days). Most Member States, including the EU and Scotland, do not provide any specific deadline for the consideration of petitions.

The speed with which the Parliament considers petitions is an undeniable measure of the effectiveness of the system. Delivering a response within a reasonable period strengthens "feedback" to citizens, thus allows a more effective level of participation.

It seems therefore logic to state that the response by Parliament should be delivered within...
a reasonable time-frame. Having said this, it is not easy to define precisely what a "reasonable timeframe" can be (on average).

When required by law, a specific period may be considered as the reasonable standard. But most systems do not provide any legally specified timeframe for petitions’ consideration. That is notably the case in the EU and in Scotland. The scarce information available moreover does not allow us to establish any relationship between systems that deliver a response within a reasonable time and the existence of a legal deadline. In Scotland, during the first years that the system was in force (1999-2005), the average time of examination of petitions was 268 days (Carman, 2006). In Portugal, during the 1990s and early 2000s Parliament’s response time ranged from an average of 1058 days to 615 days (Leston-Bandeira and Tibúrcio, 2012), a situation that dramatically improved with the establishment of e-petitions in 2005 (in the 2011-2012 legislature, the average was of 119 days44), suggesting that the transparency and publicity of e-petitions encouraged a better performance of Parliament (and government) in this regard.

Within the EU petitions system, it is important to acknowledge that the multi-lingual environment and its specific requirements introduces increased difficulties in relation to most other systems. The substantial volume of petitions received also has the potential to lead to delays in the treatment of petitions. Therefore, it is important that the dimension of human resources is adequate to these constraints.

However, regarding the behaviour of Parliament, perhaps the most important is how it treats petitioners and their petitions. Even if the system provides many of the above characteristics, the way the petitioner perceives the way it was treated by the Parliament seems to be crucial to the assessment of their experience. This is what is suggested by the pioneering study of Carman (2006) in relation to the Scottish petitions system. Indeed, petitioners who considered the process fairer and more transparent showed to be more satisfied with the outcome of their petitions. Besides, these petitioners showed not only more satisfaction with the outcome but also with the Parliament and national political institutions. Thus, this factor seems decisive for one of the main goals intended by the right of petition: narrow the gap between citizens and representatives.

44 Tibúrcio, 2015b
5. CONCLUSIONS AND RECOMMENDATIONS

This paper started by framing the scope of the right to petition, a right intended to give a voice to citizens; but that does not give the right to the result that the petitioner might have hoped to receive. It then noted that modern petition systems seem to focus more on the process (right to a response, questions to government, information, publicity, opportunities for citizens to participate in hearings, debates, etc.) than on the final outcome (which Parliaments often are not able to offer). On the basis of these considerations, we proposed that the “effectiveness” of the system should not be based on whether it guarantees a favourable decision in terms of final outcome, but on the effective achievement of the aims/goals of the petition system.

We then defined the petition system “effectiveness” as the achievement of the goals of the right to petition, as defined by laws, institutional material and doctrine. These goals include participation, feedback, equality and inclusion, transparency, information and accountability, debate and influence, involvement in the res publica.

In order to know whether the objectives/goals of the right of petition are being attained, we operationalized the criteria that allowed an empirical assessment, which mirrored the main/key characteristics that we can find in European petition systems. These criteria were organized into two main groups: those concerning the legal and institutional framework (which include conventional petitions and e-petitions criteria) and the main players behaviours (citizens, government and Parliament).

Finally we used the model we proposed (the "evaluation framework of the effectiveness of petition systems") to identify and examine to what extent the differences between the different petition systems in terms of key characteristics affect the goals intended by petition systems, i.e. its effectiveness. By doing so, we presented a picture of the main characteristics of various petitions systems provided by the Parliaments of Member States, as well as the European Parliament and Scotland, highlighting their respective differences.

This evaluation exercise showed the positive impact of several institutional and legal tools in promoting the petition systems goals of "feedback", "transparency", "accountability" and "citizens engagement with public affairs", especially when these tools can be used also through electronic petitions features, or are combined with them.45 Best practices examples should, therefore, be sought not so much in a given system as a whole but in each of the analysed criteria (main characteristics of petitions systems).

In relation to the response by, and performance of, the main players and actors involved, there is much less information available, suggesting more caution on the lessons to be learned. Nevertheless, in the light of the impact that the questions asked to the executive have, as well as their responses, on several of the objectives of petitioning, some issues should be singled out. These questions push the government to provide information and give their opinion on the specific issue raised by the petition (which is a unique situation and achievement for citizens) and is thus one of the main methods of obtaining information for the petitions process.

In any case, the study of Carman (2006) points towards the importance of the way the Parliament treats petitioners and their petitions during the process. The fairer petitioners perceive this treatment to be, the more satisfied they tend to be with the outcome and also

45 This consideration should be an incentive for the spreading of e-petition features across all European Parliaments, which is not the case yet.
with political institutions, enhancing the involvement of citizens with politics. A **fair process** seems though to a relevant factor for the effectiveness of petition systems.

The main **risk** identified for petitions systems was related to the goal of “equality and inclusion”, which can be impaired if, for example, there is an underrepresentation of some segments of society in the use of the right to petition, notably of those already less inclined to participate (like the poor and less educated, including in relation to digital tools). This tension among the objectives pursued can only be bridged if there is a greater knowledge about the profile of the petitioners.

**Annex 1 provides a general overview of some of the characteristics of European Parliaments petitions systems.** However, it focuses mainly on conventional institutional characteristics, containing little information about the type and above all the level of e-petition features, which are important criteria of the effectiveness of petition systems, as demonstrated above. Finally, this annex also does not provide information as to the conduct of the main players, reflecting the limited information available, hampering a comparative analysis at this level.

On the basis of the analysis above, some lessons can be learned in order to increase the effectiveness of petitions systems in national Parliaments and in particular in the European Parliament. Most of the **recommendations** focus on improving the functionalities of the e-petition systems and on the deepening of the knowledge we have about each petition system.

### 5.1. Recommendations to the European Parliament

In view of the above, **the petition system of the European Parliament compares well overall with the petition systems of Parliaments of Member States.**

**In terms of conventional features, it scores well in all dimensions:** ensures direct access (and not intermediate) by citizens; it’s highly inclusive and open to both national citizens of Member States as nationals from third countries, if they reside within the EU territory; it offers possibilities for greater involvement of citizens, including through frequent holding of hearings, followed by public debate in committee.

The **main gap that can be noted in the EU petition system concerns the amount of information provided on petitions.** Compared to other modern petition systems, the PETI web portal still provides rather limited information. The following features would strongly **improve the EU e-petition system**, with an impact on its effectiveness:

1. **Clearer information** (on the website, brochures, flyers, videos, etc.) on the definition of the legal limits of this right and on what the system can offer to citizens. This should be a concern of any system of petitions to avoid dysfunctional expectations regarding this right. It can also contribute to a more correct use of this tool, particularly as regards admissibility criteria. The latter is particularly relevant in the context of the right to petition the EU, given the complex competency framework at the EU level, not always easy to grasp by citizens.

The issue of **appropriate expectations** to what this participatory tool can offer is crucial. The disclosure of this right should, therefore, **focus on the typical procedure that this right can offer** (an exam, a debate, a hearing, questions to the executive, etc.) and less on the cases of petitions considered extremely successful, leading to legislative changes or substantial changes in policy. However desirable they may be, most petitions will not have this outcome, so it can create unrealistic expectations to most of the petitioners.

In this study, we considered that petitions pursuing **general interest** enable a more effective response, for meeting the main functions of the parliament. Consequently,
information provided to citizens should emphasize the opportunity to submit petitions in the general interest.

2. **Publication of more detailed information related to the petition process**, i.e., information on the **procedure** on the treatment of petitions and on the **stage** reached by the petition, as well as relevant **dates** (related to when the petition was submitted, when its admissibility was decided by the committee, when the hearing took place, when questions were sent to the Commission, when questions were answered by it, whether it led to a fact-finding visit or report to plenary, etc);

3. **Publication of all documents related to the petition**, such as the petition text, the decision of admissibility, questions and answers, final decision, as they already appear on the in-house petitions platform ePetition. Indeed, greater synergy between the new web-portal and the other in-house systems would surely bring a great benefit in this respect.

In particular, in addition to the publication of the summary (which is necessary because of the multi-lingual environment of the petitions process in the EU), the EP could implement the best practice of some national parliaments that publish the **full text of the petition in its original language**. This could be done immediately after the submission of the petition, while pending the decision of its admissibility (in Luxembourg or Portugal, for example, inadmissible petitions - as well as the respective reasons - are also available on the petitions website). This would have a positive impact on the "transparency" of the system and increase its "feedback", one of the main goals pursued by this right.

4. A better and more focused **communication strategy**, including through more effective use of the social media and inter-activity; regular news reporting in the form of on-line newsletters to all past and current petitioners and other interested groups, including journalists (which play a key role in the dissemination of this participatory tool and its role) and the general public.

Some of the issues discussed in the study relate to the **profile of the petitioners**. This element is relevant for evaluation purposes and could facilitate the means to address potential inequalities in the use of the right to petition (age, sex, education, etc), for example, or even access to information on this right. This can be counteracted through:

5. Getting to know **who the petitioners are** (sex, age, education, occupation, etc.). This can be done through a back-office in-built reporting system and by a **simple questionnaire** delivered to the petitioners (both for the past and for the future).

6. This questionnaire may, in particular, be used to learn the **opinion of petitioners** on their experiences: motivation, satisfaction with the process, with the treatment, with the outcome, etc.

7. Conducting a **public survey**, using **Eurobarometer** for example, in order to ascertain the knowledge that citizens reveal regarding the right to petition the European Parliament. In line with the above, it must be ensured that the questions of the survey reflect the entire scope of this right (an example: any question about the right to petition the EP should not be limited to the complaint function but also include the general

---

46 Unless petitioners have requested that the petition is treated as confidential. In relation to publication of documents, the EP seems to publish some documents on its website, but these are not linked in the web portal, something which might be addressed in the future development of the portal.

47 As showed by Carman (2006), Scottish petitioners seem to be, on average, disproportionately older, male and better educated than the rest of the Scottish society. The same is showed by Riehm, Böhle, and Lindner (2014) in relation to the Bundestag petition system. Moreover, people with less educational resources and segments of the population such as immigrants show a particular lack of knowledge regarding this right.
interest function). **Inequality of use may be related to unequal access to information**.

8. As already proposed, investing in EU **promotional material** (which is currently very limited or non-existent) on the visibility of the PETI web portal, e-flyers, videos, etc. This disclosure may have **prime targets**, as the populations with lower economic and educational resources, are usually less well-informed about such mechanisms. A particular focus should be given to the dissemination in **schools**. This is justified for two reasons. On the one hand, knowledge of the mechanisms of political participation is something that should be taught, for instance in the framework of civic education courses. On the other hand, the right to petition is one of the rare instruments of conventional political participation that may be exercised by minors. This can be an **opportunity to involve these citizens in European affairs and its key institutions from an early age**.

A **greater openness, transparency and publicity** of the system will provide an incentive for better performance of institutional actors, notably to deliver quicker and better responses. In addition to the recommendations set forth above, we consider the following initiatives would have a very positive impact on the petitions system:

9. Collect and provide, on the PETI web portal, **statistical data on the treatment of petitions**. This would allow the monitoring of the **petitions system performance** (by petitioners, citizens, media, academics), being also a “push factor” for better performance of the EP and the European Commission in relation to petitions. Relevant data include the number of **questions asked and letters addressed to the European Commission, Member States, local and regional authorities, national Parliaments and ombudsmen** and so on. The **time** taken by these entities to respond would also be a useful indicator, as would the time Parliament takes to considerer each petition, as well as information on the profile of petitioners. Much of this might of course require some reinforcement of the back-office capacity of the Committee. It should also be considered possible synergies with the Academia.

10. The available information on petition systems in Member States is still insufficient to provide a fully comprehensive evaluation aimed at identifying how each of the above key characteristics addresses the goals pursued by petition systems, in terms not only of the type of information included for each function, but also the level of detail and emphasis given to each of them. A **survey of national Parliaments** would allow for a better comparison between petition systems and the potential development of an **index of effectiveness** of petition systems, which would also allow a holistic perspective on good practices.

---

48 The questions for such a survey would of course need to be carefully prepared by someone with first hand experience of the process
REFERENCES

- Fernandes, M., T., M., 2013, As práticas da Assembleia da República perante o exercício do direito de petição - Um estudo comparado com Parlamentos europeus, Technical University of Lisbon Repository, available at: https://www.repository.utl.pt/handle/10400.5/7942


• Richard, M., 1932, *Le droit de pétition, une institution transposée du milieu national dans le milieu international public*, Paris, Recueil Sirey


• Tibúrcio, T, 2015a (forthcoming), "O envolvimento dos cidadãos com os parlamentos na Europa através do direito de petição, um quadro de avaliação", in André Freire, Marco Lisi & José Manuel Leite Viegas (eds.), *Participação e Representação Políticas na Europa em Crise*, Lisboa, Assembleia da República, Coleção Parlamento.


### ANNEX I - SYNOPTIC COMPARATIVE TABLE BETWEEN PETITION SYSTEMS

<table>
<thead>
<tr>
<th>Parliaments</th>
<th>Right to response</th>
<th>Direct access</th>
<th>Information to petitioners</th>
<th>Who can petition (wide criteria?)</th>
<th>Nature of interests admitted</th>
<th>Questions to government</th>
<th>Hearings</th>
<th>Debates</th>
<th>Submit petitions via E-mail / e-form</th>
<th>Own website</th>
<th>Main documents on the Internet (petition, decisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>No</td>
<td>No&lt;sup&gt;49&lt;/sup&gt;</td>
<td>Yes</td>
<td>No&lt;sup&gt;50&lt;/sup&gt;</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Belgium</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;51&lt;/sup&gt;</td>
<td>Only general interest</td>
<td>Yes</td>
<td>No</td>
<td>Yes&lt;sup&gt;52&lt;/sup&gt;</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>Yes</td>
<td>Yes</td>
<td>No&lt;sup&gt;53&lt;/sup&gt;</td>
<td>Both general and private</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Czech Republic</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>No&lt;sup&gt;54&lt;/sup&gt;</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;55&lt;/sup&gt;</td>
<td>No</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;57&lt;/sup&gt;</td>
<td>Yes&lt;sup&gt;58&lt;/sup&gt;</td>
</tr>
<tr>
<td>European Union</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;56&lt;/sup&gt;</td>
<td>Both general and private</td>
<td>Yes</td>
<td>Yes&lt;sup&gt;57&lt;/sup&gt;</td>
<td>Yes&lt;sup&gt;58&lt;/sup&gt;</td>
<td>No</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

<sup>49</sup> Unless petition has more than 500 signatures
<sup>50</sup> Citizens electors who have completed 16 years of age.
<sup>51</sup> Citizens and residents
<sup>52</sup> But rare
<sup>53</sup> Citizens (but not minors)
<sup>54</sup> Citizens (but not minors)
<sup>55</sup> In committee (10,000 signatures)
<sup>56</sup> Citizens or just residents (however, requires additionally that the petition to be on a matter which affects directly the petitioner)
<sup>57</sup> In committee; more rarely in plenary
<sup>58</sup> Only electronic form
<table>
<thead>
<tr>
<th>Parliaments</th>
<th>Right to response</th>
<th>Direct access</th>
<th>Information to petitioners</th>
<th>Who can petition (wide criteria?)</th>
<th>Nature of interests admitted</th>
<th>Questions to government</th>
<th>Hearings</th>
<th>Debates</th>
<th>Submit petitions via E-mail / e-form</th>
<th>Own website</th>
<th>Main documents on the Internet (petition, decisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>France</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes(^{59})</td>
<td>Both general and private</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Germany</td>
<td>Public petitions</td>
<td>Yes</td>
<td>No(^{60})</td>
<td>Yes</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes(^{61})</td>
<td>Yes(^{62})</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Germany</td>
<td>&quot;conventional</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Both general and private</td>
<td>Yes</td>
<td>Yes(^{63})</td>
<td>Yes(^{64})</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td></td>
<td>system&quot;</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Greece</td>
<td>No</td>
<td>No</td>
<td>Yes(^{65})</td>
<td></td>
<td>Both general and private</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Hungary</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes(^{66})</td>
<td>Only general interest</td>
<td>Yes</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Ireland</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Only general interest</td>
<td>Yes</td>
<td></td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td></td>
</tr>
</tbody>
</table>

\(^{59}\) Citizens (minors included) or just residents  
\(^{60}\) The admissibility decision is based on considerable discretion of the Petitions Committee  
\(^{61}\) In committee (50,000 signatures)  
\(^{62}\) In committee (50,000 signatures)  
\(^{63}\) In committee (50,000 signatures)  
\(^{64}\) In committee (50,000 signatures)  
\(^{65}\) Citizens or just residents  
\(^{66}\) Citizens or just residents
<table>
<thead>
<tr>
<th>Parliaments</th>
<th>Right to response</th>
<th>Direct access</th>
<th>Information to petitioners</th>
<th>Who can petition (wide criteria?)</th>
<th>Nature of interests admitted</th>
<th>Questions to government</th>
<th>Hearings</th>
<th>Debates</th>
<th>Submit petitions via E-mail / e-form</th>
<th>Own website</th>
<th>Main documents on the Internet (petition, decisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Italy</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Somewhat(^{67})</td>
<td>Only general interest</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Latvia</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
<td></td>
<td>Both general and private</td>
<td>Yes</td>
<td></td>
<td></td>
<td></td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes (3)</td>
<td>Yes(^{68})</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Luxembourg</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Somewhat(^{69})</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes(^{70})</td>
<td>Yes(^{71})</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Malta</td>
<td>No</td>
<td>No</td>
<td></td>
<td></td>
<td>Only general interest</td>
<td></td>
<td></td>
<td></td>
<td>No</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Netherlands</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Somewhat</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td></td>
</tr>
<tr>
<td>Portugal</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Somewhat(^{73})</td>
<td>Both general and private</td>
<td>Yes</td>
<td>Yes(^{74})</td>
<td>Yes(^{75})</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

\(^{67}\) Citizens, including minors
\(^{68}\) (citizens and permanent resident foreigners; over 16 years old)
\(^{69}\) (Minors who have completed 15 years of age)
\(^{70}\) In committee (4.500 signatures)
\(^{71}\) In committee (4.500 signatures)
\(^{72}\) Citizens or just residents
\(^{73}\) Citizens, including minors
\(^{74}\) 1.000 signatures
\(^{75}\) In plenary (4.000 signatures)
<table>
<thead>
<tr>
<th>Parliaments</th>
<th>Right to response</th>
<th>Direct access</th>
<th>Information to petitioners</th>
<th>Who can petition (wide criteria?)</th>
<th>Nature of interests admitted</th>
<th>Questions to government</th>
<th>Hearings</th>
<th>Debates</th>
<th>Submit petitions via E-mail / e-form</th>
<th>Own website</th>
<th>Main documents on the Internet (petition, decisions)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Romania</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No76</td>
<td>Yes</td>
<td>Yes77</td>
<td>Yes78</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Scotland</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Only general interest</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes79</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>Slovakia</td>
<td>Yes</td>
<td>Yes</td>
<td>No80</td>
<td>Only general interest</td>
<td></td>
<td></td>
<td></td>
<td>Yes81</td>
<td>No</td>
<td>No</td>
<td>Yes82</td>
</tr>
<tr>
<td>Slovenia</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>No</td>
<td>Both general and private</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>Spain</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
<td>Both general and private</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>No</td>
<td>No</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Only general interest</td>
<td>No</td>
<td>No</td>
<td>No</td>
<td>Yes</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>

Source: adapted from Riehm, Böhle, and Lindner (2014) and questionnaire sent in 2012 to European Parliaments through the European Centre for Parliamentary Research and Documentation (ECPRD), in Fernandes (2013).

76 Just citizens
77 in plenary (but just reports)
78 Just reports
79 In committee and (less often) plenary
80 Just citizens (but not minors)
81 100.000 signatures for plenary debate
82 However, necessary legally recognized e-signature, which means that, in practice, does not have any role (Riehm, Böhle, and Lindner, 2014)
## ANNEX II - LEGAL BASIS OF PETITION SYSTEMS (SYNOPTIC TABLE)*

<table>
<thead>
<tr>
<th>Country</th>
<th>Constitution</th>
<th>ROP / Standing orders</th>
<th>Petitions Committee</th>
<th>Other legislative framework</th>
</tr>
</thead>
<tbody>
<tr>
<td>Austria</td>
<td>Basic Law of 21 December 1867 on the General Rights of Nationals in the Kingdoms and Länder represented in the Council of the Realm</td>
<td>Art. 11</td>
<td>art 100</td>
<td></td>
</tr>
<tr>
<td>Belgium</td>
<td>1831 (rev. 2014)</td>
<td>Art. 28 e 57</td>
<td>Art. 142-144</td>
<td>Règlement d’ordre intérieur</td>
</tr>
<tr>
<td>Bulgaria</td>
<td>1991 (rev. 2007)</td>
<td>Art. 45</td>
<td>Ar. 37</td>
<td></td>
</tr>
<tr>
<td>France</td>
<td>1958 (rev. 2008)</td>
<td>x</td>
<td>Art. 147-151</td>
<td>Art. 4</td>
</tr>
<tr>
<td>Country</td>
<td>Year (Revision)</td>
<td>Art.</td>
<td>Terms of reference of the Joint Committee on Public Service Oversight and Petitions</td>
<td></td>
</tr>
<tr>
<td>-----------</td>
<td>----------------</td>
<td>------</td>
<td>---------------------------------------------------------------------------------</td>
<td></td>
</tr>
<tr>
<td>Ireland</td>
<td>1937 (rev. 2012)</td>
<td>x</td>
<td>165A-165E. Terms of reference of the Joint Committee on Public Service Oversight and Petitions</td>
<td></td>
</tr>
<tr>
<td>Italy</td>
<td>1947 (rev. 2012)</td>
<td>Art. 50</td>
<td>Art. 33; 109</td>
<td></td>
</tr>
<tr>
<td>Lithuania</td>
<td>1992 (rev. 2006)</td>
<td>Art. 33</td>
<td>Art. 80 (not official)</td>
<td></td>
</tr>
<tr>
<td>Luxembourg</td>
<td>1868 (rev. 2009)</td>
<td>Art. 27,67</td>
<td>Art. 154-155</td>
<td></td>
</tr>
<tr>
<td>Country</td>
<td>Year (rev.)</td>
<td>Constitution</td>
<td>Arts/Sections</td>
<td>Notes</td>
</tr>
<tr>
<td>--------------</td>
<td>-------------</td>
<td>--------------</td>
<td>---------------</td>
<td>-------</td>
</tr>
<tr>
<td>Malta</td>
<td>1964 (rev. 2014)</td>
<td>Art. 65; 73</td>
<td>XI</td>
<td>Art. 65; 73; XI</td>
</tr>
<tr>
<td>Netherlands</td>
<td>1815 (rev. 2008)</td>
<td>Art. 5</td>
<td>Section 20; 36; 131-132</td>
<td>Reglement (in dutch)</td>
</tr>
<tr>
<td>Scotland</td>
<td>-</td>
<td>-</td>
<td>Rule 6.10, 15.4-15.8</td>
<td></td>
</tr>
<tr>
<td>Slovakia</td>
<td>1992 (rev. 2014)</td>
<td>Art. 27</td>
<td>Section 133-134</td>
<td></td>
</tr>
<tr>
<td>Slovenia</td>
<td>1991 (rev. 2013)</td>
<td>Art. 45</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td>Spain</td>
<td>1978 (rev. 2012)</td>
<td>Art. 29; 77</td>
<td>Section 49</td>
<td>LEY del Derecho de Petición</td>
</tr>
<tr>
<td>United Kingdom</td>
<td>-***</td>
<td>-</td>
<td>Standing Orders No. 153-157</td>
<td></td>
</tr>
</tbody>
</table>

* The electronic version of this document contains the link to each of the mentioned bylaws
** Treaty on the Functioning of the European Union
*** Although the United Kingdom doesn't have a written constitution, the right to petition the Crown and Parliament to air grievances is a fundamental constitutional principle.
DIRECTORATE-GENERAL FOR INTERNAL POLICIES

POLICY DEPARTMENT C
CITIZENS’ RIGHTS AND CONSTITUTIONAL AFFAIRS

Role

Policy departments are research units that provide specialised advice to committees, inter-parliamentary delegations and other parliamentary bodies.

Policy Areas

- Constitutional Affairs
- Justice, Freedom and Security
- Gender Equality
- Legal and Parliamentary Affairs
- Petitions

Documents

Visit the European Parliament website:
http://www.europarl.europa.eu/supporting-analyses