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# Electronic petitioning and modernization of petitioning systems in Europe

Final Report

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petitioning systems in Europe

**Technology Assessment Studies Series – 6**

The Office of Technology Assessment at the German Bundestag is an independent scientific institution created with the objective of advising the German Bundestag and its Committees on matters relating to research and technology.

TAB is operated by the Institute for Technology Assessment and Systems Analysis (ITAS) at the Karlsruhe Research Centre. In executing its working programme the Karlsruhe Research Centre cooperated 2003–2013 with the Fraunhofer Institute for Systems and Innovation Research ISI, Karlsruhe.

TAB's task is to design and implement technology assessment (TA) projects and to monitor and analyse important scientific and technological trends and the associated social developments (Monitoring, Future- and Innovation Reports, Policy-Benchmarking Reports).

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Report for the Committee on Education, Research and Technology Assessment

TAB

# THE COMMITTEE'S PREFACE

Petitions are an instrument, guaranteed in the German Basic Law, for protecting citizens' interests and rights vis-à-vis the state; they are also a means of citizen participation. They are characterized by a low level of formal requirements and are also a suitable tool for individuals and small groups to articulate their interests. Use of the internet within the petitioning process has increased the attractiveness and profile of this fundamental right. However, it is also important to consider how use of the internet will contribute to a change in the petitioning system over the longer term. Owing to the high importance of petitioning for a democratic society and following a proposal by the Petitions Committee, the Committee on Education, Research and Technology Assessment commissioned the Office of Technology Assessment at the German Bundestag (TAB) to conduct the technology assessment project »Electronic Petitioning and Modernization of Petitioning Systems in Europe«.

The report focuses on three main areas of investigation: the development of petitioning among the European parliaments, a case study on petitioning in the United Kingdom and a detailed examination of the petition system in Germany and especially of the electronic petition platform of the German Bundestag, which was able to build on studies conducted by TAB on the experimental model »Public Petitions«. The study of European countries considered the 27 member states of the European Union and also Switzerland and Norway. This therefore provides the first-ever complete overview of the petitioning and ombudsman system in Europe. Nine of the 21 parliamentary petition bodies currently have their own internet presence at national level. None of these countries currently have a system for public and electronic petitions such as that offered by the German Bundestag. However, some parliaments are planning to expand their internet service accordingly.

The petition process of the German Bundestag underwent a fundamental reform in 2005 based on the example of the Scottish Parliament and incorporated the internet as a medium for submitting, supporting and discussing petitions. This has contributed to the reputation of the Petitions Committee among the population and has generated considerable attention among the general public and in the media. The usage figures for the petition platform provide impressive evidence of the degree to which it has been embraced by the population. The surveys of petitioners conducted by TAB also reveal that Public Petitions are considered a model of success. In particular, TAB considers that the rules governing the admission of Public Petitions and also the discussion forums for Public Petitions offer starting points for further development and improvement of the system. It is also proposed that where possible, all elements of the petition system

should be designed so that they are not merely accessible via the internet; they should also be accessible via conventional channels, thereby ensuring that segments of the population who do not use the internet are not excluded.

This report provides the German Bundestag with an up-to-date point of reference that will enable Parliament to address this important socio-political issue.

Berlin, November 18, 2011

The Committee on Education, Research and Technology Assessment

*Ulla Burchardt, Member of the German Bundestag*
Committee Chairwoman

*Dr Thomas Feist, Member of the German Bundestag*
Rapporteur

*René Röspel, Member of the German Bundestag*
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*Dr Martin Neumann, Member of the German Bundestag*
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*Dr Petra Sitte, Member of the German Bundestag*
Rapporteur

*Hans-Josef Fell, Member of the German Bundestag*
Rapporteur

# CONTENTS

# FOREWORD

This book is the English translation of the final report of the project »Electronic petitioning and modernization of petitioning systems in Europe«.

In June 2011 the Office of Technology Assessment at the German Bundestag (TAB) submitted this report as »TAB report No. 146« to the German Bundestag. The committee on Education, Research and Technology Assessment approved and classified it for publication in October 2011. In addition, it was decided to publish the report as an official Bundestag printed paper (Drs. 17/8319) and to feed it into the parliamentary process. In November 2011, TAB presented the results of the study in a public committee meeting of the Bundestag's Petitions Committee.

After final editorial revisions, the TAB report No. 146 and the Bundestag printed paper 17/8319 were published in January 2012. On September 27 2012, the report was discussed together with the Annual Report 2011 of the Petitions Committee in a plenary session of the German Bundestag and forwarded to relevant parliamentary committees.

Since the editorial deadline of the final report in autumn 2011, there have been some important developments regarding petitioning in Germany and other European countries which we would like to briefly point out.

In September 2012 the German Bundestag implemented new software for its petition system, the functionality of which will be further expanded in the coming years. In addition, some minor procedural changes were implemented such as the possibility of co-signing with a pseudonym.

Rhineland-Palatinate, one of the German *Länder* (federal states), adopted the model of »public petitions« of the German Bundestag, as Bremen (another *Land*) had previously done in 2010 when introducing »public petitions« with facilities to electronically co-sign and to debate them in discussion forums. Today all Land parliaments, except from Hesse, accept filing petitions electronically.

In Scotland too, a new software system was introduced in 2012 and more Web 2.0 functions were implemented. At the national level of the United Kingdom, the conservative-liberal government has established a new electronic petitioning platform, which is characterized primarily – in contrast to the one of the previous Blair/Brown governments – by a specific quorum: in case a petition achieves 100,000 signatures or more, it may become subject of a parliamentary debate.

Moreover, since 2011 a number of national parliaments in Europe have initiated or continued reforms of their petitioning processes. In the chapter dealing with the petitions systems in Europe we have cautiously made reference to more recent developments.

In 2013, we published the book »Elektronische Petitionssysteme«[1] which is based more or less on TAB report No. 146. In that book information on more recent developments in e-petitioning in Germany and Europe, which occurred until the end of 2012, is taken into account.

August 2013

The authors

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[1]  Ulrich Riehm, Knud Böhle, Ralf Lindner: Elektronische Petitionssysteme. Analysen zur Modernisierung des parlamentarischen Petitionswesens in Deutschland und Europa. Berlin: edition sigma 2013, ISBN 978-3-8360-8135-1. This book is available only in German.

# SUMMARY

Academic research focusing on contemporary trends in petitioning is relatively scarce, although in the last few years, both in Germany and abroad, a number of noteworthy innovations have been introduced, largely triggered by the use of the internet. These innovations have an important place in the context of the debate on e-democracy, e-participation and e-parliament. In addition, the significance of the subject can be seen in the fact that the exercise of the right to petition by citizens has not only remained at a high level but is also tending to increase. In other words, petitioning cannot be simply written off as a relic of a bygone age. Precisely because society is becoming increasingly complex, petitions can provide citizens with an additional – and sometimes also »ultimate« – possibility for drawing attention to grievances and injustices and also submitting suggestions for solving a specific problem.

The occasion that prompted the Office of Technology Assessment at the German Bundestag (TAB) to conduct intensive research into the subject of electronic petitioning was the introduction of »Public Petitions« by the German Bundestag in 2005. These petitions are submitted electronically, published on the internet and can be signed and debated on the e-petition platform of the German Bundestag. TAB monitored this experimental model scientifically up to the year 2007 and published a report on its findings. Here, we present the results of a second study on the subject, tracing the further development of the Public Petitions system of the German Bundestag and also describing the modernization processes taking place at the petition bodies of other parliaments in Europe.

## ELECTRONIC AND PUBLIC PETITIONS

Often, »electronic petitions« are understood to mean the electronic submission of petitions to the body responsible for receiving petitions. This facility opens up a new submission channel, either via e-mail – possibly using an electronic petition form that can be attached to an e-mail – or by means of an online web form. This last variant is often termed an online petition. Submitting petitions electronically does not imply any changes to the actual petition procedure.

A second meaning of the term »electronic petition« refers to petitions published on the internet. However, these petitions do not necessarily also have to be submitted electronically. Although it is true that electronic petition submission can facilitate subsequent electronic utilization, the submission process and the subsequent handling of the petition in the petition system are in principle entirely independent of one another in terms of their use of the internet.

If we consider only the petitions published on the internet, we can draw the distinction between a passive or receptive variant, and an active or interactive variant. In the first case, the petition and in some cases also the respective decision can simply be consulted. In the second case, various interactive and communicative possibilities offered by the internet and implemented in an electronic petition system are added. These possibilities can include e.g. signing a petition online on the internet, electronic »promotion« of a petition, directly contacting the petitioner or public discussion of petitions in online forums.

The following distinctions have proved useful for the description and analysis of electronic petition systems:

> electronically submitted petitions,
> public electronic petitions,
> public electronic petitions with communicative and participative elements.

## MODERNIZATION OF THE PETITION SYSTEM IN GERMANY

In describing the modernization trends of the petition system in Germany, we inevitably accord a central place to the reforms initiated by the German Bundestag in 2005. In addition, we investigate the current developments in the parliaments of the individual German Länder, which are reviewing their own »internet strategy« in the light of the German Bundestag's moves towards modernization at the national level. The large variety of other public and private petition bodies and complaint offices is not further considered here.

## PUBLIC PETITIONS OF THE GERMAN BUNDESTAG

To view the 2005 reform solely in terms of the introduction of the internet to the petition system would not be doing it full justice. A more important aspect is that since the reform the German Bundestag – under certain conditions – publishes petition texts and – on reaching a quorum – conducts public committee meetings with the participation of petitioners. In addition, supporting signatures can be collected on the e-petition platform of the German Bundestag for the petitions published on the platform, and these petitions can also be discussed in public online forums.

Judging by the popularity of the e-petition platform alone, Public Petitions can be seen as a clear success. The share of electronically submitted petitions to the German Bundestag rose from 17 % in 2006 to 34 % in 2010. At the same time, Public Petitions appear to be particularly attractive for citizens, since their share of submitted petitions rose from 5 % to 24 %. Overall, from September 2005 to the end of 2010, more than 3 million signatures were counted for about 2,100 Public Petitions, and more than 100,000 written contributions to discussions were posted on the forums.

However, the observation already made three years ago in the first analyses of petitions to the German Bundestag remains true, namely that electronic and Public Petitions tend to substitute conventional petitions rather than leading to an overall growth in petitions. Growth linked to the »internet factor« is currently not visible.

The reason for this may be that the new facility has only had very limited success in attracting new parts of society that have so far largely abstained from petitioning. Although the people submitting Public Petitions are much younger than those submitting non-public conventional petitions, both groups continue to be better educated than the average of the population as a whole and remain predominantly male.

## ADMISSIBILITY OF PUBLIC PETITIONS

Public petitions to the German Bundestag are subject to a special admissibility assessment. The admissibility criteria are contested and lead to critical debates in the user forums of the e-petition platform, where the lack of transparency of this process and the low admission rates are sharply criticized. Roughly 60 % of the surveyed persons who submitted Public Petitions in 2009 were unable to understand the reason for their non-admission. Out of 4,039 petitions submitted for publication in 2010, only 559, or 13.8 % were admitted as Public Petitions. There are many reasons for this low level: a good 50 % of non-admitted Public Petitions are multiple petitions, i.e. petitions that have already been submitted with the same or similar content. 8 % were not admitted because they were classified as unsuitable for debate in public, and similar percentages were not admitted because they were either judged to be evidently unsuccessful or considered as not pertinent or based on false assumptions (6 %). Only few petitions were not admitted as public because they concerned personal requests and complaints (1.5 %), imperilled social peace (0.7 %) or could have a negative effect on international relations (0.5 %). It should be noted that petitions which are not accepted as Public Petitions will be handled following the conventional non-public procedure.

## SIGNING OF PUBLIC PETITIONS

After publication of a petition, supportive signatures can be added to it on the internet within six weeks, and it can be debated in an online forum. More than 3 million signatures have been collected for about 2,100 Public Petitions since 2005. However, very few petitions attained sufficient attention among the (internet) public to achieve a large number of signatures. The average number of signatures per Public Petition was roughly 1,170 for the period 2005 to 2010. However, 85 % of all Public Petitions received less than 1,000 signatures, and only nine (0.4 %) received more than 50,000 online signatures within the six-week time limit. The maximum number of online signatures was 134,015. This figure is nothing exceptional when considering mass petitions in general: back in

the 1950s and 1960s, there were already petitions with a few hundreds of thousands signatures on paper.

No misuse of the petition signing function was observed. In general, it would appear appropriate not to set a higher level of identity checking for the petitioners and supporting signatories that use internet than for those who use the conventional paper-bound process. Further the claim could not be confirmed that a small number of people sign very many petitions, thereby perhaps distorting the overall picture of support for Public Petitions. The vast majority of signatories (83.8 %) had signed only one or two petitions over an observation period of 16 months. »Heavy users« who added their signatures to three or more petitions are too small a group to have any decisive influence on the overall result for petition signatures.

However, the ability to sign petitions online has led to the misconception by petitioners and the public that obtaining the quorum of 50,000 signatures would be decisive in determining the success or failure of a petition. This is not the case. Non-public and Public Petitions are handled in the same way as a matter of principle, regardless of the number of signatures.

On obtaining the quorum of 50,000 signatures, the members of the petitions committee have the duty to discuss the content of the petition with the petitioners in a public session of the committee. The public sessions of the petitions committee have been very positively received both by petitioners and members of parliament. Roughly five meetings are held per year, each dealing with five to ten Public Petitions.

## DISCUSSION FORUMS FOR PUBLIC PETITIONS

Another innovative component of the petition reform of 2005 is the establishment of discussion forums for every Public Petition. More than 100,000 written contributions have been submitted by about 10,000 participants since 2005. Contributions to discussions can be made by the registered users directly in a forum. The forums are moderated by the petition body. In the case of breaches of the rules it intervenes in the form of warnings and even deletion of postings. However, serious breaches of the rules are rare.

In the surveys of the various groups of petitioners, the establishment of forums as a general principle was welcomed and positively received by the vast majority. A content analysis of 19 selected discussion forums revealed that the forums were regarded as mainly informative and factually pertinent. This again corresponds to the results obtained from the surveys of petitioners and users of the e-petition platform of the German Bundestag. Of the users surveyed in 2009, 91 % considered the discussion in the forums to be informative, and 87 % that it was pertinent.

However, one issue is the gap between intentions and reality. Roughly two thirds of the forum users surveyed in 2009 wished to establish contact between members of parliament and citizens by means of the forums. However, this contact does not take place in the forums. A similar proportion of users thought that the forums should support the petitions committee in its assessment of a petition. Again, this is not the case, because the discussion forums are not systematically evaluated and taken into account in the petition process.

## EVALUATION OF SUCCESS IN THE PETITION SYSTEM

For the first time, information on the success of petitions can be provided on the basis of the petitioner questionnaires, in addition to the existing assessments of success based on petition statistics.

The activity report of the petitions committee for the year 2009 answers the question regarding the success of petitions with the fact that almost half of the processes were positively concluded in the broad sense of the term. This figure includes 38.1 % of petitions that were settled by advice, information, referral and communication of material, 7.6 % where the request was satisfied, and 3.5 % that were forwarded to the German government.

The assessments of success by petitioners are much more negative. Only about a third of the surveyed petitioners were satisfied with the handling of their petition by the German Bundestag after the conclusion of the procedure. Roughly the same proportion agreed with the statement that »all in all« the submission of the petition had been worth the effort. Only 20.7 % of the petitioners with conventional petitions and 15.2 % of the petitioners with Public Petitions had the impression that the German Bundestag had actively advocated their case.

Against the background of this largely critical assessment of success by the petitioners – which is mirrored by comparable surveys in other countries – it may appear surprising that 63 % of the persons who submitted conventional petitions and as many as 75 % of those who submitted Public Petitions declared that in a similar situation they would again submit a petition. This apparent contradiction between the critical assessment of success and the persistent intentions to continue using the system can be explained by the fact that the motives for submitting petitions are varied and are not confined to the straightforward fulfilment of the request. For some petitioners, it is just as important that politicians and the general public learn of their request, so that a »solution« along the lines wished by the petitioner may perhaps be attained in the medium or long term.

## MODERNIZATION OF THE PETITION SYSTEMS OF THE GERMAN »LÄNDER«

The parliaments of all 16 individual German states (Länder), including the city states, have parliamentary petition bodies. Four Länder also have a parliamentary ombudsman. Overall, the state parliaments receive a similar annual number

of petitions – roughly 20,000 – as the national German Bundestag. Consequently, the significance of the petition systems at the level of the Länder should not be underestimated.

The Public Petitions of the German Bundestag have caught the attention of the petition bodies of the state parliaments, in many cases triggering reforms. Petitions can now be submitted electronically to the majority of state parliaments. However, a variety of different systems are used. It is foreseeable that in the near future the remaining six Länder will also introduce similar possibilities.

Public petitions based on the model of the German Bundestag (with online signature and discussion forums) are currently only offered by the city state of Bremen (since January 2010). However, the introduction of this model in the parliaments of Rhineland-Palatinate and Schleswig-Holstein is imminent for 2011. Schleswig-Holstein will not be establishing discussion forums. Overall, there is considerable interest in the experience of the German Bundestag with Public Petitions but that does not automatically mean that this model is adopted at individual state level. Some committees hold public sessions, including the participation of petitioners, on a case by case basis. There are no plans to introduce a quorum for this facility.

### MODERNIZATION OF THE PETITION SYSTEM IN THE UNITED KINGDOM

The petition system of the United Kingdom is very closely tied to the birth of English parliamentarism. Admittedly, the importance of this petitioning and participation process has declined considerably since the Middle Ages, due to changing historical environments and political and institutional conditions. However, the petition system in the United Kingdom has been attracting renewed attention for a good ten years. At all levels of the political system, reforms of the petition system have been implemented or are currently under discussion. Despite major differences in the relevant political and institutional aims and their practical implementation, the use of the internet is a striking common feature of the current efforts at modernization.

### THE PETITION SYSTEM OF THE WESTMINSTER PARLIAMENT

In contrast with common practice in Europe, petitions cannot be submitted to Westminster directly by citizens but only through the intermediary of elected members of parliament. This means that a petitioner must first have access to a member of parliament (MP) – generally the petitioner's local MP – who can then bring the petition before Parliament (this process is known as the »MP filter« or »sponsorship model«).

Subsequently, the submitted petitions are forwarded to the relevant special committees and ministries. The special committees are obliged to include the

petitions on their agenda, whereas the ministries are only obliged since 2007 to respond to »substantial« petitions. The text of the petition and the answers rendered by the executive are published – including on the internet – by the parliamentary documentation service (Hansard).

The main criticism of this procedure is the continuing lack of results and the ineffectiveness of the petition system. Proposed reforms have been under discussion in the parliamentary committees since 2005. The aim is to achieve better integration of the petition system in the parliamentary processes, in combination with increased public awareness, e.g. by the introduction of an electronic petition system and by debating particularly interesting petitions in Parliament's Westminster Hall or, if a quorum is attained, in plenary session. However, the majority of MPs are of the opinion that the MP filter should remain in place. The reintroduction of a petitions committee is also not demanded. However, the efforts at reform have come to a standstill. The reasons for this are probably the change of government in 2010, insufficient resources and a diffuse and not easily comprehensible scepticism on the part of the government towards any upgrading of the parliamentary petition system. Parliament is evidently too weak in relation to the executive to implement a modernization course of its own for the petition system.

### THE PRIME MINISTER'S E-PETITION SYSTEM

The e-petition service of Number 10 Downing Street was established in November 2006 and deactivated shortly before the election of the new British Parliament in May 2010. It will no longer be operated in its original form. Users were able to submit and publish their requests and collect signatures on this e-petition platform. To obtain a response by e-mail from the government, the petitioner had to achieve a quorum of at least 500 online signatures.

Judging by the usage figures, the Prime Minister's e-petition system was outstandingly popular. Between December 2006 and January 2010, more than 67,000 e-petitions were submitted. Of these, the petitions admitted for consideration obtained a total of 11.8 million electronic signatures. Roughly 7 % of the e-petitions managed to attain the quorum of 500 signatures. One petition received 1.8 million supporters.

Criticism has focused on the lack of integration of the e-petitions system in the decision-making routines of the executive, with the result that the further processing of the petitions was largely at the discretion of the Prime Minister's office. Also, this system fitted well with the policy of the government of the time, namely to further increase the concentration of power in the hands of the Prime Minister and to influence public opinion through direct communication with the electorate. Another problem was that many citizens could wrongly interpret the e-petition with quorum as a plebiscitary exercise with significant influence on

decision-making. In addition, public debate of the pros and cons of a petition was not envisaged in the context of the e-petition platform.

The new government has announced a modified revival of e–petitions to the Prime Minister or to the British Government. If these plans are implemented, the chances that the House of Commons will modernize its own petition system will be even slimmer, because two new systems would be very difficult to justify. In any contest between the executive and legislative, Parliament would most likely be defeated.

## PETITIONS TO THE SCOTTISH PARLIAMENT

The exceptionally modern e-petition systems introduced first in the Scottish and then the Welsh Parliament are linked to the constitutional reforms of the Blair government, which shifted administrative and legislative competencies from central government to the national assemblies of Scotland, Wales and Northern Ireland (devolution). The particularly favourable conditions of a newly constituted parliament and the clear will to demarcate the new structures from certain elements of the Westminster system were used to create a petition system designed to follow the principles of accessibility, openness, responsiveness and the encouragement of participation by individual citizens, with respect for equal opportunities.

The Scottish Parliament was the first elected assembly in the world to introduce an electronic petition system and integrate it into parliamentary procedure. In particular, the technological functionalities of internet-based signing and discussion of petitions on the »E-Petitioner« system have attracted considerable international attention and recognition by academics and politicians alike. Enthusiasm for the pioneering use of communication technology by the Scottish petitions committee has for a long time prevented many observers from recognizing other remarkable features provided by the petition system of the Scottish Parliament. This system is characterized by an intensive effort to involve petitioners in the petition process and to make all of its stages transparent.

As a guarantee of appropriate processing, a petitions committee was established, usually meeting in public session with the active participation of petitioners. The petition system has neither a MP filter nor a quorum. In addition to written and electronic submissions (by email), petitions can be presented in person, by telephone, as a video and in future even by SMS.

The petition system is marked by an exceptionally high degree of transparency and publicity. Accessibility for citizens is not confined to the fact that the committee hearings are held in public as a matter of principle and can be accessed online by webcast. In addition, all petitions – whether submitted by conventional means or electronically – together with the details of the petitioners, the num-

ber of signatories, the relevant background information, opinions and documents used in processing the petitions and the minutes of the meetings are published and can be accessed on the internet. On the question of the contents of the discussion forums, the discussions were initially made available to the members of parliament in a summary of about two pages. However, this system was subsequently abandoned due to the excessive work involved and the insufficient interest shown by delegates.

The number of petitions submitted annually to the petitions committee of the Scottish Parliament has hovered around 100 over the last few years. All petitions without exception are published on the internet. Approximately 90 % of petitions are submitted electronically by e-mail. The proportion of petitioners that also use the »E Petitioner« for collecting signatures and public discussion has risen from 20 % initially to almost 100 % at present. Roughly 30 % of petitions obtain more than 100 signatures.

In addition, the status and performance of the system is continuously monitored, including with the aid of academic evaluations, and continual efforts are made to identify and implement further improvements. For example, the E-Petitioner software has now become outdated and will be replaced. Petitioners are encouraged to clarify the content of their petition by videos, which are made available to the public by internet. The committee keeps the public informed via a blog and also uses social networks such as Facebook. However, it by no means confines its activities to the internet and other modern communication technologies, but also, for example, holds committee hearings outside the capital and cooperates with selected consortia and institutions in its publicity work.

## PETITIONS AND THE WELSH NATIONAL ASSEMBLY

With a view to the admissibility conditions for petitions – a petitions committee has been in existence since 2007 – the Welsh National Assembly has opted for a quorum, albeit at a low level: the petition must be supported by at least ten signatories or by a corporate body. In Wales too, many petitioners are invited to attend the committee sessions to present their case in person.

Since April 2008, and now with new, improved software, petitions can be submitted, published and signed via the internet. In contrast with Scotland, but along the lines of the German Bundestag, personal registration is required, and, as in Germany, this requirement is a source of controversy. Discussion forums on the individual e-petitions are only established at the petitioner's request and are not integrated in the e-petition system. This procedure differs from both the Scottish and German models. However, this possibility is hardly used.

During the third legislative period (2007–2011), the petitions committee processed a total of 215 petitions; of these, 95 were submitted to the committee as e-petitions.

## OMBUDSMAN INSTITUTIONS IN THE UNITED KINGDOM

The United Kingdom, like other countries, provides citizens with many channels for registering complaints concerning the actions of the administration and for obtaining redress. However, unlike many continental European countries, the United Kingdom does not have an extended system of administrative courts providing citizens with a multistage procedure for taking action against administrative acts. Consequently, in the UK, citizens have to rely on political and quasi-political remedy in the event of wrongful administrative acts. Remedy must partly be sought via the complaints procedures of the official administration concerned, which in some cases offers multiple complaint levels, and, after exhausting this formal complaints channel, via ombudsman institutions.

As a result, in the United Kingdom, a highly complex and almost confusing system of individually differentiated ombudsman bodies exists at all levels of the State. At the national level, the Parliamentary Health Service Ombudsman (PHSO) based in the House of Commons is without doubt the most important complaints body. Separate ombudsman institutions also exist in the two devolved systems of Scotland and Wales: the Scottish Public Services Ombudsman (SPSO) and the Public Services Ombudsman for Wales (PSOW). At local government level in England, the Local Government Ombudsman (LGO) has been established.

To submit complaints to the PHSO, the complainant must have the support of a member of parliament (this rule does not apply to complaints concerning the health system). The PHSO itself has so far advocated the dismantling of this access barrier in vain, because MPs do not wish to give up their central role as the intermediary authority between (constituency) citizens and government. In the course of investigating and processing complaints, the PHSO can exercise extensive powers of inquiry derived from the parliamentary rights of control and inspection. In particular, this includes the right to inspect official documents and the possibility to question members of the administration. If the investigations confirm the existence of misconduct by the administration, the PHSO generally issues the demand for redress. Redress can take the form of both formal apology to the citizen and the payment of compensation. However, the ombudsman has no authority over the institution the complaint was directed at.

Utilization of the PHSO service is considerable. In its last annual report (2009/2010), the organization states that it received more than 23,600 inquiries. However, only 356 complaints led to a detailed examination.

To compare the parliamentary petition systems of Germany and the UK, we would not only have to take into account the different structure of political institutions in Britain but also the parallel nature of the British parliamentary petition system and ombudsman institution, which does not exist at the national level in Germany. The fact that in the British context one generally talks of »Public Petitions« underlines the different purposes ascribed to petitions on the one hand, which are addressed to politicians and the public administration, and complaints on the other hand, which are more personal in nature and are addressed to the ombudsman institutions.

## MODERNIZATION OF THE PETITION SYSTEM IN THE EUROPEAN PARLIAMENTS

The survey of the petition bodies at central state parliamentary level included the 27 member states of the European Union, together with Switzerland and Norway. This study was able for the first time to specify which parliaments of these 29 countries process petitions (and in which chambers). Including the ombudsman institutions, a total of 59 petition bodies were identified at national level.

Three configurations of parliamentary petition systems can be distinguished in Europe:

> In 19 countries, petitions can be addressed both directly to parliament and to a national ombudsman institution.
> Three countries (Germany, Italy and Switzerland) do not have a parliamentary ombudsman institution at central state level but do have parliamentary petition bodies.
> Seven countries, mainly the Scandinavian countries and the Baltic countries influenced by them, have only a national ombudsman, whilst parliament itself does not handle any petitions.

## OVERALL TRENDS

The petition systems in the member states of the European Union are marked by significant dynamics. This is partly due to the democratization processes in Central and South-East Europe, which in most of these countries has led to the establishment of both ombudsman institutions and parliamentary petition bodies. It can be shown that past experience of arbitrary government and the absence of a due process of law in these countries have led to a comparatively higher level of formal legal obligation in the petition procedure and also to particular efforts to increase its responsiveness towards citizens.

In eight other member states of the EU, new ombudsman institutions have also been established since 1980 – most recently in Luxemburg in 2003. Meanwhile, with the exception of the former communist countries, no new parliamentary

petition bodies have been introduced at central state level. At present one modernization trend is directed towards the regional and local level, where new petition systems are being established in individual countries, while a second trend is directed towards increased use of digital information and communication technology.

## MODERNIZATION AT THE LEVEL OF THE PARLIAMENTARY BODIES

E-mail is already a standard feature of parliamentary petition systems, but the same cannot be said of their web-presence. Only ten out of 21 parliamentary petition bodies have their own website. Moreover, many of these petition bodies currently have little or no interest in establishing or improving their presence on the internet. A system for public e-petitions at overall national level as in Germany does not exist anywhere else. This picture will change once Lithuania and Luxemburg implement their current modernization plans in this field.

Some countries do not rely on modernization by services on the internet alone but on the wide variety of media available for informing the population about the petition system and enlisting their participation. These media facilities range from broadcasts produced either by the petition bodies themselves or in cooperation with television channels (Austria, Czech Republic) to the support of petitions via SMS (Scotland) and the use of blogs (Scotland and France). Other countries have waived the requirement that petitions must be submitted in writing (for example Portugal, Slovenia and Hungary), whilst others have a network of distributed offices or cooperation partners in their country (France, Portugal, Slovakia and Wales) or have established call centres (e.g. a telephone hotline for children in Portugal). These comprehensive strategies take into account the fact that internet only has high appeal for specific population groups, but not for others.

The parliamentary petition systems of Austria, Bulgaria, Germany, Lithuania, Luxemburg, Portugal, Slovakia and the Czech Republic have been identified as protagonists of modernization at national level. Parliaments that operate a specialized petitions committee generally have a petition system that is closer and more responsive to citizens and tend to be more open to public participation. Among the parliaments without a petitions committee are those that follow the Westminster model of accepting petitions only through the intermediary of a member of parliament (MP filter). Petition systems that can rely on a petitions committee tend to have slightly higher degree of assertiveness, which may stem from a stronger role of parliament compared to the executive power in the countries concerned.

## COMPARISON OF PARLIAMENTARY PETITION BODIES WITH OMBUDSMAN INSTITUTIONS

Comparison between the parliamentary petition bodies and the ombudsman institutions shows that ombudsman institutions are much more homogenous. Here, the emphasis is on the protection of individual rights and the handling of complaints concerning administrative actions. The concrete structure of the complaints system differs only in detail between ombudsman institutions.

The differences between the ombudsman institutions are found more in the additional functions (e.g. conflict mediation and the provision of expert advice in the legislative process). The fact that complaints to ombudsman institutions concern public affairs less frequently than is the case with petitions to parliament, with the consequence that involvement of the public is less frequently sought, does not imply that opening up the system for »greater public involvement« is not a concern of the ombudsman institutions.

In countries that have both a petition system in the lower house of parliament and a parliamentary ombudsman institution, the petitioning level of the ombudsman institution is invariably higher. None of the parliamentary petition bodies receive more than 50 petitions per 100,000 inhabitants per year, whereas roughly two thirds of ombudsman institutions do receive more than 50. All ombudsman institutions have a high or medium level of responsiveness. In direct comparison between the responsiveness of the ombudsman institution and the lower house petition system of a country, the ombudsman institution scores higher in all cases but one (the exception is Lithuania).

Today, all ombudsman institutions offer an extensive or very extensive range of internet-based services. When it comes to the online signing or discussion of petitions on the internet, the parliamentary petition bodies seem to be more active.

## THE GERMAN PETITION SYSTEM COMPARED TO THE REST OF EUROPE

In general, the parliamentary petition systems in Europe have so many national peculiarities that it is impossible to speak of a single dominant model. Germany is one of the few countries that gets along without a parliamentary ombudsman (the others are Italy and Switzerland). It is also one of the few countries to have introduced quorums into the petition procedure (as have Austria, Portugal, Slovakia and the Czech Republic). The consideration of both personal complaints and public affairs by the parliamentary petition body, as in Germany, is by no means a rarity. The majority of petition bodies surveyed handle petitions concerning the private as well as the public domain (»res privata« in addition to »res publica«).

On the question of the intensity of petitioning activity, the petition system of the German Bundestag has one of the highest levels of activity in comparison to the

petition systems of other parliaments. However, if ombudsman institutions are also included in the comparison, since many petitions that are submitted to the petitions committee in Germany would be submitted to the ombudsman institution in other countries, Germany drops to a lower middle place in the rankings.

In the criterion of responsiveness, the German petition system scores highly. However, we should note that Germany performs comparatively weakly in terms of petitioner support and involvement during the procedure. Here, a more detailed analysis of the services and activities of other countries, together with an assessment of their transferability, may be merited.

At national level, the German Bundestag's public e–petitioning system is unique in the EU. Of the countries wishing to expand their internet-based services, Luxemburg is explicitly planning its e-petition system with reference to the one of the German Bundestag. Increased communication between the countries establishing e–petitioning systems for the first time or expanding their existing services would appear to be advisable. This exchange of experience should without fail include the ombudsman institutions with highly developed and particularly innovative web services.

Medium term one can expect petitioners who want to be able to find out instantaneously about the progress and status of their petition online. The plans of the Lithuanian parliament already take this type of demand into account. It is envisaged that the users of the system will be able to follow the progress of the procedure and to obtain information on the proceedings – by pull or push technologies. It is also envisaged that submitted petitions may be revised, supplemented or even withdrawn. The IT ideal revealed in these plans, transposed to the petition system, is one of user involvement at any point, flexibility and reversibility. This model may contain some suggestions how to improve the e-petition system of the German Bundestag.

Overall, the TAB analyses presented here rebut the assertion that the German Bundestag's petition system is a special case. Overall, the petition systems based at the parliaments of European countries have a highly heterogeneous character and for various historic reasons do not follow any one general model.

### FURTHER NEEDS FOR EMPIRICAL RESEARCH

The petition system of a country can be seen as a complex configuration of different bodies. The present report deliberately focuses on the parliamentary petition systems at national level. In subsequent studies, this perspective should be broadened. Firstly, the analysis at national level should also take into account the possibilities of petitioning the head of state, government, prime minister and individual ministries. Secondly, the study should be extended to the regional and local levels. In particular in the case of countries where different nationalities or

moves towards greater autonomy play a major role, such as in Switzerland, Belgium or Spain, analyses of the sub-national level, as presented in this report for the UK, would bring to light important additional knowledge of the respective petition systems. One possible starting hypothesis could be that states with weak parliamentary petition systems at the overall national level can compensate for these weaknesses at a sub-national level.

Another set of questions that is relevant both in practice and to political science theory concerns the transformation of petitions systems and their functions in the age of the internet. Here, research should consider not only the parliamentary petition bodies instituted at national level but also all other petition bodies that increasingly make use of the internet when providing their services. Moreover, it would be important to determine the changes to petitioning in the context of a changing civil society. Firstly, one line of research should be to investigate how internet activities affect and modify established petition systems. For example the internet can be leveraged upstream for mobilization and promotion, concurrently through online discussion forums on the internet or downstream through the analysis and further processing of the information published by the petition bodies. The new information provided could then be picked up in the media. Secondly, studies should be conducted into whether forms of petitioning are emerging on the internet that enter into competition with the existing formalized services.

The demand for empirical research should be seen in combination with a need for theories that can both guide empirical research and assist in interpreting the results. In particular, there is a need for comparatistic approaches in political science theory that are able to correlate the transformation of the petition systems in Europe with the various macro-political variables (the parliamentary system, political culture, the forms of representation available to particular interest groups, forms of citizen participation, competition between political parties and the role of the judiciary).

## HOW TO IMPROVE THE PETITION SYSTEMS

The current reforms of the petition system can be seen in the context of three main developments: promotion and expansion of citizen participation, increased use of the internet in the political sphere and computerization of parliaments, often designated by the buzzword »e-parliament«. In this respect, it is noticeable that in the debate on the vitalization of democracy, prominent place is given to citizen-oriented petition and complaints procedures, including e-petitions. E-petitions are considered to be among the procedures that supplement – rather than substitute – representative democracy. They are characterized by substantial citizen participation, genuine control competencies and a legitimization that is less a

given attribute of formal democracy but has to be achieved in the public arena, which in turn requires maximum transparency.

The use of the internet goes hand in hand with these developments. However, use of internet alone does not lead to increased process transparency, broader access and improved chances for participation. To attain these aims, political reforms and institutional changes are required. Otherwise internet use is likely to become nothing but a bogus appearance of modernization.

In many cases the combination of political and institutional reforms with technical modernization seems to be succeeding particularly well for petition systems. Consequently, these systems are rightly the focus of the internet strategies of many parliaments. However, their importance for the »e–parliament« should not be overestimated. Here, as a rule, the main aim is the provision of information, whereby parliaments inform citizens of their work, rather than the provision of communication facilities whereby they enter into dialogue with their voters or engage their (inter)active participation, as is the case in some e-petition systems.

## STARTING POINTS FOR IMPROVING THE PUBLIC PETITIONS OF THE GERMAN BUNDESTAG

Against the background of the analyses presented in this report, various starting points have been identified for further improvement of the current system of Public Petitions of the German Bundestag, and options for further development are discussed. These proposals have been developed on the basis of four guiding principles:

> for the public: understandable and precisely described targets and aims of the overall process and each procedural step;
> for the petitioners: extensive participation possibilities and decision-making powers in the process;
> equal treatment of public and non-public petitions as a matter of principle;
> avoidance of process stages that are exclusively possible on the internet.

The argument for a pragmatic approach of incremental improvements is backed by the fact that the German Bundestag after seven years of Public Petitions can boast a well-established procedure that is widely used and publicly known and also shows a considerable degree of modernization in international comparison. Also, the newly commissioned software development that should enter operation in 2012 will provide an improved e-petition platform with high capability for future expansion, whilst reducing or eliminating known problems of use. The proposed improvements concentrate on problematic aspects of the current practice in three key parts of the Public Petitions process: admissibility, signing and online discussion.

In the case of admissibility of a petition as »Public Petition«, petitioners and the public criticize the low acceptance rate of petitions for consideration. Many conflicts can be avoided simply by defining more clearly the admissibility criteria and explaining the reasons in case of non-publication in a comprehensible way. Moreover, alternative selection procedures can be considered. If selection is at random – for example a weekly draw of ten petitions for publication – there would no longer be a need to provide reasons for refusal. In addition, every petition without exception would have the same chance to be published. One disadvantage of this procedure could be that some petitions not well suited for public discussion are opened to the public. Alternatively the petitions committee could select those submissions that it considers to have particularly interesting contents and that promise the most in terms of pertinent substance from online discussion and a possible public committee session.

On the question of the signing procedure, it is evident that the six-week time limit for signing and discussion and the three-week time limit for attaining the quorum of 50,000 signatures required for invitation to a public committee session should be aligned. In some cases, the setting of the time frame – within certain limits – could be left to the discretion of the petitioners themselves, who could then consider whether they are primarily interested in a rapid procedure or in a comprehensive debate and mobilization for signatures. Moreover, the existing practice, whereby signatures on the internet and on paper or fax are counted together, could be adopted in the procedural principles and in the public information on the petition system. Finally, the current publication of the names of the signatories on the internet does not seem to be absolutely necessary. It could be fully avoided or attenuated by the option for anonymization. Today signature lists that are submitted for mass or group petitions are also not accessible to the general public.

One innovative and in principle proven component of the Public Petition is the mandatory establishment of a discussion forum on the e-petition platform. However, the expectations of petitioners and users on one side and members of parliament on the other regarding the purpose of these forums differ widely. A clarification of this question would doubtlessly help to avoid unrealistic expectations and subsequent disappointments. In addition to the question whether politicians should also take part in the forums – something that many citizens expect – the key problem is whether the contents of the debates on the petitions should be taken into account when considering petitions. If this is the idea and purpose of the forums, the appropriate technical and human resources will have to be provided in order to draw up appropriate evaluations that can be taken into account in the petition process. If the forums are to be kept open not only during the signature collection phase, as is the practice at present, but also during the entire petition handling process, current questions concerning the petition

could be tackled in the discussion forum by the public, by the petition supporters and also by political representatives. This suggestion too can only be implemented if the necessary human resources are provided.

As a basic principle, every effort must be made to ensure that all functions of the petition process are provided both by conventional and electronic means. Obstacles between the »paper world« and the »internet world« should not be built up but broken down. For example, Public Petitions are not accessible to all who cannot or do not wish to use internet, because electronic submission is mandatory for these petitions. This obligation is difficult to justify.

The petitions committee should generally utilize the facilities and the potentials of a wide variety of media. This does not only apply to digital media – the keywords here being in particular digital videos, smart phones and social networks – but also to the traditional media: many people wish to submit petitions in person or by telephone. To foster active publicity work by the petitions committee, cooperation with radio and TV broadcasters would seem appropriate. Successful examples of this type of cooperation can be found in other countries.

The introduction of Public Petitions was only partially successful in winning over new population groups that had previously made only little use of petitions to the German Bundestag. Whilst the system has had some success in attracting young people to petitioning, the petitioners are still predominantly male, educated well above the average and politically committed. If one aims to expand participation in the petitioning process, addressing only the internet is not sufficient. A few other measures merit mentioning as examples: Population groups that do not have German as their mother tongue could be addressed in their own language. The obligation to submit petitions in writing could be rethought. In cooperation with citizens' offices, public libraries, schools, clubs or media, attempts can be made to bring the petitions committee based in Berlin closer to people and the regions.

Not all these suggestions are resource-intensive or personnel-intensive. However, in the final analysis, sufficient financial and human resources will have to be set aside in order to satisfy the basic right to petitioning in a modern shape. An increase in the current staffing level of the petitions committee, compared to the other petition bodies, seems to be entirely justified in view of the central importance of the petitions committee for compliance with Article 17 of German Basic Law and also in view of the continuous modernization requirements.

## FURTHER DEVELOPMENT OPTIONS

In the framework of the current standing orders of the German Bundestag, Public Petitions constitute an outstanding premium service due to their discourse oriented functionality and their wide acceptance. However, given their limitation

to a small percentage of all petitions, they also represent a niche service. Up to now, the attempt to integrate them into existing procedures and to avoid special regulations and processes has not been successful in every aspect. Finally, three possible scenarios for the future transformation of the German Bundestag's petition system will be outlined, together with the related advantages and disadvantages.

Firstly, we can imagine transforming Public Petitions from the exception to the rule. Most petitioners would welcome this development. The principle of handling every petition by the same procedural rules could again be installed. The Public Petition as (only) an »additional service« would therefore be given up.

Making all petitions public as a matter of principle would solve many detailed problems. For example, at present, it is not possible for petitioners to check in advance of their submission whether a petition with an identical or similar content already exists, because more than 95 % of all petitions are not publicly accessible. Another possible argument for the publication of petitions on principle is that the strongest pressure for implementing the decisions of the petitions committee stems from the public, because the committee by itself does not have any implementing competence in relation to the executive.

Naturally, aspects of privacy and data protection would have to be taken into account. This could be achieved by allowing the petitioners themselves to decide whether they wish their petition to be considered as public or non-public. Moreover, the personal details that may be listed in petitions, in particular names, could or would have to be anonymized as a general principle.

Secondly, certain problems in the admissibility of Public Petitions could be avoided by introducing a national ombudsman competent for petitions pertaining to the »res privata« domain, thereby allowing the petitions committee to concentrate on petitions in the domain of »res publica«. The argument against this proposal, which has been debated recurrently over the last 50 years, is that the petitions committee could thereby lose its »trademark«: universal competence. Moreover, the division into »matters of general public interest« and other matters is problematic. From the surveys of persons submitting conventional (non-public) petitions, we know that 84.5 % of petitioners wish to initiate a change in the law by their petition, and therefore see themselves predominantly as political actors. There would also be a risk that the petitions committee of the German Bundestag would lose some of its political weight. In any case, this conclusion is indicated by the survey of the petition bodies and ombudsman institutions of the European parliaments. At present, the petitions committee of the German Bundestag is rated in international comparison as one of the most clearly profiled petition bodies in terms of its competencies and responsibilities, human resources, willingness to reform and its public perception. There is every

reason to ask whether this position could be maintained with the establishment of a national ombudsman.

Thirdly, petition systems could be further developed as an element of direct democracy. This type of procedure does not yet exist at national level, with the exception of Article 29 of German Basic Law on territorial reorganization. The introduction of quorums in the petition system, starting for the first time in 2005 (50,000 signatures required to handle a petition in a public committee session) and the planned introduction of a further quorum of 100,000 signatures for the discussion of a petition in plenary session with subsequent transfer to the special committees, are indications that petitions are slightly moved in the direction of an instrument of direct democracy, which is generally referred to as »popular initiative« (Volksinitiative) in the individual German Länder. This change can be seen as a notable appreciation and revaluation of petitions. The objection that the right of petition could lose its character as a clearly demarcated individual right could be raised against a development of this nature. The right of petition, precisely because it does not pose special requirements, provides individuals and minorities with access to the state and to the parliament in particular.

# INTRODUCTION                                            I.

Petitions have become a topic of public discussion. In 2009, reporting in the five major national daily newspapers almost tripled compared with previous years.[2] Petitions themselves have also acquired a public character: some of the petitions submitted to the German Bundestag can be viewed on its website; an individual can add his/her name in support and can discuss a petition's contents in an online forum. In some cases, petitioners are invited to attend public sessions of the Petitions Committee in order to present their matter personally before the Committee.

This is the result of a distinctive innovation in the petitioning system of the German Bundestag that was implemented in 2005 and that involved the introduction of Public Petitions.[3] It would appear that the enhanced level of media perception is linked to this modernization. This TAB report, which was produced on behalf of the Committee on Education, Research and Technology Assessment and on the initiative of the Petitions Committee, conducts a detailed analysis of the changes in the petitioning system of the German Bundestag and also considers the use of the internet in the parliamentary petitioning system within Europe.

## THEMATIC BACKGROUND                                    1.

Use of the internet by political institutions for political purposes and for improving political commitment has been tested, developed and controversially discussed for as long as the internet has been in existence. Periods of euphoric hope for a strengthening of democracy have repeatedly been replaced with scepticism about the internet's ability to promote democracy through to scenarios threatening the end of predictable politics in a digitalized world – as encountered again, but not for the first time, at the end of 2010 during the Wikileaks debate.

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2   From 1995 to 2008 an annual average of 75 articles relating to the topic of petitions and the German Bundestag appeared in FAZ (Frankfurter Allgemeine Zeitung), FR (Frankfurter Rundschau), SZ (Süddeutsche Zeitung), taz (tageszeitung) and Die Welt. In 2009 the figure was 201 articles, and in 2010, 132 articles (research in the Genios-Pressedatenbank [Genios press database] in January 2011).

3   In the following, the term »Public Petitions« (upper case) refers to the special form of petitions of the German Bundestag; the term »public petitions« (lower case) does not refer to this relationship with the German Bundestag.

Academics have followed these differing trends at a certain distance; they have tracked the debate and fuelled it with their own contributions while also endeavouring to conduct an empirically-founded analysis of the subject.[4]

This TA study examines the use of the internet in the petitioning system, i.e. a service established by a governmental player, a parliament, that enables the exercising of a fundamental democratic right and that offers citizens the opportunity to find out information and also in some cases to communicate and participate, thereby facilitating their participation in political life. To use common »e-terminology«, the study belongs to the fields of e-democracy, e-parliament and e-participation. The following sections firstly provide an examination of the general characteristics of the petition system, before considering the special features of e-petitions and then concluding with key questions for consideration.

## PETITIONS                                                              1.1

Petitions represent a very special form of citizen participation.[5] Essentially, they concern the relationship between the citizen and the state and its institutions and services. This gives them a fundamental political character. They cover an extremely broad range of cases and subjects ranging from requests from individuals for personal assistance and complaints about administrative decisions that are perceived to be inappropriate or unjust through to topical, widely discussed and highly explosive political demands. This spread between personal or even private matters and political action is by no means a new characteristic of petitions and can be traced far back in the history of petitioning. It also means petitions can be submitted both by individuals and also by groups comprising many people.

Petitions represent an element of the participative process in which citizens can place their own topics on the political agenda and are a particularly non-bureaucratic participatory instrument. Petitions involve very few formal requirements and hardly any costs for petitioners.

Whereas the »input side« of the petition process can be described as very open and straightforward, formal enforcement possibilities are extremely limited. When compared with, for example, court procedures or variants of citizen lawmaking, petitions are extremely weak as regards enforcement capabilities. Initially, the right of petition that is enshrined in the constitutions and laws of

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4    For an overview of the last five years, the reader is, for example, referred to Coleman/ Blumler (2009), Grunwald et al. (2006), Hindman (2008), Lindner (2007), Schrape (2010).
5    A more detailed discussion on the characteristics and functions of petitions can be found in Riehm et al. (2009a, p. 37 ff.).

many countries merely guarantees that petitions will be received and that petitioners will be protected against disadvantages that could be suffered as a result of a petition. Different countries have differing regulations concerning the extent to which the body to which the petition is addressed actually deals with petitions, which individual rights of examination a petition body has, whether the petitioner is entitled to demand a decision or what means are available to the body to which the petition is addressed in order to validate the implementation of its decisions. However, features such as minimum obstacles to submitting petitions and a low level of powers of enforcement on completion of the process are, to a greater or lesser extent, common to all petitions.

Nevertheless, petitions do not necessarily have to remain without consequence or »useless« (Röper 2004, p. 118):

1. Under the traditional practice of »supplication«, a citizen asked the sovereign ruler for a particular favour. This »humble request« has continued in the petition system of dictatorships (for example in the system of submissions to the Chairman of the State Council of the German Democratic Republic) and presidential governmental systems (as in Russia today). This tradition of a particularly personal and direct relationship between citizens and the head of state has also left its mark on modern parliamentary petitioning systems. In highly representative parliamentary democracies, parliaments have in most cases been able to assert themselves vis-à-vis the government and the head of state as the recognized body to which petitions are addressed. However, the traditional concept of a process for the bestowing of favours that is removed from the public and devoid of transparent procedural rules does also continue in these countries.
   Therefore, criticism is sometimes expressed that in modern democratic societies, it is ill-befitting for citizens to act, as they do in the petition process, as supplicants vis-à-vis the state. This has prompted calls for a right of petition where the petitioner can address the petition body »at eye level« and on an equal footing.[6] This study does not examine whether this criticism is justified. It can, however, be said that citizens do have repeated success in making requests using this conventional means where the petition body acts as an intermediary. The extent to which this process that is based on the tradition of advocacy and the bestowing of favours is still relevant in an open, democratic

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[6] As expressed by participants at an expert conference of the Hanns-Seidel-Stiftung held in Munich on 16.11.2010 on the subject of »Public Petitions and Popular Initiatives«. See also, for example, Bockhofer (2004, p. 7): »With such political petitions, the practice of parliamentary handling ... has since 1949 been akin to a second-class burial«. Cf. also Röper, for whom the current petition process still resembles early constitutionalism: »The renouncement of external requirements (informal) and the temporal freedom (absence of deadlines) is consistent with the low success rate (useless), especially in cases of politically explosive (mass) petitions« (Röper 2004, p. 118).

state of law requires further investigation. If petitions are also seen as »emergency anchors« or as »emergency phone points« for the individual citizen that offer solutions, that offer scope for decisions and that do not merely consider formal, correct application of the law, then this method of attempting to achieve a non-bureaucratic solution may still be appropriate and meaningful.

2. Under the tradition of popular and mass petitions, petitions are an instrument of political mobilization for citizens' demands to governmental organs. The fact that in many countries, the parliaments have become the central body to which petitions are addressed correlates to their role as the representative of the people in a parliamentary democracy. Although citizens quite rightly address the parliaments, the division of power means they have often contacted the »wrong« body. This is because in many cases where the object of a petition involves grievances against and suggestions for the executive power, the parliament has no direct potency and can only be effective in an indirect way by making recommendations and demands. In this situation, then apart from the aforementioned bowing and scraping, the only remaining lever of support is the power of a better argument, but in order to be effective this needs public openness and political mobilization.

Against this background, it makes sense for the analyses below to focus on the parliamentary petition system. However, the German model of a strong, relatively all-embracing and independent petitions committee is just one of many alternatives. There is neither an ideal nor a prevailing or dominant model. The ombudsman institution, which is another popular model and which is often established within parliaments or assigned to them, also displays many variants in terms of remit, significance and rights.

## ELECTRONIC PETITIONS                                          1.2

In the course of its history, the petitioning system has adapted to numerous social and political changes with differing rates of success and has thus either gained in attractiveness or lost in importance. The last ten years have seen the internet become incorporated within the petition process – initially on a very sporadic basis but more recently to a far broader extent. The answer to the question of what is understood by an e-petition or online petition and what are the features exhibited by an electronic petition system is not self-evident. If we primarily consider governmental and in particular parliamentary electronic petition systems, the following distinctions are useful for gaining a precise understanding of what is meant by electronic petitions (Riehm et al. 2009a, p. 39 ff.):

> electronically submitted petitions,
> public electronic petitions,
> public electronic petitions with communicative and participative elements.

Petitions can be submitted electronically (e.g. by e-mail or using an online form). This does not necessarily mean that they are then also published on the internet. Conversely, petitions that can be viewed on the internet do not also have to be submitted before electronically. In other words, the submission process and the subsequent petition procedure are independent of one another in terms of their use of the internet.

If we consider only the petitions published on the internet, we can distinguish between a »passive« or »receptive« variant, and an »active« or »interactive« variant. In the first case, the petition and in some cases also the respective decision can be consulted. In the second case, internet users themselves can take an active role as regards the petition and use the interactive and communicative features of the internet that are implemented in an electronic petition system. These features can include, for example, signing a petition online on the internet, electronic »promotion« of a petition, making direct contact with the petitioner or public discussion of petitions in online forums.

## ASSOCIATED FACTORS AND NEW QUESTIONS 2.

TAB presented an initial TA study on »Public electronic petitions and civil participation« in 2008, which has since been published under the title »Citizen participation via e-petitions« (Riehm et al. 2009a). This study focused on an evaluation of the »Public Petitions« experimental model of the German Bundestag. TAB thus contributed to the Petitions Committee's decision to transfer the experimental model to everyday practice, a process which occurred in 2007. The study also analysed electronic (and non-electronic) petitioning systems in other countries and considered their special characteristics compared with the system adopted by the German Bundestag.

Key findings included (Riehm et al. 2009a, p. 13 f.) the fact that the petition system also plays an important role in modern democratic constitutional states and that in many cases it is gaining in value and importance, not least due to the introduction of e-petition systems. In the context of the expansion of participative internet processes of parliaments, the introduction of electronic petition systems was characterized as one of the most successful activities. Among other things, this is because the new electronic process can be easily adapted to existing conventional procedures and parliamentary-representative rules are not called into question. According to the study, electronic petition systems have found a high level of acceptance among both the general public and among politicians, but the opening up of the internet for submitting petitions has not led to an explosive increase in the volume of petitions.

The TA project »Electronic Petitioning and Modernization of Petitioning Systems in Europe«, of which the present report represents the main findings, builds on the former study setting, however, additional and new points of emphasis.

Once again, the focus is on a study of the petitioning process of the German Bundestag with its new electronic petition system and the associated Public Petitions (Chapter II).[7] Points of interest include how the introduction of the new software system has impacted on user friendliness and user acceptance since 2008 and how overall usage patterns have evolved. The question of whether the e-petitions platform of the German Bundestag has succeeded in reaching new segments of the population is of particular interest because the studies conducted by TAB in 2007 had revealed that in general, the system was mainly used by older, well-educated, male citizens (Chapter II.2.4). The new survey of petitioners is also justified by the fact that changes in people's behaviour and attitudes triggered by socio-technical innovations generally only become apparent after several years. The time frame considered now covers five years.

A new point of emphasis examined how petitioners view and evaluate the petition process once it has ended. This aspect was examined both for conventional, non-public petitions and also for Public Petitions (Chapter II.2.9). In contrast to the first study, two issues were analysed in further detail. The first aspect was the admissions procedure for Public Petitions (Chapter II.2.5), while the second aspect considered the discursive quality of the discussion forums and also the possibilities for evaluating this quality and considering it in the petition procedure (Chapter II.2.7).

Overall, these investigations aim to contribute to a continued improvement in the petitioning process of the German Bundestag and to a scientific discussion on the opportunities and risks presented by internet-based processes in terms of fostering the participation of citizens in politics (Chapter V).

A totally new focus of enquiry involved examining the modernization of the petitioning process of the European parliaments (Chapter IV). Very little was known about this aspect previously, despite the fact that in the majority of cases, the parliaments or the petition bodies assigned to the parliaments are the best known and most important points of contact for petitioners in the respective countries. The national, parliamentary systems within Europe exhibit marked differences. The national petitioning processes also reveal corresponding differences. The parliaments and petition bodies also show a greater or lesser affinity towards use of the internet. The current study considered the interplay between institutional and technical factors in the structure of modern petition processes in Europe.

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7    In the following, the term »Public Petitions« (upper case) refers to the special form of petitions of the German Bundestag; the term »public petitions« (lower case) does not refer to this relationship with the German Bundestag.

This overview was enhanced through case studies of individual countries. In this context, Great Britain (Chapter III) was selected as an interesting subject of study: At sub-state level Scotland (Chapter III.3.1) has established an internationally renowned model of electronic petition systems. The Welsh Parliament has largely followed the Scottish model for its electronic petition system (Chapter III.3.2). By contrast, at the national level, although the United Kingdom has discussed corresponding petition services, there are currently no plans to implement such a system (Chapter III.2.1). A relatively new development is the broad and binding introduction of e-petition systems at local government level in England and Wales based on a statutory obligation (Chapter III.4).

In Great Britain it is interesting to note the relationships and competing relationships between the executive and legislative powers, the different state levels and also between parliamentary and non-parliamentary petition bodies.

On the whole, these analyses pursued two questions: Firstly, how is use of the internet changing the petitioning system and secondly, how do specific traditions and features of the petitioning system affect the development of internet-based, electronic petition systems?

## ACKNOWLEDGEMENTS                                    3.

operation, their willingness to engage in discussions and finally for the quality of the texts submitted. Overall, the following individuals were involved (in alphabetical order): Stephen Albrecht, Nicolas Bach, Birgit Böhm, Stephan Bröchler, Tobias Escher, Johannes Fritz, Johanna Hintz, Jörg Hofmann, Nils Jonas, Herbert Kubicek, Barbara Lippa, Oliver Märker, Jessica Reiter, Jan Schank, Sophie Scholz, Beate Schulte, Roland Sturm, Matthias Trénel and Heike Walk. The expert reports are listed individually in Chapter VI.1.

Petitioners also made themselves available for focus group meetings. These meetings and discussions gave us a valuable insight into the motives of petitioners and the way they deal with the petitioning process of the German Bundestag. With regard to the extensive survey on modernization trends applicable to the petitioning systems of European parliaments, we were able to rely on the committed support of a large network of contacts at the parliaments, in some cases supported by the embassies of the respective countries in Berlin. Similarly, we should like to extend our grateful thanks to the interview partners in Great Britain and also in Scotland and Wales. Naming all the individuals in these groups would take too long here and in some cases the individuals concerned did not wish to be named.

Katrin Geske worked with the project team during her internship at TAB, and in her role as academic assistant, Anette Rößler provided valuable input for Chapter III. Thomas Petermann commented on initial draft manuscripts for this report. Brigitta-Ulrike Goelsdorf assisted with the final editing of the manuscript and produced the printer's copy. We also extend our grateful thanks to these people and to all others whom we have not named individually. Any remaining shortcomings and errors are attributable solely to the authors.

# MODERNIZATION OF THE PETITION SYSTEM IN GERMANY                                    II.

Following a brief introduction on the legal structure of the petition system in Germany, on the main steps in the modernization process and on the use of the petition system and the way it is viewed among the population (Chapter II.1), we take a detailed look at the petition system of the German Bundestag (Chapter II.2). Our examination begins with a general outline of the petition process of the German Bundestag (Chapter II.2.1). This is followed by a description of the reform that was implemented in 2005 and which resulted in the introduction of Public Petitions[8] (Chapter II.2.2).

Chapter II.2.3 then uses a long-term comparison to consider the effects of this reform on the volume of petitions. Chapter II.2.4 focuses on how conventional petitioners and new petitioners who use the internet differ in terms of their social origins, their political commitment and their affinity with the internet.

The subsequent sections consider key elements of the petition process for Public Petitions: the admissibility process (Chapter II.2.5), petition signing (Chapter II.2.6), the online forums for the discussion of petitions (Chapter II.2.7), the public committee meetings for dealing with petitions (Chapter II.2.8) and the question of petitions' success once the process has ended (Chapter II.2.9).

These sections are followed by one containing an overview of the petition processes in the parliaments of the German Länder (federal states), which focuses on the current efforts to implement reforms (Chapter II.3). A concluding summary follows (Chapter II.4).

These discussions focus on the parliamentary petition process at federal and Länder level. By contrast, the submission and petition system at municipal level, at the level of the executive power (ministries, government representatives, public authorities) and of semi-autonomous and private institutions is not considered in more detail below. In some cases, there are overlapping spheres of responsibility with the parliamentary petition bodies. The non-parliamentary petition bodies represent an area that has been the subject of even less systematic research than the parliamentary petition bodies (ifib 2010a; Riehm et al. 2009a, p. 68 ff., 83 ff., 89 ff., 241 ff.).

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8    In the following, the term »Public Petitions« (upper case) refers to the special type of petitions submitted to the German Bundestag; the term »public petitions« (lower case) refers to petitions in general that are made accessible to the public in one form or another.

## LEGAL BASES, GENERAL DEVELOPMENT AND ESTEEM IN WHICH THE PETITION SYSTEM IS HELD IN GERMANY     1.

Chapter I of the Basic Law (Grundgesetz) of the Federal Republic of Germany, which focuses on basic rights, contains Article 17, which guarantees the right of petition. The wording used in this Article – namely »Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature« – is almost identical to the wording in the 1849 »Constitution of St. Paul's Church«[9] and to that used in the »Weimar Constitution« of 1919. As an aside, it is today interesting to note that when the Basic Law was being drawn up, the inclusion of a basic right of petition was not entirely uncontroversial since at the time, some people considered this »antiquated« (Riehm et al. 2009a, p. 50 f.).

Since the establishment of the Federal Republic of Germany, the petition system has been further strengthened, expanded and modernized from both a legal and institutional viewpoint. At this conjecture, it is in particular important to mention the constitutional reform of 1975, in which Article 45c of the Basic Law enshrined the Petitions Committee as a committee that must be in place in each legislative period (»mandatory committee«). Among the committees of the German Bundestag, this privilege is only also shared by the Committee on Foreign Affairs, the Committee on Defence and the Committee on the Affairs of the European Union. The investigative rights of the Petitions Committee of the German Bundestag were also significantly extended in connection with the 1975 reform (Riehm et al. 2009a, p. 57 ff.).

The 2005 reform of the petitioning system incorporated the internet within the petition system of the German Bundestag. However, the reform elements which made petitions public and which resulted in the holding of public committee meetings are almost more important than this technical innovation. In 2009, the Parliament of Bremen largely followed this model and other Länder will soon commence varying forms of corresponding reform processes (Chapter II.3).

The »success story« of the petition system in Germany is also reflected in its extensive use by citizens, which has experienced greater or lesser increases for 60 years. In the first 25 years from 1949 to 1974, the German Bundestag received around 7,600 new submissions each year. Following the reform of the constitution and of the petition system in 1975, this figure increased to around 13,000 submissions over the next 15 years, i.e. in the period up to 1989 (old Federal Republic). In the first ten years following German unity (1990–1999), which saw many problems of adjustment, the annual number of new submis-

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9    However, it never entered into force.

sions rose to a temporary peak of around 19,500. Although this peak figure was not reached again in the sixth decade of the Petitions Committee's existence (Petitionsausschuss 2000–2009), the volume of annual submissions remained at a high level of around 17,600 (Riehm et al. 2009a, p. 64 and own calculations based on the petition statistics of the German Bundestag). A similar total number of petitions are also received by the Land parliaments and their petition committees and ombudsmen (Chapter II.3).

Surprisingly, there was no previous information available on how well known the petition system is among the population, how it is used or its reputation. Statements on these aspects only became possible following a survey of the population conducted in November 2008 on the initiative of TAB.

According to this survey, 67 % of the population over the age of 16 have already heard of the right of petition. 21 % of people have themselves used the right of petition at least once – in some cases by submitting their own petition but in most cases by adding their signature in support of a petition. 19 % have signed a collective or mass petition at least once and 4 % have themselves initiated and submitted a petition (TAB 2009, p. 5).

Of the various petition bodies, the Petitions Committee of the German Bundestag is the most well-known. 52.4 % of the population over the age of 16 have already heard of it, whereas only 41 % have already heard of the petition committees of the Land parliaments and their ombudsmen (TAB 2009, p. 5 f.).

A representative survey of the population conducted in Austria in 2004 reveals the general level of awareness of individual petition bodies. In Austria, 75 % of the population over the age of 16 had heard or read about the »Volksanwalt« – the term used to refer to the Austrian ombudsman (IMAS 2004). This is 8 percentage points more than the percentage of people in Germany who have heard of the right of petition and 23 percentage points more than the percentage of people in Germany who have heard of the Petitions Committee of the German Bundestag. These figures indicate that much more could be done in Germany to raise awareness of the petitioning system in general and of the Petitions Committee of the German Bundestag in particular.

Comparative figures on the use of the right of petition (on own initiative and/or as a co-signatory) are available for England and Wales. According to the »Citizenship Survey« of 2007, around 24 % of the population had signed a petition in the last twelve months (CLG 2008, p. 15 f.; own calculations). If we consider the fact that this survey was restricted to just the previous year, whereas the German population survey asked the very general question of whether the respondents had ever signed or submitted a petition, the population of England and Wales reveals a slightly higher level of petitioning intensity compared with

Germany. This finding again ties in with the low level of awareness in Germany (compared with Austria).[10]

The following section initially considers the German petition system at the national level (Chapter II.2) before moving on to examine the sub-national level (the federal Länder) (Chapter II.3).

## THE PETITION SYSTEM AT NATIONAL LEVEL                    2.

The discussion below focuses on the petition procedure of the Petitions Committee of the German Bundestag. However, this should not distract from the fact that there are also numerous public and private submission and arbitration bodies. These include, for example, the Parliamentary Commissioner for the Armed Forces, the Federal Commissioner for Data Protection and Freedom of Information, the Enforcement Body for Air Passengers' Rights at the Federal Aviation Office, the Federal Anti-Discrimination Agency, the Complaints Office of the Federal Financial Supervisory Authority or the Consumer Service and the Conciliation Board of the Federal Networks Agency. The Federal Government alone has around 30 commissioners who in some cases are also involved in citizens' petitions and complaints (Riehm et al. 2009a, p. 68 ff. and 83 ff.).

In its activity reports, the Petitions Committee of the German Bundestag regularly criticizes the fact that this multitude of commissioners and submission bodies – often without any clear legal basis or orderly, transparent procedures – makes it increasingly difficult for citizens to decide on the best suited body to which they should address their individual concern (Petitionsausschuss 2010, p. 9; see also Baumann 2006 and ifib 2010a).

And yet citizens do make considerable use of such bodies. In 2009, for example, the following total numbers of consumer enquiries and complaints were received by the following bodies: the Parliamentary Commissioner for the Armed Forces 5,800; the Enforcement Body for Air Passengers' Rights at the Federal Aviation Office 3,100; the Complaints Office of the Federal Financial Supervisory Authority around 21,500 and the Consumer Service and the Conciliation Board of the Federal Network Agency around 166,000, especially in the field of telecom-

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10  Due to the respective different institutional structures and political significance of petitions, this type of comparison between countries does present its own problems. In addition, the questions asked were not exactly the same, which further complicates the comparison. It can be assumed that in some cases, participation in »simple« signature collection processes was recorded as a petition. However, this applies to the surveys in Germany and also those in England and Wales. In each case, the question does not relate to a specific petition body, such as parliament; respondents were instead asked a very general question on participation in a petition in the broadest sense of the word.

munications (BaFin 2010, p. 241 ff.; Bundesnetzagentur 2010, p. 25, 33, 48; LBA 2011; Wehrbeauftragter 2010, p. 88). Based on the annual reports already mentioned and the survey of petition bodies by ifib (2010a), then overall and without taking into account the petitions submitted to the Petitions Committee of the German Bundestag, the number of petitions and complaints received by the national petition bodies and ombudsmen alone can be estimated at around half a million per year.

## THE PETITION SYSTEM OF THE GERMAN BUNDESTAG 2.1

The petition system as a whole (Deutscher Bundestag 2007; Franke 1999, p. 77 ff.; Schick 1996, p. 95 ff.) can be divided into four phases: the preparation phase, the submission phase, the processing phase and the conclusion phase. Traditionally, the *preparation phase* – the wording of a petition text and where applicable the collection of signatures and the organization of political support for the petition – takes place outside the petition procedure within the German Bundestag in the narrower sense. A petition – together with signature lists where applicable – is only submitted to the Committee and examined by it once this preparation phase has been completed. The procedure for checking the admissibility of Public Petitions and petitions submitted by electronic means is different.[11] In such cases, the German Bundestag checks the admissibility of a Public Petition (Chapter II.2.5) before supporting signatures can be collected. This is because signatures have to be added using the functionality of the e-petition system of the German Bundestag (Chapter II.2.6). In this process, the preparation phase is also more closely linked to the submission phase than in the conventional process because cases can occur where employees of the German Bundestag who are responsible for performing the initial examination make suggestions regarding the wording of a petition that the petitioner then may incorporate.

Petitions must always be *submitted* in writing, but this can be done by post, by fax[12] or using an online form[13]. Oral personal submissions for subsequent recording in writing and oral personal submissions via the telephone are not per-

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11  Public Petitions were introduced in October 2005 but must be submitted by electronic means using a special online form; after being accepted, they are published in the e-petition system of the German Bundestag where signatures can be added and the petitions discussed online.

12  According to the German Bundestag, the »midwives' petition« of spring 2010 received 105,386 signatures via the Petitions Committee's e-petition system, and further 60,000 signed letters of support by fax sent to the Petitions Committee (www.bundestag.de/presse/pressemitteilungen/2010/pm_1006222.html [5.9.2011]).

13  Submission by e-mail was possible from September 2005 to September 2008 during the »Public Petitions« experimental model; this is no longer possible with the new software launched in October 2008.

mitted.[14] As specified in the Basic Law, »anyone« is entitled to submit a petition, irrespective of their age or nationality, and whether individually, in a group or as an organization. Public Petitions must be submitted in German; all other petitions may also be submitted in other languages.

The online form can be used to submit both individual and also Public Petitions. For individual petitions, which as a matter of principle are not made public, an »offline form« (PDF) is also available for download on the e-petitions platform. This can be completed using a computer and must then be printed out and signed before being sent by post or fax to the Petitions Committee (Fig. II.1). No provision is made for this »form« to be sent as an e-mail attachment. In order to be admissible, Public Petitions must use the online form; however, although this is the official rule, exceptions are made in some individual cases and a petition that has not been submitted by electronic means may be admitted as a Public Petition. In some cases, a suggestion may even be made to a petitioner that he should submit his petition as a Public Petition. As gleaned from discussions with employees of the Committee Service, the Petitions Committee and its 80-strong Committee Service generally endeavour to deal with citizens' submissions in the most non-bureaucratic way possible.

The submission phase also includes examining the admissibility of a petition. Submissions which, for example, only contain an opinion, in which only information is sought, which are offensive in nature or which fall within the sphere of responsibility of other petition bodies (e.g. the Land parliaments or the European Parliament) cannot be dealt with as petitions. The process for verifying the admissibility of Public Petitions is governed by special rules. Most Public Petitions submitted are not admitted as such (Chapter II.2.5) and, provided they meet the »normal« criteria for a petition, are then dealt with as non-public petitions. A preliminary admissibility check is performed by the Committee Service, while the powers of decision lie with the members of the Petitions Committee.

The actual *processing phase* for petitions that have been admitted and can be dealt with starts with an examination of a petition's contents by the Committee Service. A number of submissions are resolved during this initial check before they are actually forwarded for parliamentary consultation. This applies, for example, if the competent body is able to provide immediate relief. In addition, in cases where the Committee Service considers that petitions clearly have »no chance of success«, petitioners are informed of this directly and further proceedings are stopped unless the petitioners object. As part of this examination process, opinions on the respective subject matter of a petition are generally sought

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14   Oral or telephone submissions are permitted in Mecklenburg-Vorpommern (in person), Rhineland-Palatinate (in person, by telephone), the Saarland (in person) and Thüringen (orally).

from the competent ministries or other bodies with an obligation to provide information. In special cases the competent specialized committees of the German Bundestag are also called on to submit an opinion if the petition concerns a matter for consultation within these specialized committees (in accordance with § 109 of the Rules of Procedure of the German Bundestag). Petitions that are dealt with either positively or negatively in this way are recorded in a register and are thus dealt with at parliamentary level.

**FIG. II.1** **PETITION PORTAL OF THE GERMAN BUNDESTAG: SUBMIT NEW PETITIONS**



Source: https://epetitionen.bundestag.de/index.php?action=petition;sa=new
(19.10.2011)

Submissions that are less distinct are given corresponding opinions and draft decisions by the Committee Service and forwarded to two »rapporteurs«; these are members of the Petitions Committee – generally one member of the parliamentary group supporting the government and one member of the opposition. These rapporteurs check the documents, obtain additional opinions where applicable, speak to the competent ministries or authorities and in individual cases also hold local hearings. Since the 1975 reform, the Petitions Committee has in principle had a right, exercisable vis-à-vis the Federal Government, the federal authorities and also the federal corporations, institutes and foundations, to view files, to obtain information and to obtain access (Law on the Powers of the Petitions Committee [Gesetz über die Befugnisse des Petitionsausschusses]). It can also hear petitioners, witnesses and experts and invite representatives from the ministries to attend its meetings. However, according to Ismayr (1992, p. 449

and 2004, p. 64), these formal powers of the Petitions Committee are asserted only rarely in practice.

As a rule, petitioners are no longer included in this phase. For example, they cannot themselves verify or comment on the opinions that are received from the ministries and authorities – a right that is, for example, enshrined in the petitioning process of the Thüringen Land Parliament along with some parliaments in other countries (e.g. Scotland). However, since the petition reform of 2005, individual petitioners can represent their case directly before the Committee and respond to the questions put by the Members of Parliament if their petition already had the support of at least 50,000 signatures when it was submitted or if this quorum was reached three weeks after its submission.[15] Moreover, the Petitions Committee can also deal with a petition in a public committee meeting even if the quorum is not reached. Such instances have already occurred. As well as petitioners, representatives from the press and interested members of the public may also attend a public committee meeting. To date, around four such public committee meetings have been held each year. Usually, one or two subjects and the corresponding petitions are dealt with at each meeting, which lasts around three hours (Chapter II.2.8).

Following completion of the investigative and verification work, the rapporteurs submit a motion for a resolution to the Petitions Committee. Such a motion can, for example, state that the petition cannot be complied with, or that it should be referred to the Federal Government as material for deliberation or for consideration (text box and also Chapter II.2.9.1). A decision on the motions is then taken at these meetings of the Petitions Committee, which are always held behind closed doors.[16] Finally, they are referred to the plenary session of the German Bundestag.

In the *conclusion* phase of the entire petitioning procedure, the plenary session of the German Bundestag generally decides on lists of petitions with recommendations for resolutions and without any debate on the proposed resolutions of the Petitions Committee. Lists of petitions contain the reference number of the submission, the domicile of the person submitting it, a key word on the content of the submission and the competent supreme federal authority, but not the matter of the petition or even the actual petition text with its grounds.

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15  As stipulated in No. 8.2.1 and No. 8.4 (4) of the Principles of the Petitions Committee governing the Treatment of Requests and Complaints (Procedural Rules) in the version dated 25 November 2009 (www.bundestag.de/bundestag/ausschuesse17/a02/grundsaet ze/ [20.6.2011]).

16  The treatment of and the adoption of decisions on petitions within the Committee is largely conducted on the basis of lists of petitions with recommendations for resolutions. In 2009, 476 petitions were the subject of individual consideration. Overall, 17,217 petitions were conclusively dealt with (Petitionsausschuss 2010, p. 6).

**WORDINGS FOR FINAL CONCLUSION OF A PETITION**

In No. 7.14, the »Principles of the Petitions Committee governing the Treatment of Requests and Complaints (Procedural Rules)« (version dated 25 November 2009) propose the following sample wordings for final conclusion of a petition; these can be individually adjusted and combined and corresponding grounds must be given.

> Referral to the Federal Government for consideration because the petitioner's concern is justified and the situation needs to be remedied.
> Referral to the Federal Government for deliberation so that it can examine the matter again and consider ways of remedying the situation.
> Referral to the Federal Government as background material to ensure, for example, that the petition is included in the preparation of bills or ordinances.
> Simple referral to the Federal Government in order to point out the reasons for the resolution adopted by the Bundestag and to draw its attention to the matter raised by the petitioner.
> Forwarding to the parliamentary groups in the Bundestag for their information because, for example, the petition appears to be a suitable matter for a parliamentary initiative and to draw the attention of the parliamentary groups to the matter raised by the petitioner.
> Forwarding to the European Parliament because its jurisdiction is affected.
> Conclusion of the proceedings
  – because the matter has already been dealt with in the current electoral term;
  – because the matter has already been settled as requested by the petitioner; because there is no prospect of the relevant legal provision being amended or supplemented;
  – because the matter cannot be settled as requested by the petitioner who made the request or complaint;
  – because the conduct of the administrative agency concerned gives no cause for criticism;
  – because the matter raised in the petition cannot be dealt with.

A debate is only held if this is demanded by a parliamentary group or by five percent of the Members of the Bundestag present (§ 112 Rules of Procedure of the German Bundestag). However, this hardly ever happens. The coalition parliamentary groups of the current 17th legislative period have, however, agreed to develop and improve the right of petition so that mass petitions are also dealt with (on a mandatory basis) in plenary session of the German Bundestag (CDU, CSU, FDP 2009, p. 110 f.; FDP-Bundestagsfraktion 2011).

Following a resolution by the plenary session, the petitioners are notified in writing and in the case of Public Petitions, the resolution is published in the e-petition system together with the grounds.

The »annex procedure« is triggered in cases where a resolution on referral[17] to the Federal Government is adopted. The Federal Government is obliged to provide the Petitions Committee with information on the handling of the referral resolutions. If the Petitions Committee approves the reply, the petition process is ended; however, if the reply is considered insufficient, additional opinions may be requested or the Ministry may also, for example, be invited to attend the Committee.

During this procedural process, which is on the whole extremely extensive, protracted[18] and complex, the electronic petition system especially plays a role at the beginning, during the preparation and submission phase, and then again at the end of the procedure when the decision and its grounds are published on the internet.

## THE REFORM OF 2005 AND FURTHER MODERNIZATION STEPS  2.2

Far-reaching changes in major political institutions tend to be rare. Rather than the electronic submission of petitions, the submission of *Public* Petitions on the internet can be considered one such relatively fundamental innovation because until 2005, petitions were largely kept away from the public eye. What prompted this change? The actors and promoters among the Members of Parliament and in the Bundestag Administration were quick to use the »window of opportunity« that was offered to implement this modernising step (for details« see Riehm et al. 2009a, p. 207 f.). It is especially surprising that the momentum of innovation has continued since 2005.

### NEW SOFTWARE SINCE OCTOBER 2008

In summer 2007, the Petitions Committee decided to transfer the experimental model for Public Petitions to everyday practice, to cease using the Scottish software, which had been rated as inadequate (not least as a result of evaluations by TAB), and to replace this software with newly developed software commissioned by the Bundestag. This new software system was launched on 13 October 2008 –

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17  Referral resolutions are rare in the petitions process: in 2009 they applied to 3.5 % of the petitions that were conclusively dealt with (Chapter II.2.9, Table II.14).

18  The average length of time for processing Public Petitions that were concluded in 2009 was 464 days (Zebralog 2011a, p. 22). According to the surveys conducted in 2009, 54.6 % of conventional petitioners and 32.0 % of people submitting Public Petitions had received the concluding decision at the latest after a period of six months (Zebralog 2010a, p. 39, 160, 197).

and prompted a highly critical discussion in some internet circles. Among other things, the criticism claimed that the underlying basic software was unsuitable and that software ergonomics, key functionalities and overall performance left much to be desired. The software evaluation carried out on behalf of the German Bundestag by Zebralog (2009) and ifib (2009) at the end of 2008 and early in 2009 also indicated weaknesses, without however questioning the progress achieved compared with the outdated Scottish software used in the experimental model.

The online survey of users of the new system conducted between 13 November and 12 December 2008 (n = 292) revealed a similarly split result (Zebralog 2009, p. 20 ff.). When asked (n = 233) to assess the »overall« user-friendliness of the internet platform for petitions on a scale of 1 to 6, 40.3 % answered »very good« (1) or »good« (2), with a similar number (41.2 %) answering inadequate (5) or poor (6). The mean was 3.6. When compared with the Scottish legacy system, 49 % rated the new system introduced in 2008 as »better« or »a bit better«, whilst a similar percentage (44.9 %) considered the new system to be »a bit worse« or »worse« than the old one.

The results of the user surveys, expert evaluations and user tests revealed that the most serious shortcomings involved an unnecessarily difficult registration process, abrupt breaks in the user interface, orientation problems resulting from inconsistent placement of navigation elements, the lack of a well-integrated, informative home page, inadequate search functionalities and superfluous and confusing »community functions«. Moreover, it was not possible to ascertain if the new software system was able to facilitate an overview of the discussion forums and their evaluation – which had been identified as one of the main problems associated with the experimental model.

With regard to fulfilment of the requirements under the Ordinance on Barrier-free Information technology (BITV), it was revealed that 23 out of a total of 66 conditions of BITV were not met or were not fully met; this included 17 in the highest priority category (priority I) (ifib 2009).

Continuous subsequent improvements enabled the Bundestag to rectify some weaknesses, although some fundamental problems within the existing system could not be resolved. The screenshots below show the status in 2011 (Figs. II.2 to II.4). At peak load times involving mass petitions with large numbers of signatures and contributions in the discussion forum, even the new software experienced similar system failures and very long waiting times comparable to those repeatedly encountered with the software used for the experimental model.

FIG. II.2                              PETITION PORTAL OF THE GERMAN BUNDESTAG: HOME PAGE



Source: https://epetitionen.bundestag.de/index.php (19.10.2011)

FIG. II.3          PETITION PORTAL OF THE GERMAN BUNDESTAG: SUBMIT A NEW PETITION
(ONLINE FORM)

**Neue Petition einreichen**

Übermitteln Sie hier in nur wenigen Schritten ihr Anliegen an den Deutschen Bundestag.

1. Petitionstyp auswählen  ✓
2. Persönliche Daten  ✓
3. **Petitionsdaten**
4. Daten prüfen
5. Benutzerkonto
6. Bestätigung

Geben Sie bitte in den folgenden Feldern den Text Ihrer Petition ein. Die mit * gekennzeichneten Felder müssen ausgefüllt werden, da ohne sie eine Petitionsbearbeitung nicht möglich ist.

**Petitionsdaten**

**Wortlaut der Petition\*:**
Was möchten Sie mit Ihrer Petition konkret erreichen?

Der Deutsche Bundestag möge beschließen ...

Es stehen noch  500  Zeichen zur Verfügung.

**Begründung\*:**
Bitte begründen Sie Ihre Petition!

Es stehen noch  3000  Zeichen zur Verfügung.

**Anregungen für die Online-Diskussion:**
Wenn Sie Anregungen (z.B. Stichworte oder Fragen) für die Online-Diskussion geben wollen, können dieses Feld nutzen.

Es stehen noch  1000  Zeichen zur Verfügung.

**Soweit Sie es für wichtig halten, senden Sie bitte ergänzende Unterlagen in Kopie (z.B. Entscheidungen der betroffenen Behörde, Klageschriften, Urteile)**

**DEUTSCHER BUNDESTAG**
**Sekretariat des Petitionsausschusses**

Source: https://epetitionen.bundestag.de/index.php?action=petition;sa=new3
(19.10.2011)

FIG. II.4                                              LIST OF PUBLIC PETITIONS AND PETITION DETAILS

Öffentliche Petitionen

Seiten: [1] 2 3 … 9 »        Einträge pro Seite: 10

| Petitionen in der Mitzeichnung (86) | Petitionen in der parlamentarischen Prüfung (974) | Abgeschlossene Petitionen (1564) |

| Pet-ID | Titel | Hauptpetent | Ende Mitzeichnungsfrist | Anzahl Mitzeichnungen Neue = ● | Forenbeiträge Neue = ● |
|---|---|---|---|---|---|
| 20287 | → Arbeitslohn - Entlohnung bei Arbeitsangeboten durch Bundesagentur für Arbeit/Jobcenter | Zöllner, Detlef | 21.12.2011 | 53 Mitzeichner | 20 Beiträge → neue Beiträge per RSS |
| 20487 | → Schuldrecht - Vertragsrechtliche Regelungen zwischen Verbraucher und Telefon-/Internetanbieter | Braatz, Carsten | 20.12.2011 | 39 Mitzeichner | 38 Beiträge → neue Beiträge per RSS |
| 20526 | → Verkehrswesen - Kritische Prüfung aller Straßenbauprojekte des Bundes | Günther, Wolfram | 20.12.2011 | 67 Mitzeichner | 13 Beiträge → neue Beiträge per RSS |
| 20570 | → Arbeitslosengeld II - Gemeinnützige Arbeit für Arbeitslosengeld II-Empfänger | Hildebrandt, Paul | 20.12.2011 | 45 Mitzeichner | 91 Beiträge → neue Beiträge per RSS |
| 20610 | → Straßenverkehrsordnung - Grün blinkendes Lichtzeichen an Ampeln | Schubanz, Mathias | 20.12.2011 | 45 Mitzeichner | 28 Beiträge → neue Beiträge per RSS |
| 20390 | → Führerscheinwesen - Abschaffung des Wohnsitzprinzips bei Fahrerlaubnisprüfungen | Heß, Cornelia | 20.12.2011 | 52 Mitzeichner | 26 Beiträge → neue Beiträge per RSS |
| 20654 | → Sicherheit im Straßenverkehr - Einführung von Abstandsregeleinrichtungen | molinari, wolfgang | 20.12.2011 | 55 Mitzeichner | 19 Beiträge → neue Beiträge per RSS |
| 20405 | → Wettbewerbspolitik - Angabe der Clustergröße bei Speichermedien | Birk, Dieter Wolfgang | 20.12.2011 | 19 Mitzeichner | 16 Beiträge → neue Beiträge per RSS |
| 20680 | → Tierhaltung - Verbot der Haltung exotischer Tiere als Haustiere | Henker, Christiane | 20.12.2011 | 85 Mitzeichner | 29 Beiträge → neue Beiträge per RSS |
| 20667 | → Deutsche Bahn AG - Kostenbefreiung für den Zug der Erinnerung | Karl-Schilde, Konrad | 15.12.2011 | 122 Mitzeichner | 71 Beiträge → neue Beiträge per RSS |

Seiten: [1] 2 3 … 9 »        Einträge pro Seite: 10

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Petition: Verbraucherschutz - Keine Verwendung von mit Bisphenol beschichtetem Thermopapier vom 16.09.2011

Petitionsdetails

| Hauptpetent | Ende Mitzeichnungsfrist | Stand der Bearbeitung | Anzahl Mitzeichnungen Neue = ● | Forenbeiträge Neue = ● |
|---|---|---|---|---|
| Hans, Mechthild | 11.11.2011 | in der Mitzeichnung | 675 Mitzeichner → Petition mitzeichnen ✎ | 34 Beiträge → neue Beiträge per RSS |

→ Andere informieren ✎

**Text der Petition**

Der Deutsche Bundestag möge beschließen, dass Kassenbons, Kontoausdrucke, Klebeetiketten bei Selber-Abwiege-Waagen und sonstige Belege nicht mehr aus mit Bisphenol A oder S beschichtetem Thermopapier bestehen dürfen.

**Begründung**

Bisphenol A und auch S sind gesundheitsschädlich. Um zu vermeiden, daß diese Stoffe in direktem oder indirektem Kontakt zu Lebensmitteln gelangen, wie dieses bei Kassierer(inne)n und Marktverkäufer(inne)n geschieht, sollten in diesem Bereich Alternativen Pflicht werden. Dies kann übergangsweise auch die Wiedereinführung von tintenbedruckten/bedruckbaren Papieren sein.
Bei Kassiererinnen hat man Bisphenol A in doppelt so hoher Konzentration im Blut gefunden wie bei dem Rest der Bevölkerung. Man hat es auch auf Geldscheinen gefunden. Und so wie Kassiererinnen es über ihre Finger auf die Geldscheine übertragen, wird es auch auf die Lebensmittel übertragen.
Schließlich hat man die Warnung herausgegegeben, daß man Kleinkinder nicht mit solchen Kassenbons etc. spielen lassen sollte.
Um also am Arbeitsplatz und auch für die Allgemeinbevölkerung die Belastung zu reduzieren, ist ein Verbot des Stoffes im lebensmittelnahen Bereich dringend geboten.

**Liste neuester Diskussionsbeiträge**

Hier finden Sie eine Liste der neuesten Diskussionsbeiträge in verkürzter Form. Durch Anklicken des Beitrags wird in die Forenansicht gewechselt und Sie können sich den Beitrag vollständig anschauen und ggf. mitdiskutieren!

→ Diskutieren Sie mit!

→ Dieser Beitrag wurde vom Moderator gelöscht, da er offensichtlich unsachlich war.  Bitte beachte….
  von Nutzer975101 am 26. Oktober 2011, 21:26:09

Source: https://epetitionen.bundestag.de/index.php?action=petition;sa=list2;limit=10; start=0;sort=nr_sig;dir=down, https://epetitionen.bundestag.de/index.php?ac tion=petition; sa=details;petition=19406 (19.10.2011)

Moreover, a special forum offered and continues to offer users of the e-petitions platform of the German Bundestag the opportunity to make suggestions for further development of the petition system, a facility which was and still is used.

In 2010 it was then decided to issue a tender for re-development of the e-petitions platform of the German Bundestag. The tender was published on September 30, 2010, the contract was awarded at the start of 2011 and the new software should be rolled out in the middle of 2012. The requirements of the German Bundestag have to be viewed as extremely ambitious. Once the system is implemented this may help the Bundestag to further assert its reputation in the field of e-petitions, including at international level.

The decision to re-develop the software was justified by the limited performance capability of the current system and the underlying technology used, which are considered only partially suitable for meeting future requirements. Among other things, the re-development project aims to reduce remaining access thresholds, to increase user acceptance and to produce a flexible and expandable software architecture. As well as mapping the functions of the current system in the first development phase, additional expansion phases will tackle problems that have been the subject of long-standing discussion and to which TAB has repeatedly referred in its publications (e.g. Riehm et al. 2009a, p. 224 f. and 249 ff.) For example, search functions will be significantly improved and semi-automatic processes for evaluating the discussion forums will be implemented. When a petition is submitted the check for existing petitions and petitions with similar contents will be integrated into the process. The PetKom internal document management and processing system used by the Committee Service of the German Bundestag is to be linked to the e-petition system with a view to simplifying internal procedures and processes. Finally, the project will establish an interface (API) to the public petitions data for external users.

### HANDLING OF PETITIONS WITH 100,000 SIGNATURES IN PLENARY SESSION?

Beyond this surprising and welcome momentum in terms of technical innovation, efforts are also being conducted at the political-institutional level with a view to expanding, strengthening and improving the petitioning system. For example, the coalition agreement of the CDU-CSU-FDP-Government from 2009 contains plans envisioning that »in the case of mass petitions, the matter has to be dealt with in plenary session of the German Bundestag with the participation of the relevant committees«. Although such handling of petitions in plenary session is in principle already possible under the Rules of Procedure of the German Bundestag, it hardly ever occurs in practice.

The FDP parliamentary group has since outlined its visions concerning a »citizens' plenary process«. According to its proposals, petitions »that receive at least 100,000 supporting signatures within two months will be discussed in plenary

session of the German Bundestag during a citizens' debate (Bürgerstunde). The citizens' debate is modelled along the lines of the debate on matters of topical interest (Aktuelle Stunde). It ends with the petition that is under discussion being referred to the competent specialized committee for further deliberation. The specialized committee refers the petition and an opinion (including grounds) back to the Petitions Committee, where the petition is finally debated and dealt with in accordance with Article 45c of the Basic Law« (FDP-Bundestagsfraktion 2011, p. 3).

The opposition parliamentary groups of the 17th legislative period are currently thinking more along the lines of an expansion of the public committee meetings where petitioners can present their concerns in person and respond to questions by Members of Parliament. A reduction in the current quorum of 50,000 signatures is being considered here. A special petitions platform for children and young people is also under discussion because since the right of petition is a »right to which everyone is entitled«, it is also open to children and young people.

## LONG-TERM DEVELOPMENT OF PETITION VOLUMES    2.3

If we consider the number of petitions submitted since the German Bundestag was established in 1949, it is possible to note a step-by-step but continuous increase in the volume of petitions (Table II.1); considerable fluctuations are, however, apparent between the various years (Fig. II.5). These fluctuations reflect the fact that the petition system responds to specific problem situations within society and thus fulfils its »indicator or seismographic function« well. For example, the highest figure to date (achieved in 1992) was 23,960 new submissions and was attributable to the social problems resulting from German unity.

Although the volume of petitions stabilized at a high level in the last decade from 2000 to 2009 (an average of 17,592 new submissions per year), the high values recorded in the 1990s were not achieved. This is also noteworthy because during the process of introducing electronic and public petitions, it was feared or – depending on the viewpoint – hoped that making it easier to submit petitions via the internet would lead to a significant increase in the number of petitions. This effect is not even apparent if we just consider the five-year period since 2005 when the experimental model on Public Petitions started in the September. The annual number of 18,425 new petitions between 2005 and 2009 is still below the average of 19,495 new petitions in the 1990s.

TABLE II.1          SUBMISSIONS AND PEOPLE INVOLVED IN PETITIONS FROM 1949 TO 2009

| Periods | New submissions[1] per year (average figures) | Number of persons involved[2] per year (average figures) | Thereof signatures added via the internet per year (average figures) |
|---|---|---|---|
| 1st legislative period 1949 to 1953 | 6,800 | – | – |
| 2nd legislative period 1953 to 1957 | 8,082 | – | – |
| 3rd legislative period 1957 to 1961 | 7,390 | – | – |
| 4th legislative period 1961 to 1965 | 7,498 | – | – |
| 5th legislative period 1965 to 1969 | 5,808 | – | – |
| 1970 to 1974[3] | 8,390 | – | – |
| *1st period to 1974* | *7,594* | – | – |
| 1975 to 1979 | 14,224 | 62,000[4] | – |
| 1980 to 1984 | 12,432 | 148,000 | – |
| 1985 to 1989 | 12,428 | 279,000 | – |
| *2nd period following the reform of the petition system 1975 to 1989* | *13,028* | *170,000* | – |
| 1990 to 1994 | 20,102 | 634,000 | – |
| 1995 to 1999 | 18,888 | 1,374,000 | – |
| *3rd period following German unity 1990 to 1999* | *19,495* | *1,004,000* | – |
| 2000 to 2004 | 16,759 | 542,000 | – |
| 2005 to 2009 | 18,425 | 917,000 | 430,000 |
| *4th period from 2000 – normalization and internet use* | *17,592* | *730,000* | – |

1  Annual figures for new petition submissions per year are only available from 1973; prior to this, figures are only available for the entire legislative period. Approximate annual figures were derived from these.
2  Figures are only available on the persons involved in petitions from 1976; these are the individuals who submit petitions and the signatories of mass petitions, signatories of collective petitions and (from 2005) signatories of »Public Petitions«. However, in some cases these are incomplete and subject to differing delimitations in the petition statistics. The figures presented here can therefore only serve as an indication of magnitude.
3  From 1970 annual figures do not consider the legislative period.
4  Figures from 1976 to 1979.

Source: Riehm et al. 2009a, p.64, Petitionsausschuss 1979 and 1980 to 2010, internal petition statistics of the Petitions Committee and own calculations

FIG. II.5                          ANNUAL NEW SUBMISSIONS TO THE GERMAN BUNDESTAG
                                                              FROM 1949 TO 2010
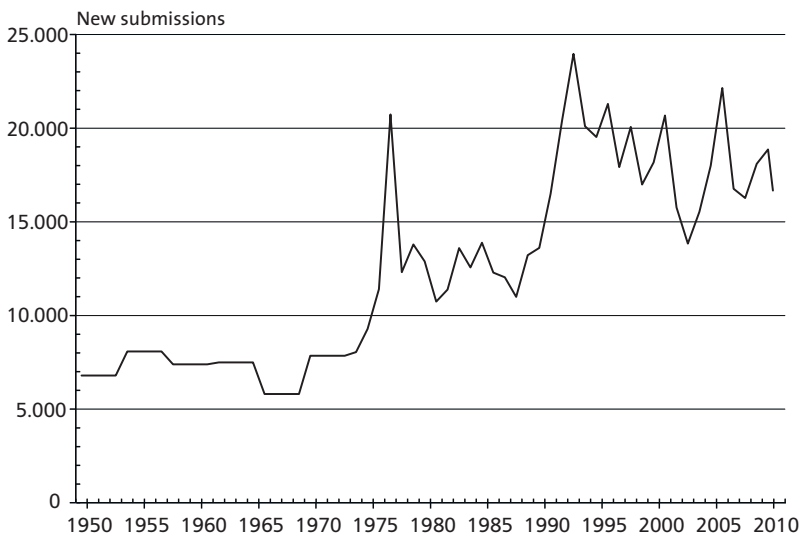
New submissions



Up to 1972 figures are only available for the entire legislative period. Annual figures were derived from these.

Source: Petitionsausschuss 1979, p. 47, and 2011, p. 51, and own calculations

Figure II.6 considers the change in population figures over the last 60 years and the number of new submissions to the German Bundestag per million population. The period of stagnation up to the 1975 reform is clearly shown as well as the increase in the 1990s somewhat due to the addition of citizens from the former German Democratic Republic. In general, peaks and troughs continue to show up.

In addition to the number of submissions, the number of signatories to petitions is also of interest. Only this figure provides an indication of the total number of people participating in the petitions process. Signing can take place on a signature list, through participation in a mass petition with own submissions or through the use of co-signing facilities at https://epetitionen.bundestag.de. An estimate of the magnitude can only be gauged on the basis of the individual petition statistics available since 1976 (Table II.1). Running largely in parallel with new submissions, this also reveals a clear rise up to the end of the 1990s, with an annual average of 62,000 in the five-year period from 1975 to 1979 increasing to 1,374,000 people participating in the period from 1995 to 1999. Thereaf-

ter, there was a clear decline to a high level of 542,000 between 2000 and 2004 and 917,000 people participating in petitions through submissions or the addition of signatures from 2005 to 2009. The further clear rise in the last five years may be attributable to the e-petitions facility offered by the German Bundestag. An annual average of 430,000 out of 917,000 used the signing function of the petition portal during this period. On the other hand, it is important neither to overestimate the potential of the internet nor to underestimate the conventional channels available. For instance, the five-year period from 1995 to 1999 – when it was not yet possible to add signatures via the internet – revealed the highest annual average of people, 1,374,000, participating in petitions (since 1976) (Chapter II.2.6).

FIG. II.6            ANNUAL NEW SUBMISSIONS TO THE GERMAN BUNDESTAG FROM 1949 TO 2010 PER MILLION POPULATION
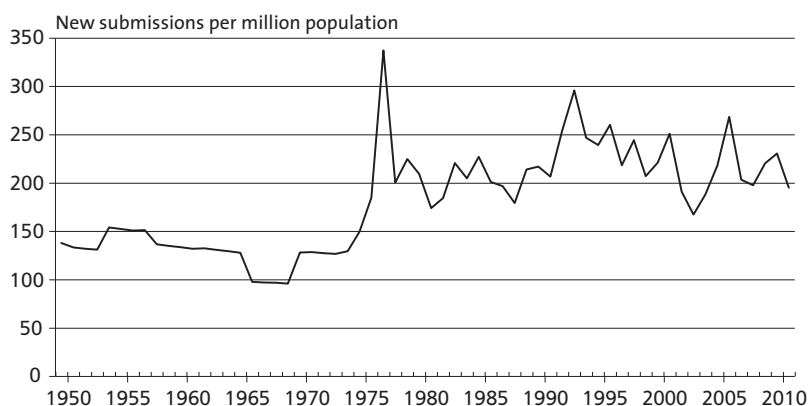


New submissions per million population

Up to 1972 figures are only available for the entire legislative period. Annual figures were derived from these. Calculation based on population figures up to 1989 for the territory of the former Federal Republic, after 1990 for Germany as a whole.

Source: For the new submissions, Petitionsausschuss 1979, p. 47, and 2011, p. 51; for the population figures Statistisches Bundesamt (www.destatis.de/jetspeed/portal/ cms/Sites/destatis/Internet/DE/Content/Statistiken/Zeitreihen/LangeReihen/ Bevoelkerung/Content75/lrbev03a [13.5.2011]) and also some own calculations

But how has the submission of electronically submitted petitions and Public Petitions developed since the experimental model in 2005? We can now look back on five complete years, although due to the system changeover, the figures for 2008 must be viewed with some caution (Table II.2). It is interesting to note the almost continuous rise in electronically submitted petitions as a whole – i.e. submissions via the online form and by e-mail during the experimental model

from September 2005, submissions via the online form as Public Petitions and as individual petitions since October 2008 – to 35.7 % of all submissions in 2009. Another particularly striking point is that following the introduction of the new petition system in autumn 2008, the number of petitions submitted and of admissible public petitions rose sharply from 4.5 % (2006) to 27.1 % (2009) and from 1.7 % (2006) to 3.7 % respectively. However, if we compare the figures for 2009 and 2010, it becomes apparent that these large rates of increase may already be a thing of the past and that a further marked increase in submissions of electronic/Public Petitions may not necessarily be forthcoming.

| TABLE II.2 | ELECTRONIC AND PUBLIC PETITIONS TO THE GERMAN BUNDESTAG FROM 2006 TO 2010 |

| Year | Total new submissions per year | | Thereof submitted electronically | | Thereof submitted as Public Petitions | | Thereof admitted as Public Petitions | |
|---|---|---|---|---|---|---|---|---|
| | Absolute[1] | % | Absolute | % | Absolute | % | Absolute | % |
| 2006 | 16,766 | 100 | 2,878 | 17.2 | 761 | 4.5 | 284 | 1.7 |
| 2007 | 16,260 | 100 | 2,782 | 17.1 | 632 | 3.9 | 243 | 1.5 |
| 2008 | 18,096 | 100 | 3,710[2] | 20.5 | 1,033 | 5.7 | 306 | 1.7 |
| 2009 | 18,861 | 100 | 6,724[3] | 35.7 | 5,113 | 27.1 | 701 | 3.7 |
| 2010[4] | 16,849 | 100 | 5,780 | 34.3 | 4,039 | 24.0 | 559 | 3.3 |

1 Petitionsausschuss 2011, p. 51
2 Petitionsausschuss 2009, p. 8
3 Petitionsausschuss 2010, p. 6
4 Petitionsausschuss 2011, p. 6 f.

Source: Unless otherwise stated for 2006 and 2007 Riehm et al. 2009a, p. 222, for 2008 to 2010 internal petition statistics of the German Bundestag; Petitionsausschuss 2011, p. 6 f., and own calculations

Here, too, no correlation is apparent between the clear increase in electronic submissions and trends in the overall volume of petitions. Currently, it would appear that electronic petitions are tending to act as a substitute for conventional ones.

The question is frequently asked whether there is any difference in the topics covered by electronically submitted petitions and Public Petitions compared with non-public and conventionally submitted petitions. Unfortunately, no data that would permit such a comparison are available. Since the persons submitting Public Petitions have generally become younger (Chapter II.2.4), it can be assumed that the subject matters have also changed. Nevertheless, it can be ascertained that »conventional« petition topics also continue to predominate among Public Petitions. A corresponding analysis was conducted of the 687 Public Peti-

tions that were admitted in 2009 (Zebralog 2011a, p. 11 and 19). According to this analysis, the list of political matters was headed by tax and finance policy (11.8 %) followed by social policy (6.7 %), health policy (5.8 %), environmental policy (3.3 %) and transport policy (1.9 %).

If we consider the much more precise classification of topics performed by the Committee Service, which has 239 categories, then the first 5 areas of concern in order of ranking were as follows: 49 Public Petitions on the subject of long-term unemployment benefit (Arbeitslosengeld II), 23 on fiscal policy, 19 on income tax, 19 on statutory health insurance benefits and 13 on banking.

We can compare this with the departmental allocations for all new submissions in 2009, as shown by the petition statistics (Petitionsausschuss 2010, p. 55). This shows 20.8 % falling within the portfolio of the Federal Ministry of Labour and Social Affairs, 12.7 % within that of the Federal Ministry of Justice, 10.4 % within that of the Federal Ministry of the Interior, 10.3 % within the portfolio of the Federal Ministry of Finance and 9.7 % within that of the Federal Ministry of Health.

## SOCIAL BACKGROUND, POLITICAL COMMITMENT AND INTERNET ACTIVITY OF PETITIONERS                    2.4

According to the surveys of those submitting conventional and Public Petitions in 2007, the group of petitioners was largely comprised of older men with an above-average education compared with the population as a whole; these individuals are especially active in political matters and also use the internet more than the average population. The interesting question was whether anything had changed after almost three years.

As a first step, we can compare the people submitting conventional petitions in 2007 and 2009 (Table II.3). Hardly any changes can be noted as regards social characteristics and characteristics relating to political participation. With regard to the proportion of internet users in the group of conventional petitioners, their share rose to 75.9 % in 2009 (from 67.3 % at the start of 2007). The individual internet applications were also used by significantly more people in 2009 compared with 2007. With a share of 98.1 %, e-mail and the search for online offers in particular were used by almost all internet users. This reflects the trend towards further increased internet usage among the population, although it can be said that people submitting conventional petitions engage in internet activities more than the population as a whole.

TABLE II.3          SOCIAL CHARACTERISTICS, POLITICAL ACTIVITY AND INTERNET USE
                    OF PEOPLE SURVEYED IN 2007 AND 2009 WHO SUBMITTED
                    CONVENTIONAL PETITIONS (IN %)

| | Start of 2007 | End of 2009 | Population as a whole |
|---|---|---|---|
| *Gender* | | | |
| Male | 73.9 | 75.1 | 49.0 |
| Female | 26.1 | 24.9 | 51.0 |
| *Age groups* | | | |
| 0 to 19 | 0.7 | 1.8 | 19.0 |
| 20 to 39 | 13.2 | 14.2 | 24.6 |
| 40 to 59 | 40.1 | 38.1 | 30.8 |
| 60 to 99 | 46.2 | 45.9 | 25.6 |
| *Education* | | | |
| University degree | 33.6 | 33.9 | 12.4 |
| *Political activity* | | | |
| Member of a party | 13.0 | 12.1 | 3.1 |
| Member of a trade union, professional association | 26.5 | 25.7 | 18.3 |
| Participated in a collection of signatures | 80.9 | 79.5 | 64.5 |
| Made contact with individuals from the world of politics or from the administration in order to express own opinion | 71.1 | 67.6 | 35.6 |
| Participated in a demonstration | 47.8 | 48.8 | 41.2 |
| *Internet use* | | | |
| Internet use (including occasional, any location) | 67.3 | 75.9 | 67.1 |
| For how long have you been using the internet? (Average number of years) | 7.4 | 9.2 | – |
| *Do you use the internet for ...* * | | | |
| e-Mail | 86.3 | 98.1 | 82 |
| To look for specific offers | 80.3 | 98.1 | 47 |
| Home banking | 47.9 | 57.8 | 33 |
| Discussion forums, chat rooms | 16.6 | 46.3 | 25 |
| Online games | 3.1 | 29.0 | 17 |

\*   In the following, percentages are calculated based on internet users among the petitioners/the population.

Source: For the column for 2007 Riehm et al. 2009a, p. 227 and 229; for the column for 2009 Zebralog 2010a, p. 16 ff. and 88 ff.; for the column for the population as a whole for gender, age and education Statistisches Bundesamt 2009 and 2010b, for membership of parties and professional associations GESIS 2009, for the other forms of political participation TAB 2009, for internet usage Eimeren/Frees 2009, p. 340.

TABLE II.4       SOCIAL CHARACTERISTICS, POLITICAL ACTIVITY AND INTERNET USE
OF PEOPLE SURVEYED IN 2007 AND 2009 WHO SUBMITTED
PUBLIC PETITIONS (IN %)

| | Start of 2007 | End of 2009 | Population as a whole |
|---|---|---|---|
| *Gender* | | | |
| Male | 75.8 | 84.9 | 49.0 |
| Female | 24.2 | 15.1 | 51.0 |
| *Age groups* | | | |
| 0 to 19 | 1.2 | 9.1 | 19.0 |
| 20 to 39 | 32.4 | 36.0 | 24.6 |
| 40 to 59 | 51.4* | 41.6 | 30.8 |
| 60 to 99 | 15.1 | 13.2 | 25.6 |
| *Education* | | | |
| University degree | 44.7 | 38.8 | 12.4 |
| *Political activity* | | | |
| Member of a party | 18.4 | 23.5 | 3.1 |
| Member of a trade union, professional association | 32.2 | 27.3 | 18.3 |
| Participated in a collection of signatures | 94.9 | 90.4 | 64.5 |
| Made contact with individuals from the world of politics or from the administration in order to express own opinion | 73.3 | 71.7 | 35.6 |
| Participated in a demonstration | 59.3 | 55.8 | 41.2 |
| *Internet use* | | | |
| Internet use (including occasional, any location) | 100.0 | 99.5 | 67.1 |
| For how long have you been using the internet? (Average number of years) | 9.1 | 10.2 | – |
| *Do you use the internet for …** | | | |
| e-Mail | 95.9 | 99.0 | 82 |
| To look for specific offers | 93.8 | 94.9 | 47 |
| Home banking | 55.5 | 77.2 | 33 |
| Discussion forums, chat rooms | 29.9 | 84.3 | 25 |
| Online games | 6.2 | 52.3 | 17 |

\*   In Riehm et al. 2009a, p. 227, this value was quoted incorrectly as 41.5 %.
\*\*   In the following, percentages are calculated based on internet users among the petitioners/the population.

Source: For the column for 2007 Riehm et al. 2009a, p. 227 and 229; for the column for 2009 Zebralog 2010a, p. 16 ff. and 131 ff.; for the column for the population as a whole for gender, age and education Statistisches Bundesamt 2009 and 2010b, for membership of parties and professional associations GESIS 2009, for the other forms of political participation TAB 2009, for internet usage Eimeren/Frees 2009, p. 340.

A comparison of social characteristics, political commitment and internet activities of *people submitting Public Petitions* between 2007 and 2009 reveals several striking changes (Table II.4).

In particular, the people submitting Public Petitions became younger in 2009. Whereas in 2007 only 33.6 % (32.4 % + 1.2 %) were 39 years or younger, in 2009 this had already changed to 45.1 % (36.0 % + 9.1 %) and was thus more than the proportion of the population accounted for by this age group (43.6 % or 24.6 % + 19.0 %). The largest increase of 7.9 percentage points was in the age group up to 19 years, where the share increased from 1.2 % to 9.1 %.

This clear shift in ages also explains why the proportion of university/college graduates fell from 44.7 % to 38.8 % (Table II.4). This is because a university degree cannot be obtained by members of the youngest age group, which recorded the sharp increase. This is also reflected in the fact that the proportion of school pupils among the people submitting Public Petitions in the period under review rose from 1.2 % to 4 % and the proportion of students or individuals still in education rose from 9.0 % to 15.4 %.

## MAJOR DIFFERENCES IN GENDER

This is undoubtedly a pleasing development. Less pleasing, however, is the fact that the dominance of males among the people submitting Public Petitions has risen further, by almost ten percentage points. Instead of men accounting for 75.8 % as in 2007, they accounted for 84.9 % at the end of 2009.

A disproportionate presence of men among those submitting petitions is also found in Scotland, for example. At 81.4 %, it revealed a similarly high proportion of men to that in Germany (Riehm et al. 2009a, p. 144).

By contrast, the population survey on petitions and political participation that was initiated by TAB and conducted in November 2008 reveals an inconsistent picture for differences of gender in other forms of political participation (Forschungsgruppe Wahlen 2008, p. 2 ff.). Of the people who had already taken part in public political discussions – either on the internet or by conventional means – 60 % were men and only 40 % women. Similar differences are found among people with a strong interest in politics (59 % male, 41 % female), for participation in demonstrations (58 % compared with 42 %) or contacting a person from the world of politics or from the administration (57 % compared with 43 %). By contrast, the participants in a signature collection reveal a similar number of men (51 %) and women (49 %).

The complexity of the correlations between gender and political participation is demonstrated by the multivariate analyses of population surveys on political participation conducted by Steinbrecher (2009, p. 185 ff., 201 ff., 233 ff.). Although gender plays a minor explanatory role in party activities, no similar corre-

lation can be found for protest activities or participation in elections. According to Steinbrecher, however, this influence associated with gender is only to be found in western Germany and not in eastern Germany. In an international comparison, Germany reveals what are often particularly marked differences of gender not only for political participation but also, for example, for internet usage; this is obviously attributable to the low level of professional activity among women and to different patterns of participation among men and women. For example, compared with the two previous surveys conducted in 2004 and 1999, the third volunteer survey of 2009 revealed consistent differences in the commitment of the genders. Women are more strongly committed to school, nursery, church, religion, social and health matters than men, whereas men tend to be significantly more committed to matters involving politics, local civic commitment and the representation of professional interests (BMFSFJ 2010, p. 39 f.). Further, more complex research is required to explain the very marked differences for petitions.[19]

With regard to participation in political activities, although it is possible to identify certain changes in one direction or another, no clear trend is apparent. In 2009, 5 % more of the people submitting Public Petitions were members of a party compared with those in 2007. By contrast, their shares of other forms of political participation (membership of trade unions or professional associations, signature collections, contact with people in the world of politics or the administration, participation in demonstrations) tended to be lower than in 2007. Overall, however, the people who submitted Public Petitions in 2007 and 2009 revealed a significantly higher than average level of political commitment compared with the general population.

In the case of internet activities, it is particularly striking to note the drastic increase in the use of discussion forums or chat rooms and also of computer games. This, too, is presumably attributable to the significantly younger age of those submitting Public Petitions in 2009 compared with 2007.

**PREFERENCES CONCERNING THE SUBMISSION CHANNEL**

In addition, it should be noted that in 2009, although three quarters (75.9 %) of the people who submitted conventional petitions were internet users (2007: 67.3 %) (Table II.3), only some of these used the internet to submit their petition. However, the proportion of people submitting conventional petitions who are also internet users and who used the internet to submit their petition rose from 37.9 % in 2007 to 47.4 % in 2009. However, the majority of these petitioners who could in principle use the internet to submit a petition still use the traditional postal method.

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19  Thanks to Petra Böhnke and Tobias Escher for helpful information on the subject of differences of gender.

When comparing internet users and non-users among people who submitted conventional petitions in the 2009 survey, the question of what transmission method they would prefer – post, telephone, internet, personal meeting (multiple answers were possible) – revealed two very distinct patterns:

People who didn't use the internet revealed a clear preference for the postal channel (82.4 %) and rejected the internet (100 %). By contrast, users of the internet did not show a similar level of preference for the internet. This group was far more divided: 53.3 % were in favour of the postal channel while 49.7 % preferred the internet.

In both groups, however, the alternative submission channels of the telephone or a personal meeting, which are not currently available, were preferred by only a minority. As a means of submitting petitions, the telephone is preferred by 4.7 % of those submitting conventional petitions (including by 9.8 % of people who don't use the internet and by 3.1 % of internet users), while a personal meeting is preferred by a total of 16.5 % (including by 15.7 % of people who don't use the internet and by 16.8 % of internet users).

It is interesting to note the high value attached to a personal meeting compared with the telephone (16.5 % in favour of a personal meeting compared with 4.7 % for the telephone). In the 2008 population survey on the use and reputation of the petition system in Germany (Forschungsgruppe Wahlen 2008, p. 90 ff.), this desire for a personal meeting was even more manifest. Overall, more than one in four (26.7 %) of those surveyed here would prefer this channel for submitting a petition. This may indicate that such a channel would make it possible to reach additional segments of the population that currently tend to be under-represented among petitioners. This assumption is supported by the fact that in the population survey of 2008, a personal audition for a petition is disproportionately preferred by young (up to 34 years old) Secondary school graduates (46.4 %), by semiskilled or unskilled workers (42.4 %) and by people who fear losing their job (36.3 %).

Finally, a comparison between those submitting conventional petitions and those submitting Public Petitions in 2009 confirms what was essentially already apparent in 2007 (Riehm et al. 2009a, p. 226 ff.): compared with those submitting conventional petitions, the people who submit Public Petitions are more often male, tend to belong to the younger age groups (up to 39 years), are more politically active and (naturally) considerably more active in terms of internet use. This confirms a repeatedly expounded hypothesis that in terms of political participation, internet usage especially serves to foster the commitment of socially privileged individuals with a higher than average level of political commitment, whereas socially underprivileged groups who are less well-educated and who are less politically active are not reached (Escher 2010).

## ADMISSIBILITY OF PUBLIC PETITIONS 2.5

The following sections examine key procedural steps in the petition process. We start with the admission of Public Petitions before considering the addition of signatures in Chapter II.2.6 and then the importance of discussion forums in Chapter II.2.7. At the end of the process some petitions may go before a public committee meeting (Chapter II.2.8). Finally, we analyse the overall success of petitions (Chapter II.2.9).

TABLE II.5  ADMISSION OF PUBLIC PETITIONS FROM 2006 TO 2010

| Year | Public Petitions submitted | | Thereof admitted as Public Petitions | |
| | Absolute | % | Absolute | % |
|---|---|---|---|---|
| 2006 | 761 | 100.0 | 284 | 37.3 |
| 2007 | 632 | 100.0 | 243 | 38.5 |
| 2008 | 1,033 | 100.0 | 306 | 29.6 |
| 2009 | 5,113 | 100.0 | 701 | 13.7 |
| 2010 | 4,039 | 100.0 | 559 | 13.8 |

Source: Figures for 2006 and 2007 are taken from Riehm et al. 2009a, p. 222, for 2008 to 2010 from Petitionsausschuss 2011, p. 6 f., internal petition statistics of the German Bundestag and some own calculations

Even during the experimental model, the admission rate for Public Petitions was fairly low at 37.3 % (2006) and 38.5 % (2007) and resulted in some displeasure among petitioners. When the Scottish system was replaced by the Bundestag's own system in October 2008, and perhaps also as a result of a particularly active year for petitions due to the elections to the German Bundestag, the number of Public Petitions submitted in 2009 rose to its highest ever figure of 5,113 – five times the number submitted in 2008. At the same time, the admission rate of 13.8 % for 2010 meant a further significant reduction to almost one-third of that for the experimental model (Table II.5).

## THE RULES ON THE ADMISSIBILITY OF PUBLIC PETITIONS 2.5.1

The »Guidelines on the Treatment of Public Petitions pursuant to Rule 7.1 (4) of the Procedural Rules« (Petitionsausschuss 2010, p. 97 f.) contain the rules for decisions concerning the admission of Public Petitions. With regard to the general aims of Public Petitions, the Guidelines first state that they should »create a public forum for serious debate on important issues of general interest reflecting the diversity of views, assessments and experiences. This forum aims to offer people – citizens and also members of the German Bundestag – an opportunity

to familiarize themselves from various perspectives with issues and requests relating to legislation as well as complaints, and to draw on these when forming their own opinion. The Committee would like to present as broad a spectrum of issues as possible on its webpage and enable as many petitioners as possible to set out their concerns.«

Public Petitions are described as an »additional service« of the Petitions Committee for which there is no legal entitlement (Rule 1 of the Guidelines). Petitioners are in no way disadvantaged within the process of parliamentary examination if the petition is rejected for publication because then it will be dealt with in accordance with the Procedural Rules in the same way as any other petition.

In Rule 2, the Guidelines then specify two positive features required for a petition to be admitted as a Public Petition: it must concern a matter of general interest and the matter must be suited to a serious public discussion. It is clear that these criteria allow for broad scope for decision-making.

Rule 3 of the Guidelines stipulates additional criteria which – in addition to the provisions in Rule 2 – result in petitions not being permitted in all cases. According to this rule, a Public Petition may not infringe the principle of human dignity or moral laws, call for criminal offences or demand measures in contravention of the constitutional order, interfere with the right to privacy of individual persons or use language not befitting the dignity of Parliament. This is obviously indisputable and is also stipulated in similar form for all petitions under Rule 7.3 of the Procedural Rules for the Treatment of Requests and Complaints (Petitionsausschuss 2010, p. 91). The requirements that Public Petitions must not contain links to other websites and may only be written in the German language are clearly defined but are nevertheless controversial. By contrast, criteria for rejection such as »evidently not based on fact« or »predicated on a false premise« leave again scope for discretion.

Rule 4 of the Guidelines then states additional »can« provisions in relation to non-admission. These include criteria which petitioners often find difficult to understand. For example, a petition can be rejected if the Committee has already taken a decision »on a largely identical matter« during the current electoral term or if a petition on the same matter is already undergoing parliamentary examination. A petition may also not be published if it evidently has no prospect of success or if the petitioner already has Public Petitions on the Petitions Committee's webpage. Moreover, publication may be refused if sufficient »technical or staff resources« of the Bundestag cannot be guaranteed.

## DATA ON THE REASONS FOR NON-ADMISSION                                  2.5.2

The problem of an admission rate approaching 10 % has also been noted in the German Bundestag. For example, more precise studies on the reasons for non-admission have been carried out and possible solutions discussed.

According to the evaluations available from the Committee Service for the first quarter of 2010, 53 % of the 1,558 Public Petitions that were not admitted were refused because they represented multiple petitions (Rules 2.2 and 4a and b of the Guidelines). It is hoped that the new e-petition system that is to be developed will remedy this problem (Chapter II.2.2). The submission process should include a mandatory query on existing petitions on similar subjects. These »subject checks« also formed part of the Prime Minister's e-petitions system in Great Britain[20] (Chapter III.2.2) and are also currently used by, for example, abgeordnetenwatch.de (TAB 2010). They are intended to prevent identical or similar questions being put to Members of Parliament on multiple occasions.

Further questions also arise. It can be assumed that only Public Petitions can be searched for existing petitions on similar subjects because only these are stored on the system. However, the Guidelines refer to all petitions, including non-public petitions. This reference to non-public petitions already presents a problem as a petitioner is unable to verify that there is already a similar (non-public) petition. A similar problem arises if the Committee Service classes a Public Petition that has been submitted as being similar to an existing one in accordance with Rule 2.2 of the Guidelines, as is similarly the case for mass petitions. This is because a petitioner cannot track and understand assignment to a non-public petition because he cannot and is not allowed to know about the non-public petition. In addition, it is important to note the scope for discretion when assessing what is deemed the same or essentially similar content. A petitioner has no formal means of verifying or challenging such decisions as Public Petitions are considered as a voluntary and additional, non-actionable service of the Petitions Committee.

An additional problem may lie in the fact that although newly submitted petitions have the same or similar content to an existing one, the political circumstances may have changed in the meantime. For example, in the last, 16th legislative term, a Public Petition was submitted against the project Stuttgart 21 (»Railway property – Stuttgart Central Railway Station«, 3,132 co-signatures and 42 contributions to the debate); it was admitted on 20 November 2008 and has been the subject of a parliamentary review since 3 January 2009. Apart from the fact that the petition's arguments are largely based on architectural heritage,

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20  Cf. »Duplicates« on the archived webpage »EPetitions: facts, figures and progress« http://webarchive.nationalarchives.gov.uk/+/www.number10.gov.uk/Page11051 (28.2.2011)

it is undoubtedly difficult for citizens to understand that following the mass protests and the conciliation process in 2010, no further »S21 petition« was admitted in a totally different political situation.

Ranked in order of frequency, other reasons stated as grounds for non-admission of public petitions (in the first quarter of 2010) were as follows:

> 8.3 % »unsuitable as a public petition« (Rule 2.1 of the Guidelines),
> 7.5 % »evidently no prospect of success« (Rule 4e of the Guidelines),
> 5.7 % »evidently not based on fact« or predicated on a »false premise« (Rule 3f of the Guidelines),
> 3.6 % to be forwarded to a Land parliament as not within the German Bundestag's sphere of responsibility,
> 2.4 % cannot be dealt with at all as not within the sphere of responsibility of the German Bundestag or a Land parliament.

Whereas the first three reasons can be considered »soft criteria« that can be subject to broad interpretation, the absence of competence of the German Bundestag is one of the more comprehensible grounds.

All other grounds apply much more rarely or not at all. The proportion of Public Petitions that are not admitted and that involve a »personal request or complaint« is 1.5 %. At 0.7 % and 0.5 %, interference with the right to privacy of individual persons (Rule 3h) or straining of social peace or international relations (Rule 4c of the Guidelines) are very rare grounds.

The Committee Service's evaluation did not include a »lack of technical or staff resources« (Rule 4f of the Guidelines) as a reason for non-admission. However, it is clear that this criterion is also considered for all decisions. It is clear that »managing« around five times the volume of Public Petitions would be difficult with the current staffing levels. It is also clear that the right of petition is not brought into question, merely that admission as a Public Petition is refused. This nevertheless raises the question of the status of Public Petitions.

Moreover, the spokesmen are, with few exceptions (e.g. if a petition is referred to a Land parliament) always informed whether a Public Petition has been admitted or not.

As well as being »objectively« and statistically verifiable, the low admission rates for Public Petitions are also considered a problem among petitioners. For example, in the forum for »Proposals for further development« (https://epetitionen. bundestag.de/?board=1.0) two threads address this issue (»Arbitrary refusal of a public petition«, »Criteria for dismissing petitions«) and the number of views and contributions reveal these as some of the most active threads on the entire forum.

This subjective dissatisfaction is also reflected in the surveys of petitioners conducted by TAB (Zebralog 2010a, p. 42, Fig. 23). The respondents were asked whether they considered the grounds for non-admission as Public Petitions to be comprehensible. Both in 2007 and 2009 more than half of petitioners were unable to understand the grounds, and this dissatisfaction rose from 54.7 % in 2006 to 59.8 % in 2009.[21]

It would appear that the »problem of admissibility« is currently one of the key challenges with regard to further development of the petition system of the German Bundestag.[22] Chapter V.2.1 re-visits the issue and discusses some options for addressing this problem.

## SIGNING OF PUBLIC PETITIONS                    2.6

Since the introduction of Public Petitions in September 2005 the some 2,100 Public Petitions have been signed a total of more than 3 million times via the internet (figures as of November 2010).[23] Only 0.3 % or nine Public Petitions received more than 50,000 signatures. This quorum must be reached within three weeks[24] in order for the petitioner to be invited to a public committee meeting. A further 14 petitions that did not use the internet or that used a combination of the internet and conventional signing methods also reached the quorum. This makes a total of 23 petitions that have reached the quorum of 50,000 signatures between the start of the 16th legislative term in September 2005 and June 2011. This is a minimal proportion of the total of around 100,000 petitions during this period. Figure II.7 shows an extract from a signing list.

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21  It must be assumed that among the petitioners surveyed there were fewer with non-admitted Public Petitions (i.e. 64.3 % in 2009) than indicated by the Statistics of the German Bundestag (86.3 %), which indicates a certain distortion as regards participation in the survey. Actual criticism concerning the inability to understand the reasons for non-admission should therefore be even greater.

22  Guckelberger (2008, p. 92 ff.) discusses the procedure for admitting Public Petitions from the point of view of constitutional law.

23  In addition to online signings at https://epetitionen.bundestag.de, it is in principle also possible to submit additional signatures for a Public Petition by fax or on paper.

24  The confusion surrounding the significance of the three-week and six-week deadline has existed since the start of the experimental model. The quorum for Public Petitions of 50,000 signatures required for a petitioner to be invited to a public committee meeting must be achieved within three weeks. However, Public Petitions are placed on the internet for signing and discussion for a period of six weeks. There are efforts to eliminate this confusion by introducing a uniform deadline. Moreover, for petitions submitted using conventional means, there is no »signing deadline« within which the quorum must be achieved. This is because petitions that are submitted by conventional means are usually already submitted with signature lists, whereas in the case of a Public Petition, signatures can only be secured via the internet once it has been submitted to the German Bundestag and admitted as a Public Petition.

FIG. II.7                                                 PETITION PORTAL OF THE GERMAN BUNDESTAG:
                                                          EXTRACT FROM A SIGNATURE LIST



| Petition: Verbraucherschutz - Keine Verwendung von mit Bisphenol beschichtetem Thermopapier (675) | | | |
| Nr. | Mitzeichner | Land/Bundesland | Datum der Mitzeichnung |
| --- | --- | --- | --- |
| 668 | Meyer, Klaus | Deutschland / Nordrhein-Westfalen | 07.11.2011 |
| 667 | Gruska, Daniel | Deutschland / Hessen | 07.11.2011 |
| 666 | Staubitz, Deborah | Deutschland / Bayern | 07.11.2011 |
| 665 | Poerschke-Pätzold, Cornelia | Deutschland / Nordrhein-Westfalen | 07.11.2011 |
| 664 | Schmidt, Torsten | Deutschland / Nordrhein-Westfalen | 07.11.2011 |
| 663 | Hadwich, Helmut | Deutschland / Bayern | 07.11.2011 |
| 662 | Schweden, Karl-Heinz | Deutschland / Nordrhein-Westfalen | 07.11.2011 |
| 661 | Möller, Rüdiger | Deutschland / Niedersachsen | 07.11.2011 |
| 660 | Werner, Stefan | Deutschland / Hessen | 06.11.2011 |
| 659 | Buberl, Peter Georg | Deutschland / Bayern | 06.11.2011 |

Source: https://epetitionen.bundestag.de/index.php?action=petition;petition=20125;
       sa=sign (19.10.2011)

However, it cannot be said that it is not difficult and that it only requires a few
»clicks« for a petition to achieve the required quorum or at least achieve a sig-
nificant number of signatures.[25] If a petitioner wishes to collect signatures for his
petition he must first make the petition known to the public in a suitable way.
Once this has been done, he needs to attract the attention of interested parties
and they must be prepared to spend time and take an active part in supporting
the petition. Despite e-mails and social networks such as Facebook, this is by no
means an automatic process. In order to actually sign the petition, the interested
party or parties must be registered with the petition portal of the German Bun-
destag. Generally, this will not present any difficulties for experienced internet
users who are used to such registration processes. By contrast and as demon-
strated by the tests conducted by TAB in conjunction with Zebralog (Zebralog
2009) and as gleaned from discussions with petitioners and from the relevant
forums, inexperienced users repeatedly flounder at this stage. Following registra-
tion the corresponding petition must be found and then actually signed (by click-
ing the mouse) using the list of signatures. Signatories receive additional notifica-
tion of their signature by e-mail. If a petitioner has signed a petition in error or
changes his/her mind, he/she can withdraw it at any time during the six-week
signing period.

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25  For details on the controversial debate on »clicktivism«, see, for example, Karpf 2010,
    Shulman 2009, White 2010.

## AUTHENTICATION AND RISK OF MISUSE                    2.6.1

The question of whether the petition system could be misused through multiple registrations using different e-mail address or by stating false names and addresses has been discussed on many occasions. The Bundestag takes care to ensure that as far as possible, such misuse does not arise.

The registration process introduced with the new system in 2008 that was not included in the legacy system represents a step in this direction. An automatic check is performed to verify that the e-mail address provided is valid and active. A further automatic check is performed to verify if several signatures come from one computer, irrespective of under what registration and e-mail address. However, these steps to protect against mass signings have a negative consequence in that family members can only add one signature from an individual home computer.[26]

A further obstacle to automated signatures by computers (spam) is provided by the visual verification incorporated into the new system (a variant of Captcha, which stands for »Completely Automated Public Turing test to tell Computers and Humans Apart«). A check is also made to ascertain if imaginary names (Mickey Mouse) or imaginary addresses (Duckburg) are given and any such registrations are also deleted. Overall, the Committee Service is of the impression that there has not yet been any major misuse of the system.

The fact that the authentication requirements do not have to be excessively stringent is justified because signing a petition has only a supporting character, not a decision-making character. On capacity grounds, even signature lists for collective or mass petitions that are submitted on paper or sent by fax are at most only checked on a random basis by the Petitions Committee. According to the Petitions Committee, it would be difficult to justify attaching more stringent requirements to the authentication process for signatures on Public Petitions than for conventional mass and collective petitions.

## NUMBER OF SIGNATURES FOR PETITIONS                    2.6.2

There have always been mass and collective petitions. Article 17 of the Basic Law expressly states that petitions may be submitted »individually or collectively«. For example, in the third legislative term (1957–1961), a petition containing almost 300,000 signatures on the Red Cross Convention against Nuclear Weapons was submitted, and in the fourth legislative term (1961–1965) a petition containing 500,000 signatures on the reform of copyright law was submitted

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26  The computer's IP address is checked automatically. If the address for a second signature is the same as a previous one the signature is not accepted.

(Petitionsausschuss 1979, p. 47). According to an internal analysis of the Federal Administration (briefing note dated 26 January 2005) on the number of signatures for mass and collective petitions between 1 January 1984 and 15 December 2004, ten petitions during this period had more than one hundred thousand signatures, while 27 petitions had more than 50,000 signatures. Recently, a petition in October 2010 on the inclusion of environmental protection in the Basic Law that attracted a certain amount of media attention was submitted to the Petitions Committee by Greenpeace, which had collected 334,000 signatures since April 2007. This clearly indicates that even before the internet age, collective and mass petitions were capable of achieving significant numbers of supporting signatures and were already a means of political mobilization and of attracting public attention. It is also interesting to note that Public Petitions have so far failed to match the several hundreds of thousands of supporting signatures achieved by mass petitions in the 1950s and 1960s.

| TABLE II.6 | | | SIGNATURES FOR PUBLIC PETITIONS | |
|---|---|---|---|---|
| Year | Public Petitions* | | | |
| | 9/2005 to 9/2008 | | 10/2008 to 10/2010 | |
| | Absolute | % | Absolute | % |
| Total Public Petitions | 671 | 100.0 | 1,996 | 100.0 |
| Public Petitions with online signatures ... | | | | |
| 50,000 plus | 2 | 0.3 | 7 | 0.4 |
| 10,000 to 49,000 | 21 | 3.1 | 15 | 0.8 |
| 1,000 to 9,999 | 129 | 19.2 | 227 | 11.4 |
| 1 to 999 | 519 | 77.3 | 1,747 | 87.5 |
| Total online signatures | 1,148,726 | – | 1,972,026** | – |
| Online signatures per Public Petition (average value) | 1,712 | – | 1,032** | – |
| Maximum number of online signatures | 128,193 | – | 134,015 | – |

\*   Only Public Petitions that are undergoing the parliamentary review process and completed Public Petitions are considered, not Public Petitions in the signing phase.
\*\*  Number of signatures according to petition24.de (20.11.2010). There are slight discrepancies with regard to the number of petitions used as a basis. Petition24.de states 1,990 Public Petitions, of which 1,911 subject to parliamentary review/completed. On the date on which the figures were viewed at https://epetitionen.bundestag.de, the German Bundestag shows a total of 1,996 Public Petitions of which 1,920 subject to parliamentary review or completed.

Source: For the legacy (Scottish) software system used from September 2005 to September 2008 www.demokratieonline.de/modules/content/liste.php?Zeichnung=18 (20.11.2010). Petitionsausschuss 2009, p. 9, gives slightly different figures: 1,144,859 signatures for 667 Public Petitions. For the new system used from October 2008 to October 2010 https://epetitionen.bundestag.de, http://petition 24.de (20.11.2010) and own calculations

Table II.6 demonstrates that the vast majority of Public Petitions secure less than 1,000 signatures. In the experimental model phase for the Scottish software system, this applied to 77.3 % of all Public Petitions; for the period since October 2008 when the Bundestag's own software was introduced this figure is as high as 87.5 %.

This is a very surprising result: although the number of Public Petitions submitted and admitted shows a clear increase following the introduction of the new software, the number of signatures has not shown a commensurate increase. On the contrary, the average number of signatures per Public Petition showed a marked fall from 1,712 (in the period from 2005 to 2008) to 1,032 (in the period from 2008 to 2010).[27]

To date, the maximum number of online signatures obtained for a petition is 134,015 (for the petition against internet blocking »No indexing and blocking of internet pages« of 2009). What will be the next petition to break this »record«? Most importantly, however, we must ask whether one hundred thousand petitions is the maximum that the Bundestag system must be able to cope with for Public Petitions. The answer is probably no. Given the experiences in Germany (see above) or in other countries (e.g. in Great Britain, Chapter III.2.2 and Riehm et al. 2009a, p. 151 ff.), petitions with several hundred thousand or even millions of signatures are conceivable. Or consider a scenario where an influential organization with a large number of members (e.g. the German Automobile Club, ADAC) and a high-circulation newspaper that has an effective record of mobilising its readers (e.g. Bild-Zeitung) join forces and initiate a Public Petition to the German Bundestag. Millions of signatures (for example under a petition against the possible introduction of a car toll) are then quite possible. The Bundestag would in any event be well-advised to make preparations for such a »stampede« and to ensure the computing capacities of its e-petitions platform are designed accordingly.

## EVALUATION BY PETITIONERS 2.6.3

All surveys conducted of petitioners revealed a high level of agreement with internet-based signing functions. The high to very high rates of agreement with signing functions were between 77.3 % and 99.3 % (Table II.7). People submitting Public Petitions rated this feature higher than those submitting conventional petitions.

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27 Experience in Great Britain also demonstrates that e-petitions platforms with signing functions do not automatically result in high signature figures. For the Prime Minister's petitions system, only 7 % of all petitions between 2006 and 2010 received more than 500 signatures (Chapter III.2.2). In the case of the Scottish Parliament, 30 % of petitions submitted between 1999 and 2006 received more than 100 signatures (Chapter III.3.1).

| People surveyed | n | % |
|---|---|---|
| TABLE II.7 | INTEREST EXPRESSED BY THE PETITIONERS SURVEYED IN SIGNING FUNCTIONS FOR PETITIONS | |
| Submitters of conventional petitions, 2007 | 452 | 87.4 |
| Submitters of Public Petitions, 2007 | 340 | 98.2 |
| Submitters of conventional petitions, 2009 | 179 | 83.2 |
| Submitters of Public Petitions, 2009 | 196 | 98.5 |
| Submitters of conventional petitions, 2009 after conclusion | 110 | 77.3 |
| Submitters of conventional petitions, 2009 after conclusion | 153 | 99.3 |

Question: »The German Bundestag offers the facility to submit Public Petitions. How interesting do you find the following features of Public Petitions? … signatures can be added to them on the Bundestag's website.« The questions had to be answered using a four-step scale. The table shows the combined categories »fairly interesting« and »very interesting« and/or »fairly desirable« and »very desirable«.

Source: Zebralog 2007, 2010a

## NUMBER OF PETITIONS PER SIGNATORY                                        2.6.4

A question that is often discussed is whether many of the registered users on the German Bundestag's e-petitions platform would sign almost any number of petitions based on the motto that it only takes one click to sign the next petition. Jungherr/Jürgens (2010) examined this question, not least based on the data on signatories between October 2008 and January 2010. The data records obtained from the public petition system of the German Bundestag included 886 Public Petitions, 495,611 (anonymized) users and signatories and 1,099,541 signatures. The data record for each signature contains a unique identification number for the signed petition, the date of signing and the signatory's ID.

There were indeed individual users who signed up to 500 petitions in this period of approximately 16 months. However, this was very much the exception to the rule. Most signatories (i.e. 83.8 %) had not signed more than one or two petitions. Jungherr/Jürgens refer to these as »single issue stakeholders«. According to Jungherr/Jürgens (2010, p. 152), the »heavy users« were, by contrast, too small a group to influence the overall result among petition signatories. Moreover, the effect on an individual petition was in any case zero as each user can only sign a petition once. A second group stood out as having signed three or more petitions on different subjects during the period under review; in some cases this was spread over the entire period, while in others the petitions were signed in quick succession. Members of this group are referred to as »activism consumers« and account for 16.2 % of signatories. The data used does not allow any conclusion as to whether such individuals have chosen to sign petitions as

an end in itself or as a »hobby«, as (perhaps over-hastily) assumed by the authors, or whether these are simply citizens with an interest in politics who have discovered the petition system to be a useful means of political participation.

## EFFECTS ON THE PETITION SYSTEM                                  2.6.5

Nevertheless, it can be said that the signing function and the introduction of a quorum of 50,000 signatures for a petition to go to a public committee meeting has changed the way people view petitions. This is reflected in the fact that the media – and in some cases the petitioners themselves – consider the 50,000 quorum a measure of a petition's success or failure and/or as a quorum for a petition to be dealt with by the Petitions Committee.[28] This is not the case, of course. The Petitions Committee also deals with petitions that have been signed by only one person. However – even though this may not have been an objective pursued by the reformers – the Public Petition, which through its signing function is closely linked with the quorum for a public committee meeting, does have a new quality compared with conventional mass and collective petitions which were »only« concerned with generating and documenting public support but could not result in preferential treatment.

Compared with many other processes relating to the protection of rights and political participation, the right of petition with its two core functions of protecting individuals' interests and rights and also political participation has a very low threshold in terms of access and places the individual, small groups and minorities in a very strong position. The right of petition is not or is not necessarily concerned with achieving legitimacy for a concern by securing broad political support or even a majority in a vote. Evaluating petitions in the media and among the public according to how many signatures they have secured (which is a trend to which even politics is not totally immune) thus alters a typical characteristic of the right of petition (Chapter V.3.3.)

## DISCUSSION FORUMS ON PUBLIC PETITIONS                            2.7

In itself, the addition of signatures to a petition is not a particularly innovative modernization step because it has always been possible to submit collective and

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28  As, for example, seen by the following statements: »By Wednesday 89,580 people had used the internet to sign the objection to the increase in costs. The Petitions Committee of the German Bundestag must now deal with this issue. The required 50,000 signatures had been secured within just a few days.« (taz 20.5.2010, p. 6), or: »As expected, the petition is also supported by the Pirate Party ... which did indeed secure two percent in the German Bundestag elections. If this figure is extrapolated to the 50,000 signatories required for the Petitions Committee of the German Bundestag to address the issue ...« (Welt Online 18.11.2009).

mass petitions to the German Bundestag. In addition to making petitions more open to the public, the real innovation in the 2005 reform of the petition system of the German Bundestag involved the introduction of discussion forums for Public Petitions.

**FIG. II.8**                    PETITION PORTAL OF THE GERMAN BUNDESTAG:
                                       EXTRACT FROM A DISCUSSION FORUM



Source: https://epetitionen.bundestag.de/index.php?action=petition;sa=details;
        petition=19732 (19.10.2011)

Figure II.8 shows an extract from such a forum. Such a feature or even a similar feature had never existed before. At the time of the discussion on this modernising step that was held in the Bundestag from 2003 to 2005, online forums were

considered to be highly modern services that were »mainstream« in the discussion on e-democracy; TAB also made a contribution on this subject (Grunwald et al. 2006). Moreover, discussion forums were an integral part of the Scottish E-Petitioner software system; using this system for the German Bundestag was a shrewd decision in order to ensure the experimental model could still be rolled out in the 15th legislative period, which ended early (Chapter II.2.2).As far as can be seen, discussion forums played hardly any role in the internal Bundestag debate on the introduction of the »experimental model«. The available documents do not reveal any thorough discussion on their objectives, on who should participate in the discussions or on how the discussions should be considered in the procedure for processing petitions. Although the motion on the introduction of the experimental model as proposed by the then coalition parliamentary groups of the SPD and Alliance 90/The Greens in November 2004 (Committee Printed Paper 15/150) claimed that the experimental model would be »based on the practice of the Scottish Parliament«, in terms of content it only mentioned the publication of petitions on the internet and possibilities for online signing; it made no mention of discussion forums. The title of the motion was »Experimental model for signing petitions on the internet«. The debate on the motions by the coalition parliamentary groups focussed on the authenticity of petitioners and signatories for online petitions and on the financial and personnel capacities for implementing the new procedures. Any attempt to expound the deliberative component, to possibly »expand« it within the Scottish system or even to pursue an independent system may have undermined the implementation of the project as a whole (for details on the events leading up to the experimental model see Riehm et al. 2009a, p. 207 ff.).

Even consulting the article written by Ann Macintosh (one of the key academic inspirations behind the Scottish E-Petitioner system) and her colleagues in a bid to find a specific justification for discussion forums does not reveal many clues. With reference to Habermas' theory of the public sphere, a general hope is expressed that modern information and communications technologies will help revitalize the political public sphere (Malina et al. 2001, p. 11). It is also stated that a forum may help people who wish to express arguments for or against a particular petition. This could create greater transparency concerning the reasons for adding signatures to petitions (Malina et al. 2001, p. 21). In a later, balancing review, Macintosh et al. (2008, p. 491), state that discussion forums may enable citizens to express their opinion on the subject in question irrespective of whether or not they support the petition.

From the perspective of a deliberative democracy, discussion forums can help those involved to make a more informed decision whether to support a petition. The exchange of information, arguments and assessments should help an individual to form his own opinion and then make a decision. In principle, this applies to citizens and politicians in equal measure. For citizens, it is a question of

deciding whether to support the petition by adding their signature, while Members of Parliament who are members of the Petitions Committee must consider the treatment of the petition and the subsequent decision.

However, the question is often asked whether online forums actually function in this way and whether they are used accordingly. Do citizens really use the forums to make a more informed decision on adding their signature to a petition or is participation in the forums governed by very different factors? And what is the situation with the German Bundestag: are discussion forums actually evaluated and taken note of as part of the process for preparing decisions on petitions?

The following section first outlines the general views of petitioners and users of discussion forums before considering indicators of the actual use of forums and then finally characterising the contents of and discussion processes for online forums on Public Petitions in more detail.

## AIMS PURSUED WHEN USING THE DISCUSSION FORUMS          2.7.1

What aims are associated with the use of discussion forums? In the user surveys and also the surveys of people submitting public petitions that were conducted in 2007 and 2009, four statements were made which the participants could mark as »the most important aim« of forums (multiple answers were possible) (Table II.8). Here, it is interesting to note the weighting of the four specified aims. In all four surveys, the discussion forum as a medium for shaping citizens' opinions came out on top with the proportion of respondents in agreement varying between 70.8 % (minimum value from the 2009 survey of people submitting Public Petitions) and 85.1 % (maximum value from the 2009 survey of users of the petition platform). Some way behind this in second place was the discussion forum's role in helping the Petitions Committee when evaluating the petition (54.2 % to 81.1 %), while third place went to the establishment of contact between Members of Parliament and citizens (52.0 % to 71.6 %) and fourth place to the online forum as a medium for enabling an exchange between citizens (54.2 % to 61.9 %).

At this point, it is already clear that there is a wide gap between wish and reality. Whereas the aim of shaping opinions may possibly be seen as applicable for citizens, the same can hardly be said as regards the two objectives relating to the Bundestag (desired by two-thirds of those surveyed). The forums do not result in contact between Members of Parliament and citizens (at least not in the context of a discursive exchange) and consideration of the contents of forums in the petition process is at most sporadic, but not based on any specific rules. Although discussion forums as a medium of exchange between citizens was rated lowest of the four specified aims (Table II.8), this does in practice represent the predominant role played by the forums.

TABLE II.8                                WHAT PURPOSE SHOULD A DISCUSSION FORUM FULFIL?

| Respondents | n | Enable citizens to form an opinion on a petition % | Assist the Petitions Committee in evaluating the petition % | Establish contact between Members of Parliament and citizens % | Establish an exchange between citizens % |
|---|---|---|---|---|---|
| Submitters of Public Petitions, 2007 | 148 | 79.7 | 64.5 | 52.0 | 56.8 |
| Users, 2007 | 359 | 82.7 | 81.1 | 71.6 | 61.8 |
| Submitters of Public Petitions, 2009 | 48 | 70.8 | 54.2 | 56.3 | 54.2 |
| Users, 2009 | 680 | 85.1 | 67.4 | 65.7 | 61.9 |
| Average across all four surveys | | 79.6 | 66.9 | 61.4 | 58.7 |

The question was only put to the users of discussion forums: »What purpose should a dis-
cussion forum fulfil? Please select what, in your opinion, is/are the most important objec-
tives! A discussion forum should establish contact between Members of Parliament and
citizens, assist the Petitions Committee in evaluating the petition, be a forum where citi-
zens can form an opinion on the petition, establish an exchange between citizens.«

Source: Zebralog 2007, 2010a, 2010b

## ACTUAL USE                                                              2.7.2

Before presenting findings on the use of discussion forums by petitioners and
users of the petition platform, the following provides a quantity breakdown of
the contributions to discussions on the discussion forums of the German Bundes-
tag's petition platform. To start with, it is recalled that a separate discussion
forum is set up for each Public Petition; this forum is open for contributions for
a period of six weeks, after which it is closed and can only be read.

As shown in Table II.9, although the number of discussion contributions »post-
ed« varies over the last five years, it is still considerable. In the first year of Pub-
lic Petitions, 16,279 contributions were written by 4,793 participants. In the
first year after the new software system was launched this had risen to
61,601 contributions. Not only did the absolute number of contributions almost
quadruple, the average number of contributions per Public Petition also rose
from 57 to 91 (2010). At the same time, the years from 2007 to 2010 also reveal
that rather than an unchecked, continuous rise in discussion contributions, some
fluctuations do occur and these are typical of the volume of petitions in general.
In 2010 there were around 10,000 discussion contributions fewer than in 2009.

Overall, however, it can be seen that the discussion forums are embraced by citizens and that consequently, moderation of these forums also involves considerable time and effort. For example, the moderators had to deal with an average of 280 new contributions per working day in 2009.

TABLE II.9     CONTRIBUTIONS TO THE DISCUSSION FORUMS ON THE PETITION PLATFORM

| Year | Discussion contributions | Contributions deleted as a result of moderation | | Forum participants submitting written contributions[1] | Contributions per forum participant | Discussion contributions per Public Petition[2] |
|------|------|------|------|------|------|------|
| 2006 | 16,279 | 4,635 | 28.5% | 4,793 | 3.4 | 57 |
| 2007 | 8,228 | – | – | – | – | 34 |
| 2008[3] | – | – | – | – | – | – |
| 2009 | 61,601 | approx. 1,971[4] | approx. 3.2% | – | – | 88 |
| 2010 | 51,137 | approx. 1,636[4] | approx. 3.2% | – | – | 91 |

1  Figures only available for 2006.
2  Number of discussion contributions divided by the number of new Public Petitions admitted in this year.
3  No data available for 2008 due to the change in the software system.
4  The figures for deleted contributions are estimated and are based on figures for the period October 2008 to November 2010: Of a total number of 106,514 contributions, 3,407 were deleted; this represents a rate of 3.2%.

Source: Unless otherwise stated for 2006 and 2007 Riehm et al. 2009a, p. 222, for 2008 to 2010 internal petition statistics of the German Bundestag and own calculations

Overall, the discussion forum was used by a surprisingly high number of people who submitted public petitions and whose petitions were also admitted (Table II.10). Only between 15.5% and 27.3% of petitioners with Public Petitions did not use the discussion forums. Many of them even play an active role and submit their own contributions (between 38.7% and 50.3%). Moreover, the Bundestag expressly requests that when submitting a Public Petition, petitioners submit an introductory statement to the discussion forum.

The above findings contrast with those for participation in the discussion forums by users of the petition platform. They pursue other goals, with significant discrepancies between motive and action, and participation in the discussion forums is considerably lower compared with petitioners.

TABLE II.10                  ACTUAL USE OF THE DISCUSSION FORUM BY PETITIONERS

| Respondents | n | Yes, but only read | | Yes, read and written contributions | | No, not used | |
|---|---|---|---|---|---|---|---|
| | | Absolute | % | Absolute | % | Absolute | % |
| Submitters of Public Petitions, 2007 | 175 | 56 | 32.0 | 88 | 50.3 | 31 | 17.7 |
| Submitters of Public Petitions, 2009 | 58 | 22 | 37.9 | 27 | 46.6 | 9 | 15.5 |
| Submitters of Public Petitions after conclusion, 2009 | 150 | 51 | 34.0 | 58 | 38.7 | 41 | 27.3 |

Question: »Have you used the discussion forum for your Public Petition? Yes, I have only read it – Yes I have read it and also written one or more contributions – No« (submitters of Public Petitions 2007 and 2009, alternative responses). The question was only put to submitters of Public Petitions whose petitions were actually published.

Source: Zebralog 2007, 2010a

When asked about their reason for visiting the German Bundestag's petition platform (2007) or for registering on the petition platform (2009), 98 % of the surveyed users of the German Bundestag's petition platform listed signing a petition in first place. A corresponding percentage had also actually signed a petition. 72 % visited the petition platform or registered on the petition platform in order to find out various opinions on a petition; a further 72 % wanted to express their own opinion on a discussion forum (figures only available for 2007). There is a striking gap between actual (passive or active) use of the forums and the reasons given for visiting the platform. In 2007 only 27.8 % used the discussion forum on a passive basis, but 71.7 % gave passive use as the reason for their visit. In 2007 only 5.5 % used the discussion forum actively by writing on it, but 72.1 % actually gave active use as the reason for them visiting the discussion forum (Table II.11).

Whether passive (reading) or active (written) use of the discussion forum was used to improve the basis for deciding whether or not to sign a petition can therefore only be partially confirmed and for a maximum 33.3 % (27.8 % + 5.5 % in 2007) to 54.6 % (49.0 % + 5.6 % in 2009) of users.

TABLE II.11                                    REASONS FOR VISITING PUBLIC PETITION WEBSITES
                                                                        AND ACTUAL USAGE

| | To support a petition (adding signature) | | To find out different opinions on a petition (view the discussion forum) | | To express my opinion on a petition (write a comment on the discussion forum) | |
|---|---|---|---|---|---|---|
| | n | % | n | % | n | % |
| Users, 2007 | | | | | | |
| Reasons for visit | 1,370 | 98.0 | 1,203 | 71.7 | 1,195 | 72.1 |
| Actually done | 1,360 | 96.0 | 1,360 | 27.8 | 1,360 | 5.5 |
| Users, 2009 | | | | | | |
| Reason for registering | 1,244 | 97.6 | – | – | 1,244 | 0.6* |
| Actually done | 1,246 | 97.7 | 1,246 | 49.0 | 1,246 | 5.6 |

Row »Reasons for visit« 2007: »On a very general basis we are interested to know why you visit the Public Petitions web pages. I would like to support a petition, to find out different opinions on a petition, to express my opinion on a petition.« The questions had to be evaluated on a four-step scale. The table shows the combined categories »totally applicable« and »fairly applicable«. Rows »Actually done«, 2007 and 2009 (multiple responses possible): »Which of the following things have you so far done on the web pages for public petitions? I have signed a petition (addition of signature), ..., viewed the discussion forum for a petition, written one or more comments on a petition's discussion forum.« Row »Reason for registering« (multiple answers not possible): »What was, for you, the reason for registering on the platform? To submit a Public Petition, to sign/support a Public Petition, to discuss a public petition on the forum, other reasons.«

*   This figure is not directly comparable with the corresponding figure from 2007 because in 2009 the reason for registering was asked in a different way, 2007 (reasons for visit) but multiple responses were possible.

Source: Zebralog 2007, 2010a, 2010b

## CONTENT-RELATED QUALITY OF THE DISCUSSION FORUMS        2.7.3

The Guidelines on the Treatment of Public Petitions of the German Bundestag describe the purpose of the discussion forums as follows: »This forum should give all participants – citizens and also the Members of the German Bundestag – an opportunity to find out facts submitted, requests for legislation and complaints from different viewpoints and to incorporate these when forming their own opinions.« However, discussion contributions are only used when »forming one's own opinion« if these contributions exhibit a certain minimum quality level in terms of content that makes their consideration worthwhile.

The surveyed petitioners and users of the petition platform rated the contents of the discussion forums fairly positively (Table II.12).

| TABLE II.12 | | | RATING THE CONTENT OF THE DISCUSSION FORUMS | |
|---|---|---|---|---|
| Respondents | Discussion was very informative | | Discussion was objective and without offence | |
| | n | % | n | % |
| Submitters of Public Petitions, 2007 | 138 | 67.4 | 136 | 76.5 |
| Submitters of Public Petitions, 2009 | 45 | 62.5 | 42 | 66.7 |
| Submitters of Public Petitions after conclusion, 2009 | 103 | 64.1 | 103 | 66.0 |
| Users, 2007 | 299 | 84.6 | 291 | 88.3 |
| Users, 2009 | 548 | 90.7 | 487 | 86.7 |

Question: »Please tell us how applicable you find the following statements. The discussion in the forum was very informative, it was objective and without offence.« The questions had to be rated on a four-step scale. The table shows the combined categories »totally applicable« and »fairly applicable«. This question was only put to submitters of Public Petitions whose petitions were actually published and who had used the petition forum. The users of the petition platform were only given this question if they had also used the discussion forum.

Source: Zebralog 2007, 2010a, 2010b

A clear majority of the people surveyed who had submitted public petitions and who had experience in using the discussion forums either fully agreed or tended to agree with the statement that the discussions were informative (67.4 % [2007], 62.5 % [2009] and 64.1 % [after conclusion 2009]) or that they were objective and without offence (76.5 %, 66.7 % and 66.0 %). The opinions of the other users of petition platforms with experience of using the discussion forums were even more positive (between 84.6 % and 90.7 % in agreement). However, it was also revealed that despite the positive rating given to the discussion forums, they were not so important in terms of the process of deciding whether or not to sign a petition. This is shown by the fact that 66.7 % (2007) and 45.4 % (2009) of users did not use the forums at all (Chapter II.2.7.2, Table II.11).

The following section, however, considers the importance attached to the discussion forums by the German Bundestag. Here, the key question concerns the content-related quality of the discussion forums and the benefit of taking the forums into account in the petition process. The forums should only be considered in the process if the content-based quality is sufficiently high. Only on this premise it is worthwhile to employ appropriate and practical means of evaluation. However, the question of benefits offered is especially difficult to answer. What are the benefits and to whom do they apply?

For the Committee Service, it could be beneficial if the discussion forum contained previously unknown information on pro and contra arguments of relevance for evaluating the facts, on new »facts«, on court decisions or on academ-

ic studies. However, what is »unknown« or »new« cannot be established in absolute terms and can only be ascertained in relative terms based on the subjective knowledge of administrative staff.

Members of Parliament and their staff could find typical pro or contra arguments relating to a petition of interest helping them, for example, to prepare more effectively for a public committee session on a petition. They could be interested to find out if the discussion forums refer to the constituency of a Member of Parliament, to his/her specialist subject or even to a statement made by him/her in this connection.

However, the degree to which a discussion forum is considered beneficial also depends on how the petition itself is rated. If a Member of Parliament considers a petition to be one of the less interesting, more mundane petitions, then any information in the discussion forums will be considered of minor relevance, irrespective of how interesting it actually is. If, on the other hand, a petition is the focus of public and media attention, then even a highly trivial discussion contribution can become important.

Moreover, depending on the different interest profiles of the recipients, it is possible for very different criteria to be applied when assessing the benefits of discussion forums. For example, one group may mainly be interested in arguments that support its own preconceived stance, while others may be interested in the counter-arguments to the position they are currently championing.

Any such evaluation of benefits that considers subjective and time-based contexts could only be carried out empirically by conducting experimental studies or by organising studies in tandem with the actual process among employees of the Committee Service, employees of the parliamentary groups and members of the Petitions Committee. This was not possible within the framework of the allocated project budget or without taking up a considerable amount of time of the »research subjects«.

We can, however, consider whether there is *potential* for beneficial information within the contributions to the discussion forums. A content analysis is the appropriate method to identify pro and contra arguments, facts and more extensive legal or scientific information in the contributions to the discussions and subsequently to classify these accordingly and to evaluate the text corpus on a summary basis. We did this for 19 discussion forums on petitions whose discussion and signing periods ended in 2009 (Table II.13).

The 19 discussion forums were primarily selected on the basis of key areas of interest expressed by subject specialists within the parliamentary groups and by committee members. The selection process also considered different-sized forums. The 19 forums had a total of 19,555 contributions. Capacity grounds

meant it was only possible to analyse the content of 2,203 of these contributions
(Zebralog 2011c, p. 7 and 11).

TABLE II.13                                  THE 19 PUBLIC PETITIONS OF THE CONTENT ANALYSIS

| No. | Petition title | Users writing contri- butions | Contri- butions | … per user |
|---|---|---|---|---|
| 1 | Unemployment benefit II – removal of sanctions pursuant to § 31 SGB II | 102 | 585 | 5.7 |
| 2 | Banking – no forwarding of data to other countries in cases where there is an absence of suspicion | 27 | 40 | 1.5 |
| 3 | Company pension provision – annual 1 % minimum adjustment of company pensions | 7 | 7 | 1.0 |
| 4 | Education – tripling of spending on education | 21 | 26 | 1.2 |
| 5 | Civil law – GEMA and mechanical reproduction rights | 424 | 1,401 | 3.3 |
| 6 | Federal Government – establishment of a ministry of integration | 33 | 41 | 1.2 |
| 7 | Statutory health insurance – fundamental reform of the health insurance system | 35 | 58 | 1.7 |
| 8 | Paramedical professions – reduction in the level of education for accessing care professions | 125 | 216 | 1.7 |
| 9 | University education – abolition of the bachelor/master system | 27 | 43 | 1.6 |
| 10 | Internet – no indexing and blocking of internet pages | 1,608 | 11,208 | 7.0 |
| 11 | Church issues – strict separation of the church and state | 47 | 181 | 3.9 |
| 12 | Procurement and disposal of radioactive materials – shut-down of all nuclear power plants by 2021 | 44 | 105 | 2.4 |
| 13 | Proposals for reform in social insurance – unconditional basic income | 452 | 4,278 | 9.5 |
| 14 | Regulation on retirement pensions – times spent carrying out voluntary activities | 19 | 26 | 1.4 |
| 15 | Fiscal policy – introduction of a tax on financial transactions | 88 | 217 | 2.5 |
| 16 | Dangers of addiction – legalization of soft drugs | 96 | 370 | 3.9 |
| 17 | Copyright – application of the EU directives (free trade) instead of GEMA monopoly | 7 | 24 | 3.4 |
| 18 | Weapons law – against a ban on games such as paintball | 306 | 644 | 2.1 |
| 19 | Electoral law – introduction of compulsory voting | 68 | 85 | 1.3 |
| | Total | 3,536 | 19,555 | 5.5 |
| | Mean value | 186.1 | 1,029.2 | 5.5 |
| | Median | 47 | 105 | 2.2 |

Source: Zebralog 2011c, p. 10 f.; own calculations

## CONTENTS OF THE DISCUSSIONS IN THE FORUMS

The results of these analyses show that 59 % of the contributions are in favour of the petition and that only 23 % contain arguments against the petition's intent (Zebralog 2011c, p. 11). The range of opinions represented is broad but is not balanced because of the clear predominance of contributions in favour of the petitions. This can perhaps be explained by the fact that the main motivation for visiting the petition platform is to sign a petition. Since it is not possible to speak out against a petition, the incentive to present counter-arguments in the forum is perhaps less pronounced than in the case of arguments in favour of a petition where it is possible to persuade participants in the discussion to add their signatures.

Accounting for almost 4 % of the contributions, the predominant type of supplementary information involved political and social proposals for solutions. This was followed by information on comparable examples (3.5 %), legal information (3.1 %) and information on academic studies (1.9 %). Overall, 24.4 % of contributions contained at least one item of supplementary information (Zebralog 2011c, p. 12 f.). As already mentioned above, this analysis process did not enable us to evaluate the actual quality of this information, its »accuracy« (however this is defined) or its usefulness for the recipients of the forums. It was only possible to show that potential for objectively discursive and supplementary information does exist and that the contributions are not limited to simple pro and contra arguments or to widely digressing and flippant contributions, as encountered with some other online forums.

However, the discussion forums do not only relate to the subject of the petition; they also contain contributions that broach the petition or the process on another level. For example, where contributors were in principle in agreement with the issue, there were often discussions on the quality of the petition text. Or contributors bemoaned the ban on web links in the discussion contributions and exchanged methods for circumventing the ban on links. In addition, the six-week »petition campaign« was the subject of contributions in the forums, with participants pointing out possible ways for mobilising signatures; other subjects included help for dealing with problems during the registration and signing process and also interim reports on the number of signatures or on media response to the petition. These types of use confirm one of the functions of the discussion forums which has also been frequently mentioned by petitioners in the focus groups or in other contexts – namely that the forums offer opportunities for establishing contacts, for coordinating and supporting a political »campaign« and that these functions are also used and valued.

However, this interdisciplinary, quantitative study hides the fact that the forums reveal a significant degree of heterogeneity in terms of the quantity, content and quality of their contributions. For example, the 19 forums studied had between

seven and 11,208 contributions, with a mean of 1,029 and a median of 105 contributions. Five of the 19 forums revealed very one-sided opinions accompanied by a specific style of discussion. Possibly due to a lack of counter-arguments, any factual exchange of arguments gave way to what was merely a reassuring and affirming emphasis of the dominant position (Zebralog 2011c, p. 16). Another problem that was identified was that discussions can become one-sided if two (or more) conflicting petitions exist on the same subject at more or less the same time. Although the basic premise remains true that contributions in support of petitions predominate, some forums revealed an opposing trend where the number of contributions against a petition was in the majority (Zebralog 2011c, p. 16f.).

## STYLE OF DISCUSSIONS IN THE FORUMS

Although on a different level, the quality of the discussions also depends on *how* issues are discussed in the forums. This is because an open culture of discussion that is free of discrimination, that discourages no one and that excludes no one can only develop if the style of discussion is objective and shows respect for the discussion partners. Such a culture of discussion will also be appreciated even where recipients only participate by reading the discussion

An interesting first point to consider here is how often moderators have had to intervene and even deleted contributions to discussions due to a breach of the rules.[29] Further points of interest include what type of communication actually takes place, whether participants refer to each other with arguments and counter-arguments, with questions and answers, and whether the discussion sticks to the topic in question or becomes lost in details and secondary issues or even if the original issue becomes totally sidelined. It is also interesting to consider whether certain individuals dominate the discussion forums and in so doing possibly deter others from also expressing their opinions. Another aspect is how the contributions are distributed over the six-week discussion period.

*Interventions and deletions by discussion moderators*

In the first phase of the Public Petitions experimental model in 2006, almost 30 % of all contributions in the discussion forums were deleted (Chapter II.2.7.2, Table II.9). This very high rate of deletions is no longer encountered, for a number of reasons. Firstly, the old system could only delete complete »threads« – i.e. a series of related contributions. The new system introduced in October 2008 also

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29  The moderation role is largely rated positively by the petitioners and users surveyed who had experience of the discussion forums. Between 74.3 % and 89.7 % of those surveyed believed the moderation process guaranteed neutrality. By contrast, moderation was rated somewhat more critically on the question of whether it was useful. Here, the agreement rates (totally applicable, fairly applicable) were between 57.1 % and 66.7 % for submitters of Public Petitions, and between 76.2 % and 87.5 % for users of the petition platform.

allows deletion of individual contributions. Over the years, the German Bundestag has also learnt to exercise greater flexibility in moderating the forums. In addition to deleting entire contributions, in some cases only individual passages within a contribution are now deleted, or the moderator intervenes in a discussion that is threatening to get out of control and adds his own contribution as a warning; in many cases the discussion then resumes a more objective character and focuses on the matter addressed by the petition.

If we consider the period from the launch of the new system in October 2008 until the start of December 2010, a total of around 110,000 contributions were received, of which around 3,500, or 3.2 %, were deleted. Moreover, the evaluation of the contributions to the 19 forums examined revealed that around 0.6 % of the contributions were written by moderators. No data are available on the number of direct interventions by moderators in contributions; according to the German Bundestag, however, these do not occur more frequently than full deletions of contributions. All in all, this indicates a marked reduction in contested contributions by moderators to a single-figure percentage rather than the figure of almost 30 % for 2006.

*Style of communication*

We did not systematically analyse the style of communication in the forums. As expected, the sporadic experiences available indicate a broad spectrum ranging from very erratic discussions that have little in common with the flow of the contributions to highly focussed discussions that refer to one another. The discussions in the forums could generally achieve better focus and rigour if, in addition to merely ensuring compliance with the guidelines as is currently generally the case, moderators also intervened regarding the structure of a discussion's contents, in the same way as a good moderator would attempt to intervene at a meeting. This would naturally involve significantly increased moderation costs.

*»Prolific writers«*

It is not surprising to note that certain individuals are particularly active on the petition forums and that the number of contributions is therefore not evenly distributed among participants. As well as being a characteristic of other electronic forums and e-mail discussion lists, these skewed distribution patterns are in principle also evident in gatherings within the »offline world«. However, the discussion forums on the petition platform do not appear to reveal any extreme concentration on certain individuals. The nineteen forums from 2009 that were analysed by Zebralog revealed between seven and 1,608 distinguishable users. The average number of discussion participants across all forums was 186, while the median (which is more meaningful in the case of skewed distribution patterns) was 47.[30]

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30   Half of the 19 discussion forums had 47 or fewer active users.

If we now consider the frequency with which users participate in the forums, half of the forums revealed a maximum of 2.2 contributions per user (median), while the mean value (which is less meaningful) was 5.5 contributions per user. Among the forums with large numbers of contributions – in the case in question there were two forums each with 4,300 and 11,200 contributions respectively – the number of contributions per user was, on average, higher (9.5 and 7.0) than for the nine forums with fewer than 100 contributions. With one exception of 3.4, the figures for contributions per user on these forums were between just 1 and 1.7.

With the forums with a large number of contributions in particular, it would have been surprising if these forums had not also had a number of participants who made several contributions. This is because this is the only means of conducting discussions in which arguments are exchanged and responded to.

But what about the »prolific writers« among the users? In the sample of the 19 discussion forums studied, of the total of 3,536 contributors, one contributor accounted for 555 contributions while a further two made 356 and 335 contributions. Twentieth place was occupied by a user with 100 contributions. Here, it is interesting to note that of these 20 »prolific writers«, 15 had only contributed to one forum. Four had made contributions to two forums and only one was active in six forums. As far as can be seen from the available data, it would thus appear that very active contributors do not visit as many forums as possible but instead generally focus their contributions on only one petition forum.[31]

*Time sequence*

With regard to the time sequence of the discussions in the forums (in the prescribed six-week period), the analysis conducted by Zebralog again revealed a contrasting picture. On the one hand it was noted that the quality of the discussions tended to flatten out over time. »In the last third of each of the forum discussions examined the discussion tended to become progressively more fragmented, with the individual threads often focussing on relatively marginal subaspects. At the same time, it became apparent that the discussions were becoming increasingly dominated by a few tenacious forum users; at this stage, this sometimes gave the discussions a dialogical character« (Zebralog 2011c, p. 17 ff.). It could be concluded from this that the six-week discussion period could in fact be reduced without any major detrimental impact on the content of discussions. The same conclusion could also be drawn if the typical time sequence for a discussion forum involved an initial sharp rise in contributions in

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31  Jungherr/Jürgens (2010, p. 158) come to a similar conclusion in their analysis of signing patterns. The overwhelming majority of signatories (84 %) in the period from October 2008 to January 2010 fall within the category of »single issue stakeholders« who signed a maximum of two petitions (Chapter II.2.6).

the first few days followed by a continuous flattening-out until the discussion had largely run dry. Around one-third of the 19 forums studied revealed such a pattern. The discussion patterns for the other forums included some that only really »took off« after a few days, some with several »peaks« during the six weeks and some with a marked rise – or even a peak – in the last of the six weeks.[32] Reducing the discussion period would therefore exclude considerable potential for discussion.

## PUBLIC COMMITTEE MEETINGS                                    2.8

Although Article 42 of the Basic Law provides that the German Bundestag debates in public, the majority of its sittings are held in closed session. In the first twelve legislative terms of the German Bundestag, there were 9.1 closed sessions to every one public session, while in the 13th and 14th legislative terms this ratio had improved to 5.8 closed sessions to every one public session (Riehm et al. 2009b, p. 531). This observation obviously includes the meetings of committees which do not generally meet in public session, although the Rules of Procedure of the German Bundestag have permitted public hearings since 1951 under Rule 70 and extended public committee deliberations since 1995 under Rule 69a. Prior to 2006 the Petitions Committee had not held any public committee meetings and since the 2005 reform of the petition system it pursues a different route as regards the public nature of committee meetings. Unless two thirds of the committee members object, such public meetings must now be held if petitions have gained more than 50,000 supporters.[33] Moreover, this quorum applies irrespective of whether the supporters were recruited for a Public Petition on the internet or for a »conventional« collective or mass petition outside of the internet. The Petitions Committee can also hold public committee meetings for individual petitions even if the quorum is not reached.

Although non-public sittings of the Petitions Committee are widespread, they are by no means the norm everywhere. For example, the Petitions Committee of the Bavarian Land Parliament meets in public as a matter of principle, as is the case for all its committees. The Scottish Parliament, too, invites petitioners to public committee sessions where they can present their concerns and respond accordingly. The entire sitting can be viewed on video on the internet and written minutes can be consulted (Riehm 2008; Riehm et al. 2009b). Similarly, the

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32  The analysis of time sequences for signing patterns conducted by Jungherr/Jürgens (2010, p. 144) also reveals the same picture: Eight of 14 petitions with more than 10,000 signatories received most signatures during the first three weeks, while six petitions received most in the last three weeks of the six-week signing period.

33  No. 8.4 (4) of the Principles of the Petitions Committee governing the Treatment of Requests and Complaints (Procedural Rules) in the version dated 25.11.2009 (Petitionsausschuss 2010, p. 90 ff.).

Petitions Committee of the European Parliament also meets in public session and petitioners can participate at the sittings.

Public committee sessions meet with broad approval among petitioners and also users of the petition platform. Compared with the four characteristics of the Public Petitions experimental model, public committee meetings obtained the highest levels of approval in five out of eight surveys[34] with approval rates ranging from 88.8 % to 100 %.

This positive attitude towards holding public committee sessions with petitioners was also reflected in the interviews conducted with the members of the Petitions Committee and in the focus group meetings with employees of the parliamentary groups and members of the Committee Service (Zebralog 2011b). From personal discussions with members of the Petitions Committee or their statements at events on the subject of Public Petitions, it is in some cases even possible to conclude that for the Members of Parliament, public committee sessions represent the most important innovation. There may well be good reasons for this. During a committee meeting, direct contact is established between a Member of Parliament and the petitioner. Both sides also appreciate the media attention that in some cases can result in image reports or an interview. By comparison, some politicians consider online forums for petitions to be anonymous features that offer little opportunity for gain in terms of the mass media and that consequently have little overall impact.

Public committee meetings involve a not inconsiderable amount of extra preparatory work for the Committee Service. They also require Members of Parliament and their staff to devote additional time – not only for the three-hour sitting but also for the thorough preparation required prior to any session. In view of the public presence and the fact that cameras are rolling, Members of Parliament should wherever possible ensure they don't appear disinterested and poorly informed.

To date (i.e. up to June 2011), (only) nine Public Petitions have reached the quorum of 50,000 signatures via the e-petitions platform (within the six-week period). In this context, it is also necessary to include other petitions that only met the quorum requirement through conventional signature collection processes or by combining signatures obtained via the internet, by fax or by post. This gives a total of 23 petitions for the period from September 2005 to June 2011.

The first public committee session was held in 2007. In 2007, 45 petitions were dealt with at a total of five sessions, making an average of nine petitions per session. However, the sessions appeared overloaded as a result and the number of

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34  A total of nine surveys were conducted (Chapter II.5). However, the population survey of 2008 did not include a question on attitudes towards public committee meetings.

petitions dealt with at each public committee meeting was reduced in subsequent years. In 2008 five further committee sessions were held and dealt with 29 petitions; in the election year of 2009 only one public committee meeting was held and this dealt with seven petitions. In 2010 four public committee sessions were held at which ten petitions were debated (Petitionsausschuss 2007, 2008, 2009, 2010, 2011). Examples of petitions dealt with at public committee sessions include the petitions against »internet blocking« (with over 134,000 signatures), for a higher income for midwives (over 105,000 signatures) or against the ban on certain computer games (73,000 signatures).

The following describes what is now emerging as the typical course of such a meeting. The petitioner is first given the opportunity to present his concern in a statement lasting around five minutes. The petitioner is then asked questions by the members of the Petitions Committee. Questions can and are also submitted to representatives of the competent ministries who are present at the meeting; generally, the ministries are represented by the Parliamentary State Secretary and by ministry officials. The time frame for dealing with a petition is generally around 30 minutes to one hour. It has already been pointed out that in the meetings held in 2009 and 2010, the Petitions Committee dealt with fewer petitions, but debated these more intensively. In some cases it is quite possible for an interested and enthusiastic audience to completely fill the visitors' gallery of the committee meeting room and depending on the subject matter in question, for newspaper, image, radio and TV reporters to be present, not forgetting internet bloggers and Twitter followers. It has become almost standard practice for interviews to be conducted with politicians and petitioners within the direct environment of the meeting. Moreover, the committee meeting is transmitted in real time on the internet by the Video Service of the German Bundestag and can subsequently also be viewed on the internet from the Bundestag's video archive. Never before has there been so much public exposure for petition politicians, for the Petitions Committee or for petitioners and their issues.

Some Members of Parliament are currently considering reducing the quorum of 50,000 signatures with a view to increasing the number of public committee meetings. However, this is unlikely to be a smooth process given the limited resources within the Committee Service and also the strained time budgets with which Members of Parliament work.

## SUCCESS OF PETITIONS                                            2.9

As routinely noted by the Petitions Committee's activity report (Petitionsausschuss 2010, p. 6), the most frequently asked question concerns how often a petition is successful from the petitioner's point of view or how high the proportion of petitions that are »positively dealt with« is. Answering this question about the

degree of success enjoyed by a petition is just as difficult as establishing the bene-fits of the discussion forums (Chapter II.2.7) and depends on the respective point of reference. This may, for example, be the petitioners, or on the other hand the Petitions Committee which is pursuing its own interests, for example in terms of controlling the government and its own political profile. The wording in the ac-tivity report reflects the different ways in which »success« is viewed: firstly through the »objective statistical« category of »positively dealt with« and sec-ondly the subjective evaluation »from the petitioner's point of view«. Success can also be measured in terms of the objectives pursued by a petition and the expectations in terms of achieving these objectives, which do not merely have to focus on direct implementation of the measures addressed in the petition. From a higher-level perspective, the success of the petition system could also be meas-ured by the degree to which it promotes citizens' confidence in parliamentary democracy and the state of law.[35]

For the first time ever, the surveys of petitioners following conclusion of their procedures that were conducted in 2009 now provide relatively differentiated data that enable us to answer the questions raised here. To start with, however, we consider the Bundestag's point of view.

## SUCCESS AS VIEWED BY THE GERMAN BUNDESTAG 2.9.1

The German Bundestag essentially provides two sources for analysing the suc-cess of petitions in the form of its annual activity reports. On the one hand, these provide reports of sometimes poignant individual cases where the Petitions Committee was able to achieve some success for the people involved and their issue – either by a solution tailored to the individual case or by suggesting a leg-islative initiative that could be implemented in the German Bundestag and then benefited the general public. On the other hand, the petition statistics contained in the activity reports reveal the type of final conclusion for all petitions (Ta-ble II.14).

In 2009, the proportion of petitions with a positive outcome (»the request was satisfied«) was 7.6 %; this marked a return to its »normal range« following an unusually high figure of 16.8 % in 2007. The long-term average over a period of 33 years (1977–2009) was 8.5 %, and the median 7 %.[36] At 33 %, the highest figure for a positive outcome was recorded in 2002. No explanation can be found for these large fluctuations.

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35  An analysis of success could refer to the functions of the petition system as developed in, for example, Riehm et al. 2009a, p. 41 ff.
36  In half of the years the figure was 7 % or less.

TABLE II.14                      TYPE OF CONCLUSION FOR PETITIONS BY THE
                                 PETITIONS COMMITTEE FROM 2005 TO 2009 (%)

|  | 2005 | 2006 | 2007 | 2008 | 2009 |
|---|---|---|---|---|---|
| *With parliamentary debate* | | | | | |
| The request was satisfied | 5.1 | 3.0 | 16.8 | 4.6 | 7.6 |
| The request was not satisfied | 38.4 | 47.8 | 27.0 | 33.1 | 27.5 |
| Referral to the Federal Government | 2.2 | 2.8 | 5.0 | 3.1 | 3.5 |
| *No parliamentary debate** | | | | | |
| Resolved by advice, information, referral, communication of materials, etc. | 33.8 | 27.3 | 31.4 | 33.8 | 38.1 |
| Forwarded to the parliament of the competent federal state | 8.2 | 8.3 | 7.8 | 8.4 | 8.5 |
| Expressions of opinion, without an address, anonymous, confused, offensive, etc. | 11.6 | 10.4 | 11.5 | 16.7 | 14.3 |
| Other | 0.7 | 0.4 | 0.5 | 0.4 | 0.5 |
| Total number of petitions dealt with** | 16,648 | 20,299 | 19,783 | 17,091 | 17,217 |

Percentage figures in relation to the total number of petitions conclusively dealt with on a parliamentary and non-parliamentary basis in the respective year.

\*    Resolved by the Committee Service prior to parliamentary debate.
\*\*   The total number of petitions conclusively dealt with in a year does not correspond to the figures considered in Chapter II.2.3, Tables II.1 and II.2, on the number of new submissions of petitions in a year.

Source: Petitionsausschuss 2006 to 2010

In 2009, the proportion of petitions that were definitively rejected (»the request was not satisfied«) was 27.5 % and was thus slightly higher than the long-term average of 24.8 % (1977–2009). Once again, this category reveals major fluctuations for which no plausible explanations have yet been identified. For example, the rate of rejection was 47.8 % in 2006, a figure which was only exceeded once in 1998 when it was 48.8 %. The lowest rates of rejection can be found at the end of the 1970s with figures of 11 % (1977, 1978) and 11.5 % (1979).

Even with the very low number of referrals to the Federal Government (2009: 3.5 %), either »for consideration« (0.03 %), »for deliberation« (0.64 %), »as background material« (1.64 %) or as »simple referral« (1.21 %), the Federal Government is not bound by the vote of the German Bundestag. There is no summary information on how often the Federal Government has followed these votes.

A considerable proportion of petitions do not enter the parliamentary debate stage because they are resolved by »advice, information, referral, etc.« beforehand

(2009: 38.1 %) or are handed over to the competent Land parliaments (2009: 8.5 %) or because they did not formulate a concern properly (mere expression of opinion, anonymous, confused, offensive, etc.) (2009: 14.3 %). These figures do not allow to identify how many petitioners, whose matters were »resolved« in advance through advice and information, felt rejected, felt convinced that their concerns were pointless or felt that they achieved redress for their concern.

All in all, the statistics on the numbers of petitions dealt with do not provide a truly satisfactory answer with regard to the success of petitions, despite the fact that the activity report states that »almost half of the procedures were positively concluded in the broad sense of the term« (Petitionsausschuss 2010, p. 6). The categories »the request was satisfied«, »referral to the Federal Government« and »resolved through advice, information, referral and communication of material« are summarized in the quoted statement.

## SUCCESS AS VIEWED BY PETITIONERS 2.9.2

In the two surveys of petitioners who used conventional and Public Petitions that were conducted after the petition procedure had been concluded, the respondents were asked what they themselves were able to take from the concluding decision. When compared with the petition statistics of the German Bundestag, these surveys reveal correlations and some minor deviations (Table II.15). However, the following discussion will not examine this point any further because the methods applied and the very different origination contexts of the petition statistics and survey results render any comparison meaningless.

It is more interesting to consider whether conventional and Public Petitions differ in terms of their »success« as viewed by petitioners. Are Public Petitions more successful? It would appear not, although the available results are difficult to interpret. The category »My request was satisfied« does reveal a clear difference. This was selected for only 2.7 % of Public Petitions but for 13.6 % of conventional petitions. Even including the response category »My request was partially satisfied« does not fundamentally change this relationship. At the same time, however, relatively more people submitting conventional petitions stated their request was not satisfied (73.6 %) compared with those submitting Public Petitions (68.2 %); here too, however, the differences are not major. Public Petitions also appear »privileged« as regards referral to the Federal Government (5.4 % compared with 1.8 %). On the other hand, the category »My concern was satisfied in other ways« reveals a marked difference of almost 10 % (Public Petitions 14.2 % and conventional petitions 5.5 %). However, this may hide the fact that concerns were satisfied in very different ways, which makes any interpretation difficult. Overall, the available data do not allow us to conclude that when viewed through the eyes of the petitioners, Public Petitions are more successful than conventional petitions.

In a further step in the analysis, the expectations held when submitting a petition where then studied in relation to the actual, subjectively evaluated effect. This follows an approach already used by Carman (2010, p. 739 f., see also Riehm et al. 2009a, p. 144 f.) in the surveys of petitioners in Scotland. Of the Scottish petitioners, 89.6 % expected their petition to be dealt with fairly by Parliament, but this expectation was only actually met in 36.3 % of cases. 86 % had expected their concern to be heard in Parliament, but individuals' evaluation of the success of their petitions was greatly at odds with this expectation: 23 % agreed with the statement that their petition received a full review, 17 % were satisfied with the result of the petition process and 16 % considered their petition a success.

| TABLE II.15 | MANNER IN WHICH PETITIONERS CONSIDERED THEIR REQUEST WAS DEALT WITH IN 2009 (%) | | |
|---|---|---|---|
| | Petitioners with | | German Bundestag petition statistics** |
| | Non-public petition* | Public Petition* | |
| n | 110.0 | 148.0 | 6,739.0 |
| My request was satisfied | 13.6 | 2.7 | 19.5 |
| My request was partially satisfied | 4.5 | 6.1 | – |
| My request was not satisfied | 73.6 | 68.2 | 70.2 |
| My request was referred to the Federal Government | 1.8 | 5.4 | 9.0 |
| My request was satisfied in other ways. | 5.5 | 14.2 | 1.3 |
| I did not really understand what stance the German Bundestag took as regards my petition. | 0.9 | 3.4 | – |

\*   The question was only directed at petitioners whose petition was dealt with and concluded under the parliamentary procedure. The question was as follows: What were you able to conclude from the final decision?
\*\*   In contrast to Table II.14, this table only considers those petitions that were subject to parliamentary debate.

Source: Petitionsausschuss 2010, Zebralog 2010a, p. 37 f., 160 f., 198

The survey of German petitioners asked about a total of five motives based on the main »functions of petitions« for petitioners and also petition recipients as defined in Riehm et al. (2009a, p. 41). These individual motives were as follows: protection of rights and interests (»I wanted a solution to be found for my concern«), participation/political participation (»Through my petition I wanted to influence governmental and political decisions«), mobilization (»I wanted my petition to recruit supporters for my concern«), information (»I wanted my petition to become known among the general public and the media«, »I wanted my petition to become known among the relevant political and administrative bod-

ies«) and control of the executive by Parliament (»I wanted my petition to enable the German Bundestag to exercise control over the Government«).

Table II.16 shows petitioners' responses following conclusion of the process and studies their motives and whether these motives were realized or not.

| TABLE II.16 | MOTIVES FOR SUBMITTING PETITIONS AND THEIR REALIZATION | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| | Petitioners using conventional petitions* | | | | Petitioners using Public Petitions* | | | |
| | Motive | | Realized** | | Motive | | Realized** | |
| | n | % | n | % | n | % | n | % |
| I wanted a solution to be found for my concern. | 126 | 96.8 | 97 | 20.6 | 150 | 94.0 | 121 | 11.0 |
| Through my petition I wanted to influence governmental and political decisions. | 117 | 84.6 | 76 | 12.2 | 146 | 92.5 | 112 | 16.3 |
| I wanted my petition to recruit supporters for my concern. | 104 | 64.4 | 50 | 21.1 | 144 | 78.5 | 88 | 64.0 |
| I wanted my petition to become known among the general public and the media. | 109 | 35.8 | 25 | 23.3 | 146 | 63.7 | 66 | 33.3 |
| I wanted my petition to become known among the relevant political and administrative bodies. | 113 | 90.3 | 67 | 31.9 | 146 | 95.9 | 92 | 26.8 |
| I wanted my petition to enable the German Bundestag to exercise control over the Government. | 103 | 53.8 | 34 | 19.4 | 135 | 45.9 | 39 | 24.1 |

\* The survey was only directed at petitioners whose petition had been dealt with and concluded under the parliamentary procedure.

\*\* The question was only directed at petitioners for whom the corresponding motive was applicable.

Question on motive: »Please think back to your original motivation for submitting your petition and say how applicable you consider the following statements to be.«

Question on realization: »Looking back on your petition: did the effects mentioned in question x actually materialize?«

The table shows the combined results for the categories »totally applicable« and »fairly applicable«.

Source: Zebralog 2010a, p. 34, 163 ff., 201

To start with, it is noticeable that three motives were rated very highly among both respective groups of petitioners (between 84.6 % and 96.8 %). By contrast, the remaining motives scored much lower with figures of between 35.8 % and 78.5 %. The three highly rated motives are as follows:

1. I wanted a solution to be found for my concern.
2. I wanted my petition to become known among the relevant political and administrative bodies.
3. Through my petition I wanted to influence governmental and political decisions.

The two principal functions – protection of personal interests and rights and also political participation – are thus well mapped in the petitioners' motivational structure.

The results of the survey also reveal that most petitioners pursue a specific concern (»I wanted a solution to be found for my concern«) and do not primarily use the petition as a »tool« for other purposes (e.g. gathering supporters, public attention).

The least popular motive was the Parliament's control function over the Government. Around half of petitioners gave this as a motive.

In most cases, no major differences in motives are revealed between petitioners using conventional petitions and those submitting Public Petitions. It is, however, noticeable that in terms of their own concern, petitioners who submitted Public Petitions rated the motive of political participation (84.6 % compared with 92.5 %) and mobilization (64.4 % compared with 78.5 %) somewhat more highly and informing the general public and the media (35.8 % compared with 63.7 %) significantly more highly than those submitting conventional petitions. This finding is not unexpected.

However, only a few of the original expectations when submitting a petition were met. Petitioners who submitted Public Petitions were »most successful« in terms of mobilising support for their concern. Almost two-thirds (64.0 %) of petitioners who gave this motive stated this motive was indeed realized. By contrast, the findings for the two core functions of protection of rights and interests and also political participation are more reserved. 20.6 % of petitioners using conventional petitions and 11.0 % of those submitting Public Petitions stated that a solution was found for their concern, while only 12.2 % of petitioners submitting conventional petitions and 16.3 % of those submitting Public Petitions stated they were able to influence governmental and political decisions.

In a further step, the petitioners were asked about their general evaluation of and their satisfaction with the handling of their petition by the German Bundestag (Table II.17). Initially, the findings for the end of 2009 confirmed the results of the survey from 2007: at the start of the procedure, people who submitted conventional petitions were significantly more satisfied (67.8 %) than those who submitted Public Petitions (38.6 %) (values for 2009 combine »very satisfied« and »fairly satisfied«). Naturally, this does not shed a very good light on Public Petitions as an innovation, but is probably largely explained by the high rejec-

tion rate during the admissions process for Public Petitions. It could therefore be assumed that if this issue of admission were to be »resolved« (Chapter II.2.5 and V.2.1), the satisfaction rate might rise again.

TABLE II.17                     SATISFACTION WITH THE WAY SUBMITTED PETITIONS WERE DEALT
                               WITH, MEASURED AT THE START AND END OF THE PROCESS (IN %)

| Respondents | n | Very satisfied | Fairly satisfied | Not really satisfied | Not at all satisfied |
|---|---|---|---|---|---|
| Submitters of conventional petitions, 2007 | 475 | 40.6 | 35.8 | 13.3 | 10.3 |
| Submitters of Public Petitions, 2007 | 329 | 9.7 | 31.9 | 34.3 | 24.0 |
| Submitters of conventional petitions, 2009 | 192 | 36.5 | 31.3 | 16.7 | 15.6 |
| Submitters of Public Petitions, 2009 | 192 | 9.4 | 29.2 | 32.8 | 28.6 |
| Submitters of conventional petitions after conclusion, 2009 | 121 | 14.0 | 16.5 | 27.3 | 42.1 |
| Submitters of Public Petitions after conclusion, 2009 | 149 | 5.4 | 30.9 | 33.6 | 30.2 |

Question at the time of submission: »How satisfied are you to date with the way your petition has been dealt with?«

Question on conclusion of the process: »Overall, how satisfied are you with the way your petition was dealt with?«

Source: Zebralog 2007, 2010a, p. 84, 121, 167, 206

However, after the process had concluded, the initial acceptable level of satisfaction among people who had submitted conventional petitions (67.8 %) deteriorated significantly to 30.5 %. This figure on conclusion of the process is even worse than the corresponding figure for those who submitted Public Petitions, which stood at 36.3 %.

This negative evaluation by the majority of petitioners concerning the outcome of the petition procedure is also reflected in the responses to a further question. Here, respondents were asked if »taking all things into consideration«, it had been worth submitting the petition. On this question, 31.7 % of people who submitted conventional petitions and 38.4 % of those who submitted Public Petitions responded with »totally applicable« or »fairly applicable«. For a clear majority, therefore, when »all things were taken into consideration«, the petition procedure had not proved worthwhile.

Similarly, petitioners do not really believe the desired integrative function of the right of petition is applicable. The corresponding question was as follows:

»The success of a petition can be evaluated from various aspects. Irrespective of whether or not the German Bundestag agreed to your petition, how applicable

do you find the following statement? The petition process has strengthened my faith in the political system of the Federal Republic of Germany.«

28.3 % of those submitting conventional petitions and 30 % of petitioners who used Public Petitions considered this statement »totally applicable« or »fairly applicable«, while two-thirds of respondents found that their faith in the political system was not strengthened. This is presumably also connected with how the petition process is rated, irrespective of the outcome. A number of questions were asked on this point (Table II.18).

| TABLE II.18 | | | | | | | EVALUATION OF THE PETITION PROCESS | |
|---|---|---|---|---|---|---|---|---|
| It seems to me that … | my petition was dealt with impartially and fairly | | it was dealt with thoroughly | | it was dealt with within a reasonable time | | the German Bundestag was committed to my concern | |
| | n | % | n | % | n | % | n | % |
| Submitters of conventional petitions after conclusion, 2009 | 111 | 45.0 | 106 | 46.2 | 111 | 55.9 | 111 | 20.7 |
| Submitters of Public Petitions after conclusion, 2009 | 138 | 40.6 | 131 | 45.8 | 147 | 52.4 | 139 | 15.2 |

Question on conclusion of the process: »Irrespective of the final decision by the Petitions Committee, how do you rate how your petition was dealt with by the German Bundestag. Please state how applicable you find the following statements. It seems to me that …«. Pre-configured answers on a four-step scale »Totally applicable«, »Fairly applicable«, »Not really applicable«, »Not at all applicable«. The table shows the combined results for the categories »Totally applicable« and »Fairly applicable«.

Source: Zebralog 2010a, p. 162 f., 199 f.

To start with, it is noticeable that there were no major differences between people who submitted conventional petitions and those who used Public Petitions. It is perhaps surprising that a majority found the time taken to process the petition appropriate, because this is a frequently criticized aspect of the petition process given that processing times of one year or more are not the exception.[37] However, less than half of the petitioners surveyed felt that their petitions were dealt with thoroughly or fairly and impartially. And only a minority agreed with the statement that the Bundestag had shown commitment to their concern (20.7 % or 15.2 %).

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37  The average length of time for processing Public Petitions that were concluded in 2009 was 464 days (Zebralog 2011a, p. 22). However, the somewhat relaxed attitude towards processing times was already apparent in the 2008 population survey. In that survey, 37.7 % wanted thorough processing, but only 21.3 % wanted fast processing. However, the five pre-configured answers could be answered using alternatives in this case (TAB 2009, p. 70).

However, these findings perhaps reflect a misunderstanding of the role of the Petitions Committee, or to phrase this more cautiously, a lack of clarity in the definition of its own role. This is because the members of the Petitions Committee view its role fairly ambiguously. For example, on the one hand it is emphasized that the members do not consider themselves »public ombudsmen« who represent citizens' interests against the government and its authorities. However if, for example, we follow the plenary debate on 1 July 2010 on the Petitions Committee's activity report for 2009, we can see that rhetorically, the image of advocate of the »man in the street« is indeed fostered (Bundestagsdrucksache 17/51). In this debate, it was for example stated that the Petitions Committee was created in order to support hard-pressed people (p. 5338) or to help them (p. 5341); the Petitions Committee's task was to look after people whose voices would not otherwise be heard (p. 5345); the Committee aimed to achieve specific improvements for petitioners (p. 5346), to support individual interests (p. 5346) and to be able to change something for citizens (p. 5350). Similarly, the image of a negotiator or mediator does not exactly fit in with the Petitions Committee's understanding of itself, even though such mediation activities do certainly take place. Perhaps the role of a neutral reviewer of an issue and of a negotiator for possibly conflicting interests is more applicable; a role that endeavours to utilize scope for discretion and propose solutions.

The fact that this relatively critical evaluation of the German Bundestag's support for petitioners' concerns cannot be generalized for the petition process as a whole is revealed by the results of a further question on whether petitioners would again decide to submit a petition if faced with a similar situation. Among the people who submitted conventional petitions, 62.7 % agreed with the statement, while the figure for people who submitted Public Petitions was as high as 74.5 % (»totally applicable« and »fairly applicable«).[38]

An attempt to interpret this latter more favourable finding for the petition system against the backdrop of the previous somewhat critical evaluations offers the following explanations.

> Petitions are submitted with various motives and different objectives. For some petitioners, direct assertion of their concern is less important than influencing politics and the general public in terms of setting an agenda.
> Petitions are a low-threshold instrument for the protection of interests and political participation. Experienced petitioners know that the opportunities for asserting their concern cannot be set too high and that other processes for the protection of rights and political participation must be considered. However, the very fact that a petition is a low-threshold instrument means it can

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38  A similar »contradiction« between critical evaluation of the petition tool by political organizations and their willingness to use a petition in a similar case is revealed in a survey of organizations conducted in 2008 (Riehm et al. 2009a, p. 67 f.).

be used because the low »costs« in a successful case can bring a certain »benefit« after all.

## THE PETITION SYSTEM AT THE LEVEL
## OF THE FEDERAL STATES                                                3.

The parliaments of all 16 individual German states (Länder), including the city states, have parliamentary petition bodies.[39] The right of petition was enshrined in all constitutions of the eastern federal states that were established in 1990 (Hirsch 2007). All federal states have petitions committees. Some of these have exclusive responsibility for processing petitions, while others (e.g. in Bavaria or Saxony) (Hirsch 2007, p. 53 ff. and 93 ff.; Klasen 1991) – share these duties with the specialist committees. Four federal states also have a parliamentary ombudsman (Mecklenburg-Vorpommern, Rhineland-Palatinate, Schleswig-Holstein, Thüringen) to which citizens may address their concerns in a similar way to the petitions committee. However, the methods of dividing tasks between the petitions committee and ombudsman vary between the federal states.

The total number of petitions received by the Land parliaments each year is similar to that received by the German Bundestag. In 2009 around 20,000 submissions were received (excluding those received by the ombudsmen). More than 1,000 submissions per year were sent in the highly populated federal states of North Rhine-Westphalia (5,000), Bavaria (3,000), Baden-Württemberg (2,000), Berlin (2,000), Lower Saxony (1,400) and Hesse (1,150). In 2009 alone, the ombudsman for Rhineland-Palatinate received 5,141 new submissions.[40]

The Public Petitions experimental model of the German Bundestag and its transfer to everyday practice caught the attention of and aroused interest among the petitions committees of the Land parliaments. In recent years, some committees sent delegations to visit Berlin to find out about Public Petitions at first hand from the German Bundestag. The subject of Public Petitions was also on the agenda of the bi-annual meetings of the petitions committees of the Federation and the federal states and also the ombudsmen of the German-speaking countries and regions of Europe that were held in Dresden in 2008 and in Schwerin in 2010. Table II.19 provides an initial overview of the situation concerning electronic and public petitions and also public committee meetings among the Land parliaments of the federal states.

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39  See Hirsch (2007) for a comprehensive outline of the right of petition of the federal states, the respective petition procedures and the petition reports.

40  No separate figures are available for this petitions committee. It is also important to note that in contrast to the procedure for the German Bundestag, petitions on one subject (mass petitions) are not combined under the lead petition for the petition statistics in Rhineland-Palatinate, with each submission belonging to a mass petition being counted separately.

| TABLE II.19 | | ELECTRONIC AND PUBLIC PETITIONS AMONG THE PARLIAMENTS OF THE FEDERAL STATES | |
|---|---|---|---|
| Federal state | Electronic submission | Public petitions based on the model of the German Bundestag[1] | Public committee meeting |
| Baden-Württemberg | No[2] | No | No, but hearing of petitioners possible |
| Bavaria | Yes, since 2006 | No | Yes, hearing of the petitioner possible |
| Berlin | No[3] | No[3] | No, only in exceptional cases |
| Brandenburg | Yes, since 2010 | No[4] | No |
| Bremen | Yes, since 2007 | Yes, since 2010 | Yes, for Public Petitions since 2010 |
| Hamburg | Yes, since 2010 | No | No |
| Hesse | No[5] | No | No |
| Mecklenburg-Vorpommern | Yes, since 2010 | No | No |
| Lower Saxony | No | No[6] | No |
| North Rhine-Westphalia | Yes, since 2007 | No | No, exceptions for mass petitions |
| Rhineland-Palatinate | No[7] | No[8] | No |
| Saarland | Yes, since 2006 | No | No |
| Saxony | Yes, since 2008 | No | No |
| Saxony-Anhalt | Yes | No | No |
| Schleswig-Holstein | No[9] | No[9] | No |
| Thüringen | Yes, since 2007 | No[10] | No, but exceptions possible |

1  With publication of the petition on the internet, facilities for signing and discussion.
2  Coalition Agreement between Alliance 90/The Green and SPD of May 2011 provides for the introduction of online petitions.
3  Motion by CDU and FDP of September 2010 on the introduction of public petitions exists.
4  Motion of all parliamentary groups of September 2010 on the introduction of public petitions exists. However, this does not provide for any possibility of online addition of signatures or for discussion forums.
5  Introduction planned for 2011.
6  Motions by Alliance 90/The Green (Bündnis 90/Die Grünen 2006 and 2009) and the SPD (2010) on the introduction of public petitions have so far not succeeded.
7  Only to ombudsman, not to the petitions committee.
8  SPD motion on the introduction of public petitions was passed in February 2011.
9  Fundamental decision of the Land parliament dated 7 December 2010 on the electronic submission of petitions and on the introduction of Public Petitions, but without discussion forums.
10 Motions by the Left Party parliamentary group from 2007 and 2008 were rejected.

Own research, as at end of 2010

The majority of Land parliaments have now made it possible to submit petitions by electronic means. Various processes are offered, including simple e-mail, e-mail with scanned signature, submission via an online form or a combination of these possibilities. It is foreseeable that the remaining six Länder will also introduce facilities for the electronic submission of petitions.

Public petitions based on the model of the German Bundestag (with online signature and discussion forums) are currently only offered by the city state of Bremen (since January 2010). However, according to resolutions adopted in 2010, the introduction of this model in the parliaments of Rhineland-Palatinate and Schleswig-Holstein is imminent for 2011. Other Land parliaments have already deliberated the subject or plan to place it on the agenda soon. It is therefore likely that more Land parliaments will soon offer public petitions.

If we look at the discussions to date on this subject in the parliaments of the federal states, the positive experience of the German Bundestag always plays a significant role. Critical discussions focus on issues relating to data protection for petitioners, signatories and forum participants, and on the necessary financial expenditure and staff resources for hardware, software and day-to-day operations. By contrast, issues pertaining to misuse and to the authenticity of petitioners during the electronic submission of petitions are no longer as prevalent as in the past.

With the German Bundestag, the introduction of Public Petitions was also accompanied by the ability to hold *public committee sessions* (where a quorum of 50,000 signatories is reached). Apart from Bavaria, all Land parliaments have so far held all petitions committee sessions behind closed doors. In *Bavaria*, on the other hand, the petitions committee meets in public as a matter of principle, in the same way as all other parliamentary committees, and can also hear petitioners in public session. The parliaments of the other federal states either make no provision for such public committee sessions or hold them only in exceptional cases (e.g. mass petitions).

As part of the process of introducing public petitions – along the lines of the model used by the German Bundestag – the federal states can now also hold public committee meetings for public petitions as standard practice. In this context, the federal states have so far not followed the German Bundestag's decision to introduce a quorum for this. Instead, the federal states leave the decision whether to hold a public committee meeting entirely to the discretion of the petitions committee (Rhineland-Palatinate) or regularly deal with public petitions in public committee meetings (Bremen). The relatively lower volume of public petitions dealt with by the federal states must be taken into account here.

In most cases, petitions are not dealt with at all in plenary sessions of the Land parliaments or are only dealt with as lists of petitions in a similar way to the procedure adopted by the German Bundestag. The Bremen petition reform of

2009 also introduced a change in this connection. Under this reform, Section 12(3) of the Act on Dealing with Petitions by the Bremen House of Representatives stipulates that a statement on the recommendation of the petitions committee can be forced at the request of a parliamentary group. It remains to be seen how often this option is used in future.

There are a number of other interesting deviations from the German Bundestag model.

> In *Bremen*, the decision to admit a public petition is made by the parliamentary group spokespersons (based on a proposal by the committee support service). If the parliamentary group spokespersons are not in agreement, the petitions committee decides. At the German Bundestag, the Committee Service decides on whether or not to admit Public Petitions. The parliamentary group spokespersons are only informed if petitions are not admitted and can then exercise their veto. Rhineland-Palatinate also plans to follow the Bremen model.
> In Bremen, although the signatories to a public petition must state their name and address, these details are not made public. By contrast, under the model adopted by the German Bundestag, the names and the federal state of all signatories can be viewed on the internet.
> Although the fundamental decision adopted in December 2010 by the petitions committee in Kiel makes provision for petitions to be submitted via the internet and for suitable petitions to be published with a facility for adding signatures, on cost grounds it does not provide for discussion forums for public petitions. However, the precise structure of the Schleswig-Holstein model will not be finalized until 2011.

The initiatives on electronic and public petitions in Brandenburg and Thüringen reveal even greater differences compared with the Bundestag model.

> The cross-party motion on a reform of the Petitions Act of September 2010 in *Brandenburg* makes provision for the submission of petitions by electronic means and links the handling of petitions in public committee meetings with the consent of the petitioner and a majority decision by the committee. Mass petitions (containing more than 30 signatures) can already be dealt with in a public committee meeting if only one-third of committee members so request. Petitions are only published anonymously on the internet if they are of general or exemplary importance and following a decision by the Petitions Committee. No provision is made for the addition of signatures to petitions or for discussion forums on the petitions.
> The reform of *Thüringen*'s Act on the Petition System that was adopted in May 2007 is similarly restricted and provides for the electronic submission of petitions and public committee meetings with a hearing of petitioners following a decision by the committee.

Thus, whilst most Land parliaments and houses of representatives have introduced the electronic submission of petitions and the few who do not yet make provision for electronic submission will in all probability follow the same route, the introduction of public petitions with signing facilities and forum discussions is still in its infancy. Rhineland-Palatinate and Schleswig-Holstein will introduce this in 2011, following on from Bremen's initiative in early 2010. However, we will not see any automatic adoption of this model. By contrast, many politicians in the federal states appear to find the gradual implementation of public committee meetings with petitioner participation a more attractive model. However, this does not require a certain quorum of support for a petition as with the German Bundestag, with the decision instead lying with the petition politicians.

## CONCLUSION                                                          4.

Although the petitioning and submission system is not restricted to submissions to parliaments, this chapter has examined the modernization trends within the parliamentary petitioning systems at federal and regional (federal state) level in Germany. This focus is not only attributable to the principal party that ordered this study, the German Bundestag, but is also due to the fact that the parliamentary petitions system has assumed a certain pioneering role in terms of e-democracy. The electronic petitions platform of the German Bundestag that was launched in 2005 has become one of the most famous and most frequently used internet political participation platforms within Germany; with its indisputable high levels of citizen participation the model has had a spill-over effect on both the Land parliaments and also in other countries. Some Land parliaments have already followed the Bundestag's example or plan to do so in the near future. Some of these systems deviate slightly from the Bundestag's Public Petitions model – for example with regard to the mandatory facility of a discussion forum. It is important not to underestimate the significance of the Land parliaments for the parliamentary petitions system because in terms of total volume, the Land parliaments outweigh the German Bundestag.

The share of petitions submitted electronically to the German Bundestag has risen from 17 % in 2006 to 34 %. At the same time, Public Petitions appear to be particularly attractive for citizens, since their share of submitted petitions rose from 5 % to 24 %. Up to the end of 2010, an overall total of more than 3 million signatures was counted for about 2,100 Public Petitions, and more than 100,000 written contributions to discussions were posted on the petition discussion forums.

However, the observation already made three years ago in the first analyses of petition volumes to the German Bundestag remains true, namely that electronic and Public Petitions tend to substitute non-public and conventional petitions rather than leading to an overall growth in the number of petitions. Currently, it is not possible to ascertain any growth linked to the »internet« factor.

This may be because the new facility has had only very limited success in attracting new segments of society that have so far largely abstained from petitioning. Although the people submitting Public Petitions are much younger than those submitting non-public conventional petitions, both groups continue to be better educated than the average of the population as a whole and remain predominantly male.

This can also be attributable to the fact that as a written medium, the internet appeals to educated social groups, whereas alternative means of submission such as personal meetings with a submissions agency or a petitions committee during consultation hours need to be opened up for less qualified individuals. Although the German Bundestag does not offer such a facility, it is available at some Land parliaments. In surveys on the preferred method of submission, a disproportionately high share of the respondents belonging to population segments with lower educational and training qualifications were in favour of this method of submission.

Public Petitions are subject to special rules. There is no »right« to Public Petitions. The German Bundestag considers this a complementary facility that is in addition to the standard petitions process. The selection procedure concerning the admission of Public Petitions is contentious and currently means that only 13.8 % of Public Petitions submitted are admitted as such.

In some cases, the ability to add signatures to electronic petitions has led to a misunderstanding among petitioners and the general public that the number of signatures or the reaching of a quorum decides on a petition's success or failure. This is not the case, however. According to the unanimous view expressed by all members of the Petitions Committee, non-public petitions and Public Petitions are treated equally, irrespective of the number of signatures they receive. The quorum of 50,000 signatures introduced in 2005 merely offers petitioners the opportunity to present the concern addressed in their petition at a public committee meeting and to answer questions from the Members of Parliament. However, the fear (or hope) that collecting signatures over the internet would make it very easy to reach the quorum has not materialized. To date, only nine Public Petitions (of a total of 2,100) have secured more than 50,000 signatures (via the internet). The public sessions of the Petitions Committee have been very positively received by both petitioners and Members of Parliament.

The internet discussion forums that are set up for each Public Petition have met with a similar favourable response. This can be seen from the high levels of use, from the overall good quality of the discussions on the forums and from the positive ratings given to the discussion forums in the surveys and focus groups. The degree of consideration given to the discussion contents by the German Bundestag during the petitions procedure is not satisfactory. Although such consideration is suggested by the Bundestag and is also expected by petitioners and contributors to the discussions, a financially viable and practicable procedure still needs to be established.

With regard to the »success« of petitions, it is firstly important to remember that after the process had concluded, only around one-third of petitioners surveyed were satisfied with the way their petition was handled by the German Bundestag. Roughly the same proportion agreed with the statement that »all in all« the submission of the petition had been worth the effort. Against this background it may appear surprising that 63 % of the persons who submitted conventional petitions and as many as 75 % of those who submitted Public Petitions declared that »in a similar situation« they would again submit a petition.

This apparent contradiction between the highly critical assessment of success and a resolve to continue using the system can be explained by the fact that the motives for submitting petitions are varied and are not confined to straightforward fulfilment of the request. For some petitioners, it is just as important that politicians and the general public learn of their request, so that a »solution« along the lines wished by the petitioner may perhaps be attained in the medium or long term. When viewed from the perspective of a cost-benefit analysis and despite the low probability of direct success (benefit), petitions can prove attractive because they are low-threshold participatory instruments that do not require a high level of expenditure (cost) while nevertheless guaranteeing a certain level of process reliability.

## ANNEX: OVERVIEW OF THE SURVEYS CONDUCTED          5.

This Chapter II considers the findings from a total of nine surveys of petitioners, users of the petition platform and the population as a whole. The following provides information on the methods applied and the way in which these surveys were conducted. Table II.20 gives an initial overview.

### SURVEY OF SUBMITTERS OF NON-PUBLIC, CONVENTIONAL PETITIONS, 2007          5.1

The written survey was conducted in February 2007. The survey was sent to 1,000 people who had previously addressed the German Bundestag through a petition. The survey was sent out between 1 February and 5 March 2007 along with the written confirmation of receipt for petitions, an official letter from the Chairman of the Committee and a stamped addressed reply envelope. The survey was sent out by the Committee Service of the Petitions Committee. The factual accuracy of the questionnaire (Zebralog 2007) was checked in advance by members of the Committee Service and eight people tested it to ensure it was understandable.

The petitioners received the questionnaire at a very early point during the processing of their petition, i.e. between a few days and one week from the date of submission. People whose petitions were not admitted for further examination

(e.g. because the German Bundestag did not have corresponding competence or because a concern could not be identified) were also contacted. However, people who submitted confused correspondence were excluded from the survey.

| TABLE II.20 | | | | SURVEYS 2007 TO 2009 |
|---|---|---|---|---|
| Respondents | Survey method | Survey period | Written, contacted | Re- sponse |
| 1 Submitters of non-public, conventional petitions | Written, by post | February 2007 | 1,000 | 57% |
| 2 Submitters of Public Petitions | Written, by post | March 2007 | 698 | 50% |
| 3 Users of the petition platform | Written, online | March 2007 | 1,883 | – |
| 4 Population survey | Verbal, by telephone | November 2008 | 1,014 | – |
| 5 Submitters of non-public, conventional petitions | Written, by post | December 2009 | 500 | 45% |
| 6 Submitters of Public Petitions | Written, by post | December 2009 | 710 | 30% |
| 7 Submitters of non-public, conventional petitions after conclusion | Written, by post | December 2009 | 367 | 38% |
| 8 Submitters of Public Petitions after conclusion | Written, by post | December 2009 | 601 | 29% |
| 9 Registered users of the petition platform | Written, online | December 2009 | 5,000 | 25% |

Source: Zebralog 2007, 2010a, 2010b

With 571 completed questionnaires, the response was extremely satisfactory (response rate 57.1 %). Due to the large scope of the survey, the good response and because it can be assumed that the petitioners from one month do not differ systematically from petitioners in other months, it is presumed that the findings of the survey are representative of all submitters of conventional petitions.

## SURVEY OF SUBMITTERS OF PUBLIC PETITIONS, 2007 5.2

At the start of March 2007 a full survey was conducted among all persons who submitted public petitions for which a decision on admission was made before 1 December 2006 (n = 698). The factual accuracy of the questionnaire (Zebralog 2007) was checked in advance by members of the Committee Service and six people tested it to ensure it was understandable. The questionnaire was sent out by the Committee Service of the Petitions Committee along with an official letter from the Chairman of the Committee and a stamped addressed reply envelope. Of the people surveyed, 400 had not had their petitions admitted for publication (and

55 people had had at least one petition declined in addition to at least one Public Petition being admitted). People who had submitted multiple petitions received only one questionnaire. At the time of the survey the period for adding signatures and comments had already ended for all Public Petitions of the people surveyed. However, their petitions were at very different stages of processing: whereas some petitioners had submitted their petitions more than a year previously and some petitions had already been concluded, others were only three months old.

With 350 completed questionnaires (50.1 %), the response was extremely satisfactory. It can therefore be assumed that the survey's findings are representative of all submitters of Public Petitions.

## SURVEY OF USERS OF THE PETITION PLATFORM, 2007        5.3

An online survey (Zebralog 2007) of users of the public petitions web pages was conducted between 23 February and 22 March 2007 on the website of the German Bundestag at www.befragung-onlinepetition.bundestag.de. The software »discourse machine« by the company »binary objects« was used for this. The online survey had been previously checked for factual accuracy with the assistance of employees of the Committee Service. Seven people had also previously tested the online questionnaire to ensure it was understandable and user-friendly from a technical point of view.

In order to obtain different user groups for the survey, users were asked to participate at four different places on the public petitions web pages (each with a separate hyperlink):

> on the page confirming a signature had been successfully added to a Public Petition (for co-signatories),
> on the page confirming a comment had been drafted in the discussion forum (for discussion participants),
> in the discussion forum below the comments list (for readers of the discussions),
> on the page confirming the sending of an electronic postcard for notifying a Public Petition.

As part of the survey the hyperlink was automatically recorded so that it was subsequently possible to ascertain from which part of the Public Petitions website the survey participants had been recruited.

To encourage people to participate in the survey, it was decided not to incorporate a registration procedure. However, in order to ensure optimum data quality, the following precautions were taken with a view to preventing duplicate submissions and submissions by persons other than users of the Public Petitions web pages:

> Issuing a cookie prevented repeated participation by an individual. If the questionnaire was called up again participants could look at their previous responses, add to them and correct them where applicable. In this case, the data record was overwritten by the new entries.

> By saving the »referrer«[41] it was possible subsequently to delete all response data records that had been submitted by participants who had called up the online questionnaire from a different location to the four described above (e.g. from a search engine or if reference was made to the survey at another internet location).

The online questionnaire was introduced through a motivating note from the Chairwoman of the Committee and the questions were then distributed over several web pages. Since the entries on the previous page were saved each time the respective next page was called up, the data input up to that stage were not lost, even if the survey was stopped early. Moreover, the online survey was given a dynamic structure with the presentation of certain items linked to the responses to previous items.

During the period of the survey, 1,883 questionnaires were registered, of which 1,718 (91.2 %) could be used for the analysis. Almost three-quarters of those surveyed completed the online questionnaire up to the last question. Around 84.6 % of the survey participants had signed a petition immediately prior to completing the online questionnaire, 8.8 % had visited the discussion forum and 6.7 % had sent an electronic postcard.

However, participation in this user survey was heavily influenced by the subjects of a few Public Petitions during the period of the survey that appealed to very specific segments of the population. Consequently, the responses can only be considered to represent the overall group of users to a limited degree.

## POPULATION SURVEY ON THE PETITION SYSTEM, 2008          5.4

The representative survey was conducted in November 2008 by Forschungsgruppe Wahlen Telefonfeld (FGWT) in the form of telephone interviews using a standardized questionnaire (TAB 2009). To ensure the quality of the survey tool, a pre-test was conducted on 69 people. A total of 1,014 people were surveyed.

The random sample was drawn from all German-speaking residents over the age of 16 years who live in private households with a telephone connection.

As it was a random sample survey, it is possible to give a confidence interval for each sample finding; there is then a certain probability that the actual overall value of the characteristic will lie within this interval. The confidence intervals for the survey were as follows: with an attribute value of 50 % there is a 95 % probability

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41  This is the starting point of a link followed on the online questionnaire.

that the true value with a sample size of n = 1,000 is between 46.9 % and 53.1 %. If the attribute value is 10 % the true value is between 8.1 % and 11.9 %.

## SURVEY OF SUBMITTERS OF NON-PUBLIC, CONVENTIONAL PETITIONS, 2009     5.5

The questionnaire was checked by the Committee Service and underwent a pretest performed by other individuals. The questionnaire was designed to ensure the highest possible comparability with the 2007 survey. Some new questions were also included or old questions adapted to take account of new information/ changes to the petition platform and the petition process. The survey was a written survey, with the questionnaires sent out directly by the Petitions Committee; the letter also contained an official communication from the Director for Petitions and Submissions and a stamped addressed envelope for the reply.

As with the 2007 survey, the survey was conducted during the pre-parliamentary phase, i.e. during the period when received petitions were being registered and examined. As with the 2007 survey, the survey was sent to all people who had submitted a non-public, conventional petition to the German Bundestag and who had received confirmation of receipt from the Committee Service of the Petitions Committee between 23 November and 3 December 2009. A total of 500 surveys were sent out, of which 227 had been returned by 7 January 2010. This represents a response rate of 45 %.

The response rate was lower than for the precursor study (57.1 %). We can only conjecture as to possible reasons. The survey period may not have been optimum because part of the period for answering the questionnaire was during the run-up to Christmas/the Christmas period. Some of the petitioners who were invited to participate in the survey may therefore not have filled in the survey immediately and then forgotten about it as time passed. It was not possible to send out a further reminder. Nevertheless, it can be assumed that the survey is representative of the overall group that formed the subject of the survey (Zebralog 2010a, p. 60 f.).

## SURVEY OF SUBMITTERS OF PUBLIC PETITIONS, 2009     5.6

The questionnaire was checked by the Committee Service and underwent a pretest by other individuals. The questionnaire was designed to ensure the highest possible comparability with the 2007 survey. Some new questions were also included or old questions adapted to take account of new information/changes to the petition platform and the petition process. The survey was a written survey, with the questionnaires sent out directly by the Petitions Committee; the letter also contained an official communication from the Director for Petitions and Submissions and a stamped addressed envelope for the reply.

The survey was sent to a random sample of people who had submitted (at least) one public petition to the German Bundestag between 15 October 2008 (the date of the switch to the new petition software) and 15 October 2009 and for which a decision on admission had already been made. However, the petition process was not yet finally concluded. The statistical population was 3,211 people, of whom 710 were randomly selected for the survey. Both petitioners whose Public Petitions had been admitted and also those whose petitions were not admitted were surveyed. Letters were sent to these people by the Committee Service between 3 and 8 December 2009. Letters could not be delivered to 28 addresses. Of the 682 letters that were delivered, 206 completed questionnaires were received giving a response rate of 30 %; of these, however, only 201 (98 %) could be used for the analysis. The response rate for this survey was also lower than for the 2007 survey (50.1 %).

## SURVEY OF PEOPLE SUBMITTING NON-PUBLIC, CONVENTIONAL PETITIONS AFTER CONCLUSION OF THE PROCEDURE, 2009          5.7

With the survey of people submitting non-public, conventional petitions after conclusion of the petition procedure, the petitioners received the result of their petition at the same time as the questionnaire. The survey placed special emphasis on examining the impact of the petition procedure on the petitioners, and especially their levels of satisfaction, as no data were previously available on this aspect (Riehm et al. 2009a, p. 28, 239, 261).

The questionnaire built on the existing one from the 2007 surveys. It also incorporated additional questions concerning the motives for submitting petitions and their realization, and also the levels of satisfaction.

The survey was sent to all people who had submitted conventional, non-public petitions for which final decisions had been made under the parliamentary procedure and who had received their concluding decision in July 2009. This was a total of 367 petitions. The questionnaire was sent out between 3 December and 8 December 2009. Letters could not be delivered to 13 addresses. The response rate (up to 7 January 2010) for the 354 questionnaires that could be delivered was 38 %. Of these, 132 (98 %) could be used for the analysis.

## SURVEY OF PEOPLE SUBMITTING PUBLIC PETITIONS AFTER CONCLUSION OF THE PROCEDURE, 2009          5.8

With the survey of people submitting Public Petitions after conclusion of the petition procedure, the petitioners had already received the result of their petition. The survey placed special emphasis on examining the impact of the petitions pro-

cess on the petitioners, and especially their levels of satisfaction, as no data were previously available on this aspect (Riehm et al. 2009a, p. 28, 239, 261).

The questionnaire built on that already used in the 2007 surveys. It also incorporated additional questions concerning the motives for submitting petitions and their realization, and also the levels of satisfaction.

With the survey of people submitting public petitions after conclusion of the procedure it is important to note that the majority of these people had still used the legacy (Scottish) system for submitting their petitions. Petitioners were surveyed whose petitions had in some cases already been submitted some years previously.

A total of 601 questionnaires were sent out from 3 December to 8 December 2009. This represents all petitioners whose Public Petitions had been conclusively decided by the Petitions Committee since the establishment of the platform for public petitions in September 2005 and before 15 October 2009. The survey was thus exhaustive.

66 of the 601 questionnaires could not be delivered. 155 questionnaires were returned, representing a response rate of 29 %. Of these, 153 (99 %) could be used for the analysis.

## SURVEY OF USERS OF THE PETITION PLATFORM, 2009        5.9

This survey questioned registered users of the German Bundestag's online platform for public petitions.[42] Registration is mandatory for people who wish to submit, sign or discuss a petition. Users of the platform who had not registered and who were therefore only able to find out about petitions, signatories and discussions were not included in the survey.

In November 2009 a random sample of 5,000 users was drawn from the database of registered users of the petition platform, which at that time had a total of just over 500,000 registered users. All users who had registered in the first year after the introduction of the new software were thus covered. On data-protection grounds, the random sample was drawn by the service provider commissioned to operate the platform, while management and dispatch of the invitations was performed by the Petitions Committee of the German Bundestag.

The questionnaire (Zebralog 2010b, p. 27 ff.) underwent a pre-test by five participants.

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42  At the time of the 2007 survey, registration of users had not yet been introduced. For that survey, the users of the platform were approached using an online questionnaire (Chapter II.5.3).

# MODERNIZATION OF THE PETITION SYSTEM IN THE UNITED KINGDOM III.

## IMPORTANCE AND LEGAL BASES OF THE PETITION AND OMBUDSMAN SYSTEM 1.

The petition system of the United Kingdom is closely tied to the birth of English parliamentarism. Admittedly, the importance of this petitioning and participation process has declined considerably since the Middle Ages, due to changing historical environments and political and institutional conditions. Over the last ten years or so, however, the petition system in the United Kingdom has been enjoying renewed attention after having been more or less side-lined since the mid-19th century. Reforms of the petition system have been implemented or are currently under discussion at all levels of the political system. Despite major differences in the relevant political and institutional aims and their practical implementation, the use of the internet is a notable common feature of the current efforts at modernization.

In light of this new interest in the petition system, it is important to consider the underlying reasons for and the determining factors behind this dynamic change. What are the aims behind the reforms, what approaches, concepts and communications technology solutions are being applied and how can these reforms be evaluated based on initial empirical experience? In terms of petition systems, Great Britain is not only an interesting case due to the nation's relatively long timeline of experience with petitions and their electronic counterparts; it is also interesting because in a period of around ten years, reforms of the petition system have been initiated at national level, at the level of the politically strengthened regions (Scotland and Wales) and at local-government level, each with very wide variations.

Ombudsman institutions have also existed at all three system levels for a number of years and have likewise undergone various change processes. A key common functional feature of these institutions, which vary greatly in terms of their specific structure and range of services, is their role in providing a process for complaints and control with regard to administrative decisions. There is still a considerable lack of knowledge concerning interactions with the petition institutions and how these interactions impact on the working of the respective bodies.

The following chapter provides a more detailed study of the petition institutions at the three system levels. At national level, the study initially focuses on the parliamentary petition system of the House of Commons. Due to this institution's formative role for other petition bodies, a brief outline of its historical origins

and constitutional basis is also provided (Chapter III.1) before examining and discussing current trends. The parliamentary petition system is then compared and analysed against the Prime Minister's e-petitions system, which was only in existence for a few years (Chapter III.2). Chapter III.3 examines the petition institutions of the Scottish Parliament and of the National Assembly for Wales. Although these newly established regional assemblies were only set up as a result of the central government's devolution policy, their steps towards modernization and the innovative processes introduced are in turn having an impact on the discussions on reform in London. The petitions landscape at local government level, which has gained new momentum since 2010 in particular, is discussed in Chapter III.4. The main ombudsman institutions are analysed in Chapter III.5. Chapter III.6 then offers an interim summary.

Due to the extremely heterogeneous data available and to the often pronounced gaps in the data for the cases under examination (especially as regards the level of the local authorities, the ombudsman institutions and also to a certain degree the petition system in Wales and the Prime Minister's petition system), certain aspects and issues can only be examined to a limited degree.

## HISTORICAL OVERVIEW                                                      1.1

The former exceptionally important role of the parliamentary petition system in early parliamentarism in England, the numerous shifts in its importance and finally its decline in importance from the middle of the 19th century in particular are examined below in a brief historical review.

As well as playing a key role in the country's political system, the national legislative power of the United Kingdom – the Westminster Parliament – is also considered the »Mother of All Parliaments« for politico-historical reasons. In actual fact, with its specific characteristics such as relative majority voting, a highly competitive system of party politics and the constitutional fiction of parliamentary sovereignty with actual dominance of the executive power, »Westminster parliamentarism« represents a unique model in comparative research on parliamentarism that is often used as a normative benchmark (Kaiser 2000; Lijphart 1999, p. 9 ff.; Wilson 1994, p. 189).

In view of the Westminster model's decisive influence[43] on the development of parliamentary democracy across the globe (Flinders 2010, p. 3; Wilson 1994), it is especially important to note that petitions played a key role during the establishment and definition of England's parliament in the Middle Ages – i.e. the precur-

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43   The constitutional orders and traditions of the following countries, among others, have their origins in the Westminster model: Canada, Australia, New Zealand, India, Pakistan, Malta (Lijphart 1999).

sor to the Westminster Parliament. From a functional point of view, the early petitions of the Middle Ages were important vehicles in developing and securing the power-political status of the nobility/the upper classes vis-à-vis the Crown.

The first documented petition in English constitutional history was addressed to King Ethelred by noblemen in 1013. The petitioners listed several grievances and summoned Ethelred to return to England from his exile in France. The King's reaction set a trend in terms of the future legal standing of petitions. For example, he issued a promise, which at the time was by no means a foregone conclusion, that the petitioners would not be harmed as a result of their unusual approach and that their concerns would be acknowledged (Smith 1986, p. 1154).

Two hundred years later there was an important step towards institutionalising the petition system within the constitutional order. The Magna Carta of 1215, which is considered one of the most important constitutional legal sources of the United Kingdom and the USA, expressly recognized the right of subjects to address petitions to the King. The document, which the King only accepted under considerable pressure from the nobility who were in revolt, was itself the result of a petition addressed to the monarch by dissatisfied barons and was a key contributory factor in safeguarding privileges enjoyed by the nobility and in limiting royal power through laws and statutes (Grant 2009, p. 2; Smith 1986, p. 1155).

The Middle Ages marked the establishment of the institutional framework of political order in Great Britain as we know it today. This is especially true for the Westminster Parliament. The English Parliament was developed over the course of the thirteenth century from the Royal Council (also called the Great Council), a pre-parliamentary assembly of nobles and clerics who advised the monarch on important public matters. Essentially, the assembly functioned as a court but also performed legislative duties in matters of fiscal and financial policy, for example. Both functions were reflected in many petitions that the parliament received from individuals and groups. Specific petitions concerning an individual matter were increasingly dealt with under a court procedure, while general requests and demands became part of legislative procedures – provided they were granted by Parliament and that a large group of people was affected (Grant 2009, p. 2 f.; Kluxen 1983, p. 38; Smith 1986, p. 1156). Statistics demonstrate that the ability to address requests and grievances to the King – mediated through Parliament – was quickly seized upon: for example, over 500 petitions were submitted during one of the two parliamentary sessions in 1305. The majority of these submissions involved Parliament's range of legal tasks (Judge 1978, p. 391).

After judges and citizens' representatives also became members of the English Parliament in the thirteenth century, the current bicameral system gradually began to emerge from the fourteenth century onwards. Nobles and clerics were

represented in the House of Lords (upper house), while judges and common citizens were represented in the House of Commons (lower house). Although this house was in particular consulted when the King wished to levy taxes, its overall role was initially politically subordinate compared with the House of Lords (Grant 2009, p. 2 f.; Maddicott 2010).

The Parliament's history until full sovereignty was achieved in the seventeenth century. Until the establishment of responsible government in the nineteenth century it was characterized by tenacious, sometimes violent power struggles between Parliament and the Crown. During this often volatile and contradictory process the monarch's power was increasingly controlled and legally restricted in favour of Parliament.

Petitions repeatedly played a key role in the efforts exerted by the House of Commons to strengthen its position vis-à-vis the Crown. These mainly involved legislative proposals by the house that were submitted in the form of a petition – in a similar way to a request or grievance from the people. The first documented petition by the lower house to the King was in 1327. Two other petitions in the fourteenth century were a direct expression of the power-political conflicts between Parliament and the Crown; the House of Commons submitted these petitions to protest against laws that had been adopted by the King without consulting Parliament (Smith 1986, p. 1156).

The growing political emancipation of the lower house is also reflected in the history of petitions. Firstly, there was an increase in the proportion of petitions that were not addressed to the monarch but were instead addressed directly to the House of Commons. During the reign of Richard II (1377–1399), for example, there was a clear rise in petitions submitted by the population; from the time of Henry IV's rule (1399–1413), petitioning the lower house had clearly become established as a broad phenomenon. Finally, a »Committee for Motions of Griefs and Petitions« was established in the sixteenth century to deal with the high number of submissions by the population. Secondly, the character of petitions also changed. Whereas petitions were initially dominated by personal or locally restricted grievances (»res privata«), the petitions submitted by the population from the seventeenth century increasingly addressed general political matters (»res publica«) (House of Commons Information Office 2010, p. 5 f.) This politicization was attributable to a further growth in the power and competence of the lower house, which materialized as a result of the English Civil War (1642–1649) in particular (Grant 2009, p. 3).

As the use of petitioning as a political tool for addressing demands to parliament increased, so did the disputes surrounding this means of expressing interest. In response to petitions that were considered inflammatory and intimidating and that were sometimes accompanied by tumultuous scenes, the petitioning process

became more strictly regulated (Smith 1986, p. 1158 f.). In 1648, for example, a law against tumultuous petitioning was enacted limiting the number of people who were allowed to sign a petition to 20 and requiring peaceful and orderly conduct. However, this ordinance also was the first statute to recognize petitioning of parliament as a fundamental right (Smith 1986, p. 1159). Nevertheless, the legal position of petitioning was called into question several times over the following decades, which were characterized by civil war, military dictatorship (Republican period 1649 to 1660) and the restoration of the monarchy (Stuart Restoration 1660), before finally being confirmed as an absolute right under the Bill of Rights of 1689 (Smith 1986, p. 1162).

From the eighteenth century, petitioning's status as a fundamental right was no longer called into serious question and petitioners could largely feel safe that they would not be punished (Smith 1986, p. 1166 f.). The fact that the parliamentary petitioning system had become fully established as a normal channel of participation is firstly highlighted by the fact that the reading of newly submitted petitions became a fixed item on the agenda of parliamentary proceedings. Secondly, petitioning enjoyed growing popularity in Great Britain: for example, an average of 176 petitions per year were submitted between 1785 and 1789. In the years from 1811 to 1815 this figure had already risen to over 1,100, while the lower house was almost flooded with nearly 17,600 petitions a year between 1837 and 1841. The historical peak was reached in 1843 when 33,898 petitions were submitted (Judge 1978, p. 392; House of Commons Information Office 2010, p. 6 f.).

In the first half of the nineteenth century petitioning was primarily used by Radicals, a heterogeneous liberal reform movement, and by representatives of the emerging labour movement. Petitions enabled the parliamentary opposition to debate their issues in plenary session while also making it more difficult for the majority to control the agenda (Judge 1978, p. 392 f.).

With the flood of petitions increasingly obstructing parliamentary work and since the government was not pleased at the focus of attention being directed on proposals for reform, it is hardly surprising that the petition procedure itself soon became an issue on the political agenda. Various reforms of the parliamentary petition process were implemented during the 1830s. The most important procedural changes initially involved a restriction on and then a total ban on debates on submitted petitions. Since 1842 only the text of the petition, the name of the person submitting the petition and the number of signatories has been read out by the Speaker (House of Commons Information Office 2010, p. 7). David Judge (1978, p. 395) considers these restrictive rules as a successful attempt to prevent any serious involvement with petitions within Parliament while at the same time not impinging on the formal right of citizens to address petitions to Parliament.

By curbing the discussions on petitions, a measure which was mainly justified on efficiency grounds, the Government succeeded in effectively restricting the opposition's ability to influence matters and increased its own ability to exert greater control over the work of Parliament (Sturm/Fritz 2010, p. 16). However, it took some time before this extensive erosion of parliamentary petitioning as an instrument for influencing the work of Parliament affected the volume of petitions.

In the second half of the 19th century the number of petitions submitted each year rarely fell below 10,000 (House of Commons Information Office 2010, p. 7). Moreover, a few collective petitions secured impressive support, with a petition of the Chartists in 1848, for example, securing 5 million signatures. However, the Petitions Committee doubted the authenticity of some of the supporters' signatures (Sturm/Fritz 2010, p. 16).

By the end of the nineteenth century the heyday of the British parliamentary petitioning system appeared to be finally over. The causes for the loss of importance of this submission channel can firstly be found in the fact that the process had been politically weakened and also in the fact that the gradual extension of the suffrage meant that interests that previously had no representation in Parliament were now increasingly represented and had therefore become increasingly less reliant on the »alternative channel« of the petition system as a means of articulating their interests. In this context, it is important not to forget that from the outset, the right of petition in England was, at least formally speaking, open to all residents, not just those who enjoyed what was initially the very exclusive privilege of the right to vote.

In the 20th century the importance of the parliamentary petition system of the United Kingdom declined even further. In the 1970s, the average number of new petitions submitted was just 35 (House of Commons Information Office 2010, p. 7). In 1974, the low level of political importance of petitions in parliamentary practice resulted in the dissolution of the Petitions Committee, which was by this stage only acting as a »postbox« or »forwarding body« (Judge 1978, p. 395; Riehm et al. 2009a, p. 148).

The 1980s saw a brief rise in the volume of petitions, with over 700 petitions received by the House of Commons in some parliamentary years. A few petitions even received millions of signatures (House of Commons Information Office 2010, p. 7; Riehm et al. 2009a, p. 148). One reason for the increase in petitioning activity could have been the opposition to the drastic social reforms of the Thatcher era (1979–1990). Towards the end of the 1990s, the annual volume of petitions oscillated around the 100 mark (House of Commons Information Office 2010, p. 7).

Westminster's involvement with petitions did not intensify again until the new century. This was due to a number of factors which undoubtedly included the

Prime Minister's e-petitions facility (Chapter III.2.2), which was accompanied by considerable media interest, and the successful modernization of the petitioning process in the newly formed regional parliaments of Scotland and Wales (Chapter III.3).

## CONSTITUTIONAL BASIS                                                    1.2

The right of petition in the United Kingdom derives from various sources. Undoubtedly the most important sources are the aforementioned historical agreements, laws and rules of procedure which, among other things, enshrined the right of petition, safeguarded it in law and also confirmed and regulated this right. These included in particular:

> the Magna Carta of 1215, which for the first time recognized the right of subjects to address requests and grievances to the King;
> the Petition of Right of 1628, which while not expressly addressing the right of petition, did attempt to strengthen it indirectly because Parliament complained to the King about the repeated infringement of its rights;
> the Bill of Rights of 1689, which confirmed the right of petition – including that of Parliament – and expressly defined the exercising of this right as legal;
> the Standing Orders of the Parliament, which specify the rules of procedure including the petitions procedure. The rules concerning petitions have been amended several times throughout history. The current, latest change to the relevant rules of procedure was implemented in 2007 (House of Commons Information Office 2010, p. 4).

In addition, generally accepted conventions, some of which enjoy constitutional status, also play an important role in the petition system.

In a similar way to Germany, the petition system in the United Kingdom has the character of a fundamental right (Judge 1978, p. 391). However, as already demonstrated by the existence of the numerous legal sources of the petition system, this fundamental constitutional principle is not codified in a closed document in Great Britain. Instead of a single constitutional document, the political and institutional framework of the country is based on a historically evolved and complex mix of simple laws (which in reality possess constitutional status), customary laws that have been confirmed by the courts, legal interpretations and generally recognized conventions (Saalfeld 2008b, p. 160; Sturm 2009, p. 38 ff.). This gives the »living constitution« (Bagehot 1963, p. 267) a comparatively high degree of flexibility and makes it open to adjustments in response to changed circumstances. At the same time, however, it is not always easy to draw a clear dividing line between constitutional change and violation of the constitution (Sturm 2009, p. 40).

Among the various constitutional principles of the United Kingdom, parliamentary sovereignty is undoubtedly one of the most influential principles which merits further analysis, especially in the context of the petition system. The events surrounding the Glorious Revolution and the Bill of Rights in 1688/89 resulted in Parliament replacing the monarch as the country's bearer of sovereignty. This finally settled the fact that the Crown is also subject to the laws adopted by Parliament – the system of absolute monarchy had come to an end.

The principle of parliamentary sovereignty has various consequences for constitutional policy, many of which clearly differ from the constitutional tradition of continental Europe where the model of the sovereignty of the people prevails. Formally speaking, for example, Britons are not citizens, but are, as before, subjects of the Crown (Sturm 2009, p. 38). Since Parliament is, de jure, the country's highest legislative authority, it is not bound by any supra-ordinate or sub-ordinate authorities or standards (Ridley 1984, p. 3). This excludes both a constitutional jurisdiction and also the procedural barrier of legislative constitutional amendment by a qualified majority. In summary, then, the Westminster Parliament is the ultimate legislative authority that can enact, amend or repeal all laws – including those of a quasi-constitutional status – by simple majority, without being restricted by any other institution within the country. However, international treaties and in particular European jurisdiction have, at least in practice, significantly eroded this absolute right (Grant 2009, p. 25 ff.). The territorial character of the United Kingdom as a centralized state also corresponds to the principle of parliamentary sovereignty. In contrast to federal nations such as the Federal Republic of Germany, where the Länder have their own status as a state that cannot be unilaterally removed by the central government, the regional units of Scotland, Wales and Northern Ireland do not have this autonomous status as a state. Although the end of the 1990s saw what was, in British terms, relatively extensive devolution of powers to the »Celtic nations« under Tony Blair, jurisdiction over jurisdiction still prevailed in Westminster (Jeffery 2010; Sturm 2004).

Notwithstanding the formal principle of parliamentary sovereignty, the political-legislative process is clearly dominated by the Government and in particular by the Prime Minister. The dovetailing of majority parliamentary group(s) and the executive, which is vital for the functioning of the parliamentary system of government, is especially pronounced in the Westminster model. For example, the members of the Cabinet are generally also elected members of the House of Commons, and the position of Prime Minister is in fact a convention with a constitutional character. In reality, the government exercises very extensive control over parliamentary proceedings. This does not only apply to its role in the legislative process, where it dominates with around 90 % of all successful legislative initiatives. The timetable of the House of Commons is also heavily determined by

the Government (Saalfeld 2008b, p. 164 ff.; Sturm 2009, p. 122 f.). With regard to the parliamentary petition system and as has already become clear from the historical overview (Chapter III.1), the influence of the government majority on parliamentary rules of procedure also plays a major role. Effective revitalization of the petition system in the House of Commons could possibly result in the Government losing a certain degree of control over the parliamentary agenda and thus securing less executive support (Chapter III.2.1; Judge 1978, p. 398, 404 f.). After all, the relevant procedural changes that resulted in extensive erosion of the right of petition within Parliament in the middle of the nineteenth century were initiated by the government of the time. Last but not least, then, the dominance of the executive power in the Westminster model is also reflected in the structure of the procedural rules for the parliamentary petition system.

Alongside the parliamentary petition system, British citizens also have other options available for addressing public authorities with their requests and grievances. Admittedly, these facilities cannot look back on a centuries-long tradition as in the case of the parliamentary petition system, and they have only a comparatively low or non-existent legal basis. For example, the Prime Minister's e-petitions service was established without any special legal basis (Chapter III.2.2). The ombudsman system, which again is partly based on simple laws and partly on statutory instruments (Chapter III.5), does not enjoy the same status based on fundamental rights as the petition system. For their part, the petition systems of the two regional parliaments of Scotland and Wales (Chapter III.3) are derived from the general right of petition of the United Kingdom and are also enshrined in the respective standing orders.

## THE PETITION SYSTEM AT NATIONAL LEVEL                    2.

The brief historical overview of the petition system in England and the United Kingdom has emphasized the important role played by this input channel in the development of parliamentarism. It also highlighted the contrast with the current situation where the parliamentary petition system has remained politically insignificant for decades. However, it would appear some political actors are no longer content with this situation. As a result, the issue of petitioning has been discussed with greater intensity within Westminster since 2005.

There are several reasons for this new interest in a traditional right. For example, it can be safely assumed that the developments within the political and institutional landscape of the Westminster Parliament in recent years have exerted a certain pressure to act. Here, it is firstly important to mention the new regional representations in Scotland and Wales, which were created at the end of 1999 as part of the process to devolve powers. Scotland in particular made a conscious

decision to devise its new institutions as a counter-model to the Westminster system. The petition system introduced there has generated considerable attention and acclaim among observers (Lindner/Blümel 2008, p. 16 ff.; Riehm et al. 2009b). The e-petitions system of the Prime Minister that was established in 2006 caused a sensation far beyond the world of experts. For Parliament, the head of government's e-petitions service, which is equally as popular as it is controversial, has undoubtedly highlighted the need for it to consider reforms to its own procedures.

The efforts to modernize the petition system must also be viewed in the context of the (actual or presumed) crisis of legitimacy among the established representative institutions. Like most liberal democracies, the United Kingdom has for years bemoaned the declining rate of political participation through elections and other conventional forms of participation such as party membership or large-scale social organizations. In addition, surveys regularly indicate that citizens increasingly consider the political establishment and its representatives to be aloof and untrustworthy (see, among others, Blais 2010; Coleman/Blumler 2009; Norris 1999; Skocpol/Fiorina 1999; Zittel/Fuchs 2007).

Both sets of causes have played a role in determining trends within the national petitioning system in recent years. To start with, the following provides a closer examination of the petition system of the British Parliament. Special emphasis is placed on analysing the existing petitioning procedure and on the possible reforms under discussion. We then proceed with an analysis of the British Prime Minister's e-petitions system, which operated from 2006 to 2010.

## THE PETITION SYSTEM OF THE WESTMINSTER PARLIAMENT     2.1

The petition system has found itself a renewed topic of discussion within Westminster since the middle of the last decade. Discussions have focussed on whether and where applicable how petitioning of Parliament could be modernized and reformed to (again) make it an attractive participatory channel for citizens while at the same time meeting the needs of parliamentary actors. The starting point for the debate was provided by the current process, which has remained largely unchanged since 1974.

An initial look at the statistics clearly reveals a lack of willingness on the part of citizens to address one of the two parliamentary houses with their requests and grievances. Both when compared with the German Bundestag (Chapter II) and also in terms of a diachronic comparison with the heyday of petitioning in the early to mid-nineteenth century (Chapter III.1), the current volume of petitions appears extremely low. This does not only apply to the House of Lords, which tends to be of more symbolic relevance (Gebauer 2000, p. 270) and which last

had a petition submitted in the year 2000 (Sturm/Fritz 2010, p. 95). In recent years, even the politically authoritative House of Commons rarely received more than 300 submissions a year; in some years the volume was even in low double-digit figures (Table III.1).

| TABLE III.1 | | | | VOLUME OF PETITIONS FOR THE HOUSE OF COMMONS (1999/2000 TO 2009/2010) | |
|---|---|---|---|---|---|
| Session | Total petitions presented | Formal presentation | Informal presentation | Government response Absolute | % |
| 1999 to 2000 | 87 | 68 | 19 | 55 | 63.2 |
| 2000 to 2001* | 36 | 28 | 8 | 26 | 72.2 |
| 2001 to 2002** | 129 | 109 | 20 | 97 | 75.2 |
| 2002 to 2003 | 220 | 194 | 26 | 178 | 80.9 |
| 2003 to 2004 | 128 | 112 | 16 | 82 | 64.1 |
| 2004 to 2005* | 51 | 44 | 7 | 38 | 74.5 |
| 2005 to 2006** | 293 | 257 | 36 | 207 | 70.6 |
| 2006 to 2007 | 161 | 142 | 19 | 112 | 69.6 |
| 2007 to 2008 | 221 | 195 | 26 | 220 | 99.5 |
| 2008 to 2009 | 123 | 111 | 12 | 97 | 78.9 |
| 2009 to 2010 | 393 | 135 | 258 | 343 | 87.3 |

\* Short sessions (December 2000 to May 2001 and November 2004 to April 2005)
\* Long sessions (June 2001 to November 2002 and May 2005 to November 2006)

Source: House of Commons Information Office 2010, p. 10; own calculations

## THE CURRENT PETITION PROCEDURE                    2.1.1

When submitting a petition to the House of Commons, petitioners must meet a number of formal requirements. Although these are not particularly demanding, they do nevertheless require a certain level of »procedural knowledge«. For example, petitions must include a cover sheet containing the text of the petition and also the petitioner's name, address and signature. Since 2005 it has also been possible to submit this information typewritten. If several pages are required for the signatories, each page must also contain the text of the petition. Signatories must also include their full name, address and signature. The petition text must be drawn up in English and its tone must be »respectful«. In addition, certain wordings and set phrases are mandatory. Although these were modernized in 1993 they are still a requirement for petitions to be admitted. Table III.2 provides an overview of the traditional and modernized set wordings (House of Commons Procedure Committee 2007, p. 6; Sturm/Fritz 2010, p. 97).

| TABLE III.2 | REQUIRED WORDINGS FOR PETITIONS TO THE HOUSE OF COMMONS | |
|---|---|---|
| | **Traditional wording** | **Modern wording** |
| Introduction | To the Honourable the Commons of the United Kingdom of Great Britain and Northern Ireland in Parliament Assembled | To the House of Commons |
| Naming of the petitioner(s) | The Humble Petition of ... | The Petition of ... |
| Grounds for the petition | Sheweth That ... | Declares that ... |
| Request(s) | Wherefore your Petitioner(s) pray(s) that your honourable House ... | The Petitioner(s) therefore request(s) that the House of Commons... |
| Closing statement | And your Petitioners, as in duty bound, will ever pray, etc. | And the Petitioner(s) remain, etc. |

Source: Sturm/Fritz 2010, p. 96

If these criteria are met the petitioner can initiate the actual submission process. Even at this stage, a key difference between the British parliamentary petitioning system and most other European parliaments is apparent: in contrast with common practice in Europe (Chapter IV), petitions cannot be submitted to Westminster directly by citizens but only through the intermediary of elected Members of Parliament. This means that a petitioner must first contact a Member of Parliament (MP) – generally the petitioner's local MP – who can then bring the petition before Parliament (this process is known as the »MP filter« or »sponsorship model«). If the MP agrees, the next stages in the process within the House of Commons are subject to strict rules. An MP may select between two possible procedural routes:

> In the case of *formal* presentation, the MP reads out the wording of the petition, the name of the petitioner and where applicable the number of signatories in plenary session. A debate on the petition is expressly prohibited. The presenting MPs are also required to be brief. A period of time towards the end of each day's business is set aside for the presentation of formal petitions. At this time, only a few MPs are generally still in the House.
> In the case of *informal* presentation, the presenting MP places the petition in a green bag that is hooked on to the Speaker's chair; this can be done at any time while the House is sitting. This option is usually selected if the MP is not in agreement with the matter raised in the petition but wishes to show support for the commitment shown by the people in his constituency (Sturm/Fritz 2010, p. 97).

In recent years, the proportion of all submitted petitions accounted for by informal presentations was regularly around 10 to 20 %. Only recently, in the ses-

sion from 2009 to 2010, have informal presentations accounted for the majority of submissions (House of Commons Information Office 2010, p. 10).

FIG. III.1                    INFORMATION PAGE ON THE PROCESSING STATUS OF PETITIONS



Source: www.publications.parliament.uk/pa/cm200910/cmhansrd/cm100408/
        petnindx/100408-x.htm (8.2.2011)

The method of presentation selected for a petition does not affect the way it is subsequently handled within Parliament. Petitions are first forwarded to the respective specialist committees (»select committees«) and ministries. The select committees are obliged to place the petitions on their agendas; since 2007, the ministries have been obliged to respond to »substantive« petitions with »observations«. Previously, it was left to the discretion of the ministries whether to respond to petitions. As shown in Table III.1, the overwhelming majority of petitions have for some years received an official response from the executive (House of Commons Information Office 2010, p. 10).

From the moment a petition is presented in Parliament, key information and procedural steps relating to the petition, including in particular the wording of the petition and the responses by the executive, are recorded and published (including on the internet) by Parliament's own documentation service, Hansard

(Fig. III.1)[44]. This ensures a very high level of transparency compared with the situation at the German Bundestag, despite its introduction of public electronic petitions.

## CRITICISM AND DISCUSSIONS ON REFORM    2.1.2

Criticism of the House of Commons' petition system as described above is ignited due to its extensive inconsequentiality and ineffectiveness. In particular, critics bemoan that there is no effective link between the petitions submitted and the political work performed by Parliament. Indeed, the current process is hardly more than a system of registering and documenting citizens' concerns and is largely restricted to fulfilling formal requirements. In terms of content and politics, there is clearly no genuine integration of petition processing in the relevant opinion-forming and decision-making processes of the Members of Parliament (Judge 1978, p. 394; Sturm 2010, p. 746; Sturm/Fritz 2010, p. 99 f.). Given this disengagement, many Members of Parliament consider the petition process as being largely irrelevant in political terms (House of Commons Procedure Committee 2007, p. 5).

In response to the criticism, the issue was systematically investigated a few years ago. In 2005 the House of Commons Procedure Committee, which is responsible for parliamentary processes and rules of procedure, set out to examine possible ways to reform the petition process. Between 2007 and 2009 the Committee published three reports which examined and analysed both procedural changes and also technical innovations (House of Commons Procedure Committee 2007, 2008, 2009). At the Government's suggestion, the proposals were also taken up by another parliamentary committee (House of Commons Reform Committee 2009).

These activities by the various bodies and also the statements by the experts approached by Sturm/Fritz (2010) indicate that there is clearly broad agreement among the relevant actors about the need to reform the petition system. Two main strands of deliberations on reform can be identified. Firstly, there is a desire to improve the way the petition system is integrated into parliamentary processes. Secondly, it is hoped reforms will improve the way Parliament is perceived from the outside, especially due to the sense of modernity that, it is assumed, will be conveyed through more intensive use of new media within the petitioning system. In line with these two approaches, the reform proposals under discussion can be classified into procedural changes and technical innovations.

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44    The petition texts, the corresponding minutes of meetings and the responses of the ministries can be viewed online at Hansard at www.publications.parliament.uk/pa/cm/cm hansrd.htm (8.2.2011).

Overall, the reform proposals of the Procedure Committee that relate to the actual process for handling petitions focus on gradual changes. There are no plans to break with the traditional elements of the Westminster process. For example, the requirement for petitioners to have a Member of Parliament submit their petition (»MP filter«) is also to be retained in future. Some actors clearly fear that introducing direct petitions to the Westminster model could weaken the comparatively close relationship between Members of Parliament and citizens in their constituencies (majority voting in single-member constituencies) (Sturm/Fritz 2010, p. 108 f.). Not without justification, the supporters of the MP filter argue that an MP feels especially obliged to a petitioner from his constituency and can support and advise him on his concern (Miller 2009, p. 171). This close level of support would, however be unlikely with a parliamentary petitions committee that would undertake an initial examination of received petitions if direct petitioning was introduced.

Other arguments against the re-introduction of a petitions committee include the associated high costs and the expense in terms of resources and time. It is also feared that a separate parliamentary body could result in an unrealistic increase in people's expectations for the petitions process.

The Procedure Committee's proposals for reforms focus on measures to increase the effectiveness of the petition process. Among other things, it was recommended that the Government should be required to respond to petitions within two months (House of Commons Procedure Committee 2007, p. 17). Although this proposal has not yet been formally implemented, the Government's response rate has in fact risen sharply in recent years, as already seen in Table III.1 (House of Commons Information Office 2010, p. 10). Moreover, the Committee has proposed various minor procedural changes relating to the weekly agenda (House of Commons Procedure Committee 2007, p. 12).

By contrast, a proposal included in the most recent committee reports relates more closely to the public (House of Commons Procedure Committee 2008; House of Commons Reform Committee 2009, p. 72). The proposal suggests that certain petitions that have already been through the presentation process should be discussed in a separate debate in Westminster Hall – i.e. not in plenary session of Parliament – around three times a year. Petitions that are extremely successful in terms of the number of signatures collected and that are particularly »attractive« in terms of content could be admitted for such special discussions. One criticism of this proposal is that such an innovation could arouse an expectation among the public that petitions with the most signatures would always be discussed while tending to neglect aspects relating more to the quality of a petition's contents (Sturm/Fritz 2010, p. 101).

The technical proposals for reform focus on the introduction of electronic petitions. This approach is closely linked with Parliament's aim of making the petition system more accessible and easier to understand. As a key innovation, the Procedure Committee (House of Commons Procedure Committee 2008) suggested offering a facility for submitting and signing petitions on the House of Commons' website. The proposals are largely based on the existing offline process. For example, as with the traditional procedure, petitions on the website should only be accepted on days when Parliament is sitting. The MP filter should also be retained, albeit in slightly modified form, in the electronic process. After receiving an e-petition that complies with the formal requirements, the Member of Parliament for the respective constituency would be asked if he would like to present the petition to Parliament. In what would presumably be the rare case of an MP declining, a maximum of two other MPs could be asked if they would like to present the petition. The maximum period for adding signatures to a petition has been suggested as four months. An interesting variant that deviates from the conventional process is provided by a proposal that Members of Parliament could register as supporters of an e-petition in a separate list that is also made public.

As with the traditional process, it is also proposed that e-petitions should offer two possible means of presentation. Firstly, it should also be possible for petitions that have been initiated through electronic means to be presented to the plenary session by an MP (formal presentation). However, this presentation route should represent the exception due to fears of an excessive workload in the event of a high volume of (e-)petitions. The Procedure Committee is of the opinion that the majority of e-petitions should be presented electronically. It is intended that the presenting MP should send an e-mail to the Speaker containing the e-petition. The subsequent procedure would then be the same as for conventional petitions. A further innovation that could in some cases enable closer contact between Members of Parliament and supporters of e-petitions is the proposal to permit the presenting MP to send a maximum of two e-mails relating to the subject matter in question to the petitioner and registered signatories. This would obviously require supporters to expressly request this option (House of Commons Procedure Committee 2008, p. 22 ff.).

The reform of the parliamentary petition system has faltered since 2009. This stagnation can only partly be explained by the parliamentary elections of May 2010 and the subsequent change of government. Whereas the Procedure Committee agreed on the details of the reform, both the Members of Parliament as a whole and also the Government appear to have had dogged concerns about certain elements of the reform. Whereas the previous ruling Labour government basically welcomed the proposals made by the Procedure Committee in its official statements, both the plans for certain procedural elements and also the e-pe-

tition system met with criticism. In particular, the proposal to oblige the Government to respond to all petitions was called into question due to the expected high volume of (e-)petitions. The criticism of the planned e-petition system was in particular ignited by the estimated set-up costs of £ 500,000 and a further annual cost of £ 840,000 to operate the system. The Procedure Committee was called on to make significant cuts in the planned expenditure (Sturm/Fritz 2010, p. 109 f.).

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**OVERVIEW OF THE BRITISH HOUSE OF LORDS**

The House of Lords is the upper house of the British Parliament. Compared with the lower house, the House of Commons, the upper house plays a clearly subordinate role in the legislative process. The house's principal legislative function consists in reviewing the legislative proposals of the House of Commons. During this review the House of Lords may suggest amendments, provided they do not relate to budget matters (»money bills«). Under its suspensive right of veto, the House of Lords may delay legislative proposals for a maximum of twelve months. The Lords can also introduce legislative initiatives.

The House of Lords' weak political status is in particular attributable to the fact that members are not appointed by democratic means; instead of being elected by the people, most members are appointed by the Queen at the Government's suggestion. Of the current 830 members of the House of Lords, around 85 % are appointed for life (life peers) and around 10 % are hereditary peers. A further 25 ex-officio members are bishops (Lords Spiritual).

Since the Labour government under Tony Blair there has been increasing discussion on a reform of the House of Lords. Essentially, the proposals aim to abolish membership by virtue of birth and introduce a democratic method of appointment. Despite a corresponding vote by the House of Commons in 2007, it is currently doubtful whether direct elections will be introduced for the House of Lords as part of an overall reform.

In principle, it is possible to submit petitions to the House of Lords. However, this submission process has played an extremely insignificant role for decades. The last known petition submitted to the House of Lords was in the year 2000.

Source: Grant 2009, p. 45 ff.; Sturm 2009, p. 129 ff.; Sturm/Fritz 2010, p. 95

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Alongside these criticisms, some actors on the side of the previous government clearly expressed diffuse scepticism regarding the proposed reform. Since they are not documented in official statements these criticisms remain intangible. The experts interviewed by Sturm/Fritz (2010) anticipate that the reform will necessi-

tate considerable extra expense to deal with petitions and also that it could re-
sult in the loss of some control over the parliamentary agenda (Sturm/Fritz
2010, p. 110). As outlined in the brief historical overview, similar arguments
were used in the nineteenth century to remove the political core from and weak-
en the parliamentary petitioning system (Chapter III.1).

Initially, the new coalition government's entry into office gave a new impetus to
the debate on the petition system. For example, it was announced that in future,
petitions with 100,000 or more signatures should be debated in plenary session.[45]
Petitions with one million or more signatures should even be introduced as draft
legislation (HM Government 2010, p. 27). In fact, this proposal was taken up
again in modified form at the end of 2010 (Wintour 2010). The proposal was
then fine-tuned to state that in the case of e-petitions, this should relate to submis-
sions on a website of the Government, not of Parliament (Chapter III.2.2).

## THE PRIME-MINISTER'S E-PETITIONS    2.2

In many ways, the British Prime-Minister's e-petitions system, which operated
between 2006 and 2010, appears to be in contrast to the House of Commons'
plans on e-petitions. In contrast to the Parliament's reform process, it would
appear the Prime-Minister's e-petition system was implemented without being
based on institutional traditions, without including the relevant actors and with-
out thorough reflection on the politico-institutional consequences.

The »No. 10 Downing Street« e-petitions service was set up in November 2006
during Tony Blair's last year in office and was taken over on a largely un-
changed basis by his successor Gordon Brown. The system was deactivated
shortly before the new elections in May 2010 and has not been re-launched. A
new e-petition system with a very different format is due to be launched on the
Government's website during 2011 (www.directgov.uk).[46] On the old e-petitions
platform, users could submit and publish their concern directly to/with the
Prime Minister. To obtain an e-mail response from the Government, a petitioner
most recently had to achieve a quorum of at least 500 electronic signatures. Dur-

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45  Similar considerations were made in the coalition agreement of the presiding
    CDU/CSU/FDP government in Germany. Here, matters addressed in mass petitions
    should also be dealt with in plenary session of Parliament (CDU/CSU/FDP 2009,
    p. 110 f.; FDP-Bundestagsfraktion 2011).
46  On the editorial deadline for this report the e-petitions website (http://petitions.num
    ber10.gov.uk/) hosted on the Prime Minister's website contained current information on
    the future of the government's service and an archive with details of concluded e-
    petitions. The official responses of the Government to e-petitions can be retrieved at the
    National Archives (http://webarchive.nationalarchives.gov.uk/20110202090712/; http://
    www.hmg.gov.uk/epetition-responses.aspx).

ing the system's existence the quorum was raised, in several steps, from the original figure of 200 to 500.

Judging by the usage figures, the Prime Minister's e-petitions system was exceedingly popular. During its active phase, for example, the portal was visited by an average of 25,000 users per day (Coleman/Blumler 2009, p. 189). Between December 2006 and January 2010 more than 67,000 e-petitions were submitted. Of these, the petitions admitted for consideration obtained an impressive total of 11.8 million electronic signatures. Around 7 % of the e-petitions succeeded in obtaining the quorum of 500 signatures (Sturm/Fritz 2010, p. 81 f.).[47]

The high number of signatories is primarily due to a few highly popular e-petitions which in some cases were accompanied by extensive media coverage. By far the most successful e-petition in terms of signatures obtained was initiated shortly after the service launched. This petition called on the Prime Minister to stop the Government's plans to introduce a nationwide road toll. On occasions the system collapsed due to the onslaught of users (Stringer 2007; Woodward et al. 2007). At the end of the three-month signing period the e-petition had obtained more than 1.8 million signatures. In this case, the huge momentum in attention drawn by the petition was clearly due not only to the growing media reporting during the signing period but also to the Transport Minister's clumsy response to the e-petition. There is much to indicate that the road toll petition in particular and the public debates it triggered contributed greatly to the renown of the Prime Minister's e-petitions system. The e-petition undoubtedly played an important role in the Government's decision to shelve its plans to introduce road tolls. Other popular e-petitions advocated a national public holiday (531,400 signatures) and the use of the British Red Arrows aerobatic display team during the forthcoming Olympic Games in London (502,625 signatures) (Sturm/Fritz 2010, p. 83 ff.).

Table III.3 gives an overview of the most frequent subject areas addressed by e-petitions. A distinction is made between admitted petitions and those rejected on grounds of form.

The subject area »government, politics, administration«, which generated by far the most e-petitions, also represented a type of residual category. Petitions relating to party politics and/or with a polemic thrust were summarized in this category. Typical e-petitions within this category called for new elections or for the Prime minister's resignation (Sturm/Fritz 2010, p. 84). The high proportion of petitions accounted for by this category is a clear indication that the service was especially attractive for diffuse political protest and satire (Kirby 2007).

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47  At 11.4 % the Government's response rate for admitted e-petitions was significantly higher. This is due firstly to the lower quorum of 200/300 signatures required until the middle of 2009 and secondly to a special rule for petitions affecting only a small group of people (Sturm/Fritz 2010, p. 82).

| TABLE III.3 | | SUBJECT AREAS FREQUENTLY ADDRESSED BY THE PRIME MINISTER' S E-PETITIONS |
|---|---|---|
| Rank | Number and area of politics | |
| | Admitted | Rejected |
| 1 | Health, care (4,267) | Government, politics, administration (9,081) |
| 2 | Transport, infrastructure (4,110) | Public order, justice, law (5,528) |
| 3 | Government, politics, administration (3,760) | Leisure, culture (3,503) |

Source: Sturm/Fritz 2010, p. 83

## STRUCTURE OF THE »NO. 10 DOWNING STREET« E-PETITIONS SYSTEM 2.2.1

The decision to establish the Prime Minister's e-petitions system can be traced back to a suggestion that Tony Blair is said to have received during a meeting with Google's CEO Eric Schmidt in October 2006. Apparently, e-petitions were primarily mentioned in the discussion as a tool for improving communication between the Government and the public. This approach landed on fertile ground with Blair (Winnett/Swinford 2007). Steps were immediately taken to introduce the system (Sturm/Fritz 2010, p. 74).

It would appear only a few people were involved in this hasty decision to use a new communications tool within central government and this shaped the fundamental characteristics of the e-petitions system. One of the few requirements that the Prime Minister specified to the Strategic Communications Unit (SCU) of the Prime Minister's Office (PMO) concerning implementation of the e-petitions service was that the procedure should be broadly based on the Government's conventional petitioning process. There is a long tradition of handing petitions over directly to the Prime Minister's seat of government at No. 10 Downing Street – either in person or by post. However, handing petitions over to the Prime Minister's seat of office has always been purely symbolic because in accordance with convention, petitions are addressed to the entire Cabinet (Miller 2009, p. 165; Sturm/Fritz 2010, p. 93). Nevertheless, it was decided to locate the e-petitions portal on the Prime Minister's website (www.number10.gov.uk) instead of on the website for the Government as a whole (www.direct.gov.uk).

The e-petitions system was introduced without any special legal basis. As well as enabling speedy implementation of the system within a matter of a few weeks, this also gave the SCU relatively broad scope when designing and implementing the service because neither the Cabinet nor Parliament had to become involved. Transferring responsibility for technical implementation to an external partner also increased flexibility. As well as designing the e-petitions portal, the non-

profit-making and non-partisan organization mySociety[48], which has made a name for itself in the field of internet-based citizen participation in Great Britain, also shared certain non-technical tasks relating to day-to-day operation with the PMO (Sturm/Fritz 2010, p. 74 f.).

The expenditure on resources for the Prime Minister's system was low compared with the planned expenditure on an e-petitions system for the House of Commons (Chapter III.2.1). The costs of technical implementation amounted to £ 17,500. mySociety's monthly costs for day-to-day operation were £ 1,500. And even within the PMO, the cost of managing the system was modest in relation to the user numbers because the three full-time members of staff with responsibility for the PMO's numerous web pages only spent around five percent of their working time on e-petitions. In view of the high user figures, however, the PMO's internet team can be considered to have been understaffed (Sturm/Fritz 2010, p. 74 f., 92).

From the point of view of both petitioners and also that of the bodies to which the petitions were addressed, the Prime Minister's e-petitions system involved little expense/work. As with most e-petitions systems, the procedure involved four phases: submission, verification, signing and conclusion.

### PHASE 1: SUBMISSION

Initiators of e-petitions were asked to input their details on three consecutive input templates on the Prime Minister's website (http://petitions.number10.gov.uk). In addition to providing written details of the concern and some data on the submitter (name, address, telephone number and e-mail address), petitioners were also asked to assign their e-petition to one of the specified subject areas and to determine the signing period (maximum of twelve months) themselves (Fig. III.2).

### PHASE 2: VERIFICATION

The PMO handled the processing of submissions in a pragmatic manner. Prior to an e-petition being published, it was checked to ascertain if it breached the conditions for participation. Grounds for rejection included, for example, duplication of an existing e-petition and incomprehensible or offensive wording. In the event of a petition being rejected the petitioners in question received an e-mail stating the grounds for rejection and tips on how the objections could be rectified. If the petitioner did not avail himself of the opportunity to revise the petition it was published in a list of rejected petitions along with the grounds for rejection.

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48  Information on mySociety can be found on the organization's website at www.mysociety.org.

FIG. III.2                              SUBMITTING AN E-PETITION TO THE PRIME MINISTER



Source: Sturm/Fritz 2010, p. 79; http://petitions.number10.gov.uk (14.4.2010)

PHASE 3: SIGNING

Admitted e-petitions were then published online and released for the addition of signatures. If a user wished to support an e-petition, the e-petitions website directed him/her to an online form for him to enter his name, address and e-mail address. The only impediment to multiple signatures by one person was a confirmation e-mail to the signatory that required a response. However, the risk of misuse was estimated as low because it would be very time-consuming to set up a new e-mail address for each new additional signature (Sturm/Fritz 2010, p. 80).

PHASE 4: CONCLUSION

At the end of the signing period each e-petition that had achieved the quorum for signatures (the last of which was set at 500) was forwarded to the competent body within the Government for a response. E-petitions that did not achieve the

required quorum did not generally receive an official response from the Government. The process ended with the petitioner and co-signatories being sent the Government's e-mail responses, which were drawn up by the PMO's internet team. No provision was made for further steps which would, for example, have affected the decision-making processes within the Government. Only the Prime Minister was informed of new developments within the e-petition system in the form of summaries (Sturm/Fritz 2010, p. 76 f.). Figure III.3 provides an overview of the information that could be viewed online about an e-petition after the process has concluded.

FIG. III.3                            OVERVIEW OF A CONCLUDED E-PETITION



Source: http://petitions.number10.gov.uk/NohigherFees (23.3.2011)

ANALYSIS AND CRITICISM                                                    2.2.2

The Prime Minister's e-petitions facility succeeded in generating both impressive user figures and also extensive media coverage. At first sight, this facility for participation could be considered a success. However, this initial positive stance is put into perspective if we include the views of numerous experts and observers and also the findings of a critical analysis of the service.

The very history surrounding the establishment of the Prime Minister's e-petitions system raises the question of the objectives behind its introduction. Placing responsibility for planning and implementing the service with the SCU and the structure of the handling process lead one to assume that rather than aiming to improve government decisions through input by citizens, this tool was more designed to further strengthen government communication. During Tony Blair's time in government the SCU played a very prominent role in pooling and controlling all of the Government's communications activities with the media and the general public. This must be seen in the context of Blair's heavy focus on communicative management, which aimed to control published opinion or at least actively influence it from the point of view of the Prime Minister. This was closely linked with a further increase in the concentration of power with the Prime Minister, which is in any case already extremely pronounced under the Westminster model (Sturm/Fritz 2010, p. 68 ff.). Observers consequently interpret Blair's style of government as a form of »direct government«, which wherever possible circumvented established institutional channels – i.e. especially the Cabinet, party bodies and Parliament – in favour of direct public communication tailored to the Prime Minister. This led to the not uncontroversial »presidentialism thesis« (Foley 1993) being raised again, a thesis which was often used to characterize Blair's period of government. (Foley 2000; Helms 2005).[49]

The assumption that the driving motive for introducing the e-petitions service lay in the desire to establish an additional tool for managing public communication and for direct communication with voters is corroborated by a number of additional factors. From the PMO's viewpoint, the renunciation of consultations with the Cabinet and Parliament in the run-up to the e-petition system's rollout, the lack of a legal basis for the service and the transfer of key operational tasks to an external partner offered the advantage of ensuring it had comparatively broad leeway during the system's implementation (Sturm/Fritz 2010, p. 74).

This flexibility is also reflected in the way in which the e-petitions were handled in terms of political content. As the system was not integrated within routine institutional decision-making processes, it was easy for the PMO/the Prime Min-

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49  Sturm (2009, p. 26 ff.) provides a critically differentiated discussion of the presidentialism thesis.

ister to essentially proceed at will with the petitions: if the e-petitions system raised issues that appeared politically beneficial, the petition could be taken up by circumventing established institutional channels and subjected to political »marketing«. Issues that were considered of no political interest could either be delegated to the competent minister or ignored. The very structure of the handling procedure shows that from the outset, there was no intention to systematically link the e-petitions system to the Government's usual decision-making procedures. Where the quorum was met, the last point in the e-petitions procedure was a simple e-mail to petitioners and co-signatories that was drawn up by the PMO's internet team. In addition to media reporting of especially popular e-petitions, the regular summaries of the e-petitions process for the Prime Minister represented the system's only point of contact with influential decision-makers. And rather than existing in practice, this link was probably more a suggested one.

It is not just the analysis of the motives pursued by the people behind the system's launch that sheds a sometimes problematic light on the Prime Minister's e-petitions system. An analysis of its basis in terms of democratic and constitutional theory also reveals certain negative aspects of the system. Many citizens incorrectly interpret petition services and especially their internet-based variants as a promise of direct democratic participation. The greater the number of signatures generated, the greater the expectation that the concern will also be implemented on the political stage. In the case of the Prime Minister's e-petitions system, this purely quantitative yardstick was further significantly enhanced through the introduction of the signature quorum. Certain aspects of the procedure therefore found themselves in an almost irreconcilable conflict with the political and institutional conditions for representative democracy. A similar issue arises when we consider the decision to locate the system directly with the Prime Minister. This undoubtedly strengthened existing trends to personalize and simplify the government process – as demonstrated, for example, by the frequent establishment of a link to Tony Blair in the reporting on e-petitions (Sturm/Fritz 2010, p. 86) – which is not, however, in keeping with the complex constitutional situation.

A further objection that can be added to this criticism focuses on the lack of any deliberative quality in this e-petitions service. The fact that issues could enter the prominent public stage of the No. 10 Downing Street system without any further phases of content-based discursive reflection posed a risk of populist simplification (Coleman/Blumler 2009, p. 152). Although every petition body is in principle exposed to such a risk, in the case of the Prime Minister's e-petitions system this risk was significantly increased due to the intensive public attention focused on the system by the mass media. It is, however, doubtful whether also establishing accompanying online discussion forums would have offered an effective safeguard against populist narrow-mindedness.

Finally, the most serious objection to the e-petitions system involves its inadequate connection with key political decision-making and governmental procedures. When combined with the implicit promise of direct democratic participation, this harbours a risk of creating disappointment among users and of ultimately further increasing the widespread scepticism surrounding political participation.

At the time of the editorial deadline, no final decision had been reached concerning further development of the British Government's e-petitions system. According to press reports, however, any re-launch would take a very different format. These reports indicate that at least some of the above criticisms directed at the facility offered by the previous Government would be addressed. For example, it is claimed the system would in future be located on the overall government's website and not on that of the Prime Minister. This would aim to clarify the fact that petitions are addressed to the entire Cabinet. The coalition government is also considering the introduction of additional signature quorums for e-petitions; if these were exceeded this would automatically trigger certain procedural steps. If, for example, a petition obtained 100,000 or more signatures, it would be debated in the House of Commons; if one million or more signatures were obtained, the matter addressed by the petition would be presented to the House of Commons in the form of a legislative proposal and put to a vote (Wintour 2010). These innovations are clearly designed to attempt to resolve the issue of political ineffectiveness associated with the previous system. At the same time, the additional focus on a quantitative evaluation criterion would give a promise of direct democratic co-determination that was even harder to honour.

Against this backdrop it would appear highly unlikely that the House of Commons' plans concerning e-petitions (Chapter II.2.1) will be implemented in the near future because two very similar e-petition systems would be difficult to justify. Moreover, it is likely that any e-petitions portal of Parliament would clearly struggle as the systems competed for attention and users.

## THE PETITION SYSTEM AT REGIONAL LEVEL                    3.

The discussion surrounding the modernization of the petition system of the House of Commons has undoubtedly received a major impetus from the country's periphery. In recent years, the Scottish Parliament in particular and also the National Assembly for Wales have implemented important procedural and technical innovations in the field of petitioning. Given these activities, an in-depth examination of the regional level within the United Kingdom would appear particularly useful in firstly helping a better understanding of the discussion on reform at national level. Secondly, the petition systems in Scotland and Wales are interesting cases per se, because in some instances we can look back at over ten years' experience with new elements within the petition system.

The conclusions resulting from an analysis of these cases do, however, require some caution. As well as considering the different areas of competence between the national and regional levels, it is in particular also important to take account of the significant differences in the size of the political units that affect both the level of participation and also political momentum.[50]

The prerequisite for establishing the petition systems in Scotland and Wales was provided by the devolution legislation at the start of Tony Blair's period of government (1997–2007). Under the government reform, legislative and administrative responsibilities were transferred from the national level to the areas of Scotland, Wales and Northern Ireland (McAllister 1999, p. 639). These most recent steps towards decentralization at the end of the 1990s took partial account of the regional/national efforts towards self-determination in the three Celtic nations (Sturm 2009, p. 54 ff.). It is important to note that far from being uniform, the transfer of competence to the three areas was asymmetrical. For example, as well as administrative powers, Scotland also received legislative powers, whereas the new responsibilities for Wales largely concerned executive powers. This also reflected the different pressures for political and cultural independence within the regions. Compared with the new Scottish Parliament created in 1999 that works on the basis of the residual legislative competence transferred from London and thus exercises key parliamentary functions, the National Assembly for Wales (NAW) that was elected in 1998 was given far fewer powers. The primary legislative rights for Wales remained in Westminster; only executive (secondary) legislation was decentralized (Trench 2009, p. 147; Sturm 2009, p. 82).

The results of the 1997 referendums on devolution (Table III.4), where eligible voters in the areas in question could vote on the planned process of decentralization, also illustrate that devolution policy was less popular in Wales than in Scotland.

TABLE III.4                        RESULTS OF THE 1997 REFERENDUMS ON DEVOLUTION

| Area | Total yes votes | Yes votes in relation to eligible voters |
| --- | --- | --- |
| Scotland | 74.3% | 44.9% |
| Wales | 50.3% | 25.2% |

Source: Sturm/Fritz 2010, p. 21

Of the three Celtic nations affected by the Blair Government's devolution legislation, the following examines the petition systems in Scotland and Wales in more

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50  In 2009, the United Kingdom had a population of around 62 million. 5.2 million people (8 % of the total British population) live in Scotland and 2.9 million people (4.8 % of the total British population) in Wales (Office for National Statistics 2011).

detail. Although Northern Ireland's political strength increased as a result of decentralization, the Northern Ireland Assembly did not initiate any notable reforms of the petition system.[51]

## PETITIONS AND THE SCOTTISH PARLIAMENT                    3.1

The Scottish Parliament was the first elected assembly in the world to introduce an electronic petition system and integrate it firmly into parliamentary procedure. In particular, the technical functions of adding signatures to and discussion of the petitions submitted under the »E-Petitioner« system have attracted much attention and recognition among academics and also among practitioners because this system is one of the few examples of an official and formally valid e-participation service (Lindner/Riehm 2009, p. 1 and 2011).

Enthusiasm for the pioneering use of communications technology by the Scottish petition committee has for a long time prevented many observers from recognizing other remarkable features provided by the petition system of the Scottish Parliament. However, in terms of comparisons, the petition committee's basic approach of intensively addressing petitioners' concerns and guaranteeing a high level of procedural publicity is notable (Riehm et al. 2009b).

The background to and motives for structuring the petition process and the e-petition system can only be understood by considering them in the context of the origins of the new Scottish Parliament that was established in 1999. The preparation for and structure of this Parliament were driven by a highly regulatory momentum which was ultimately reflected in four guiding principles for future parliamentary work: (1) division of power, (2) reporting, (3) accessibility, openness, responsiveness and fostering of citizen participation and (4) equality of opportunity.[52] A key theme of this Scottish-style »new politics« was a conscious attempt to set itself apart from the Westminster model. This would involve turning away from a confrontational approach to politics in favour of greater emphasis on consensus – as reflected in the electoral system (personalized proportional representation instead of majority voting) and the internal organization within the Parliament. In symbolic terms, this is expressed, for example,

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51  At present, the petition process of the Northern Ireland Assembly exhibits major similarities with the procedure of the British House of Commons; there is no separate petitions committee (Northern Ireland Assembly 2010a; 2010b, p. 18).

52  The principles for the new Parliament were elaborated by the Consultative Steering Group on the Scottish Parliament (CSG) between November 1997 and December 1998 (Scottish Office 1998). The CSG was established by the British Government's Scottish Office Minister following the successful referendum on devolution and was given the task of developing specific proposals for the future Parliament's standing orders and rules of procedure.

in the design of the floor of the House where the rows of seats are arranged in a semi-circle. The committees saw a major strengthening of their role compared with the House of Commons; this was done with the aim of reducing the dominance exerted by the executive power (Carman/Shephard 2009, p. 21; McGarvey/Cairney 2008, p. 12 f.; Riehm et al. 2009a, p. 135 ff.).

In contrast to the original vision of a very different style of Parliament, actual practice reveals many parallels with the criticized structures of the Westminster model. Parliamentary legislation also tends to be dominated by the majority parliamentary groups and parliamentary debate is shaped by party-political confrontation (Mitchell 2010). However, the Scottish Parliament does enjoy a stronger position vis-à-vis the executive compared with Westminster. This is in particular demonstrated by the active role played by the committees in shaping the legislative process (Sturm/Fritz 2010, p. 26 ff.).

Another key concern addressed when structuring the Parliament was the desire to intensify citizen participation through increased transparency and increased opportunities for participation (Thomson 2009). This must also be viewed in the context of the desire for »new politics« and legitimization of the new institution among the Scottish population (Curtice 2004). Alongside consultative processes and greater representativeness for Members of Parliament resulting from personalized proportional representation, petitioning was also seen as a further important tool for achieving this aim (Sturm/Fritz 2010, p. 28).

## USE OF PETITIONING                                              3.1.1

The number of petitions submitted annually to the petitions committee of the Scottish Parliament has hovered around 100 in recent years. The current record of just under 200 petitions was reached in the first year of the Parliament's existence (1999/2000) (Fig. III.4). Between 1999 and 2006 just under half of the petitions submitted received one signature, with 30 % securing over 100 supporters (Carman 2006). The signing and discussion facility offered by the Scottish e-petitions system known as »E-Petitioner« has been used to an increasing degree in recent years. In 2007 and 2008 around two-thirds of all petitions were submitted using E-Petitioner (Hansard Society 2011, p. 2; Riehm et al. 2009a, p. 144). This share increased still further in 2010 and 2011 (Table III.5). However, irrespective of the medium used for submission and of the use of E-Petitioner, all petitions that are accepted by the Scottish Parliament for processing are in principle published on the petition committee's website. In the context of the Scottish system, therefore, only petitions that use the »E-Petitioner« electronic petitions system for securing signatures and for online discussion where applicable are referred to as »e-petitions«.

FIG. III.4          PETITION VOLUMES OF THE SCOTTISH PARLIAMENT FROM 1999 TO 2011
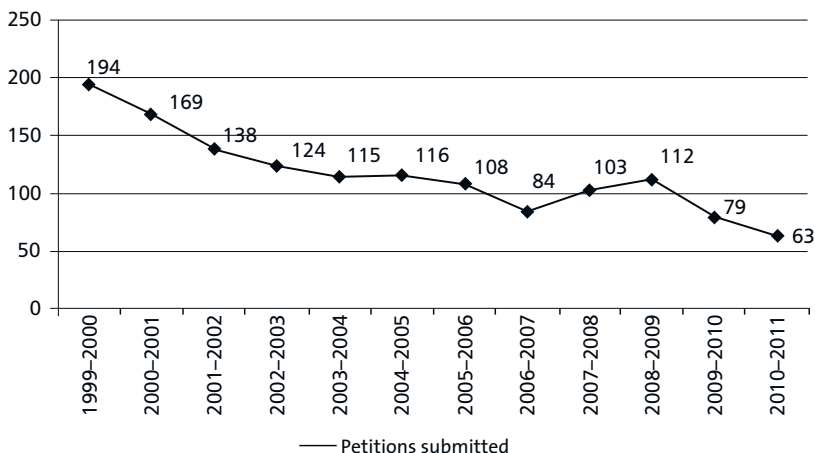


In Scotland, the parliamentary year generally runs from May to March.

Source: Carman 2006; PPC 2009, 2011

If considered in purely quantitative terms, the petition services offered by the Scottish Parliament and the National Assembly for Wales (Chapter III.3.2) are undoubtedly overshadowed by No. 10 Downing Street. Compared in relation to population size, the submission volumes for the two regional assemblies are clearly lower than the volume of e-petitions received by the former service offered by the British Prime Minister. Moreover, no Scottish or Welsh petition has yet generated nearly as much public attention as the e-petition on road tolls (Chapter III.2.2; Sturm/Fritz 2010, p. 63). A similar picture is revealed by a comparison with the German Bundestag. Here, too, however, it is difficult to make a direct quantitative comparison because firstly, we would need to use the *Länder* in Germany and not the national level as a reference parameter. Secondly, citizens in Scotland have alternative channels such as various ombudsman institutions (Chapter III.5), and some of their functions are performed by the Petitions Committee of the German Bundestag.

The heavy emphasis on submission figures is in any case misleading because this does not do justice to the philosophy adopted by the Scottish petitions committee (the Public Petitions Committee, PPC) that petitions should primarily be evaluated on the basis of qualitative and content-based parameters.

With regard to the socio-demographic make-up of petitioners, the data situation in Scotland is comparatively good. Whereas no empirical studies exist on the

structure of petitioner populations in Wales, for the Prime Minister or the House of Commons, an analysis conducted for the PPC collected user data for the years from 1999 to 2006 (Carman 2006). According to this analysis, petitioners are mostly middle-aged, mainly male and possess a higher-than-average interest in politics.[53] Similar findings tended to be obtained concerning users of the petitions service offered by the German Bundestag (Chapter II.2.4). In geographical terms, most petitioners were from the urban centres of Edinburgh and Glasgow (Carman 2010, p. 738).

In view of these findings and also the results of a study on the participation of previously under-represented social groups in the petition process (Ipsos Mori/ Carman 2009), the PPC is adopting a series of measures in a bid to increase the social representativeness of petitioners. To this end, for example, committee sessions have been held outside the capital and PR work has been focussed on selected social groups and regions. These efforts to encourage previously under-represented groups to use the petition system also include the use of new media (Sturm/Fritz 2010, p. 43).

## THE PETITION PROCEDURE OF THE SCOTTISH PARLIAMENT 3.1.2

The structure of Parliament's petitions system played a key role within the commissions charged with preparing for the establishment of the new Parliament. This highlights the importance attached to this form of participation by the actors at the time. The right of petition was explicitly mentioned in the final report of the Scottish Constitutional Convention (Scottish Constitutional Convention 1995), which drew up a roadmap for future devolution from a Scottish point of view, and also in the final report of the CSG (Scottish Office 1998). Among other things, the CSG recommended that in principle, the future parliament should accept all petitions submitted that fell within its sphere of competence. The introduction of a signature hurdle and also an MP filter was thus rejected. A permanent petitions committee was to be established to guarantee a »strong« system for handling petitions (Scottish Office 1998, sec. 2, No. 21, 22, 60, 89, 90; sec. 3.6, No. 13–18). The subsequent Standing Orders of the Scottish Parliament are largely based on these recommendations (Scottish Parliament 2009).

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53 Since 2004 all petitioners have been asked by the PPC to provide voluntary and anonymous information on certain socio-demographic characteristics such as gender, age and home region in order to enable it to produce an annual equalities report. The corresponding questionnaire can be viewed at http://archive.scottish.parliament.uk/s3/com mittees/petitions/reports-11/annexeA.pdf, (8.4.2011). Since only a small proportion of petitioners return the questionnaire, the data collected are not representative. Despite this restriction, the analyses from 2007 to 2010 generally confirm the results of the evaluation study conducted by Carman (2006) with regard to age, gender and regional origin of petitioners (Committee Reports 2007 to 2011 of the PPC at www.scottish. parliament.uk/parliamentarybusiness/CurrentCommittees/29871.aspx (8.4.2011).

As the »master of the petition process«, the PPC exerts a considerable influence on shaping the petitions system within Scotland. This permanent committee comprises nine ordinary members; their composition reflects the strength of the parliamentary groups represented in the Parliament. The Chairman and the members are supported by a clerk and also currently by three additional members of the parliamentary administration. According to the Standing Orders, the PPC's remit is to consider public petitions addressed to the Parliament and in particular to

> decide whether a petition meets the criteria for admission,
> decide what action should be taken on admissible petitions, and
> keep under review the operation of the petitions system (Scottish Parliament 2009, chapter 6.10).

Among parliamentarians, the PPC clearly does not enjoy the highest esteem of all the parliamentary committees. This is reflected firstly in the members assigned to the committee by the parliamentary groups: the committee's members are mainly inexperienced MSPs and the previous chairpersons did not belong to the inner management circles of their party. Secondly, there is a comparatively high turnover rate among the members. This is explained by the fact that the PPC is not considered attractive due to its low level of political influence. At the same time, this committee's political weakness fosters a consensus-based approach and promotes a cooperative atmosphere (Sturm/Fritz 2010, p. 34).

The actual petition process can be divided into four main phases: preparation, submission, processing and conclusion. In the case of e-petitions there is a partial shifting of phases and/or greater overlapping at the start of the process because electronic publication and signing that is handled via the »E-Petitioner« e-petitions system only commences once the Committee's administrative team has examined a petition for admissibility.[54]

With conventional paper petitions, the *preparation phase* can be completed by petitioners without making contact with the Committee's administrative team. In addition to drafting the wording of the petition, a petitioner is required to find out about the formal requirements and the procedure for petitions. Here, he can access a wealth of information that is provided by the PPC in different media and formats (internet-based multimedia services, printed brochures (Fig. III.5) and forms, written, telephone and personal advice); in some cases these are available in nine languages and in British Sign Language. Signatures are collected either during the preparation phase (addition of signatures to paper lists) or, as in the case of e-petitions that can be signed electronically, only fol-

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54   The following statements on the petition process are based on online information provided by the PPC (www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29869.aspx and www.scottish.parliament.uk/gettinginvolved/petitions/ [8.4.2011]), on Scottish Parliament (2008, 2010) and on Sturm/Fritz (2010, p. 35 ff.).

lowing formal verification by the PPC. Petitioners can also collect signatures on paper lists and electronically at the same time.

FIG. III.5                                   PPC INFORMATION BROCHURE ON THE PETITIONING PROCESS



Source: Title page of the information brochure (Scottish Parliament 2010)

The first opportunity for interaction between a petitioner and the PPC occurs during the *submission phase*. Initially, the specific method of submission does not play any role. The PPC adopts a remarkably pragmatic »multi-channel strategy« that is particularly convenient for petitioners. In addition to written and electronic submissions (by e-mail), petitions can be presented in person, by telephone, as a video and in future even by SMS text message. Based on the submission, the Committee's administrative team examines formal admissibility as a petition. For example, the matter must fall within the Parliament's sphere of competence (»devolved matters«) and be of public interest (»res publica«). Where required, the members of the Committee's administrative team advise petitioners on the specific wording and where applicable offer suggestions on how the required link to the public interest could be better established. If the matter does not fall within the Parliament's sphere of competence, citizens are referred to other bodies, for example to an ombudsman or to the British House of Commons. Petitioners are also asked to outline what steps they have already undertaken to get their matter heard. This requirement, which is an unusual one compared with other petition processes but which is handled pragmatically,

provides the PPC with useful additional information when processing a petition. The committee members also use the initial contacts with petitioners to advise them on the likely prospects of success for their petitions.

Once a petition has been accepted as admissible it is then forwarded to undergo the actual parliamentary petition procedure. In the case of e-petitions, a signing period is added prior to this step; this signing period is pre-determined by the petitioner (a period of four to six weeks is recommended) and is used to collect signatures on the Scottish »E-Petitioners« website and to enable the petition to be discussed in the corresponding forums. In contrast to Wales, petitioners whose petitions are rejected have no opportunities to object.

In the *processing phase* the body to whom the petition is addressed deals with the petition and its political content. During this phase the members of the PPC are generally confronted with the issue raised by the petitioner for the first time. To enable them to deal appropriately with the matter raised by a petition, the committee members are provided with various background information (»petitions briefings«) by the Scottish Parliament Information Centre (SPICe). While the petition is undergoing processing, additional information and opinions can also be obtained from various bodies – generally ministries and public administration bodies, but also from interest groups, associations and other civic organizations. Some petitioners are invited to attend the PPC and represent their issue personally before the MSPs. There is no entitlement to attend a meeting of the PPC; on the contrary, the decision is a matter for the PPC or its Chairman. According to a statement by a former Chairperson, the number of signatures collected does not play any role in the decision to invite petitioners to attend a meeting of the Committee (Sturm/Fritz 2010, p. 41). The intensity with which the PPC processes a petition is more a reflection of the political relevance attached to a petition by the committee members. Other options for processing a petition that are available to the PPC but which are more rarely used include site visits, the involvement of other parliamentary committees or even transfer of the entire matter to a specialist committee. The period taken to process a petition is between twelve and 18 months. During this period a petition is dealt with an average of three to four times.

Once the Committee has obtained an overview of the situation and if, having considered the information provided, the members support the petition either in full or in part, the PPC contacts the relevant body and asks it to respond to the issue. On rare occasions, plenary debates are initiated on certain petitions. As with other petition bodies, however, the PPC does not have any direct powers of implementation or sanction.

The petition process ends with the *conclusion phase*. This requires the PPC to provide written grounds on the ending of the procedure and to inform the petitioner.

FIG. III.6                ONLINE BRIEFING OF A PETITION IN THE EXAMINATION PHASE



Source: www.scottish.parliament.uk/business/petitions/docs/PE1352.htm (4.3.2011)

The Scottish petition process is characterized by its extremely high level of transparency and procedural publicity compared with the procedure for the House of Commons or the German Bundestag (Riehm et al. 2009b, p. 538 ff.). Accessibility for citizens is not merely confined to the fact that the committee hearings are held in public as a matter of principle and can be accessed online as a webcast.[55] In addition, all petitions – whether submitted by conventional

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55   All plenary sessions and committee meetings of the Parliament are made available to the public as webcasts for one month. The video recordings of the PPC meetings can be accessed at www.scottish.parliament.uk/newsandmediacentre/30925.aspx (4.3.2011).

means or electronically – together with the details of the petitioners, the number of signatories, the relevant background information (petitions briefings), opinions and documents used in processing the petitions and also the minutes of the meetings are published and can be accessed on the PPC's website (www.scottish. parliament.uk/gettinginvolved/petitions/ViewPetitions.aspx). Figure III.6. shows an online briefing for a petition that has not yet been concluded. For interested users, this briefing serves as a starting point for following the chronological order of most of the procedures involved in parliamentary handling of the issue. Users can, for example click on the relevant links to view documents and written submissions drawn up during committee debates. However, it is important to stress that this extensive stock of information is independent of the Scottish »E-Petitioner« e-petition system and is made available for all admitted petitions, irrespective of how they were submitted.

## E-PETITIONS AND THE SCOTTISH PARLIAMENT                3.1.3

As already mentioned, the Scottish petition process is augmented by the highly esteemed »E-Petitioner« e-petitions system, which enables the publication and in particular the signing and discussion of petitions via the internet. The system was introduced as early as the year 2000, i.e. only one year after the Parliament was established, and enjoys international renown as a pioneer of parliamentary e-petition services (Riehm et al. 2009a, p. 134).

The internet-based reforms of the petition system employed by the German Bundestag in 2005 were largely inspired by the Scottish example and from a technical point of view, use of the Scottish E-Petitioner software enabled the experimental model »public electronic petitions« to be introduced comparatively quickly (Chapter II.2.2).

The background behind the introduction of the e-petitions service must also be viewed in the context of the establishment of the Scottish Parliament. As already mentioned, the constituting phase of the Scottish Parliament was driven by the normative ideas of a new and different form of politics, at least when compared with actual or perceived practice within the Westminster Parliament. The potential offered by the internet was in particular to be specifically used in order to achieve the third principle behind the new Parliament, namely the objectives of accessibility, openness, responsiveness and fostering citizen participation (Scottish Office 1998). The actors at the time were in agreement that the petitions system should be a key area for using the extended – and compared with conventional media cheaper – opportunities for information and communication offered by the internet (Smith/Gray 1999; Sturm/Fritz 2010, p. 45 f.).

This favourable starting environment for introducing an e-petitions system – i.e. the fundamental openness to innovation during the period of institutionalization

and the broad support from the decision-makers – was helped by good availability of the required technical expertise within the new Parliament. In 1999 (i.e. before the official opening of the Parliament's e-petitions service) and following consultation with the PPC, the environmental organization World Wide Fund for Nature (WWF) initiated a petition that could be signed electronically via the internet. The International Teledemocracy Centre (ITC) of Edinburgh Napier University was responsible for technical implementation of this first Scottish e-petition. After this initial test run had proved successful, the Committee decided, in March 2000, to integrate the ITC's E-Petitioner software into the Parliament's official internet offering for a one-year trial period (ITC 2011; Riehm et al. 2009a, p. 137). Following several modifications, »E-Petitioner« was finally introduced into regular operation in February 2004, along with the functionalities we know today (Sturm/Fritz 2010, p. 46).

When designing the e-petitions process the operators largely followed the conventional procedure. Essentially, e-petitions that use the »E-Petitioner« e-petitions system differ from their paper counterparts in two ways: in terms of the sequence of the preparation/submission phase and the possible degree of interaction with the online public.

If a citizen wishes to address an e-petition to the Scottish Parliament he must contact the PPC's administrative team with his plans as early as the preparation phase. Here, it is recommended that petitioners download a submission form that is available on the PPC's website and that they complete and sign this form before sending it to the Committee Service by post. In practice, this submission process is now handled extremely pragmatically, with the result that according to the Committee's secretary, around 90 % of submissions are sent by e-mail. The form can thus also be sent to the Committee's secretariat by e-mail and no personal signature is then required. In addition to various personal details on the petitioner, the text of the petition and the grounds for the concern, e-petitions must also state the required online signing period (the recommended time is four to six weeks). In addition, another field on the form allows e-petitioners to make an introductory statement in order to stimulate discussion in the online forum that is attached to each e-petition. This early contact with the Committee Service is necessary because online publication of the e-petition for the purpose of collecting signatures in the »E-Petitioner« e-petitions system is only possible once a petition has been checked for admissibility.[56] At the end of the signing phase set by the e-petitioner the e-petition then actually undergoes formal submission to the Committee. The PPC assures that no distinction is made between conventional paper petitions and e-petitions from this point (Riehm et al. 2009a, p. 138 ff.; Scottish Parliament 2008; Sturm/Fritz 2010, p. 50 ff.).

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56 With conventional paper petitions, the first official contact between the petitioner and the Committee's administration service usually only occurs after the end of the preparation phase, i.e. when the petition is submitted along with the signatures collected.

FIG. III.7                                    INPUT TEMPLATE FOR SIGNING AN E-PETITION



Source: http://epetitions.scottish.parliament.uk/view_petition.asp?PetitionID=453
    (24.3.2011)

From a user's perspective, e-petitions open up additional possibilities for generating attention among the internet public and thus for gaining support for an issue. In addition to publication of the e-petition on the PPC's website prior to formal submission, which can for example be linked to external websites (personal websites, internet sites of supporting organizations and associations, presence on social network sites such as Facebook, etc.) for advertising purposes, E-Petitioner offers two important features that can assist petitioners in promoting their issue: (1) the electronic signing facility and (2) the discussion forums.

(1) Internet-based signing of petitions represents the core of most e-petition systems that wish to offer users other means of participation in addition to simple online publication of a petition text. If a citizen wishes to support an e-petition at the Scottish Parliament he is directed to a corresponding input template (Fig. III.7). The citizen is required to provide his name and address. There is no requirement to register as a user. However, an e-mail address can be entered voluntarily if the individual in question wishes the petitioner to inform him of current developments in the petition process. In addition to online signing, it is also possible to sign a petition via SMS text message. The names of the people who support an e-petition can be viewed online. This information is not provided for conventional paper petitions, which are also published on the PPC's website. The growing share of all petitions accounted for by e-petitions (Table III.5) testifies that this facility is embraced by citizens.

(2) It is rarer for parliamentary e-petition systems to also offer discussion forums where users can exchange views on the issue raised in a petition. The Scottish »E-Petitioner« system offers relatively simply structured discussion forums as standard for each e-petition in the signing phase. Users only have to provide a name in order to submit a comment. The individual contributions appear in reverse chronological order on a forum page assigned to an e-petition. The discussion is usually started by the petitioner as he is asked to do this when submitting the petition. The PPC's Committee Service monitors compliance with the forum rules and intervenes by deleting contributions if these rules are breached.

No new comments can be added once the signing phase has ended; all forum contributions can, however, still be viewed online after this point. Use of the forums must be considered cautious. Generally, only a few contributions are added, with the number of comments rarely reaching double figures. Up to the end of 2008 the members of the PPC were provided with two-page summaries of the forum discussions (Sturm/Fritz 2010, p. 47). In addition to the problem of producing neutral summaries, there was also little demand for this information from the MSPs. As in the case of the German Bundestag, this raises the question of the actual function of the discussion forums as they do not play any identifiable role in petition processing.

TABLE III.5                PETITIONS AND E-PETITIONS PER PARLIAMENTARY YEAR IN SCOTLAND

| Legislative period | Period | Total petitions | Petitions that used the ITC's E-Petitioner for signing and discussion | |
|---|---|---|---|---|
| | | | Number | Share of all petitions (%) |
| 1st legislative period 05/1999 to 03/2003 | 5/1999 to 5/2000 | 194 | | |
| | 5/2000 to 5/2001 | 169 | | |
| | 5/2001 to 5/2002 | 138 | | |
| | 5/2002 to 3/2003 | 114 | | |
| *Total* | 5/1999 to 3/2003 | 625 | *9* | *1* |
| 2nd legislative period 05/2003 to 03/2007 | 5/2003 to 5/2004 | 115 | 24 | 21 |
| | 5/2004 to 5/2005 | 116 | 28 | 24 |
| | 5/2005 to 5/2006 | 108 | 41 | 38 |
| | 5/2006 to 3/2007 | 84 | 45 | 54 |
| 3rd legislative period 05/2007 to 03/2011 | 5/2007 to 5/2008 | 103 | 70 | 68 |
| | 5/2008 to 5/2009 | 112 | 77 | 69 |
| | 5/2009 to 5/2010 | 79 | 63 | 80 |
| | 5/2010 to 3/2011 | 63 | 64 | 100 |

In each case the number of (e-)petitions handled by the Petitions Committee in a parliamentary year is stated. The number of petitions actually submitted may vary slightly as in some cases the Committee dealt with petitions in the subsequent parliamentary year.

Source: Riehm et al. 2009a, p.144; PPC 2009, 2011; annual reports of the PPC 2003, 2005 to 2010[57]

## PETITIONS AND THE NATIONAL ASSEMBLY FOR WALES        3.2

Compared with Scotland, the enthusiasm shown by the people of Wales for devolution policy was more reserved. This was revealed as early as the referendum in 1997, where they only just voted in favour of decentralization (Table III.4). The actors concerned adopted a correspondingly muted approach when establishing the National Assembly for Wales (NAW).

Whether this was attributable to the fact that Welsh regional identity is less highly politicized than in Scotland or to the lower level of competence bestowed upon

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57   The current annual report of the Scottish petitions committee (PPC) can be viewed at www.scottish.parliament.uk/parliamentarybusiness/CurrentCommittees/29870.aspx. Documents of the previous legislative periods are available at www.scottish.parliament.uk/parliamentarybusiness/1702.aspx (8.4.2011).

the new institutions, which were initially primarily restricted to administrative tasks, remains an open question. However, it can be said that reforms were introduced just a few years after the NAW was established. The Government of Wales Act of 1998 (GOWA), which created the legal basis for the new Welsh institutions, specified a »hybrid structure« of administrative tasks and secondary legislative competencies, but the new National Assembly found that implementing this structure in practice was not without difficulties (Sturm 2009, p. 82). The difficulties resulted in reforms being discussed from 2004; some of these reforms were based on the Scottish Parliament. Finally, 2006 saw the formal separation of the Government (Welsh Assembly Government) and Parliament, which had until then been closely interlinked from both an institutional and personnel point of view. The legislative powers of the NAW were also significantly extended (Sturm 2009, p. 83 f.). Although full legislative powers have not yet been transferred to the Welsh institutions, the NAW has made increasing use of the extended political opportunities available to it since 2006 (Sturm/Fritz 2010, p. 30 f.).

Despite the initial difficulties encountered by the institutions, the NAW did endeavour to enable citizen participation. Under an approach similar to that adopted in Scotland, this was to be achieved through committee meetings outside Cardiff, the Welsh capital, through increased accessibility and transparency and also through the use of new information and communications technologies (Sturm/Fritz 2010, p. 31). For example, the minutes of the plenary meetings are also published on the NAW's website along with the agendas, minutes and documents of the various committees. The Assembly's specific efforts with regard to internet-based communication include a presence on various social network platforms.[58] There is also an online parliamentary channel[59] where plenary and committee meetings can be viewed as webcasts, not forgetting the discussion forums organized on the Assembly's website. The e-petition system that was introduced at a later date represents a further element in the Assembly's online strategy.

However, a petitions committee that receives and processes requests and grievances from the population has only been in existence since 2007.[60] As part of a fundamental review of the NAW's standing orders, some members succeeded in placing the subject of petitioning on the reforms agenda of the Standing Orders Committee. Here, the promoters used the Scottish petition system as a model, while the system used by the House of Commons was again cited as a negative example (Sturm/Fritz 2010, p. 32 f.).

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58  The NAW is represented on Facebook (https://www.facebook.com/nationalassemblyfor wales), Twitter (https://twitter.com/assemblywales), Youtube (http://www.youtube.com/ user/AssemblyCynulliad) and Flickr (http://www.flickr.com/people/nationalassemblyfor wales) (4.3.2011).

59  The URL for the parliamentary channel Senedd.tv is www.senedd.tv.

60  Information on the Committee can be viewed at http://www.senedd.assemblywales.org/ mgCommitteeDetails.aspx?ID=218 (4.4.2011).

## USE OF PETITIONING                                                    3.2.1

Since its formation in 2007, the annual volume of submissions to the Welsh Petitions Committee has been in double digits. By the end of the third legislative term (2007–2011), the Petitions Committee had dealt with a total of 215 petitions, of which 95 were received as e-petitions (National Assembly for Wales 2011, p. 6).[61] In terms of magnitude, the Welsh system receives fewer submissions than Scotland (Sturm/Fritz 2010, p. 58). Since the NAW's petitions system has only been in existence for a few years, we need to wait a while longer in order to be able to ascertain a consolidated trend in submission figures. If usage figures remain comparatively low over the next few years, this could be firstly due to stricter application of the admission criteria compared with Scotland or secondly due to the lower level of competence bestowed on the NAW which in turn results in the public perceiving the Assembly as a politically weak institution (Sturm/Fritz 2010, p. 58). However, the lack of empirical data means these are merely conjectures.

In contrast to Scotland, no empirical studies are currently available on the socio-demographic composition of the people who use the Welsh petitions system. Employees of the Committee's secretariat who were questioned by Sturm/Fritz (2010, p. 60) described the structure of petitioners as having a higher than average proportion of middle-aged men who also showed a special interest in and commitment to politics. They also stated that the petition facility did not reach certain social groups. These views appear plausible against the backdrop of the survey data available from other petition bodies (Chapter II.2.4). Consequently, the Welsh Petitions Committee has also taken measures to provide information on the overall service it offers and in particular to increase the representativeness of petitioners. The three information offices that work for the NAW in the rural regions are also used for this purpose. This channel is specifically used to target groups who have previously shown below-average use of petitions to address the Committee (Sturm/Fritz 2010, p. 44).

## THE PETITION SYSTEM OF THE NATIONAL ASSEMBLY FOR WALES  3.2.2

The starting situation for the petition system in Wales was different to that in Scotland. In particular, the NAW did not receive any petitions at the time of its establishment in 1999. Citizens could only address their concerns to an elected member of the Assembly. A regulated and well-developed petition system enabling citizens to officially address the NAW was only established in 2007.

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61  On the editorial deadline for this report the following annual figures were available: 2007: 37, 2008: 92, 2009: 69 (Sturm/Fritz 2010, p. 58).

The principal features of the specific structure of the Welsh system are based on those of the Scottish model (National Assembly for Wales 2010, Standing Order 28). The following discussion thus focuses mainly on those aspects that exhibit significant differences from the procedure used by the Scottish Parliament (Chapter III.3.1).

The Petitions Committee that was established in June 2007 has only four members and is thus smaller than the PPC with its nine members. The sizes of the committees roughly reflect the number of members of the two representative organs (60 in the NAW compared with 129 in the Scottish Parliament). Each of the parties represented in the NAW appointed one member in the third legislative period (2007–2011). As in Scotland, the method of working within the Committee can be seen as pragmatic, objective and mainly consensus-based. The Committee's secretariat currently comprises one full-time employee and two part-time members of staff. Committee meetings are generally held every two weeks; lasting around two hours, they are significantly shorter than those of the PPC (Sturm/Fritz 2010, p. 34 f.).

Unlike the Scottish Parliament, the Welsh have opted for a quantitative criterion for admission requirements: a matter is admitted as a petition if it is supported by at least ten co-signatories or by a body corporate. By contrast, it was decided not to oblige petitioners to outline the activities conducted by them prior to submitting a petition in order to attempt to rectify the problem. The Committee's secretariat checks compliance with the admission requirements. Petitioners can submit one objection if their issue is not accepted as a petition.

The individual stages of the petition process, too, vary only slightly from the Scottish model. Only the processing phase allows less time for the Committee to devote to handling an individual petition. Although many petitioners in Wales are also invited to attend the committee sessions to present their case in person, in each case the allotted time frame for this is only 15 minutes. The PPC does not currently impose any such restrictions. A further difference is that the Petitions Committee in Cardiff involves the Assembly's other specialist committees more frequently when processing petitions (Sturm/Fritz 2010, p. 40 and 42).

## E-PETITIONS AT THE NATIONAL ASSEMBLY FOR WALES  3.2.3

Since April 2008, i.e. around nine months after the establishment of the NAW's petitions system, it has been possible to submit, publish, sign and discuss petitions via the internet.[62] The Scottish E-Petitioner system also played a key role as a model and source of ideas when creating this system. The first version of the Welsh e-petitions system was produced »in-house« by the Assembly's IT team.

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62  The NAW's e-petitions portal can be accessed at www.assemblywales.org/gethome/e-pe titions.htm.

To improve functionality and incorporate new features into the service, a new version of the system was installed as early as October. The technology group BT was commissioned with technical implementation of the software.

FIG. III.8                                              BRIEFING FOR AN OPEN E-PETITION AT THE NAW



Source: www.assemblywales.org/gethome/E-Petitions/epetition-list-of-signatories.htm?
    pet_id=574 (4.4.2011)

As with its Scottish counterpart, the structure of the e-petition system is strongly based around the offline procedure. Here too, however, the signing function makes it necessary to conduct the formal admissibility check at the start of the petition process.

It is particularly worth mentioning certain procedural features of the Welsh e-petitions system compared with the Scottish system. Users who wish to submit an e-petition can do this entirely online, i.e. without the need to change from

one media to another. However, this requires users to register and log on to the e-petitions portal. Various measures were integrated into this procedure in order to ensure a certain degree of authentication and to safeguard against misuse; in practice, however, these are not particularly user-friendly. The extremely simple approach adopted in Scotland which does not require online registration was clearly not an option for Wales due to its required quorum of ten additional signatures. However, registration is not merely a requirement for petitioners; people who wish to use the system's other key functionalities (electronic signing and online forums) must also register. Figure III.8 provides an overview of an e-petition in the signing phase. This is where users can find out about the matter raised by the e-petition and also the current signatories. Once registered and logged on, they can then move to a separate signing template.

In contrast to the E-Petitioner system, discussion forums are not automatically opened on the individual e-petitions; this is only done at the request of the petitioner. However, this option is only rarely used (Sturm/Fritz 2010, p. 49).

On request, the system also offers registered users an automatic information service which provides information on a petition's current processing status.

## PETITIONS AT LOCAL GOVERNMENT LEVEL                4.

For a good year now it has been possible to observe increased use of e-petitions systems by the local authorities in England and Wales. This is attributable to a local-government reform act of the former Labour Government that was adopted in 2009, at least parts of which entered into force in 2010. This *Local Democracy, Economic Development and Construction Act* (LDEDCA)[63] obliged local authorities, among others, to establish (e-)petitions systems.

The following section provides a brief overview of the political and institutional situation at local government level in the United Kingdom, before moving on to examine current developments relating to the LDEDCA. This backdrop is then used as a basis to describe the key aspects of the e-petitions landscape within the local authorities in England, where corresponding information is available.

As in the Federal Republic of Germany, the British local authorities do not have their own autonomous status. Instead, they are »creations« of higher system levels and are under their administrative sovereignty. In England, the local government level is directly subordinate to the House of Commons and/or central government. The Scottish and Welsh local authorities, on the other hand, are under the control of the respective regional parliaments. The vertical relation-

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63  The text of the Act can be accessed at www.legislation.gov.uk/ukpga/2009/20/contents (23.3.2011).

ships between the system levels in Great Britain are thus highly asymmetrical (Sturm/Fritz 2010, p. 110). Politically speaking, it is also important to note the different functions assigned to the local authorities in terms of the way they are perceived by the general public compared with Germany. The British local authorities are considered less as places of applied democracy and more as institutions that are tasked with providing services that have been delegated by central government (Sturm 2009, p. 105 and 109).

The government reforms introduced by the Labour government did not by any means restrict themselves to the aforementioned legislation on devolution (Chapter III.3). They also aimed to modernize the local government level. Key objectives of this policy included increasing efficiency to reduce costs and also greater citizen participation (Stoker 2004). The LDEDCA of 2009 was designed to implement both objectives among the institutions of England and Wales. Under the Act, the local authorities were, among other things, obliged to receive and process any petitions and e-petitions received. This is striking because the petitions landscape at local government level was extremely heterogeneous up to this point. For example, a study maintained that only 28 % of all English local authorities had any petitions system at all (according to Maer 2009, p. 7). By contrast, other observers are convinced that this percentage must be significantly higher because petitions are indeed received and dealt with by the local authorities but this is not always done on the basis of a regulated procedure (Sturm/Fritz 2010, p. 114).

In the context of the British tradition of legislation, the provisions of the LDEDCA relating to the local authority petition systems were extremely specific and detailed (Sturm/Fritz 2010, p. 113). The stipulated admission criteria include a requirement that the petitions fall within the local authority's sphere of competence and that the council must be able to exert an influence in the field in question (matters relating to construction planning are excluded as these are subject to a separate complaints process). Petitioners and signatories must state their name and address and demonstrate a relationship to the local authority. The councils are also obliged by law to confirm the receipt of petitions and they must inform the petitioners of reactions to the issues they raise. The local authorities may decide for themselves whether to impose signature quorums; an upper limit of 5 % of a local authority's residential population is prescribed (Maer 2009, p. 3 ff., and 2010, p. 5 f.). However, this last provision prompted a particularly controversial discussion because issues that are restricted to a very local level and which, for example, involve only a certain street of houses, would have hardly any chances of success in larger cities if the upper limit was applied (Sturm/Fritz 2010, p. 114).

The Act also expressly prescribes incorporating use of the internet into the design of local authority petition systems. For example, the Act obliged local au-

thorities to accept e-petitions and also to provide information relating to petitions on their websites (Maer 2009, p. 3).

Uncertainty currently prevails among the English local authorities regarding the legal implications of the LDEDCA. In September 2010, the coalition government led by David Cameron decided to revoke parts of the Act relating to the petition system. Although the local authorities are still required to develop petition systems with electronic elements, the specific requirements of the Act have been relaxed to give the local authorities more freedom in terms of implementation. This measure was also prompted by the preparation of a new legislative initiative (*Localism Bill*), which generally aims to give the local authorities more scope for decision-making when structuring their political and democratic procedures (Panagiotopoulos et al. 2011, p. 3 f.).

Irrespective of the current lack of legal clarity for the local authorities, numerous local authorities in England developed e-petitions systems as a result of the LDEDCA. An as-yet unpublished study (Panagiotopoulos et al. 2011) concludes that of the 337 English local authorities examined in the study, 61 had not offered any e-petition facilities on their websites. The study shows considerable differences in the ability of users to access these services. It concludes that most authorities invested low levels of resources in developing their e-petition systems.

Overall, use of local-authority e-petition systems also appears fairly sluggish. Although no reliable figures are currently available, an unstructured survey of 63 local-authority websites identified during simple internet research appears to confirm this initial impression.[64] According to this survey, the majority of these local authorities had not yet received any e-petitions, with only 21 authorities having received e-petitions to date (generally one to two per local authority). Only three of the randomly selected local authorities revealed a higher volume of e-petitions: in Bristol, where e-petitions were introduced as early as 2004, in Hounslow and in Surrey.[65] Due to the gaps in information it is not possible to classify and analyse these e-petition activities. There is a lack of information on key parameters such as the respective length of time for which the service has been offered and a description of e-petitions that have already been concluded.

Although it is thus still too early to evaluate the consequences of the introduction of local-authority e-petitions systems in England as ordered by the central government, two pioneering local authorities do at least have experience dating

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64  The information and data used here are based on the information provided by Dave Briggs, http://kindofdigital.com/2011/03/14/council-e-petitions/ and on https://spread sheets.google.com/ccc?key=0AjhsAkjRAGMXdEhVNGU5eXRuR1lrdURhejBKaHlPZE E&hl=en (23.3.2011).

65  The e-petition services offered by these local authorities can be viewed at http://epeti tions.bristol.gov.uk/epetition_core/; http://petitions.hounslow.gov.uk/; http://petitions. surreycc.gov.uk/.

back several years. In 2004 the towns of Bristol and Kingston upon Thames ran pilot e-petitions projects that were initially limited to one year. The pilot projects were managed by ITC and were subject to scientific supervision.[66] A modified version of the Scottish E-Petitioner system was used for the technical infrastructure (Chapter III.3.1). The available features largely corresponded to those offered by the Scottish Parliament's e-petitions system (Sturm/Fritz 2010, p. 115).

During the pilot phase, Bristol (a city with around 430,000 inhabitants) received 22 paper petitions and nine e-petitions. The much smaller local authority of Kingston, which has around 147,000 inhabitants, received nine paper petitions and seven e-petitions. Since 2005, annual submission figures for the e-petitions system have unfortunately only been available for Bristol. These reveal a constant increase in submissions until 2008 at least (2006: 30, 2007: 44, 2008: 47). For Kingston upon Thames it is only known that a total of 68 e-petitions were received between 2004 and 2010; these gained a total of just under 4,400 supporting signatures (Sturm/Fritz 2010, p. 115 f.).

Currently, therefore, great caution must be applied when drawing any conclusions and making any evaluations concerning the situation surrounding e-petitions among local authorities in England. As demonstrated by the two pilot local authorities in Bristol and Kingston, the results are at best ambivalent in towns with long-standing experience of local-authority e-petitions systems. Whereas the e-petitions system has obviously met with keen demand from citizens in one town, the citizens in the other local authority have tended to show a lack of interest. The latter also appears to apply to most of the local authorities who have recently started to offer e-petitions as a result of the statutory requirements. If this impression is confirmed, it can be concluded that there is no real demand for e-petition facilities at local-authority level in England. A similar picture was in fact revealed by an expert report produced for TAB on e-petitions in Norwegian local authorities (Lindner/Blümel 2008, p. 79 ff.).

The overall low use of e-petitions systems (apart from the few exceptions such as Bristol) can be explained through two different approaches which are not mutually exclusive. Firstly it is conceivable that the specific politico-institutional and politico-cultural conditions applicable to the local authorities in England mean that petitions in general and e-petitions in particular do not represent a particularly suitable form of political participation because the geographical and personal proximity between citizens and representatives means that processes for setting agendas and articulating problems take place under different conditions to those applicable at regional and national level. Secondly, it also appears plausible that the structure of the possibilities for participation does not meet the needs of potential users.

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66  The results of the evaluation and scientific supervision of the pilot projects were published in Whyte et al. (2005) and Macintosh et al. (2005).

The few local authorities who do offer an active e-petitions system appear to support this argument. The fact that many local authorities do not go to any great lengths when designing their petitioning systems may also be attributable to the fact that the requirement to establish e-petitions systems has been imposed on them by central government.

## THE OMBUDSMAN INSTITUTIONS                                      5.

Compared with the national petitioning system, the ombudsman institutions in Great Britain are extremely young: these public bodies for submitting grievances were only established at the end of the 1960s. The British ombudsmen have since become established at all system levels and are embraced by citizens. For example, the Parliamentary and Health Service Ombudsman (PHSO) alone, who is based at the House of Commons, received over 23,600 enquiries and complaints in 2009/2010 (Parliamentary and Health Service Ombudsman 2010b, p. 17). The British ombudsman institutions represent points of contact for citizens who are personally affected by a specific – presumably incorrect or defective – administrative process (»maladministration«) and who hope to rectify the process. The ombudsman institutions do not generally receive political submissions aimed at changing laws and statutory instruments. In terms of public administrative acts, however, the ombudsman institutions do exercise certain control functions over the executive, and these functions can certainly assume a political dimension. In terms of functions, therefore, the ombudsman institutions cover only part of the remit of the Petitions Committee of the German Bundestag.

The country's most important ombudsman institutions are considered in more detail below.[67] At the national level, the Parliamentary and Health Service Ombudsman (PHSO) based in the House of Commons is without doubt the most important complaints body. Both Scotland and Wales, whose petitioning systems have already been analysed above (Chapter III.3), also have special ombudsman institutions: the Scottish Public Services Ombudsman (SPSO) and the Public Services Ombudsman for Wales (PSOW). The Local Government Ombudsman (LGO) has been established at local government level in England. As well as providing a brief outline of the respective institutions and their role within the institutional system, the study also examines the interactions that can be observed with petition bodies. To start with, we present a few basic framework conditions that are important for understanding the specifics of ombudsman practice in Great Britain.

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67  The British and Irish Ombudsman Association encompasses a large proportion of the ombudsman institutions in the United Kingdom. A list of members can be viewed on the Association's website at: www.bioa.org.uk.

## CONTEXT OF THE BRITISH OMBUDSMAN SYSTEM                    5.1

The United Kingdom, like other countries, offers citizens numerous channels for registering complaints concerning the actions of the administration that affect them personally and for obtaining redress. In addition to informal approaches such as making contact with elected politicians or interest groups, various formal, institutionalized channels are also available for proceeding against administrative decisions that are deemed unjust. However, in contrast to most democracies in continental Europe and especially the situation in Germany, these formal complaints channels in Great Britain tend to be poorly developed and confusing. The formal channels of redress against the public administration include the respective redress processes of the competent administrative agencies, the parliamentary process,[68], complaints to ministers in certain areas of politics, various specialized (quasi-judicial) tribunals, court proceedings and the ombudsman institutions (Dunleavy et al. 2005, p. 17 ff.; Ridley 1984).

Unlike many continental European countries, the United Kingdom does not have a developed system of administrative courts providing citizens with a multi-stage procedure for taking action against administrative acts.[69] In any case, administrative law plays a considerably lesser role in British administrative practice than in Germany, for example. In view of the extensive lack of detailed and codified administrative provisions, the public authorities tend to use an approach based on pragmatic considerations for specific application of the law and apply a comparatively broad margin of discretion. As stated by Ridley (1984), the fact that relations between individual citizens and the state in Great Britain are, as a matter of principle, less shaped by a culture of legal regulation means that administrative decisions are therefore conceived more as *political* procedures and not primarily as legal-rational documents. Consequently, when attempting to remedy incorrect administrative processes, greater reliance is placed on political and quasi-political redress, while the formal legal process tends to be underdeveloped. The reluctance to seek a judicial assessment of the content-based substance of administrative decisions means control procedures focus on examining internal administrative processes. Administrative decisions are deemed incorrect if the applicable administrative standards and the corresponding procedures that led to a decision have been infringed and/or disregarded by the decision-makers (»maladministration«[70]).

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68  In such cases, Parliament, a section of Parliament or an MP becomes actively involved – for example by consulting a minister with corresponding responsibility or by submitting corresponding motions with a view to rectifying the grounds for the complaint.

69  The following is largely based on Ridley (1984).

70  The term »maladministration« is not clearly defined in the British context; there is no legal definition of the term. On a separate page, the website »ADRNow«, which is run by the independent Advice Service Alliance and which promotes alternatives to court proceedings, comes close to the meaning of the term as used by the ombudsman institutions in particular (www.adrnow.org.uk/go/SubPage_85.html [14.5.2011]).

In cases of »maladministration«, redress must partly be sought via the complaints procedures of the official administrative body concerned (some offer multiple complaint levels) and, after exhausting this formal complaints channel, via certain ombudsman institutions. For cases not involving complaints about administrative actions and the provision of services where a citizen is instead contesting the substance of an administrative decision (e.g. granting of social benefits), the main channels available include the corresponding possibilities for redress of the administrative agencies, the independent, quasi-judicial tribunals and the ordinary courts of law (Dunleavy et al. 2005, p. 19 ff.).

Ultimately, the discernible strong acceptance of non-legal solutions in Great Britain corresponds with the fundamental constitutional principle of parliamentary sovereignty (Chapter III.1.2). According to this principle, the judiciary is not independent from Parliament. The control of the executive and of the administration is thus mainly political, not legal, in nature. Consequently, the House of Commons is the central body when it comes to controlling the administration and rectifying administrative errors.

Based on this constitutional understanding, the rationality of the ombudsman institutions which are of interest here can be found in parliamentary control of the administration, which is subordinate to the government (Peele 2004, p. 235). The frequent linking of the ombudsmen to Parliament means their institutional structure and method of working is strongly shaped by the British tradition of parliamentary democracy. At least at the level of central government, this applies to the safeguarding of the status of the MPs.

As with the structure of the state as a whole, the ombudsman landscape in the United Kingdom is organized on an asymmetrical basis. Competencies and responsibilities are distributed in different ways depending on the respective system level and area of the country. Notwithstanding these differences, the last few years have seen a trend towards pooling the remits of previously independent and specialized ombudsman institutions to form one complaints body at the respective system levels (Sturm/Fritz 2010, p. 122).

## PARLIAMENTARY AND HEALTH SERVICE OMBUDSMAN          5.2

As already indicated by the name, the Parliamentary and Health Service Ombudsman (PHSO) is an institution that has two main areas of responsibility: as well as examining complaints about government administrative actions and the provision of public services, it also receives complaints about the National Health Service (NHS).[71] The PHSO was initially established in 1967 as the »Parliamentary Commissioner for Administration« and was subsequently renamed the Parliamentary Ombudsman. In 1993 its remit was extended to include mat-

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71  Information on the PHSO can be accessed on its website at www.ombudsman.org.uk.

ters relating to the NHS in England and it has since been known as the PHSO. Previously, this task was performed by an independent institution that was established in 1973. NHS ombudsman institutions were also established in Scotland and Wales as part of the devolution process.

| TABLE III.6 | | SUBMISSION AND PROCESSING STATISTICS OF THE PHSO, 2004/2005 TO 2009/2010 | | | |
|---|---|---|---|---|---|
| | 2005/ 2006 | 2006/ 2007 | 2007/ 2008 | 2008/ 2009 | 2009/ 2010 |
| Enquiries and complaints | 21,397 | 14,510 | 12,532 | 16,317 | 23,667 |
| thereof complaints against the NHS | | | 4,011 | 6,780 | 14,429 |
| New complaints, accepted for review | 3,162 | 1,682 | 951 | 401 | 356 |
| thereof relating to the NHS | 1,309 | 862 | 703 | 239 | 304 |
| thereof relating to public administration/Parliament | 1,853 | 820 | 248 | 162 | 52 |
| Submission channel used for the enquiries | | 14,510 | 12,532 | 16,317 | |
| e-Mail | | 2,145 | 2,396 | 2,447 | |
| Telephone | | 5,790 | 5,077 | 8,039 | |
| Writing | | 6,575 | 5,048 | 5,819 | |
| In person | | | 11 | 12 | |
| Concluded processes | | 14,183 | 11,698 | | 24,240 |
| Information enquiries | | 4,373 | | | |
| Not responsible | | 1,806 | 1,813 | | 3,318 |
| Procedural errors[1] | | 2,744 | 4,901 | | 9,856 |
| Submitted too early[2] | | 2,285 | 2,231 | | 4,756 |
| Discretionary decision[3] | | 1,041 | 1,080 | | 4,293 |
| Withdrawn | | 252 | 772 | | 1,661 |
| Accepted for review | 3,162 | 1,682 | 951 | 401 | 356 |

1  Procedural error: Complaints relating to the health service were not submitted in writing or complaints to the Parliamentary Ombudsman were not submitted via an MP (MP filter).
2  Submitted too early: The complainant has, for example, not yet endeavoured to resolve the problem directly with the body which is the subject of the complaint or this process was not yet completed.
3  Discretionary decision: It is left to the discretion of the Ombudsman not to accept complaints on various grounds – for example if the Ombudsman has the impression that the body that is the subject of the complaint acted correctly or appropriately, or in cases where administrative errors have actually occurred, an appropriate remedy had already been offered.

Source: Parliamentary and Health Service Ombudsman 2006, 2007, 2008, 2009, 2010b

The PHSO service enjoys considerable use. In its last annual report (April 2009 to March 2010), the organization states it received over 23,600 enquiries. The marked rise of 45 % on the previous year was primarily due to new and simplified means of redress for the health sector. 356 complaints underwent a detailed review process. The low rate of review demonstrates that the overwhelming majority of enquiries submitted to the PHSO relate to information, do not fall within the institution's remit, do not meet the formal requirements (e.g. written submission or involvement of an MP), have not first contacted the agency that is the subject of the complaint, were withdrawn by the complainant or could be resolved without a formal review (Tab. III.6).

A study conducted on behalf of the PHSO to determine customer satisfaction provides some insight into the socio-demographic composition of complainants (Parliamentary and Health Service Ombudsman 2010a, p. 9). According to this study, the gender ratio is largely balanced, while the age structure reveals a higher than average proportion of middle-aged complainants. According to the employees of the PHSO who were surveyed by Sturm and Fritz (Sturm/Fritz 2010, p. 125), there was a clear bias towards the middle class in the people who used the service, who were mainly white, politically well-informed citizens. The level of use by people on low incomes was below average. Against this backdrop and in a similar way to the petitions committees in Scotland and Wales, the PHSO is endeavouring to increase the representativeness of users through a combination of targeted PR work, information brochures and appropriate website design.

The PHSO looks into complaints about government institutions (ministries, public administration agencies and a number of other public institutions). The complaints must relate to inappropriate or unfair conduct by the administration or to poor quality in the provision of services.

In other words, rather than examining the content-based substance of a decision, it investigates whether arrival at the decision met certain criteria such as appropriateness and fairness. It is evident that the comparatively wide margin for discretion in administrative decisions can also affect the content-based substance of an administrative procedure. In practice, this results in a barely distinguishable grey area between content and procedure.

The disassociation from the House of Commons' petition system, where the matter presented must be of a public or political nature, is achieved by the fact that the complainant must generally be personally affected by an administrative decision, in a direct and not merely abstract way. This excludes, for example, demands for a change in the legislative situation. Complainants are also required to have already undertaken steps to clarify the issue with the authority in question (Sturm/Fritz 2010, p. 124).

The PHSO's formal connection with the House of Commons is in particular demonstrated by its obligation to report to the Public Administration Select Committee. The Committee also represents the political arena where legislative initiatives can, where necessary, be launched in order to prevent any administrative errors that have been identified during PHSO investigations from occurring in future (Sturm/Fritz 2010, p. 127). This Committee can also take up general proposals made by the Ombudsman for improving administrative processes.

The sponsorship model or MP filter is sometimes used for the submission of complaints to the PHSO. As with the conventional petitioning process in the Westminster model (Chapter III.2.1), the complainant is required to find an MP who supports his/her complaint. However, this requirement only applies to the Parliamentary Ombudsman, not to complaints relating to the health system. The MP filter, which in effect represents an access obstacle for potential complainants and which is therefore the subject of repeated criticism, is not merely an expression of British parliamentary tradition; it is also clearly in line with the interests of the elected MPs who do not wish to lose their key position as an intermediary between (constituency) citizens and the Government (Sturm/Fritz 2010, p. 124).

The personal nature of the complaints means the PHSO places great emphasis on preserving the anonymity of complainants. This aspect also represents a major difference between the ombudsman process and the petition system with its political focus on generating openness.

In the course of investigating and processing complaints, the PHSO can exercise extensive powers of inquiry derived from the parliamentary rights of control and inspection. In particular, this includes the right to inspect official documents and the possibility to question members of the administration. If the investigations do confirm the existence of misconduct by the administration, the PHSO generally issues a demand for redress. Redress can take the form of both a formal apology to the citizen and also the payment of compensation. However, the Ombudsman has no authority to issue instructions to the institution that was the subject of the complaint. Formally speaking, the proposed compensation is merely a recommendation that does not have to be followed (Sturm/Fritz 2010, p. 126).

Even though both bodies are located within the House of Commons, there are no links between the PHSO and the parliamentary petitioning process. In practice, there is clearly hardly any need for closer cooperation because according to the actors surveyed by Sturm/Fritz (2010, p. 127), there are no overlaps in terms of responsibilities. Consequently, the PHSO does not perceive the petition system as competition.

## SCOTTISH PUBLIC SERVICES OMBUDSMAN                          5.3

The Scottish Public Services Ombudsman (SPSO) has existed since 2002 and is the result of the merger of three ombudsman institutions: the Scottish Parliamentary Health Service Ombudsman, the Local Government Ombudsman and the Housing Association Ombudsman for Scotland (www.spso.org.uk). The SPSO is also responsible for complaints concerning the promotion of regional economic development and the Scottish universities (Sturm/Fritz 2010, p. 128).

As with the Scottish petitions committee, a departure from Westminster traditions and an attempt to establish a new, Scottish-style of politics also played a certain role during the creation of the SPSO. In addition to renouncing the sponsorship model during the submission process, the pooling of previously independent ombudsman institutions was also designed to create a central Scottish point of contact for administrative complaints.

The number of enquiries and complaints submitted to the SPSO has been stable for several years and is around 4,200 per year (Table III.7). Like the PHSO, the Scottish Ombudsman also deals with submissions in a graduated process and with differing intensities. Of the 4,210 enquiries and complaints received in 2009/2010, 143 ultimately underwent a regular review. A large proportion of the submissions were concluded by issuing advice and by forwarding information (SPSO 2010a, p. 11).

TABLE III.7            SUBMISSION STATISTICS OF THE SPSO, 2005/2006 TO 2009/2010

|            | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
|------------|-----------|-----------|-----------|-----------|-----------|
| Enquiries  | 1,974     | 1,685     | 1,779     | 1,165     | 903       |
| Complaints | 1,724     | 2,543     | 2,418     | 2,953     | 3,307     |
| Total      | 3,698     | 4,228     | 4,197     | 4,118     | 4,210     |

Due to a change in the internal method for collecting data, the data for 2006/2007 were adjusted to aid comparability. Additional notes can be viewed at http://www.spso.org.uk/statistics.

Source: SPSO 2010a, p. 10

As with all submission bodies – whether in the petitions process or ombudsman system – analysed in this study, the SPSO also reveals a degree of socio-structural selectivity as regards use of the service: according to SPSO employees, members of groups with low levels of resources in particular generally submit fewer complaints (Sturm/Fritz 2010, p. 129). In terms of age structure, most complainants are middle-aged (SPSO/Scottish Health Council 2006, p. 41; SPSO 2010b, p. 3). In recent years, the complainants included slightly more men than women.

However, this relationship was reversed in 2005/2006 (SPSO/Scottish Health Council 2006, p. 41; SPSO 2010b, p. 34). In terms of ethnicity, the overwhelming majority of those surveyed are white Scots (SPSO 2010b, p. 3).

Generally, complaints can only be accepted if a previous complaints process conducted directly with the institution that is the subject of the complaint has not been successful. In exceptional cases, the SPSO becomes involved at an earlier stage if this process is unusually protracted (Sturm/Fritz 2010, p. 128).

Complaints can be submitted via several channels.[72] As well as the postal service and a PDF form that can be called up on the internet, complaints can also be submitted directly via the internet or by e-mail. A free telephone hotline is also available to citizens to support the submissions process. The online facility is used by around 30 % of complainants. The general requirement for admissibility is that the complainant must be personally affected by the administrative action (Sturm/Fritz 2010, p. 129).

When it comes to dealing with the complaints, the SPSO also has various investigation tools available to it, such as inspection of documents and the ability to put questions to administrative employees. In addition, when submitting their complaint, complainants are already asked to send the SPSO relevant correspondence with the body that is the subject of the complaint. In a very similar way to the PHSO, the decisions adopted by the SPSO at the end of an investigation only have the character of a recommendation (Sturm/Fritz 2010, p. 130). To increase the pressure on the responsible agencies, eradicate identified problems relating to administrative actions and improve processes, the SPSO is in future planning to make investigated complaints more public. Any such processes will be anonymized in order to protect the complainants (SPSO 2010a, p. 5).

The Scottish ombudsman is located at the Parliament. Unlike its central government counterpart, the SPSO provides the committees with relevant responsibility for the issues in question with regular reports on its work and therefore has more than just one committee as contact partner (Sturm/Fritz 2010, p. 130).

This ombudsman institution, too, is not in any obvious competition with the petition system, which is also located within the Scottish Parliament. According to experts, this is due to the clear separation of responsibilities. Complaints aimed at changing laws or statutes are rejected by the SPSO. Conversely, petitions that are to be dealt with by the PPC must concern the public interest and therefore have a political dimension. This distinction is also reflected in both the petitioners and the complainants. Whereas petitioners generally seek public attention in order to rally support for their issue, most complaints who turn to

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72  Comments on the various submission channels can be found at www.spso.org.uk/how-complain (12.12.2011).

the SPSO prefer their matter to be treated non-publicly. As with the House of Commons, the employees of the two institutions also refer citizens to the neighbouring institution if it is better placed to deal with the matter in question (Sturm/Fritz 2010, p. 131).

## PUBLIC SERVICES OMBUDSMAN FOR WALES 5.4

The Public Services Ombudsman for Wales (PSOW) was established as a result of a concentration process similar to that of its Scottish counterpart.[73] In 2006 the Local Government Ombudsman for Wales, the Health Service Ombudsman for Wales, the Welsh Administration Ombudsman and the Social Housing Ombudsman for Wales were merged to form the PSOW (Sturm/Fritz 2010, p. 131).

The most recent annual report of the PSOW states that the Ombudsman received around 2,100 enquiries and complaints (Public Services Ombudsman for Wales 2010, p. 12). This was slightly down on the previous years' figures (Table III.8). Here, too, of the complaints processed by the Ombudsman in the 2009/2010 parliamentary year, only a small proportion underwent more detailed investigation. For example, the Ombudsman carried out 205 full investigations, while in 90 additional cases it was possible to resolve the matter without an extensive investigation. 893 complaints were not investigated and the complaint was withdrawn in 67 cases (Public Services Ombudsman for Wales 2010, p. 15).

| TABLE III.8 | SUBMISSION STATISTICS OF THE PSOW 2005/2006 TO 2009/2010 | | | | |
|---|---|---|---|---|---|
| | 2005/2006 | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
| Enquiries | | 1,074 | 1,046 | 813 | 754 |
| Complaints | 1,157 | 1,276 | 1,420 | 1,501 | 1,381 |
| Total | | 2,350 | 2,466 | 2,314 | 2,135 |

Source: Public Services Ombudsman for Wales 2010, p.12; 2009, p.10; 2008, p.13; 2007, p.11; 2006, p.8; own calculations

No valid empirical research data are available for the PSOW concerning the socio-demographic make-up of people submitting enquiries and complaints. However, employees report a disproportionate share of older men of retirement age among users. It is surprising to note that they consider minorities to be well represented among complainants in line with their share of the overall Welsh population (Sturm/Fritz 2010, p. 132). If this opinion is true, then it does at least ap-

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73  The PSOW's website can be accessed at www.ombudsman-wales.org.uk.

pear unusual and in need of clarification, given the experiences of the other submission bodies examined here.

Complaints are processed by the PSOW if they concern the Welsh local authorities, the Welsh part of the National Health Service or bodies of the Welsh Government or their administration. The PSOW also requires complaints to relate to injustices arising due to administrative errors or defective provision of services. Infringements by members of the councils against the code of conduct can also be addressed to the PSOW. However, complainants must be personally affected by an administrative decision. Political matters explicitly aimed at, for example, achieving a change in laws are usually rejected (Sturm/Fritz 2010, p. 131).

Potential complainants can choose between various submission channels. Submissions can be made in person, by post,[74] by telephone, by e-mail or via an online form[75].

When processing complaints the PSOW can avail itself of the usual investigative rights that are also available to the SPSO. If an investigative procedure reveals that an administrative error has actually occurred, the Ombudsman can only make a recommendation as regards compensating the damage. The effectiveness of these recommendations is again based on the ability to exert political pressure, via the NAW, on the body that is the subject of the complaint.

Since 2009 there has been an agreement between the Welsh petitions committee and the PSOW regulating cooperation between the two submission bodies. In particular, this agreement concerns the mutual referral and handover of submissions that can be better dealt with by the respective other institution. The agreement also defines the respective areas of responsibility in detail. In general, however, it is rare for people submitting complaints to be referred from one submission body to the other. There are no references to any competition between the petition system and the PSOW. In practice, the differentiation between political matters on the one hand and personally motivated complaints on the other clearly avoids any notable overlaps (Sturm/Fritz 2010, p. 133).

## LOCAL GOVERNMENT OMBUDSMAN                                    5.5

Established in 1974, the Local Government Ombudsman (LGO) is responsible for complaints relating to administrative acts by the local authorities in the English part of the United Kingdom.[76]

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74  A corresponding PDF submission form is available at http://www.ombudsman-wales. org.uk/en/~/media/Files/Documents_en/Public%20body%20complaint%20form.ashx (10.4.2011).

75  A submission template is available at http://www.ombudsman-wales.org.uk/en/making-a-complaint/complaint-screening-organisation.aspx (10.4.2011).

In the 2009/2010 parliamentary year the LGO received over 18,000 enquiries and complaints (Table III.9). This complaints body thus records a similar volume of submissions to the PHSO. However, the official statistics do not differentiate between enquiries and complaints, making it difficult to compare this aspect of its work with the other British ombudsman institutions described here.[77] Like the other complaints bodies, only a small proportion of citizens' issues are accepted by the LGO for further investigation following an initial review. For example, of the total number of 18,020 cases in the 2009/2010 reporting year, 8,599 were accepted for investigation (Local Government Ombudsman 2010, p. 16).

| TABLE III.9 | SUBMISSION STATISTICS OF THE LGO 2006/2007 TO 2009/2010 | | | |
|---|---|---|---|---|
| | 2006/2007 | 2007/2008 | 2008/2009 | 2009/2010 |
| Enquiries and complaints | 18,320 | 17,628 | 21,012 | 18,020 |

Source: Local Government Ombudsman 2010, p. 16; 2008a, p. 1; 2008b, p. 12 f.

With few exceptions, the socio-demographic make-up of the complainants corresponds to that observed for the other ombudsman institutions examined here. In terms of age structure, applicants are older than the population average. In addition, the number of women availing themselves of the LGO's service is below average. In contrast to the other ombudsman institutions, ethnicity is largely in line with the composition of the population as a whole. However, at six percent, the number of people from the black ethnic group among complaints is higher than average (proportion in the English population: two percent). The proportion accounted for by the white population is correspondingly lower (Local Government Ombudsman 2010, p. 37).

In terms of contacting it and submitting complaints, the LGO offers citizens the usual choice of communications channels available from the ombudsman institutions examined in this report – telephone, post, e-mail and internet can be used. The telephone, which is used for around 50 % of all enquiries, plays by far the most important role among the possible means of communication. However, the proportion of contacts made by e-mail is growing and currently stands at around 20 % (Sturm/Fritz 2010, p. 135).

When processing complaints the LGO does not investigate the content-based substance of local government administrative decisions; it merely evaluates the processes that led to the decision that forms the subject of the complaint. In terms of investigative tools, the LGO has the same options open to it as the

76   The LGO's website can be accessed at www.lgo.org.uk.
77   The current submission statistics can be viewed at www.lgo.org.uk/publications/chapter-3-analysis-complaints.

PHSO. And for this ombudsman too, the compensation proposed at the end of the investigative process is only deemed a recommendation. However, over 99 % of these recommendations are implemented by the local authorities to whom complaints were directed (Sturm/Fritz 2010, p. 135).

As with the PHSO, the LGO is also located in the House of Commons and derives its powers from it. Unlike the PHSO, however, the LGO does not report to a specific committee; instead, it submits an annual report to the entire House of Commons.

The experts consulted did not consider there was any competition between the work of the LGO and the petition system of the House of Commons, and competition clearly plays no role in practice. The requirement that a complainant must be personally affected by the administrative processes that form the subject of a complaint rarely appears to result in overlaps with the petition system. Moreover, according to the interviewees consulted by Sturm/Fritz (2010, p. 135), the expansion of local authority petitioning (Chapter III.4) is not expected to lead to any overlaps in competence between the LGO and the (future) local government petition bodies.

## CONCLUSION                                                                 6.

In a synchronous comparison, the submission bodies examined in this chapter reveal an initially surprising diversity of procedures, rules and methods of working. Surprising because all nine cases/case groups are located within one political system. Whereas, on first examination, the respective differences may be seen to prevail, the examples studied are by no means unconnected or unrelated. Including a look at the historical development of the British petitioning system and the formative constitutional principles in the above analyses made it possible to identify key lines of continuity within the institutional landscape that can, at least in part, help explain the current efforts towards modernization of the petitioning system. Using the findings from the petition and ombudsman institutions studied, the following summary first attempts to enumerate some key interactions between the cases from a historic-institutional perspective. This is then used as a basis to discuss political-democratic and theoretical-democratic issues raised during the case studies. A final section analyses certain approaches and methods that could in particular be useful with regard to further development of other submission bodies such as the petition system of the German Bundestag.

All of the cases studied reveal differing degrees of influence exerted by the British constitutional and parliamentary tradition – even at the Scottish Parliament where the actors expressly wished to distance themselves from the Westminster model. These path dependencies shaped the modernization processes undergone

by the petition system in recent years and were also key factors in the difficult debates on reforming the House of Commons' petition system.

In recent years, the broad dissatisfaction expressed by many parliamentary actors with regard to the current petition system, which is considered largely irrelevant from a political point of view, has resulted in an extensive and systematic discussion on reform within the House of Commons. However, the specific proposals on reform by the parliamentary committee with responsibility for reform must be considered extremely cautious as key elements of them remain attached to the traditional process. This applies in particular to the retention of the sponsorship model and the refusal to establish a petitions committee. Since there is not likely to be any notable extension of the opportunities for discussing presented petitions within the plenum, it is impossible to see how the petitions process can be more effectively linked to Parliament's de facto political work. Even the proposals to enable e-petitions do nothing to alter this fundamental deficit. Overall, the discussion in Westminster lags behind the standards that have been successfully set by the Scottish petitions system in recent years, albeit under very different framework conditions.

Although it is currently difficult for an outsider to predict what type of policy the two coalition parties may follow as regards a possible reform of the petitioning system, the previous government at least made it clear it had little interest in breathing real new life into the parliamentary petitioning process. In essence, this implicit reticence demonstrated by the former government(al majority) continued the policy followed by previous governments of not allowing any parliamentary reforms that would reduce the Government's influence on the House of Commons. An effective strengthening of the petition system always also results in a strengthening of parliament's ability to control the executive. It is likely that any such steps could only be asserted against the Government's wishes.

The assumption that the British House of Commons would clearly be unable to assert itself against the Government in such a discussion on reform is supported by the fact that poorly developed and largely irrelevant petition processes are especially found in parliaments that have a relatively weak position compared with the executive. This undoubtedly applies to the Westminster Parliament, where the Government is known to dominate heavily. This fundamental correlation is also confirmed in the two other parliamentary petition processes of the United Kingdom. In an internal comparison within the UK, the Scottish Parliament is clearly at the opposite end of the spectrum because its comparatively strong committees are able to exert significantly more influence on legislation than is the case for the British House of Commons. The Scottish petition system is correspondingly effective in the context of being embedded in parliamentary work. Based on this logic, the Welsh petitions system occupies the middle ground among the three cases.

The Prime Minister's e-petitions system appears to be an example that illustrates that it is possible to break away from institutional path dependencies because in many respects, this service represented a departure from the traditional petitioning process of the Prime Minister/Government. However, it can be said that the lack of a developed and regulated institutional procedure makes it difficult to say that new ground had actually been broken. Rather, this e-petitions system slotted in to the institutional logic of concentrating power with the Prime Minister – in this case with particular emphasis on communications technology and strategy. Accordingly, the structure of the internal governmental handling procedure was neglected when designing this undoubtedly innovative service offering.

In addition to the e-petitions system's lack of any link to regulated and serious political processing, No. 10 Downing Street's e-petitions system also drew critical observers' attention to a further issue that, at least in principle, also affects other e-petitions services and current proposals for reform of the petitions system. We are referring here to the inherent tension between certain elements of (e-)petitions services and principles and conditions of representative democracy. Firstly, the Prime Minister's e-petitions system clearly helped further personalize political perception. This is accompanied by a problematic simplification and abridging of the complex debating processes in modern democracies in which even in the British political system, many different actors have to be included in complex processes.

In addition, and this also applies to similar effect to many other e-participation services and concepts, the signature quorum awakened certain expectations relating to direct democracy that are also in conflict with the processes and requirements of representative democracy. Quantitative parameters (quorums) are unable to adequately map the complex decision-making and debating processes. At the same time, the introduction of signature quorums results in many users and observers expecting that a high number of co-signatures will guarantee success for their issue in terms of political implementation. A Scottish population survey (Ipsos Mori/Carman 2009, p. 14, 19 and 27) provides confirmation that the number of signatures can be a key criterion for many citizens when evaluating petitions. In any case, we are observing a trend in Great Britain and Germany for establishing quorums in order, for example, to give issues some form of privileged treatment within institutions. If such reforms do not make it clear that the final, binding decision remains with Parliament and is not dependent on the number of signatures obtained, people are bound to encounter disappointment.

A further finding to emerge from the comparative study of the parliamentary petition bodies in the United Kingdom is that the most sustainable innovations within petitioning have been designed and implemented in the country's periphery. The Scottish Parliament in particular has set standards for petitioning in numerous respects. Three general features are worth mentioning, especially when compared with the petition system at central government level.

1. The complex political and content-based handling of the submitted petitions to examine the individual case in detail is unique among the petition bodies considered in this country study. However, this level of processing, which is extremely time and resource-intensive, would hardly be possible with higher submission numbers. The PPC is approaching the limits of its capacities even with the current level of around 100 petitions received each year.

2. The intensive processing method is closely linked with the involvement of petitioners in the entire petition procedure. As well as being able to enter into an exchange with representatives of the Committee's administration during the preparation and submission phases, they are also able to react to opinions and background information received by the PPC during the actual processing phase. Many petitioners are also offered the opportunity to participate actively through an invitation to attend a committee meeting. In principle and if supported by new information technologies, the notable procedural publicity could also be achieved by petition bodies that have to deal with a much higher volume of petitions than in Scotland.

3. A key difference in the Scottish petition system compared with the Prime Minister's e-petitions system and that of the British House of Commons is the existence of a petitions committee. The PPC embodies the central institutional mechanism of the Scottish petitions system and enables political connectivity. This permanent committee's method of working is distinct in that submissions are not merely dealt with in »notarial« form; they also undergo a solution-oriented content-based examination. This form of processing is admittedly subject to certain capacity limits.

It is too early to analyse the petitions landscape at local authority level, which is still in the process of being developed. However, the sparse data available on the use of the first (e-)petitions services do prompt certain doubts as to whether this form of political participation is really suited to local government level. Geographical proximity means that at least in small and medium-sized local authorities, citizens often have other, direct channels available for raising problems and issues with politics and the administration. Moreover, it is important to note that the compulsion exerted by central government for local authorities to introduce (e-) petitions systems met with little enthusiasm from many local authorities and that they are also showing muted zeal in implementing these systems.

This study also examines some of the most important ombudsman institutions of the United Kingdom because in some cases, these bodies perform functions that are the responsibility of the Petitions Committee in Germany (e.g. protection of personal rights or certain parliamentary control functions). The finding that the division of tasks between the parliamentary petitioning system and an ombudsman located in the same Parliament works smoothly in practice is by no means self-evident. Clearly, the distinct separation of political demands (peti-

tioning system) on the one hand and personal involvement in incorrect administrative decisions (ombudsman) on the other hand is sufficient to prevent both overlaps in responsibilities and also competition for »customers«. The fact that in the British context of petitioning, formal reference is generally made to »public petitions« underlines the different purposes ascribed to petitions on the one hand, which are addressed to politicians and the public administration, and complaints on the other hand, which are more personal in nature and are addressed to the ombudsman institutions. Another important factor in the clearly uncomplicated co-existence of the submission bodies may be the special administrative culture that prevails within the country and the associated way in which administrative errors are dealt with.

# MODERNIZATION OF PETITION SYSTEMS IN EUROPE                                IV.

Little is known about the petitioning procedures in Europe. The petitioning and complaints system of each individual European country is extremely complex and can be understood as a constellation, often consisting of far more than 100 entities.[78] In this chapter, we cannot describe every facet of these systems and will instead focus on only a small subset – namely petitioning at the level of each country's national parliament. Consequently, the petition bodies at regional or local parliament level are not discussed. In positive terms, this study includes not only the petition bodies established within the national parliaments themselves but also the non-specialized ombudsman institutions legitimized by parliaments. Although these ombudsman institutions are autonomous, their various relationships to parliament mean they ought to be considered in the context of the parliamentary petitioning system. Their inclusion is indispensable for a realistic picture of the parliamentary petitioning systems in Europe.[79]

The study covers the 27 member states of the European Union, together with Switzerland and Norway. The general aim of the study is to improve the level of factual information concerning parliamentary petitioning systems in Europe and thereby remedy a clear knowledge gap. Until now, no comprehensive overview or comparative study of parliamentary petition systems and the modernization of petitioning in these states has been available.[80]

In particular the study aimed to clarify:

> whether we can generally speak of an increase or decrease in the significance of parliamentary petition systems in Europe,
> where modernization processes are taking place and to what extent these processes coincide with the establishment of internet-based services, and
> how the petition system of the German Bundestag compares to others in the European context.

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78  On the complexity of the complaints system in Germany, see Riehm et al. (2009a, p. 55 ff) and the results of a survey of 211 complaints offices (ifib 2010a). For Great Britain, see Ridley (1984), Dunleavy et al. (2005) and the website www.adrnow.org.uk.

79  In this report, for the sake of simplicity, the term *petition body* will be used even when the relevant institutional arrangement does not envisage any central institution with specific responsibility for petitions. The term *petition system* is used to designate the regulated interaction of the various actors involved in the petition processing procedure. The non-specialized ombudsman institutions legitimized by parliaments are also referred to in shortened form as parliamentary ombudsman institutions.

80  The only relevant reference work is limited to European ombudsman institutions, based on a survey conducted in 2006, and is focused on legal matters (Kucsko-Stadlmayer 2008).

The answers to these questions are important to the German Bundestag and its Petitions Committee, because they will help to answer the question of how far the German Bundestag's petition system is a unique and special case (Riehm et al. 2009a, p. 50 ff.). This European comparison is also useful in connection with the modernization of the German Bundestag's petition system, because the actual state of development of this system can be more accurately assessed, while at the same time allowing inspiration to be drawn from other countries. Also, the comparison will allow a more focused and informed exchange of opinions and experience among petition bodies across Europe to be initiated on a more solid basis of information.

The term »modernization« here refers in particular to the reforms of the petition system aimed at increasing both *responsiveness to citizens' concerns* and the *participation of citizens*. These reforms of course include the modernization measures relying on digital information and communication technology as a means to an end. These measures are given particular attention in this report.

Responsiveness (»Bürgernähe«) and participation (»Bürgerbeteiligung«) are related and overlapping concepts with different points of emphasis and frames of reference. The concept of responsiveness arose in the context of the modernization of public administration (Bogumil/Jann 2009, p. 228 ff.) and represents a guiding vision (»Leitbild«) for the relations between citizens and administration that also includes possibilities for participation and cooperation (Grunow 2010). Participation, on the other hand, refers to citizen participation not only in administrative processes but also in political decision-making – going beyond the known procedures of direct or representative democracies (Baumann et al. 2004). Petitioning belongs in different degrees both to the complaints system concerning administrative actions and to forms of political participation (Riehm et al. 2009a, p. 18). The modernization of the petition system can therefore pursue two aims: increasing the system's responsiveness and/or strengthening it as a means of political participation.

The information provided in this chapter is derived mainly from a written survey of the relevant petition bodies conducted by Nexus (2010) in close consultation with TAB, as part of the TAB project. For some countries (Germany, Great Britain, Poland and Romania), information was obtained independently by TAB.[81] Overall, information is available from the surveys for the 21 lower houses of

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81  At this stage, we will not describe in detail neither methodology nor the steps taken before and after the survey; please see Chapter IV.5 for descriptions of the data collection and evaluation methods used. In Nexus (2010), the information from the survey is embedded in detailed country reports that also contain information about the respective political systems and political culture.

parliament that handle petitions, for eight of the 11 upper houses[82] and for 20 of 26 ombudsman institutions. This database provides a full overview of the petition systems of the directly elected chambers of deputies (lower houses) and allows a well-founded comparison with the ombudsman institutions.[83]

The questionnaires of the survey are very detailed and demanding, with 41 questions and an additional 31 statements requesting a subjective evaluation on a scale of one to five ranging from »strongly disagree« to »strongly agree«. The questionnaire for ombudsman institutions is slightly shorter but contains essentially the same questions.[84] The content of these questionnaires is aligned to the declared aims, i.e. firstly to determine the *structure and method of operation* of the petition systems and the broader *institutional environment* in which the parliamentary petition bodies operate, and secondly to examine the current status of *modernization* and the plans and measures to increase modernization in future.

Our general impression, based on consistency checks within the individual answers, a comparison between the questionnaires of different petition bodies within a country and further desk research, is that without exception, the questionnaires were completed by competent persons.[85] However, attention should be drawn to certain limitations of the written survey, in order to make clear to readers that the results of the evaluation are subject to reservations and that additional, complementary methods and research are necessary to establish a firmer factual foundation.

A written survey of this nature cannot determine how a petition/complaint system actually performs in practice or the extent to which reality matches the stated ambitions. Also, an evaluation of petition bodies on the basis of this survey is

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82 The meanings of the terms for »lower« and »upper« houses of parliament (»first« and »second« chambers) have evolved over time in Europe. In political science today, the »first chamber« (»lower house«) usually designates the chamber directly elected by the people in free, general and fair elections, whereas the »second chamber« (»upper house«) is as a rule constituted on the basis of federal, regional, hereditary or other discretionary criteria (Ismayr 2009, p. 33). In the Netherlands, the older definition is still applicable: the chamber of deputies is termed the »Tweede Kamer«, whereas the chamber of members of the 12 provincial parliaments is termed the »Eerste Kamer«.

83 The quoted figures do not entirely reflect the complexity of the answers received. Seven of the contacted lower houses that responded to the survey informed us that they do not process any petitions and also do not intend doing so in future (Denmark, Estonia, Finland, Ireland, Latvia, Poland and Sweden). In the case of Cyprus, the country's embassy in Berlin responded along the same lines. This does not necessarily mean that these parliaments reject all »petition-like« submissions. The answer of the Polish parliament to the survey, for example, states that: »The Communication and Information Office forwards some of the correspondence of petition-like character to competent bodies in the Sejm (lower house), e.g. to Sejm committees, or, where possible, answers this correspondence directly.«

84 For the different variants of the questionnaire, see Nexus 2010, p. 266 ff.

85 The bodies that answered the questionnaire are listed in Chapter IV.5, Table IV.19.

virtually impossible, because it would require a more precise knowledge of the complex overall constellation of petitioning and complaints procedures in each country. Moreover, it is self-evident that this survey was only able to determine how the petition systems are perceived by the petition bodies themselves, but not by the citizens and petitioners.

This chapter is structured as follows: By way of introduction (Chapter IV.1), we provide an overview of the petition bodies that are included in the study and also give preliminary indications of the particularities of various petition systems. We then firstly describe the composition and functions (Chapter IV.1.1) of the petition bodies located in the parliaments themselves, followed by a comparative description of the status of modernization and planned modernization measures (Chapter IV.1.2). In Chapter IV.1.3 petition systems are classified into types and compared. The aim of this analysis is to establish the extent to which the petition systems having a petition committee differ from systems without any such specialized petition body, including systems where members of parliament act as mediators for the submission of petitions (»MP filter«, »sponsorship model«; Riehm et al. 2009a, p. 145). We also investigate whether the petition systems of post-dictatorial countries, i.e. countries that have overcome dictatorships after the Second World War, share any typical characteristics. The study also asks what distinguishes the group of countries whose parliaments do not offer any possibilities for petitioning. Finally, the petition systems of the upper and lower houses of each relevant country are compared.

Chapter IV.2 adds the ombudsman institutions to the study. These institutions generally exhibit remarkable homogeneity. Consequently, unlike in the section on the parliamentary petition procedures, where the focus was on the differences, this section examines the typical profile. In Chapter IV.2.1, this profile is described in further detail, and then in Chapter IV.2.2 attention switches to a comparison of ombudsman institutions and lower house petition bodies in terms of the modernization of their procedures.

Chapter IV.3 summarizes the main results and presents the key points of interest of this European comparison for the German petition system. In a first Annex (Chapter IV.4), the petition system of Portugal is presented as an example of one of the most advanced systems in Europe in terms of modernization. This annex continues the effort begun in Riehm et al. (2009a, p. 133 ff.) of providing case studies of electronic petition systems. A second Annex (Chapter IV.5) provides a more detailed description of the methods used in the written survey, the composition of the indicators and also suggests topics where further research is required.

## PARLIAMENTARY PETITION SYSTEMS OF
## EUROPEAN COUNTRIES                                              1.

Petitioning in the member states of the European Union is not a relic of the past and continued to unfold its dynamics in the last quarter of the previous century and has gained particular dynamic momentum over the last 15 years. The democratization processes in Central and South-Eastern Europe have obviously contributed to this momentum: In today's EU, the ten states that obtained their present constitutions after the collapse of the »eastern bloc« and Yugoslavia have without exception established ombudsman institutions. In addition, eight of these states have opted for parliamentary petition bodies. Only the Baltic states of Latvia and Estonia, which are influenced by Scandinavian models, have confined themselves exclusively to the establishment of ombudsman institutions. This dynamic trend is further seen in the fact that new ombudsman institutions have been established in eight other member states of the EU since 1980: Spain 1981, the Netherlands 1982, Ireland 1984, Cyprus 1991, Belgium 1995, Greece 1995, Malta 1995 and finally Luxembourg in 2003 (years of establishment quoted from Kucsko-Stadlmayer 2008).

If the post-dictatorial countries of Central and South-Eastern Europe and Portugal and Spain are omitted,[86] no new petition systems have been set up since 1970 at nationwide level in the parliaments of the other European countries. Nevertheless, significant reforms of the petition system have been undertaken in some of these countries, including firstly the establishment of petition systems below national level, such as in the UK (Chapters III.3 and III.4) or Norway (Riehm et al. 2009a, p. 181 ff.), and secondly the modernization of the petition system, often taking advantage of the possibilities offered by the internet. However, before we can examine the modernization of petition systems in Europe, it is first necessary to provide a general overview.

In the 29 countries studied, we find a total of 59 national state-level parliamentary petition bodies and ombudsman institutions. In the majority of these countries (19), we find a constellation, where both a parliament and an ombudsman institution attached to parliament receives and processes petitions and/or complaints. In most countries with bi-cameral parliaments, both chambers act as petition-

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86  Greece, where a military dictatorship ruled from 1967 to 1974, is not included here, because in formal terms the right of petition in the most recent constitution of 9 June 1975 corresponds to the right provided by the constitution of 15 November 1968, which was in force at the time of the Junta. Both constitutions recognize the right of petition and declare that petitions must be submitted via a member of parliament or to the president of parliament. Both constitutions are available in German at www.verfassungen.eu/griech/.

receiving bodies.[87] Seven countries do not provide any possibility of submitting petitions to parliament (Denmark, Estonia, Finland, Ireland, Latvia, Sweden and Cyprus). With the exception of Ireland, the parliaments of these countries are unicameral systems with attached ombudsman institutions. Only three of the 29 countries (Germany, Italy and Switzerland) have no parliamentary ombudsman institution. Table IV.1 provides an overview of the overall constellation.

Most of the petition systems established in the parliaments have evolved through history and are characterized by specific features that in some particularly surprising cases will already be described at this point in the study. Observation tends to confirm the theory that – unlike in the case of ombudsman institutions – the petition bodies of national parliaments are in fact all special cases.

In a certain sense, both the countries that have *no* ombudsman institutions established at national level and the countries that have *only* ombudsman institutions can already be regarded as special cases. Petition systems with an MP filter, where the petitioner can only submit a petition to parliament indirectly, are also special cases. This type of procedure exists in Great Britain, Malta, Greece and Austria and is described in greater detail in Chapter IV.3.1.

In Poland, only the upper house processes petitions. By contrast, in Switzerland, the body responsible for petitions is the United Federal Assembly (»Vereinigte Bundesversammlung«), which is composed jointly of the lower house (National Council – »Nationalrat«) and upper house (Council of States – »Ständerat«). Other particularities are revealed when the formal legal basis of the petition system is compared against actual practice.

This observation is clearly demonstrated in five examples:

1. *The British upper house – a petition system without appeal*

The upper house of the British parliament (House of Lords) allows for the submission of petitions but that right has not been used since the year 2000 (Chapter III.2.1.3).

2. *The Irish upper house – a petition system that has never entered into force*

In Ireland, there is no petitioning in practice, either in the lower or upper house. Although the upper house has set the rules for a petition system, they have never entered into effect, according to the Press and Information Office of the Irish Parliament.

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87  Only 14 of the 29 parliamentary systems studied have an upper house, sometimes with major differences in composition and competencies (Ismayr 2009, p. 33 ff). In 11 of these cases, both houses of parliament process petitions. In Slovenia this function is performed only by the lower house, in Poland only by the upper house and in Ireland by neither house.

| TABLE IV.1 | | POSSIBILITIES FOR PETITIONING NATIONAL PARLIAMENTS | |
|---|---|---|---|
| Country | Lower house | Upper house | Ombudsman institution |
| Austria | x | x | x |
| Belgium | x | x | x |
| Bulgaria | x | No upper house | x |
| Cyprus | – | No upper house | x |
| Czech Republic | x | x | x |
| Denmark | – | No upper house | x |
| Estonia | – | No upper house | x |
| Finland | – | No upper house | x |
| France | x | x | x |
| Germany | x | x | – |
| Great Britain | x | x | x |
| Greece | x | No upper house | x |
| Hungary | x | No upper house | x |
| Ireland | – | – | x |
| Italy | x | x | – |
| Latvia | – | No upper house | x |
| Lithuania | x | No upper house | x |
| Luxembourg | x | No upper house | x |
| Malta | x | No upper house | x |
| Netherlands | x | x | x |
| Norway | x | No upper house | x |
| Poland | – | x | x |
| Portugal | x | No upper house | x |
| Romania | x | x | x |
| Sweden | – | No upper house | x |
| Switzerland | x | x | – |
| Slovakia | x | No upper house | x |
| Slovenia | x | – | x |
| Spain | x | x | x |
| Total receiving bodies | 21 | 12 | 26 |

x = Petition system exists; – = No petition system

Source: Nexus 2010, supplemented by TAB, own compilation

»I have received advice from the Legal Department of the Houses of the Oireachtas (Irish Parliament) and the current position is that there is no petitioning system in operation in Ireland. However, in the Standing Orders (rules of the house) for the Upper House of the Irish Parliament, Seanad Èireann, there is the potential for one to be established. I can confirm that as a petitions committee has not previously been established under the Seanad's Standing Orders it is deemed that thus far there is no petitioning system in operation in Ireland.«

(Statement by the »Press & Information Officer« of the Irish parliament, 26.2.2010).

### 3. The Latvian Parliament – no petitioning system despite the right of petition being firmly anchored in the constitution and law

The right of petition laid down in the Latvian constitution (Article 104)[88] and regulated in a law dated October 2007 is directed at the administration and lays down the duty of all public authorities to process petitions and complaints. According to a statement from the Public Relations Department of the Latvian Parliament, parliament itself is not a receiving body for petitions. There is no parliamentary petition system, and none is planned (»We would like to inform you that we do not have a parliamentary petition system in Latvia.«, Saeima Public Relations Department, 17.2.2010).

### 4. The Norwegian Parliament – a petitioning practice without a legal basis

The Norwegian Parliament has established a very special complaints procedure that can result, in the event of a successful complaint, in »ex gratia« compensation payments (i.e. without the recognition of a legal obligation and without the establishment of any precedent). This petition system has the important function of providing relief for individual cases of hardship and protecting individual rights. The adjudicated payments are audited by the country's highest audit court. Up to 2,000 applications are received every year, of which in general just under 90 % are also processed. There is no legally stipulated foundation for this procedure (Nexus 2010, p. 112).

### 5. The Slovenian Parliament – a petitioning procedure without binding procedural rules despite having a petitions committee

Although the right of petition has been enshrined in the constitution and a petitions committee has been established, the procedure remains undefined. There are no limitations concerning the permitted subject matter of a petition. There are also no formal criteria for petitions, and petitions can even be submitted anonymously. At the same time, there is no obligation to receive or examine the contents of petitions, nor any time limit for processing, and nor is there any duty to formulate a decision or to notify the petitioners of the decisions of the petitions committee. The committee may terminate the consideration of a petition at its own discretion. There is neither any monitoring of the implementation of decisions of the petitions committee, nor any punitive mechanisms to enforce them. There is no debate on petitions in plenary session of parliament (Nexus 2010, p. 153 ff.).

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88  Article 104 reads as follows: Everyone has the right to address submissions to State or local government institutions and to receive a materially responsive reply. Everyone has the right to receive a reply in the Latvian language (Translation based on verfassungen.de 2011, www.verfassungen.eu/lv/).

## PETITION PROCEDURES AND FUNCTIONS        1.1

Whereas the previous section provided an initial overview and general impression of the large variety of constellations and systems on a very broad level, we shall now assess the common features and differences of the petition bodies and petition procedures of the lower houses of the national parliaments, on the basis of the answers to the questionnaires. Assessable questionnaires are available from all of the 21 lower houses that handle petitions.

### LEGAL BASES

The first question in the survey was »What is the legal basis of the parliamentary petition system in your country?«. We received answers from all of the lower houses.[89] In 17 countries, the right of petition is laid down in the constitution. In 11 of these 17 countries, this right is also further formulated at the level of laws and decrees. The four countries that do not have a constitutionally established petitioning right are France, Great Britain, Malta and Norway. In Great Britain[90], Malta and France, the internal rules of the respective parliaments lay down the petitioning regulations. France also has a decree that regulates the petition system. In Norway, the petition system is not legally codified at all.[91]

### SUBMISSION AND SUBJECTS OF PETITIONS

In the majority of cases, persons who are not citizens of the states concerned may also submit petitions to the lower houses of the national parliament. Citizenship is a prerequisite for the submission of petitions in Bulgaria, Great Britain, Italy, Lithuania, the Netherlands, Portugal, Romania and Slovakia. In most countries, petitions must be submitted in writing (19 out of 21) and also require a personal signature (17 out of 21). The written form is only optional in Slovenia and Hungary. In Germany and Norway, the signature is not mandatory. One feature shared by all petition systems is that no costs are incurred by the petitioner.

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89  The answers of the upper houses, which are not examined in further detail at this point, confirm the information given by their respective lower houses.

90  In the specialized literature, the right of petition is recognized as being of constitutional rank in Great Britain, even though the constitution in question is »unwritten« (Chapter III.1.2).

91  It should also be noted at this point that the right of petition also evidently becomes a constitutional right if ombudsman institutions are written into the constitution. This is the case in many countries, including France, Malta and Norway. In France, the »Economic, Social and Environmental Council« is also constitutionally designated (Articles 69 ff.) as a petition-receiving body (Cazals 2010). A detailed history of petitioning in France is provided in the articles of the special edition of the journal »La Revue Administrative« under the title »L'individu face au pouvoir: les pétitions aux assemblées parlementaires« (Mérot 2008).

In answer to the question what can be the subject of a petition to parliament, a clear pattern emerges: in most cases, the parliamentary bodies process both political matters and individual complaints concerning administrative actions. Only the special case of Norway accepts *only* submissions in the form of individual complaints, whilst Lithuania and Switzerland are the only countries where *no* individual complaints are handled. In Austria and Belgium, the respondents specified that only »matters relating to federal legislation« or questions »within the sphere of competence of the Chamber of Deputies« are processed: this definition does not necessarily exclude individual complaints.

At another point in the survey, the terminological distinction between »res privata« and »res publica« (Korinek 1977, p. 16 ff.) is used in order to differentiate between the permissible subjects of petitions. All lower house petition bodies specified that they also handled petitions defined as »res publica« (with the exception of Norway). Seven petition bodies even stated that their competence extended exclusively to »res publica« (Great Britain, Italy, Luxembourg, the Netherlands, Austria, Switzerland and the Czech Republic). The result of these two questions can be summarized by concluding that these petition bodies always process complaints in the domain of »res publica« and usually also handle matters relating to »res privata«.[92]

## FUNCTIONS

The answers to the question concerning the functions of petitions in practice are summarized in Table IV.2.

In this question, the petition bodies were asked to assess the functions that petitions addressed to them fulfilled and the practical relevance of each of these functions. In interpreting the aggregated answers, values 1 and 2 are combined to mean »no or very little practical relevance« and values 4 and 5 are interpreted as »high practical relevance«. The medium value 3 is interpreted as a sign that the respondents had difficulty deciding whether the function concerned was relevant in practice or not.

Only one function – the »seismographic function« – was accorded high practical relevance by the majority of respondent petition bodies. The other functions are considered of high practical relevance in only a small number of cases. »Relief in individual cases of hardship« (3 out of 17) and »Political participation« (4 out of 19) are given a high value by only a small number of petition bodies, whilst the »Conflict mediation« function is seen as relevant by only one respondent

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92  One difficulty in distinguishing between »res privata« and »res publica« is shown by the fact that the relevant question was not answered in five cases and that the answers were not always consistent with the previous question concerning the possible subjects of a petition.

(1 out of 17). From the perspective of the German petition system, the low relevance of conflict mediation should come as no surprise. However, the relatively low relevance accorded to the other two functions in the European context is striking.

| TABLE IV.2 | | | | | | FUNCTIONS AND PRACTICAL RELEVANCE OF PETITIONS |
|---|---|---|---|---|---|---|
| According to your assessment, which functions do parliamentary petitions fulfil in your country and how relevant are they in practice? | Practical relevance (1 No … 5 Very high) | | | | | No answer |
| | 1 | 2 | 3 | 4 | 5 | |
| Relief in individual cases of hardship | 4 | 5 | 5 | 0 | 3 | 4 (AT, BG, FR, UK) |
| Control of the executive power | 4 | 2 | 5 | 5 | 2 | 3 (CH, FR, UK) |
| Seismographic function (»What bothers the citizens?«) | 1 | 2 | 5 | 6 | 4 | 3 (CH, FR, UK) |
| Political participation | 3 | 4 | 8 | 2 | 2 | 2 (FR, UK) |
| Improved communication between citizens and the state | 1 | 2 | 10 | 4 | 2 | 2 (FR, UK) |
| Protection of individual rights | 2 | 1 | 7 | 4 | 3 | 4 (AT, BG, FR, UK) |
| Conflict mediation | 8 | 2 | 6 | 1 | 0 | 4 (AT, BG, FR, UK) |
| Other | – | – | 1 | – | – | 20 petition bodies |

Source: Nexus 2010, supplemented by TAB, own compilation

If the scale's middle value (value 3), indicating an unclear and undecided assessment, is included and interpreted to mean that »this function will have a certain relevance although it is difficult to assess« or »this function is sometimes relevant in practice, but not always«, the function of political participation, which can be considered as one of the classic functions of petitioning, gains considerably in relevance (12 petition bodies out of 19 assess this function as having a certain or high relevance in practice).[93]

On the other hand, even if the undecided assessments (value 3) are interpreted as »positive«, »relief in individual cases of hardship« remains a function that is not accorded any relevance by the majority of petition bodies that answered the question (only 8 of 17).

The fact that the answers concerning the seven functions proposed in the questionnaire are broadly distributed over the full width of the scale confirms the view that the individual profiles of the various petition bodies differ significantly from one another and cannot be compounded into one dominant type.

93  This interpretation is also supported by the comments received in answer to the question whether petitions are a reasonable instrument to foster the participation of citizens (Table IV.3).

Whilst the previous question concerned the practical relevance of specified petition functions, the next stage asked the respondents whether they agreed or disagreed with particular statements (or theories) concerning petition systems. Since – without wishing to minimize the often clear differences in emphasis – there is a degree of overlap of petition functions (Table IV.2) and these statements (Table IV.3), the answers can be compared. In interpreting the aggregated answers, values 1 and 2 are taken to mean »do not agree« and values 4 and 5 are grouped together as »agree«. The middle value 3 is again interpreted as a sign of uncertainty.

| TABLE IV.3 | | | | | | OPINIONS CONCERNING PETITION FUNCTIONS |
|---|---|---|---|---|---|---|
| Strongly disagree (1) ...<br>Strongly agree (5) | 1 | 2 | 3 | 4 | 5 | No<br>answer |
| Petitions are an effective instrument of checks and balances concerning executive power. | 1 | 5 | 6 | 3 | 2 | 4 (CH, FR, NL, UK) |
| Petitions are a reasonable instrument to further citizen participation in an increasingly complex political environment. | 1 | 3 | 5 | 6 | 3 | 3 (CH, FR, UK) |
| Petitions can help to improve the communication between citizens and political institutions (Parliament, Government). | 1 | 3 | 5 | 6 | 3 | 3 (CH, FR, UK) |
| The most important function of the petition system is to provide citizens with immediate and direct (non-bureaucratic) support. | 3 | 4 | 6 | 2 | 3 | 3 (CH, FR, UK) |

Source: Nexus 2010, supplemented by TAB, own compilation. In the case of the German Bundestag, the opinions expressed by four representatives of the Petitions Committee were combined into one assessment.

The opinions expressed (Table IV.3) on the participation function and the improved communication function appear to be slightly more positive than in the case of the direct question concerning the petition functions (Table IV.2). Half of the respondents (9 out of 18) agreed with the statement that petitions are a reasonable instrument to foster the participation of citizens and also with the statement that petitions can help to improve communication between citizens and political institutions. »Direct support of citizens« (individual help) also received broader agreement here, even though in this case the question was not merely general but clearly narrowed (*The most important function* of the petition system...). In five cases, direct support to the citizen was seen as the most important function of the petition system, and in six other cases (value 3) the respondents did not deny the possibility – if we can say so – that support to the individual citizen is the most important function of the petition system. On the statement regarding *effective* checks and balances of the executive power by means of petitions, there is considerable uncertainty. Six petition bodies selected the middle

value 3. Only five agreed with the statement for their own petition body, whilst six considered that this function was *not* fulfilled by their petition body.

Only the respondents from the petition bodies of Bulgaria, Germany and Portugal expressed their strong agreement (highest value on the scale) with all four of the proposed statements. This agreement indicates that they consider their parliamentary petition system to be an effective instrument of checks and balances on the executive power, a reasonable instrument to further citizen participation and an aid to improving communication between citizens and politics, whilst at the same time considering that the most important function of the petition system is to provide citizens with immediate and direct (non-bureaucratic) support.

A closer look at the petition systems can generally help to explain the individual answers. This point will not be further expanded here.[94] However, the general finding remains that there are major differences in the way the petition bodies describe themselves in terms of their tasks and functions.

### LEGAL OBLIGATION LEVEL

In order to compare the degree to which the petition procedures comprise legally binding obligations, an indicator was developed to measure the »formal obligation level« of the petition system. Of course, the expression »formal obligation level« says nothing about whether the formal requirements are actually met and does not in any way exclude the possibility that petition procedures with less formalized elements may have a very binding character in practice. The indicator is calculated from the questions regarding the obligations of the petition body concerning the acceptance and formal examination of received petitions, the duty to consider the contents of accepted petitions, the obligation to process petitions within a specified time frame, the duty to come to a decision on the result of a petition and the obligation to notify the petitioner of the final decision. In addition, the indicator considers whether the measures required in the decision are legally binding, whether implementation of the measures required in the ruling or in its statement of grounds are monitored and whether a right of punishment exists for the enforcement of decisions. Depending on the number of points attained by the indicator, we can then speak of a high, medium or low level of formal obligation (Table IV.4).

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94  Just two examples will suffice here: The answers from Germany demonstrate that all the specified functions are accorded at least some relevance in practice, and this finding is confirmed by the opinions expressed on the proposed statements. This self-attribution of a broad range of functions coincides with the »multifunctionality and universality« that the specialist literature attributes to the German petition system (Riehm et al. 2009a, p. 52). In the second example, the highly specialized petition system of the Norwegian Parliament, we can immediately understand why it only attributes practical relevance to the functions of »relief in cases of hardship« and »protection of individual rights«, since this system is strictly tailored to individual complaints.

TABLE IV.4                                          FORMAL OBLIGATION LEVEL OF THE PETITIONING PROCEDURE

| Country | Receipt/ formal evaluation | Obligation to consider petition contents | Prescribed processing time frame | Issue of a final decision | Delivery of a final decision | Legally binding character | Control of implementation | Enforcement with punitive powers | Indicator |
|---|---|---|---|---|---|---|---|---|---|
| Slovakia | x | x | x | x | x | x | x | – | 12 |
| Lithuania | x | x | x | x | x | x | – | – | 11 |
| Portugal | x | x | x | x | x | – | x | – | 11 |
| Bulgaria | x | x | x | x | x | x | x | – | 10 |
| Germany | x | x | – | x | x | x | x | – | 10 |
| Romania | x | – | x | x | x | – | x | – | 9 |
| Czech Republic | x | x | x | x | x | – | – | – | 9 |
| Switzerland | x | x | – | x | x | – | – | – | 8 |
| Greece | – | x | x | – | x | – | – | – | 5 |
| Spain | x | x | – | x | x | – | – | – | 5 |
| Netherlands | – | x | – | – | x | – | – | – | 4 |
| Norway | – | – | – | – | – | x | x | – | 4 |
| Hungary | – | x | – | – | x | – | – | – | 4 |
| France | – | – | – | – | x | – | – | – | 2 |
| Belgium | x | – | – | – | – | – | – | – | 2 |
| Luxembourg | x | – | – | – | – | – | – | – | 2 |
| Malta | x | – | – | – | – | – | – | – | 2 |
| Italy | x | – | – | – | – | – | – | – | 2 |
| Austria | x | – | – | – | – | – | – | – | 2 |
| Slovenia | – | – | – | – | x | – | – | – | 1 |
| Great Britain | – | – | – | – | – | – | – | – | 0 |
| Totals | 14 | 11 | 7 | 9 | 14 | 5 | 6 | 0 | – |

x = Exists; – = Does not exist. A maximum of 15 points can be obtained. 10 to 15 = The petition procedure has a high level of formal legal obligation, 5 to 9 = Medium level, 0 to 4 = Low level. See Chapter IV.5.2 for the calculation of this indicator.

Source: Nexus 2010, supplemented by TAB, own compilation

The legal obligation to accept petitions is still relatively widely distributed (14 out of 21 petition systems). The legal obligation to consider the content of received petitions exists in more than half the cases (11). For petitioners, two additional obligations are extremely important, namely the obligation for a decision at the end of the procedure and the obligation to provide information on the outcome of the procedure. The first obligation exists in nine and the second

in 14 countries. On the question of enforcing the results, *none* of the countries provide for any powers to impose punishments in enforcement.

On the basis of our classification distinguishing three levels of formal obligation we found: 11 of the 21 petition systems have only a low level of formal obligation, compared to ten systems that have a medium or high level. In Germany, Bulgaria, Lithuania, Portugal and Slovakia, the petition system of the lower house has a high level of formal obligation.

### SOCIAL COMPOSITION OF PETITIONERS

The survey also attempted, via various statements, to discover something about the correlation between age, education and gender on the one hand and petitioning behaviour on the other. Often the respondents said that they could not be sure of the answer. The available answers indicate that considerable differences may exist between individual countries in the social and demographic characteristics of petitioners. However, reliable statistics are not available, because in most cases no studies of the social composition of petitioners have been made – as was established by specific questions in the survey. Germany is an exception here, since figures are available from 2008 (TAB 2009).[95]

## MODERNIZATION OF PETITIONING                               1.2

### RESPONSIVENESS TOWARDS CITIZENS

In order to assess responsiveness as a key aspect of the modernity of a petition system, another indicator was calculated on the basis of answers to several questions. A system can be considered responsive to citizens if

> petitions can be submitted via several channels,
> petitioners are supported when formulating petitions,
> petitioners can obtain information about the state of processing of the petition during the procedure,
> there are opportunities for petitioners to get actively involved in the consideration of their petitions,
> the petition body actively informs petitioners about the petition system (meaning in particular public relations, together with further measures for improving responsiveness), and
> the parliament's petition system has its own website offering various features.

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95  The questionnaire completed by the Dutch ombudsman institution refers in this context to Jacobs (1994) and Hertogh (2007); the petition body of the Chamber of Deputies, however, does not know of any studies concerning petitioners.

TABLE IV.5                                      RESPONSIVENESS OF PETITION SYSTEMS PROVIDED BY
                                                       THE LOWER HOUSE OF PARLIAMENT

| Country | Various options for submission | Support in formulation | Information during the procedure | Participation in the process | Public communication | Web facilities | Indicator |
|---|---|---|---|---|---|---|---|
| Lithuania | 2 | 2 | 3 | 6 | 12 | 7 | 32 |
| Germany* | 3 | 1 | 3 | 1 | 10 | 12 | 30 |
| Bulgaria | 2 | 2 | 3 | 6 | 15 | 0 | 28 |
| Portugal | 3 | 2 | 3 | 6 | 4 | 9 | 27 |
| Czech Republic | 2 | 2 | 3 | 6 | 6 | 6 | 25 |
| Romania | 2 | 2 | 4 | 6 | 5 | 3 | 22 |
| Luxembourg | 2 | 2 | 3 | 6 | 0 | 4 | 17 |
| Slovakia | 1 | 0 | 3 | 5 | 5 | 3 | 17 |
| Italy | 3 | 2 | 3 | 4 | 2 | 2 | 16 |
| Slovenia | 3 | 0 | 3 | 6 | 4 | 0 | 16 |
| Norway | 0 | 2 | 3 | 4 | 4 | 2 | 15 |
| Great Britain** | 3 | 2 | 3 | 0 | 0 | 6 | 14 |
| Austria** | 1 | 2 | 3 | 0 | 2 | 6 | 14 |
| Netherlands | 2 | 0 | 3 | 4 | 2 | 2 | 13 |
| Hungary | 2 | 0 | 2 | 6 | 0 | 0 | 10 |
| Malta** | 1 | 0 | 3 | 2 | 0 | 3 | 9 |
| Belgium | 1 | 0 | 3 | 0 | 4 | 0 | 8 |
| France | 0 | 0 | 1 | 0 | 2 | 4 | 7 |
| Greece** | 1 | 2 | 1 | 0 | 2 | 1 | 7 |
| Switzerland | 1 | 0 | 3 | 0 | 0 | 2 | 6 |
| Spain | 0 | 0 | 3 | 2 | 1 | 0 | 6 |
| Exists | 18 | 12 | 21 | 15 | 16 | 16 | – |
| Does not exist | 3 | 9 | 0 | 6 | 5 | 5 | – |

The maximum score that can be obtained = 42; 25 to 42 points corresponds to a high level
of responsiveness of the petition system; 15 to 24 points corresponds to a medium level
and 0 to 14 points indicates low responsiveness. See Chapter IV.5.2 for the calculation of
this indicator.

\*      The high overall score for Germany is due in large measure to Public Petitions, which de
        facto represent only a small fraction of the total number of petitions.
\*\*    Countries with MP filter

Source: Nexus 2010, supplemented by TAB, own compilation

For each of these points, several options were offered. Respondents had to indi-
cate the relevant options. They were further asked to distinguish between *exists*,

*planned* and *not planned*. For the final calculation of the indicator, a points scheme was again established (as explained in Chapter IV.5). Table IV.5 provides a condensed summary of the results.

The table provides a good impression of the range of possible features that can be provided by petition systems in terms of their responsiveness. It is striking that in Germany, despite a high overall value, which is very largely due to the internet facilities provided, the degree of support and inclusion of petitioners during the process is comparatively low.

### E-MAIL AND INTERNET

In order to compare the e-mail and internet functionality provided by the different petition systems, another indicator was calculated to provide a compact summary of the relevant results. This indicator provides information on whether and to what extent citizens are provided with information relating to the petition procedure by electronic means and identifies the communication facilities provided on the internet (Table IV.6).

The main points covered by these questions in the survey concern:

> the submission of petitions by e-mail,
> the possibility for petitioners to obtain information about the state of processing of the petition via electronic channels,
> the existence of a website for the parliamentary petition system,
> the scope of functions provided, with the following options:
  – public relations via the internet,
  – publication of petitions and/or decisions on the web,
  – submission of petitions via an online form,
  – signing of petitions online,
  – discussion of petitions as a feature of the electronic petition system.

In the case of the functions offered on the website, a distinction can be drawn between static information functions and interactive functions. Due to their relative novelty and particular quality, the »participatory« functions, online signing and public discussion of the petitions on the internet (discussion forum) are rated higher in the points scheme than the e-mail functions and simple publication of texts.

With the exceptions of Greece and France, all the official petition bodies provide the possibility for petitioners to obtain information on the progress of processing of their petition by e-mail. Eleven lower houses offer the possibility of submitting petitions by e-mail. Greece and Slovakia intend to introduce this possibility in future. To date, in Slovakia petitions may be submitted by e-mail only if they contain a legally recognized electronic signature. This possibility has played no role in practice. Overall, E-mail is already a common feature of many petition systems. The same cannot be said of web services.

**TABLE IV.6**                                   **E-MAIL AND INTERNET FUNCTIONALITY**

| Country | Submission by e-mail | Information on the on-going process | Own website | Public relations on the internet | Petitions/ decisions on the internet | Submission by online form | Online signing function | Public discussion of petitions | Indicator |
|---|---|---|---|---|---|---|---|---|---|
| Germany | – | x | x | x | x | x | x | x | 23 |
| Portugal | x | x | x | x | x | x | x | P | 21 |
| Lithuania | x | x | x | x | x | P | P | P | 20 |
| Austria | – | x | x | x | x | – | x | – | 16 |
| Luxembourg | x | x | x | – | P | P | P | P | 14 |
| Czech Republic | – | x | x | x | x | – | – | – | 13 |
| Netherlands | x | x | x | x | – | x | – | – | 13 |
| Italy | x | x | x | x | – | – | – | – | 12 |
| Great Britain | x | x | x | – | x | – | –. | – | 11 |
| Slovakia | P | x+P | – | x | x+P | P | P | – | 11 |
| Romania | x | x+P | – | x | P | x | – | – | 10 |
| Norway | – | x | x | x | – | – | – | – | 7 |
| Belgium | x | x | – | x | – | – | – | – | 6 |
| Bulgaria | x | x | – | x | – | – | – | – | 6 |
| Malta | – | x | – | – | x+P | – | – | – | 4 |
| Switzerland | – | x | – | – | x | – | – | – | 4 |
| Slovenia | x | x | – | – | – | – | – | – | 4 |
| Hungary | x | x | – | – | – | – | – | – | 4 |
| Greece | P | – | – | – | – | – | P | – | 2 |
| Spain | – | x | – | – | – | – | – | – | 2 |
| France | – | – | – | – | – | – | – | – | 0 |
| Exists | 11 | 19 | 10 | 12 | 10 | 4 | 3 | 1 | – |
| Does not exist | 10 | 2 | 11 | 9 | 11 | 17 | 18 | 20 | – |

x = Exists; – = Does not exist; P = Planned; x+P = Exists and further modernization planned; The maximum number of points attainable for this indicator is 25. A score of 17 to 25 points corresponds to a comprehensive service (high level); 9 to 16 points represents a functionality that is already relevant, and 0 to 8 points corresponds to very little use or even no use at all of digital information and communication media. See Chapter IV.5.2 for the calculation of this indicator.

Data represent the results of the survey. Updates: Austria (October 2011) and Luxembourg (January 2012).

Source: Nexus 2010, supplemented and updated by TAB, own compilation

Ten petition bodies state that they have their own web page. These websites are always embedded in the overall internet functionality of the relevant parliament and also always serve to provide information on the petition system.[96] Ten petition bodies stated that they publish petition texts and/or final decisions on the web, but it is not clear in every case to what extent this actually occurs. From the answers to the survey, we do know that in Malta, Slovakia and Switzerland only decisions (or information about decisions) are currently published on the internet. Slovakia and Malta are planning to also publish petitions. Romania is also planning to offer petitions on the internet, and Luxembourg intends to publish petitions and decisions.

The submission of petitions by online form is not widespread and, according to the survey, is only currently available in Germany, the Netherlands, Portugal and Romania. Among lower house parliamentary petition systems, only Austria, Germany and Portugal provide an online petition signing function[97], and Germany is alone in providing the possibility for public discussion of petitions on the petitions website. This overall picture will change slightly, especially once Lithuania, Luxembourg and Portugal implement their current plans.[98] However, it is also clear from the survey that the majority of petition bodies have no or only little interest in expanding their internet-based services.

The modernization plans of Lithuania, Luxembourg and Portugal are explained in greater detail below. Since the use of information and communication technologies as a means of modernization is of particular interest, further information was in some cases obtained from the petition bodies in order to supplement their answers to the questionnaire.

Lithuania: The petitions committee has its own section within the website of the Lithuanian Parliament. There, the Petitions Committee currently publishes both received petitions and also the decisions of the committee. The site is also used to provide information on the petition system and for communication with the public. Lithuania plans to expand this online service.

In terms of functionality, the ultimate aim is to have a system comparable to Germany's »Public E-petitions« system. In two aspects, the Lithuanian functionality would reportedly go even further than Germany's Public Petitions system.

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96  The fact that more than ten bodies – twelve, to be precise – state that they provide information to the public on the internet may be due to the fact that communicating with the public on the web is possible even if a petition body does not maintain web-pages on its own.

97  Update: Since 4 October 2011 online support of petitions and citizens' initiatives via the parliament's website has also become possible in Austria, (www.ots.at/presseaussen dung/OTS_20111004_OTS0116/ [20.10.2011]).

98  Update: Slovakia has meanwhile discontinued its former plans (communication from the relevant parliamentary commission, 24.8.2012).

Firstly, the planned service includes the possibility for petitioners to obtain information online at any time concerning the processing status of their petition, and secondly it will be possible to supplement, modify or withdraw petitions while they are still being processed.

The current planning status is explained in a letter from the head of the Lithuanian Petitions Service dated 17 January 2011 and stating that the technical specification of the planned e-petition system has already been finalized and that a corresponding competitive tender has been held. The system provides for the submission of electronically signed petitions but will also accept petitions submitted by e-mail or in other electronic formats. After submission, additional online functions will support the petition processing procedure:

»… the user of the system will be able to monitor the progress of its examination online, to receive information (by e-mail or SMS) about changes in the progress of examination, to withdraw the petition, or to revise and supplement it if necessary. … The petitions tabled will be open for public debate and discussion as well as assessment. Every internet user will be able to participate in the discussion, but their comments will be moderated. A cross-cutting statistical analysis of the submission and examination of petitions will be carried out and its results will be published on the internet« (statement from the Lithuanian Petitions Service, 17.1.2011).

Finally, the conformity of the e-petition system with the Petitions Law (No. VIII-1313) is emphasized.

Luxembourg: Additional information supplementing the questionnaire was provided by the secretariat of the Luxembourg petitions committee. The initiative for setting up a parliamentary e-petition system came from the ombudsman, who made a recommendation to this effect in his 2008–2009 Activity Report.[99] This recommendation was adopted by the members of the petitions committee. At the time when the additional information was sent to us (20.9.2010), the Parliament was still in the decision-making phase. It is conceivable that at the end of the reform process Luxembourg will have an e-petition system like that of Germany. It is expected that it will be operational in the middle of 2013.

Portugal: On the website of the Portuguese Parliament, under the section »Parliamentary Activities and Legislative Procedures«, a specific sub-site is provided for petitions, where complete petition texts, the number of signatories and the processing status are made publicly available. Petitions can be submitted by

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99    Under the title »For a more participative society«, the Activity Report stated: »Based on the model of a system that has already proved to work well in practice for the *German Bundestag*, the Chamber of Deputies would be well advised to consider the benefits of offering each citizen the possibility of addressing petitions concerning the public interest to it by electronic means« (Ombudsman Luxembourg 2009, p. 10).

e-mail or via online form on the website. Registered users can support petitions online using their name and their e-mail address. Entries concerning past petitions contain information on the final decision. A search window helps the user find submitted petitions. A discussion forum is planned in addition to the online facilities already provided. Further details on the Portuguese petition system are provided in Chapter IV.4.

## MODERNIZATION BY PUBLIC PARTICIPATION

As explained at the start of this chapter, the petition system is an institution that belongs in varying degrees both to the context of the complaints procedure concerning administrative actions and to the context of political participation. In this section, we will examine the modernization of the petition system in terms of its role in enhancing political participation and decision-making. Inclusion and involvement of the public may be brought about by providing information concerning the petition system, the publication of petitions and decisions, the involvement of the public in the petition process through public sessions of the parliament and facilities for signing petitions and for discussion. These facilities also serve as starting points for efforts both to increase media resonance and to strengthen mobilization for the concerns addressed by petitions.

In comparing petition systems in terms of their public dimension, we shall examine whether

> individual petitions are debated in plenary sessions of parliament – i.e. publicly,
> quorums are built into the petition procedure. The assumption here is that petitions that meet a quorum will receive greater attention in the political system, in combination with increased public attention.
> the participation of individuals by adding their signature is both enabled and intensively used,
> interactive web functionalities are provided (Table IV.7).

In Great Britain, France, Italy, Malta, Slovenia, Spain and Hungary, petitions are *not* discussed in plenary sessions of parliament.[100] In Germany, Austria and Romania, *only* the petition reports are debated in parliament. In 11 countries, the content of individual petitions may in principle also be debated in plenary session.

Quorums are applied to the petition process in Austria, Germany, the Czech Republic, Luxembourg, Portugal and Slovakia. In Germany in 2005, a quorum of 50,000 signatures was introduced as a condition for debating a petition in a

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100 In Great Britain, a Member of Parliament can read out the text of a petition in plenary session, but debate on the petition is expressly not permitted (Chapter III.2.1). In Italy, petitions can only be debated in parliament in connection with legislative proposals relating to the same subject.

public session of the Petitions Committee, with the possibility for the petitioner to present the matter personally before the Committee (Chapter II.2.8). In Austria, petitions to the Petitions Committee of the lower house (»Nationalrat«) must be submitted via Members of Parliament, unless the petition is signed by a minimum of 500 Austrian citizens who are aged 16 or more at the time they express their support.

| TABLE IV.7 | | COMMUNICATION AND RELATIONS WITH THE PUBLIC DURING THE PETITIONING PROCEDURE | | |
|---|---|---|---|---|
| Country | Individual petitions discussed in plenary session | Quorums | Addition of signatures is important | Interactive web facilities |
| Portugal | x | x | x | x |
| Luxembourg | x | x | x | x |
| Austria | – | x | x | x |
| Germany | – | x | x | x |
| Czech Republic | x | x | x | – |
| Slovakia | x | x | x | – |
| Lithuania | x | – | – | x |
| Belgium | x | – | – | – |
| Bulgaria | x | – | – | – |
| Greece | x | – | – | – |
| Netherlands | x | – | – | – |
| Norway | x | – | – | – |
| Switzerland | x | – | – | – |
| Total | 11 | 6 | 6 | 5 |

x = Criterion met, or implementation planned; – = Feature not available or unknown. The countries not listed are those that, according to the data received, do not meet any of the four criteria and are also not planning any measures to implement the criteria. The possibility and importance of adding individual signatures could not be clearly determined for all countries. Similarly, it is not known in which countries petitions are only very rarely discussed in plenary sessions of parliament.

Data represent the results of the survey. Updates: Austria (October 2011), Luxembourg (January 2012), Slovakia (August 2012).

Source: Nexus 2010, supplemented and updated by TAB, own compilation

A collective petition that satisfies the quorum can then bypass the MP filter. In Austria, these collective petitions are termed »Bürgerinitiative« (citizens' initiatives) (Riehm et al. 2009a, p. 45). In Portugal, 4,000 signatures are necessary for a petition to be debated in plenary session, whilst 1,000 signatures are sufficient for the petition text to be published in the Official Bulletin and for the petitioner

to be heard by the competent parliamentary committee in a public hearing. In the Czech Republic, 10,000 signatures are required for a debate on the petition in the Petitions Committee, including a hearing of the petitioner. In Slovakia, petitions with more than 100,000 signatures must be debated by parliament in plenary session.

The available data do not provide any clear indication whether there is any petition system that excludes the possibility of adding signatures to petitions. On the basis of the survey, we can only state that mass signing as a form of public participation plays an important role in some countries. For Germany, Luxembourg, Slovakia and the Czech Republic, the following conclusions can be drawn for the period from 2006 to 2009. In Germany, the annual average of around 17,500 petitions corresponds to an average of around one million signatories. In Luxembourg, an average of seven petitions was signed by around 31,000 people. Slovenia reports around 218,000 signatures for an average of 131 petitions, whilst in the Czech Republic around 150,000 people signed an average of 73 petitions. In 2009, a total of 56 new petitions were submitted in Portugal. Of these, 30 petitions were supported by more than 4,000 citizens. It is self-evident that public interest in signing individual petitions varies, and that mass signings only occur in relatively few cases.[101]

Portugal and Luxembourg satisfy four of the criteria, Austria, the Czech Republic, Germany and Slovakia three, and Lithuania two. Petitions are currently not debated in plenary session of the German Bundestag but, as mentioned in Chapter II.2.2, this option is being considered. The petition systems (Table IV.7) meeting two or more of the criteria can be considered as leading the field in Europe in terms of public participation.

This result is confirmed by the subjective opinions obtained in the survey (Table IV.8). When asked whether petitions are a reasonable instrument for citizen participation, nine petition bodies answered in the affirmative – including the Czech Republic, Germany, Luxembourg, Portugal and Slovakia. When asked whether petitions are becoming more and more political in character, only two petition experts said that they agreed with the proposition – namely those from Germany and Luxembourg. When asked whether petitions are increasingly used as an instrument to generate attention and to mobilize people for a given concern, ten experts agreed with the proposition – including those from Germany, Lithuania, Luxembourg, Portugal and Slovakia.

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101 Austria provides a more recent example: On 5 October 2011 the Petitions Committee in Austria discussed a petition on »Worldwide phase-out of nuclear energy – Shut them down! Now!«, which was supported by around 700,000 citizens (www.ots.at/presse aussendung/OTS_20111005_OTS0173/ [20.10.2011]).

The statement that the use of modern information and communication technologies contributes to the transformation of the petition system towards an instrument of direct democracy received the agreement of seven respondents – including the Czech Republic, Lithuania, Luxembourg, Portugal and Slovakia. Finally, only three experts – including those from Lithuania and Portugal – expect the use of modern information and communication technologies to lead to a fundamental change in the function of the petition system. Table IV.8 provides an overview of the opinions expressed in the context of public participation.

| TABLE IV.8 | | OPINIONS CONCERNING PUBLIC PARTICIPATION |
|---|---|---|
| Statement | Agree | |
| | Number | Countries |
| Petitions are a reasonable instrument to further citizen participation in an increasingly complex political environment (17 answers). | 9 | Bulgaria, *Germany, Luxembourg, Portugal, Austria*, Romania, *Slovakia, Czech Republic,* Hungary |
| Petitions are becoming more and more political in character as they increasingly address political matters (18 answers). | 2 | *Germany, Luxembourg* |
| Petitions are increasingly used as an instrument to generate attention and to mobilize people for a given concern (18 answers). | 10 | Bulgaria, *Germany*, Italy, *Lithuania, Luxembourg*, Malta, *Portugal, Austria*, Romania, *Slovakia* |
| The use of modern information and communication technologies contributes to the transformation of the petition system towards an instrument of direct democracy (15 answers). | 7 | Bulgaria, *Lithuania, Luxembourg, Portugal, Romania, Slovakia, Czech Republic* |
| The use of modern information and communication technologies not only adds a further communication channel for the submission of petitions but also leads to a fundamental change in the function of the petition system (15 answers). | 3 | Bulgaria, *Lithuania, Portugal* |

Italic script is used to highlight the countries or petition systems where public participation demonstrably plays a role. Opinions concerning the last two statements were not asked in Germany.

Source: Nexus 2010, supplemented by TAB, own compilation

Without wishing to overestimate the importance of the opinions expressed regarding the proposed statements, they do indicate a plausible correlation: in countries where inclusion of the public in the petition system has been deliberately established, the possible consequences of these changes are considered to be more significant. Whether these consequences should be interpreted as intentional or unintentional will have to remain an open question at this point.

## DIFFERENTIATIONS AND CLASSIFICATIONS INTO TYPES        1.3

In this section, we shall use the empirically obtained material to examine whether petition systems with a petition committee differ greatly in key aspects from systems without a petition committee. We also examine if there are any typical characteristics shared by the political systems where *no* petitions are processed by parliament. A further question is whether any specific characteristics have been adopted by petitioning systems in the democracies that were only established in the last quarter of the previous century, following the overthrow of dictatorships (Portugal, Spain and the former communist states). We conclude these considerations on the differences between the parliamentary petition systems of different countries with a look at the upper houses that handle petitions.[102]

### LOWER HOUSES WITH AND WITHOUT A PETITIONS COMMITTEE

Some parliaments (lower houses) have set up a specific committee responsible for petitions – even if this committee, as in the case of France (»Constitutional Acts, Legislation and General Administration Committee«), is not responsible only for petitions and its petition-related function is not explicit in its name. In addition, some parliaments have assigned the examination of petitions to various committees with specific responsibilities (Table IV.9).[103]

Of the 20 petition systems for which we have sufficient information, the majority have petition committees.[104] Of the four petition systems with MP filter, only Austria has set up a petition committee. In Hungary, Italy, Portugal, Slovakia and Switzerland, petitions are referred to the competent specialist committees. After passing through the MP filter, petitions in the UK (described in detail in Chapter III.2.1) are examined by ministries and competent committees. In Greece they are considered only by the competent ministries and in Malta only by the speaker of parliament.

The question that particularly interests us is whether the establishment of a specialized petition committee, as in the German Bundestag, generally implies a higher quality in terms of the petition process. For this comparison, the three indicators already used are examined.

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102 The question whether the existence of instruments of direct democracy has an influence on the characteristics of parliamentary petition systems and may be relevant in classifying these systems into different types has also been studied. The result was that with the exception of Switzerland, no correlation could be found between the presence or absence of these forms of citizen participation and the parliamentary petition system (Nexus 2010, p. 237 f.).

103 This is a simplification insofar as petitions can in some cases also be processed in a petition committee and/or in a specialist committee.

104 Petition committees exist in 12 lower chambers: Austria, Belgium, Bulgaria, the Czech Republic, France, Germany, Lithuania, Luxembourg, the Netherlands, Romania, Slovenia, and Spain.

TABLE IV.9                    PETITION SYSTEMS WITH AND WITHOUT A PETITION COMMITTEE

| Type | Number | FOL | R | Web |
|---|---|---|---|---|
| | | Average indicator value per group of countries | | |
| with petition committee | 12 | 5.5 = xx | 17.9 = xx | 9.6 = xx |
| without petition committee | 8 | 5.5 = xx | 13.0 = x | 7.0 = x |
| *thereof with specialist committees* | *5* | *7.4 = xx* | *14.8 = x* | *8.6 = x* |
| *thereof with MP filter* | *3* | *2.3 = x* | *10.0 = x* | *4.3 = x* |
| Total | 20* | | | |

FOL = Formal obligation level; R = Responsiveness; Web = Web functionality; Evaluation of indicators: xx = Medium level; x = Low level; Information as of August 2011

*    Norway is not used for this comparison because the body responsible for the »ex-gratia payments« in Norway cannot be considered a typical parliamentary committee. A body comprising a judge and two members of parliament decides on petitions (Nexus 2010, p. 112).

Source: Nexus 2010, supplemented by TAB, own compilation

On comparing the group »without a petition committee« (8 cases) against the group »with a petition committee« (12 cases), we find that both groups are roughly equal in terms of the »formal obligation level« of the procedure but that the group with a petition committee obtains much higher indicator values for responsiveness and web functionality.

A more differentiated examination reveals that the indicator values for parliaments that have established specialist committees to handle petitions are not far behind those of parliaments with a petition committee. They only just fall below the threshold values of 15 (responsiveness) and 9 (web functionality) for the medium level. It is also clear that the three systems with MP filter and without a petition committee obtain much lower values.

If public participation in the petition system is also taken into account, we find that of the six petition systems for which public participation is of high importance, four have a petition committee (Germany, Lithuania, Luxembourg and the Czech Republic).

This finding may also indicate that the configuration with a petition committee can tend to be more capable of action and more innovative, because the petition system has an institutional centre. This may also be due to a generally strong position of parliament compared to the executive branch of government in the

political systems concerned.[105] This possible correlation should in no way be understood as deterministic but merely as an observed trend. This point is clear from counter-examples, such as the petition system of the Portuguese Parliament, which in 1995 dissolved the specialized petition committee that had been established in 1989 and now has top values in the criteria of formal obligation level, responsiveness and internet functionality.

## PARLIAMENTS WITHOUT A PETITION SYSTEM

Countries without a parliamentary petition system always have parliamentary ombudsman institutions. This applies to the Scandinavian countries (Denmark, Finland and Sweden) and to the Baltic countries Estonia and Latvia. Is there an explanation? One simple answer would be that the Nordic countries have a long ombudsman tradition – Sweden 1809, Finland 1918/1920, Denmark 1955 (years quoted from Kucsko-Stadlmayer 2008) – and that these ombudsman institutions were so successful that no additional petition bodies needed to be created as part of parliament.

Nexus supplements this simple view with a possible explanation drawn from political science: the political systems of the countries without a parliamentary petition system are multi-party systems characterized by unclear majorities and resulting minority governments. This in turn means that in these political systems, the initiatives and interests of the parties not represented in government have to be taken into account in the political acts of the executive, since otherwise the necessary parliamentary majorities would not be attained. Additionally, these countries have »neo-corporate structures«, so that even interests that are organized outside the formal political process find their way into the work of parliament (Nexus 2010, p. 225). The extent to which these two observations actually explain why Scandinavian countries have no parliamentary petition systems in the strict sense of the word would have to be analysed in greater detail.

Whatever the case, it is notable that even Scandinavian parliaments sometimes set up »functional equivalents« to petition systems, even if their petition functions are not immediately clear from their names. In addition to the compensation system that has already been frequently mentioned, Norway has a »Control and Constitution Committee« (Kontroll- og konstitusjonskomiteen), which is a permanent committee of inquiry that issues recommendations relating to the control of government and administration and can if necessary undertake inquiries into the public administration (Stortinget 2010).

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105 According to Nexus »... all countries that have a parliamentary petition committee have a parliamentary political system in which the legislative has a comparatively strong position relative to the executive in the political process...« (Nexus 2010, p. 217); see also Riehm et al. 2009a, p. 16).

With regard to the constellation of complaints systems in Scandinavian countries, other reforms are also of interest, since they open up new avenues for petitioning and civic participation. These reforms include for example the introduction of a petition system at local authority level in Norway (Riehm et al. 2009a) and the introduction in Finland of a citizens' initiative in 2012 at national level specifying a quorum of 50,000 supporters, who must be Finnish citizens and eligible to vote.

## PETITION SYSTEMS IN POST-DICTATORIAL STATES

The question whether the petition system in post-dictatorial states differs from that of the other EU member states can be broken down into two parts – firstly the question whether their past experience of arbitrariness and lack of due process of law under dictatorships has expressed itself in a higher level of formal legal obligation in procedures, and secondly whether these countries make particular efforts to ensure procedures are responsive to citizens, in order here too to strengthen the confidence of citizens in the political system, following the damage done to this confidence by dictatorship (Table IV.10).

| TABLE IV.10 | | PETITION SYSTEMS OF POST-DICTATORIAL STATES | | |
|---|---|---|---|---|
| Type | Number | FOL | R | Web |
| | | Average indicator value per group of countries | | |
| Petition systems of post-dictatorial states | 9 | 7.9 = xx | 20.1 = xx | 9.3 = xx |
| Petition systems of all other states | 12 | 3.6 = x | 12.6 = x | 7.9 = x |
| Total | 21 | | | |

FOL = Formal obligation level; R = Responsiveness; Web = Web functionality; Evaluation of indicators: xxx = High level; xx = Medium level; x = Low level

Source: Nexus 2010, supplemented by TAB, own compilation; information as of August 2011

In fact, the average values of the indicators support these assumptions. The group of petition systems from post-dictatorial states has a higher value in all three indicators than the reference group, attaining a medium level for all indicators compared to the low level attained by the reference group. The difference was relatively small in the case of web functionalities.

If we compare the ten countries with medium and high indicator values for the formal obligation level (Table IV.4), the post-dictatorial systems, with seven out of ten, are represented more strongly than the relative size of their group. This group even accounts for four out of the five countries that have petition systems with a high formal obligation level.

A similar result is obtained on examining the indicator for responsiveness: of the eleven countries that obtained medium and high values for their responsiveness, the post-dictatorial states are again disproportionately highly represented, and they again account for as many as four out of the five countries with high responsiveness (Table IV.5).

## COMPARISON OF THE PETITION SYSTEMS OF LOWER AND UPPER HOUSES

Information on the upper houses of parliament shows that it would be overhasty to dismiss the significance of all upper-house petition bodies as negligible compared to the systems provided by the lower houses. Questionnaires were returned from both parliamentary chambers of seven countries (Austria, Belgium, the Czech Republic, France, Italy, Romania and Spain), so that a comparison can be made for these countries.

*1. Austria – two slightly different petition systems with differing levels of activity*

A petition to the Austrian Federal Council (upper house) must be forwarded to the house by a member of the Federal Council. In other words, as is the case with the National Council (lower house), an »MP filter« is built into the petition system of the upper house. Received petitions are then made available at the directorate of the parliament. Formal examination is carried out either by the leader of the house or by the petition committee, which is also responsible for considering the content of the petition. The number of petitions received by the Federal Council is very low. Only six petitions were received in 2008 and five in 2009. The petition committee does not carry out any public relations work and has no plans to do so. According to the committee, the use of modern information technology is also not planned (Nexus 2010, p. 118 f.). By comparison, the number of petitions in the National Council is slightly higher, with between 40 and 60 petitions per year. The differences include the possibility of submitting petitions having a quorum of 500 signatures (citizens' initiatives) directly to the National Council without having to pass through the MP filter.

*2. Belgium – two comparable petition systems with relatively low activity*

Petitions can be submitted to the Belgian Senate under the same rules as for the lower chamber. However, the Senate has no specialized committee for petitions. Petitions are received by the leader of the house, who is also responsible for its formal examination. He then forwards them to specialist committees to examine their content (often the Committee for the Interior and Administrative Affairs (Commission de l'Intérieur et des Affaires administratives), or to ministers with relevant responsibility. In the years 2006 to 2009, between eight and 70 petitions were submitted to the Senate per year. The number of petitions submitted to the lower house (approximately 100 per year) is slightly higher than for the Senate. The Senate conducts no active public relations work and also has no

plans for a dedicated website. The situation is not much different for the Chamber of Representatives. For a full understanding of the situation in Belgium, the petition systems at regional level and at the level of the language communities would have to be taken into account.

*3. Czech Republic – two comparable petition systems and many signatories*

In the Czech Republic, petitions can be submitted to both houses of parliament. Both houses have their own petition committee. The full name of the Senate petition committee is the »Committee for Education, Science, Culture, Human Rights and Petitions«. The legal foundations of the petition system of the Czech Senate are largely identical to those of the lower house (Chamber of Deputies), but its practical structure is additionally regulated by the Senate's internal rules. Both systems require a quorum of 10,000 signatures. In the Chamber of Deputies, qualifying petitions are debated in public session of the petition committee, whilst in the Senate, petitions meeting the quorum must also be debated in plenary session (communication by the Senate dated 6.3.2011). The internet services of the two petition systems are also comparable: in both cases, a web page relating to the petition system is available on the website of the relevant house, and this page is used to publish submitted petitions and the corresponding decisions. Further online functions do not exist and are also not planned by either house.

The number of petitions received by the Senate was between 21 and 26 per year during the period from 2006 to 2009. As a general rule, all of these petitions were admitted for consideration. The proportion of petitions concerning subjects of general public interest in the domain of »res publica« is about 90 %. The remaining 10 % are private complaints. The majority of petitions to the Senate are collective petitions (between 70 % and 90 %) signed by a comparatively large number of people. In 2008 a total of 21 petitions were addressed to the Senate, supported by 93,000 people. In 2006 the total number of petitioners even reached 306,000 petitioners for 25 petitions admitted for consideration.

The two systems are similar in terms of scale and the high importance of massive support for petitions. In the Chamber of Deputies, between 37 and 95 petitions were submitted per year between 2006 and 2009, and all were accepted for consideration. Approximately 90 % of the submitted petitions were collective petitions, and here too the number of supporters was very high – roughly 350,000 in 2006, followed by 250,000, 380,000 and 250,000 (rounded) in the next three years.

*4. France – two comparable petition systems with low activity*

The right of petition is currently regulated in Article 4 of the decree dated 17 November 1958 concerning the operation of the parliamentary chambers and in the

internal rules of procedure of the two chambers. The petition systems of the two chambers differ only slightly from each other. In both cases, the processing of petitions is the responsibility of a committee for »Constitutional Acts, Legislation and General Administration«. This committee can also forward the petition to another permanent committee, a minister or the ombudsman. Between 2006 and 2009, the Senate received between eight and 17 petitions per year. 90 % of these petitions concerned public affairs, and most were collective petitions. The number of petitions processed by the National Assembly over the same period – between five and 17 per year – is comparable. The level of responsiveness of the petition bodies of both houses is very low. The relevant website publishes a list of petitions that have been processed and the corresponding final decisions. Neither chamber has any plans to expand their online service.

### 5. Italy – two comparable petition systems with considerable activity

The Italian parliamentary system, which is termed »bicameralismo perfetto«, can be considered unique, because the two chambers have equal ranking in terms of their legislative competence. The members of both houses are elected by the people in direct elections (Ullrich 2009, p. 648 ff.). This parallel distribution of power also applies to the parliamentary petition system. Petitions can be addressed to both the Chamber of Deputies and the Senate with equal rights.

Petitions are first directed to the president of the relevant chamber, who verifies their formal admissibility. Only »res publica« petitions are permitted. Depending on their subject, the petitions are then forwarded to a competent specialist committee for examination. In the years 2006 to 2009, between 334 and 614 petitions were submitted to the Italian lower house (Chamber of Deputies). The majority of these (approximately 90 %), were judged admissible and were processed. Most of the petitions processed each year are individual petitions. In the Senate, between 368 and 531 petitions per year were accepted for examination. The number of petitions received by the two houses is therefore roughly equal. Only limited public communication is provided. The two houses reveal only minor differences in their integration of modern means of communication and interaction with citizens. The website of the lower house has a page that provides very brief information on the petition system and a list of all petitions. However, this page does not provide either the full petition text or the final decision. The Senate publishes its decisions on the internet. Neither house has any intention of providing any additional online functions.

### 6. Romania – two similar petition systems with more petitions addressed to the Senate

Legally, the petition system of both houses is enshrined in the constitution. Both houses have specialized petition committees, each comprising 11 members of parliament. In the case of the Chamber of Deputies, the petition committee is

supported by a team of eight people, while the equivalent service for the Senate comprises three people. In the Chamber of Deputies, the petition committee is responsible for processing petitions and completing the petitions procedure. In the Senate, however, the leader of the house, his deputy, other committees or even individual senators may, in addition to the petition committee, be responsible for processing petitions; these individuals/committees are then also authorized to complete the procedure. A greater number of petitions are submitted to the Senate than to the lower house. A comparison of the average number of petitions submitted during the years 2006 to 2009 reveals 1,630 petitions received by the Senate and 931 received by the lower house.

The use of modern technologies differs in that the Senate maintains its own website where it publishes both petitions and also the corresponding decisions, while the Chamber of Deputies does not do this but offers petitioners a facility for submitting petitions using an online form. In contrast to the Senate, the Chamber of Deputies plans to expand its online facilities. In addition to information on the petition system, petitions will be published on the internet and automated information services will be offered.

### 7. Spain – two complementary petition systems, with a Senate in favour of modernization

The petition systems of the lower and upper houses are almost identical. The formal criteria of the two petition systems are equivalent. In terms of the possible subjects of a petition, both houses process both »res publica« and »res privata« petitions. However, the Senate focuses more on matters concerning relief for individual cases of hardship. Unlike the petition system of Congress, the Senate's petition system does not deal with any motions for legislation.

In a procedure similar to that of the lower house, petitions to the Senate can be addressed either to the leader of the house or directly to the specialized petition committee. The Senate Petitions Committee comprises 26 members of parliament and two administrative members. Summary reports are presented to the plenary session several times a year, and these reports are also debated and published. In 2009 and 2008, the numbers of petitions received and processed by the Senate were 120 and 132 respectively. In clear contrast to Congress, efforts by the Senate to modernize its petition system are in evidence. Although the committee does not have its own website, petitions and the corresponding decisions are published on the Senate website. This service will be expanded in future with the ability to submit petitions via an online form and to sign petitions online. The Senate is also conducting active press work in an effort to make the petition system more widely known in public (Nexus 2010, 163 f.). By contrast, in terms of the numbers of petitions received, the Spanish Congress, with an average of 1,500 petitions per year (2006 to 2009), is called into action much more frequently than the Senate.

The relative similarity of the petition systems of the lower and upper houses in all six cases is also confirmed by the indicators and the score obtained for the intensity of petitioning activity (Table IV.11).

| TABLE IV.11 | | | | COMPARISON OF LOWER AND UPPER HOUSES OF PARLIAMENT | | | | |
|---|---|---|---|---|---|---|---|---|
| Chamber/ Country | Formal obligation level | | Responsiveness | | E-mail, internet | | Petitioning intensity | |
| | 1st | 2nd | 1st | 2nd | 1st | 2nd | 1st | 2nd |
| Austria | x | x | x | x | xx | x | 0.60 | 0.07 |
| Belgium | x | – | x | – | x | x | 0.93 | 0.28 |
| Czech Republic | xx | x | xxx | xxx | xx | x | 0.70 | 0.21 |
| France | x | x | x | x | x | x | 0.02 | 0.02 |
| Italy | x | x | x | x | xx | x | 0.69 | 1.07 |
| Romania | xx | xx | xx | xx | xx | xx | 4.31 | 7.54 |
| Spain | x | x | x | xx | x | x | 3.31 | 0.28 |

– = No available information; xxx = High level; xx = Medium level; x = Low level; Petitioning intensity = Petitions per 100,000 inhabitants per year calculated as an average for the years 2006 to 2009.

Source: Nexus 2010, supplemented by TAB, own compilation

Although, on comparing the indicators, the petition systems of the upper houses do appear equal or weaker (except in the case of the petitioning intensity in Italy and Romania),[106] the differences are not large enough for the petition systems of the upper houses to be negligible. However, deeper investigation is required firstly into why the upper houses, which typically represent the individual federal states and the regions, are perceived as suitable recipients of petitions at all, and secondly whether and to what extent the petition systems should be seen as complementary or in competition with each other.

In the other countries with upper houses, the conditions are again very different. In Ireland, there is no petition system, either in the lower or upper house. In Slovenia, the upper house, termed the National Council, is an advisory council with highly specific characteristics and is not responsible for petitions. In Poland, only the upper house is responsible for petitions. According to its answers to the questionnaire, in the second half of 2009, a total of 57 petitions were submitted to the Senate, of which 18 were processed. Of these, 10 were collective petitions.

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106 The figures for Romania also show that – as in Italy – the number of petitions submitted to the Senate can even be much higher than for the Chamber of Deputies: 2006: 1,931 compared to 1,191; 2007 – 1,819 compared to 909; 2008 – 1,417 compared to 657; 2009 – 1,351 compared to 968 (questionnaire and communication from the Romanian Embassy in Berlin, June 2011).

The relative importance of collective petitions can also be seen in the figure of around 1,700 signatures for 2009. Brief descriptions of petition matters and decisions are published on the internet. Petitions can already be submitted by e-mail, and submission via online form is also planned. By contrast, no additional interactive functions are planned for the future.

The upper house of the English parliament, which represents a special case in the parliamentary systems of Europe, has received no petitions since the year 2000. In Switzerland, the examination of petitions becomes the joint responsibility of both chambers of parliament from the moment of receipt. In the case of Germany, and without wishing to minimize the work of the upper house, we can clearly state that the lower house is disproportionately more important for the petition system than the upper house.[107]

## COMPARISON BETWEEN OMBUDSMAN INSTITUTIONS AND PARLIAMENTARY PETITION BODIES                2.

In this section, we start by closely examining the profile of the ombudsman institutions and then, from this basis, we proceed to provide a comparison between the parliamentary petition bodies and the ombudsman institutions from the point of view of modernization.

## PROFILE OF THE OMBUDSMAN INSTITUTIONS                2.1

The evaluation below is based on the answers received from 20 ombudsman institutions.[108] The first question on the questionnaire to the ombudsman institutions was »What is the legal basis of the work conducted by the ombudsman institution in your country?« 17 of the 20 answers cited the constitution and a law as the legal basis. In the Czech Republic, Luxembourg and the UK, the only legal basis of these institutions is in ordinary (non-constitutional) law. Except in the cases of the UK and Lithuania, citizens and non-citizens of the relevant country can submit petitions to the ombudsman institutions. A citizens-only limitation is more frequent in the case of parliamentary petition bodies (seven countries). Another contrast with parliamentary petition bodies is that the obligation to submit petitions in writing is much less frequent for ombudsman institutions (nine out of 20 cases). In parliamentary systems, the written form can only be waived in Slovenia and Hungary.

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107 The necessary information is not available for the Netherlands.
108 Completed questionnaires were not received from the ombudsman institutions of Belgium, Cyprus, Greece, Ireland, Latvia and Slovenia.

In answer to the question of what can be the subject of a petition, a clear pattern emerges: ombudsman institutions have a clear emphasis on individual complaints relating to actions of public administration (19 out of 19 answers) and on petitions concerning the protection of human rights (18 out of 19 answers, exception: Czech Republic). Roughly one third of the returned 20 questionnaires stated that »public or political affairs« (Austria, Bulgaria, Denmark, Finland, Hungary, Norway and Poland) or »legislative initiatives« (Austria, Bulgaria, Finland, Hungary Norway and Spain) were also accepted as subjects of petitions.

A further difference can be found in the balance between »res privata« and »res publica«. Whereas seven lower house petition bodies out of the 16 that answered this question stated that they were *exclusively* competent for matters of »res publica«, of the 17 ombudsman institutions that answered this question, six declared that they were exclusively involved in handling subjects in the domain of »res privata« (Denmark, France, the Netherlands, Portugal, Slovakia and the Czech Republic). However, by inversion, this figure also implies that the majority of ombudsman institutions (11 out of 17) handle both public and private matters. Whereas the parliamentary petition bodies *always* accept submitted petitions concerning questions of »res publica« and in most cases also handle matters of »res privata«, we can conclude that ombudsman institutions *always* accept petitions in the domain of »res privata« and in most cases also handle matters of »res publica«.[109]

The answers to the question concerning the actual functions of complaints to ombudsman institutions are summarized in Table IV.12.

The answers give us a clear picture of the profile of the ombudsman institutions. More than 75 % of the answers confirmed that relief in individual cases of hardship, the protection of individual rights, control of the executive power and improved communication between citizens and the state are important functions in practice. It is also clear that political participation of citizens is not considered a relevant function in practice. None of the 16 answers to this question attached any practical relevance to this function. Although the seismographic and conflict mediation functions were still seen as having practical relevance by the majority of respondents, the opinions were rather more divided. The seismographic function was considered relevant in practice by roughly the same proportion of parliamentary petition bodies (10 out of 17 responses) as of ombudsman institutions (9 out of 17). In the case of conflict mediation, only two of the parliamentary petition bodies included this function as a part of their work having practical relevance. By contrast, only two ombudsman institutions accorded no practical relevance to this function as an aspect of their work.

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109 Chapter IV.1.1 has already drawn attention to the difficulties attached to this conceptual distinction.

TABLE IV.12                    FUNCTION OF COMPLAINTS TO THE OMBUDSMAN INSTITUTIONS

| According to your assessment, which functions do complaints to the national ombudsman fulfil in your country and how relevant are they in practice? | Practical relevance (1 No ...5 Very high) | | | | | No answer |
|---|---|---|---|---|---|---|
| | 1 | 2 | 3 | 4 | 5 | |
| Relief in individual cases of hardship | 1 | 1 | 3 | 8 | 5 | 2 (EE, UK) |
| Control of the executive power | 0 | 0 | 5 | 5 | 8 | 2 (FR, UK) |
| Seismographic function (»What bothers the citizens?«) | 0 | 1 | 7 | 5 | 4 | 3 (BG, EE, UK) |
| Political participation | 8 | 6 | 2 | 0 | 0 | 4 (DK, EE, MT, UK) |
| Improved communication between citizens and the state | 0 | 0 | 4 | 6 | 9 | 1 (UK) |
| Protection of individual rights | 0 | 0 | 3 | 4 | 12 | 1 (UK) |
| Conflict mediation | 1 | 1 | 6 | 3 | 7 | 2 (MT, UK) |
| Other | – | – | – | – | – | |

Source: Nexus 2010, supplemented by TAB, own compilation

On the whole, the results obtained from the opinions expressed concerning the various proposed statements confirm the typical profile of the ombudsman institutions (Table IV.13).

TABLE IV.13          OPINIONS ON THE STATEMENTS CONCERNING THE FUNCTIONS
                                                                                      OF COMPLAINTS

| Strongly disagree (1) ... Strongly agree (5) | 1 | 2 | 3 | 4 | 5 | No answer |
|---|---|---|---|---|---|---|
| Complaints to the ombudsman are an effective instrument to control executive power. (Answers from 19 out of 20 ombudsman institutions) | 0 | 1 | 1 | 11 | 6 | UK |
| Complaints to the ombudsman are a reasonable instrument to foster the participation of citizens in an increasingly complex political environment. (Answers from 19 out of 20 ombudsman institutions) | 2 | 6 | 9 | 2 | 0 | UK |
| Complaints to the ombudsman can help to improve the communication between citizens and political institutions (parliament, government). (Answers from 19 out of 20 ombudsman institutions) | 1 | 2 | 5 | 5 | 6 | UK |
| The most important function of the ombudsman system is to provide citizens with immediate and direct (non-bureaucratic) means of support. (Answers from 19 out of 20 ombudsman institutions) | 1 | 1 | 6 | 2 | 9 | UK |

Source: Nexus 2010, supplemented by TAB, own compilation

Control of the executive power was confirmed as a responsibility of ombudsman institutions by almost 90 % of the respondents, whilst improved communication and relief in individual cases of hardship were confirmed by the majority of respondents. Almost 50 % (9 out of 19) were not clearly decided on the question whether complaints to the ombudsman are a reasonable instrument to foster the participation of citizens. This indecisiveness can also be interpreted to mean that the answer depends on the specific case in hand. Of those who were able to give a clear answer, 80 % do not agree that this function plays any role.

## COMPARISON OF THE NUMBER OF PETITIONS RECEIVED AND MODERNIZATION                                    2.2

### COMPARISON OF THE NUMBER OF PETITIONS RECEIVED

The number of petitions submitted to parliamentary petition bodies and ombudsman institutions does not necessarily tell us anything about the relative importance of the respective systems. However, the quantitative structure does permit a comparison of these systems in terms of their attractiveness when considering where to submit a petition. The survey asked respondents to provide figures covering the years 2006 to 2009 for both received and actually examined petitions and for the number of collective petitions and the total number of persons who signed. However, the differentiated statistics necessary for these answers are in many cases not available from the individual petition and complaint institutions. In some cases, either only the number of petitions received or only the number of petitions processed was specified. From the statistics that do contain both categories, we can see that differences between the numbers of petitions received and processed are in some cases minor and in others quite considerable. Where the figures for petitions submitted are unknown, we have used the number of processed petitions instead.

The informative value of the available figures is rather limited by the fact that it is impossible to verify whether the statistics include not only complaints and/or petitions but also simple requests for information. For the comparison, we developed an index for the petition level, whereby the number of petitions received was expressed per 100,000 inhabitants. In the ideal scenario, the data for each of the years 2006 to 2009 was available, and the value of the petition index was calculated as the average for these years.

Table IV.14 shows the enormous range of differences between petition levels (between 0.02 and 386.88 petitions per 100,000 inhabitants) and also reveals that in countries that have both a petition system in the lower house of parliament and an ombudsman institution, the level of petitioning activity is without exception higher for the ombudsman institution.

TABLE IV.14                                  LEVEL OF PETITIONING ACTIVITY OF THE PARLIAMENTARY
                                                PETITION BODIES AND OMBUDSMAN INSTITUTIONS

| Country | Pop. in mill. 2010 | Received 2006 to 2009 Average | | Processed 2006 to 2009 Average | | Index: Petitions/ 100,000 inhabitants | |
|---|---|---|---|---|---|---|---|
| | | Parl. | OM | Parl. | OM | Parl. | OM |
| Austria | 8.3 | 50 | 10,100 | 50 | n.s. | 0.6 | 121.2 |
| Belgium | 10.7 | 100 | 3,600* | 10 | 2,800 | 0.9 | 33.2 |
| Bulgaria | 7.6 | 660 | 2,800 | n.s. | 2,200 | 8.9 | 36.8 |
| Cyprus | 0.8 | n.a. | 3,100* | n.a. | n.s. | n.a. | 386.9 |
| Czech Republic | 10.4 | 70 | 6,700 | 70 | 3,700 | 0.7 | 64.6 |
| Denmark | 5.5 | n.a. | 3,900* | n.a. | 3,900 | n.a. | 71.5 |
| Estonia | 1.3 | n.a. | 2,400 | n.a. | 1,800 | n.a. | 181.2 |
| Finland | 5.3 | n.a. | 4,300 | n.a. | n.s. | n.a. | 80.4 |
| France | 64.3 | 10 | 67,400 | 6 | 36,900 | 0.02 | 104.1 |
| Germany | 82.0 | 17,500 | n.a. | 14,100 | n.a. | 21.4 | n.a. |
| Great Britain | 61.5 | 230 | 16,800 | n.s. | 850* | 0.4 | 27.3 |
| Greece | 11.2 | 3,400 | 10,600* | n.s. | n.s. | 30.3 | 94.7 |
| Hungary | 10.3 | n.s. | 5,700 | n.s. | 4,600 | n.s. | 55.4 |
| Ireland | 4.4 | n.a. | 3,600* | n.a. | n.s. | n.a. | 82.5 |
| Italy | 60.0 | 420 | n.a. | 380 | n.a. | 0.7 | n.a. |
| Latvia | 2.2 | n.a. | 5,100* | n.a. | n.s. | n.a. | 232.9 |
| Lithuania | 3.3 | 30 | 1,600 | 20 | n.s. | 1.0 | 48.6 |
| Luxembourg | 0.5 | 7 | 900 | 7 | 300 | 1.4 | 180.0 |
| Malta | 0.4 | 3 | 596 | 0 | 160 | 0.7 | 149.0 |
| Netherlands | 16.4 | 320 | 13,200 | 80 | 4,400 | 2.0 | 81.0 |
| Norway | 4.7 | 1,600 | 2,300 | 1,300 | 1,300 | 33.1 | 49.5 |
| Poland | 38.2 | n.a. | 58,400 | n.a. | 34,400 | n.a. | 89.4 |
| Portugal | 10.6 | 140 | 6,700 | 120 | 5,700 | 1.3 | 63.1 |
| Romania | 21.6 | 930 | 7,400 | 780 | n.s. | 4.3 | 34.3 |
| Slovakia | 5.4 | 130 | 2,500 | 40 | 2,100 | 2.4 | 47.1 |
| Slovenia | 2.0 | 210 | 2,700 | 210 | n.s. | 10.5 | 93.6 |
| Spain | 45.8 | 1,520 | 22,600 | 1,500 | 13,900 | 3.3 | 49.4 |
| Sweden | 9.2 | n.a. | 6,500 | n.a. | 6,400 | n.a. | 70.7 |
| Switzerland | 7.7 | 30 | n.a. | n.s. | n.a. | 0.4 | n.a. |

OM = Ombudsman institution; Parl. = Parliamentary body; n.s. = Not specified; n.a. = Not applicable (no relevant office); Values rounded; Pop. = Population in millions, according to Eurostat (2011a).

\*   In the case of ombudsman institutions that did not provide data, the data for 2006 provided by Kucsko-Stadlmayer (2008) was used.

Source: Eurostat 2011a; Kucsko-Stadlmayer 2008; Nexus 2010; supplemented by TAB, own compilation

None of the parliamentary petition bodies receive more than 50 petitions per 100,000 inhabitants per year, whereas 18 ombudsman institutions do receive more than 50. Due to the considerable remaining uncertainty of this data, we shall not attempt any further interpretation.

## COMPARISON OF RESPONSIVENESS AND WEB FUNCTIONALITY

In this section, we will compare the responsiveness of the different petition systems and the services that they make available on the internet. As with the overviews of the parliamentary petition systems (Tables IV.5 and IV.6), Tables IV.15 and IV.16 below summarize the results of the written questionnaire returned by the ombudsman institutions.

| TABLE IV.15 | | | | | | | RESPONSIVENESS OF THE PETITION SYSTEMS OF THE OMBUDSMAN INSTITUTIONS | |
|---|---|---|---|---|---|---|---|---|
| Country | Various options for submission | Support in formulation | Information during the process | Participation in the process | Public communication | Web facilities | Indicator | |
| | | | | | | | Ombudsman | Parliament |
| Poland | 3 | 2 | 4 | 6 | 14 | 6 | 35 | – |
| Bulgaria | 3 | 2 | 4 | 2 | 14 | 8 | 33 | 28 |
| Estonia | 2 | 2 | 3 | 4 | 10 | 12 | 33 | – |
| France | 3 | 2 | 3 | – | 16 | 8 | 32 | 7 |
| Great Britain | 2 | 2 | 3 | 4 | 14 | 6 | 31 | 14 |
| Slovakia | 3 | 2 | 3 | 4 | 12 | 7 | 31 | 17 |
| Spain | 3 | 2 | 4 | 4 | 8 | 10 | 31 | 6 |
| Romania | 3 | 2 | 3 | 6 | 12 | 4 | 30 | 22 |
| Finland | 2 | 2 | 3 | 4 | 10 | 8 | 29 | – |
| Luxembourg | 3 | 2 | 3 | 2 | 10 | 8 | 28 | 17 |
| Portugal | 3 | 2 | 3 | 6 | 8 | 6 | 28 | 27 |
| Austria | 3 | 2 | 3 | 2 | 12 | 5 | 27 | 14 |
| Hungary | 2 | 2 | 2 | 2 | 12 | 7 | 27 | 10 |
| Denmark | 2 | 2 | 3 | 4 | 10 | 4 | 25 | – |
| Lithuania | 3 | 2 | 3 | 6 | n.s. | 10 | 24 | 32 |
| Sweden | 3 | 2 | 3 | 4 | 4 | 6 | 22 | – |
| Malta | 2 | 2 | 3 | 2 | 4 | 8 | 21 | 9 |
| Netherlands | 2 | 2 | 3 | 6 | n.s. | 6 | 19 | 13 |
| Norway | 3 | 2 | 3 | 4 | n.s. | 7 | 19 | 15 |

The maximum score that can be obtained = 42; 25 to 42 points corresponds to a high level of responsiveness of the petition system; 15 to 24 points corresponds to a medium level and 0 to 12 points a low level. The Czech ombudsman institution did not provide answers for this part of the questionnaire. See Chapter IV.5.2 for the calculation of this indicator.

Source: Nexus 2010, supplemented by TAB, own compilation

TABLE IV.16                                      E-MAIL AND INTERNET FUNCTIONALITY OF
                                                       THE OMBUDSMAN INSTITUTIONS

| Country | Submission by e-mail | Submission by online form | Internet services | Public relations on the internet | Petitions and/or decisions | Information by e-mail during the procedure | Online signing function | Public discussion of petitions | Indicator Ombudsman | Parliament |
|---|---|---|---|---|---|---|---|---|---|---|
| Finland | x | x | x | x | x | x | – | – | 21 | – |
| Spain | x | x | x | x | x | x | x | [x] | 20 | 2 |
| Bulgaria | x | x | x | x | x | x | – | (x) | 17 | 6 |
| Estonia | x | x | x | x | x | x | x | – | 17 | |
| France | x | x | x | x | x | x | x | [x] | 16 | 0 |
| Lithuania | x | x | x | – | x | x | – | (x) | 16 | 20 |
| Luxembourg | x | x | x | x | x | x | x | – | 16 | 14 |
| Malta | x | x | x | x | x | x | – | – | 15 | 4 |
| Poland | x | x | x | x | x | x+P | x | – | 15 | – |
| Sweden | x | x | x | x | x | x | – | – | 15 | |
| Slovakia | x | x | x | x | x | x | P | – | 14 | 11 |
| Hungary | x | P | x | x | x | x | P | – | 14 | 4 |
| Denmark | x | – | x | x | x+P | x | – | – | 13 | – |
| Austria | x | x | x | x | x | x | – | – | 13 | 16 |
| Portugal | x | x | x | x | x+P | x | – | – | 13 | 21 |
| Great Britain | x | – | x | x | x | x | – | – | 12 | 11 |
| Netherlands | x | x | x | – | x | x | – | – | 11 | 13 |
| Romania | x | – | x | x | x | x | – | – | 11 | 10 |
| Norway | P | P | x | – | x | x | – | – | 10 | 7 |
| Exists | 18 | 14 | 19 | 16 | 19 | 19 | 5 | 0 | – | – |
| Does not exist | 1 | 5 | – | 3 | – | – | 14 | 19 | | |

x = Exists; – = Does not exist; P = Planned; x+P = Exists and further modernization
planned; (x) = simple comment function; [x] = discontinued (updated 2011). The maxi-
mum number of points attainable for this indicator is 25. A score of 17 to 25 points corre-
sponds to a comprehensive service; 9 to 16 indicates a functionality that is already rele-
vant, and 0 to 8 points corresponds to very little use or absolutely no use of digital infor-
mation and communication. The Czech ombudsman institution did not provide answers
for this part of the questionnaire. See Chapter IV.5.2 for the calculation of this indicator.

Source: Nexus 2010, supplemented and updated by TAB, own compilation

The responsiveness indicator gives a clear verdict: the majority of ombudsman
institutions (14 out of 19) have a high level of responsiveness. Lithuania, Malta,
the Netherlands, Norway and Sweden obtained medium scores, but the relative-

ly low values for Lithuania, the Netherlands and Norway can also be attributed to the fact that they did not provide full answers to this set of questions.

In the comparison between the ombudsman institutions and the lower house petition systems of the individual countries for the criterion of responsiveness, the ombudsman institution scored higher in every case (where the relevant data are available). The only exception was Lithuania (ombudsman institution 24 points, petition body 32). Taking all countries together, the ombudsman institutions as a whole have a high level of responsiveness (average 27.6 points), whilst the parliamentary petition bodies have only a medium level (average 15.9 points).

Of the 19 systems judged to have a high level of responsiveness, 14 are ombudsman institutions and five are parliamentary petition bodies. The bottom group comprises only parliamentary petition bodies (Belgium, France, Greece, Hungary, Malta, Spain and Switzerland). However, the five parliamentary petition bodies that attain a high level of responsiveness are proof that »responsiveness« is not an exclusive characteristic of ombudsman institutions. An interesting line of inquiry here would be to identify the possible reasons for this high level of »responsiveness«.

The data do not permit a conclusive answer. In Germany, it could be claimed that the lack of a typical ombudsman institution may have motivated the petition committee to increase its efforts towards responsiveness in order to compensate for the lack of an ombudsman and to avoid any call for such an institution where possible.

Examination of the e-mail and internet functionality of the ombudsman institutions reveals that *all* the ombudsman institutions have a relevant internet service, and those of Finland, Spain, Bulgaria and Estonia provide a particularly comprehensive range of facilities. None of the ombudsman institutions are ranked in the lower segment for this criterion (Table IV.16).

All ombudsman institutions allow complaints to be submitted by e-mail (planned in the case of Norway), provide petitioners with information by e-mail during the consideration procedure and have their own website. Of the ombudsman institutions that currently do not provide an online form for submitting petitions and complaints, all but two have plans to do so (the exceptions are Denmark and Romania). According to the answers to the questionnaire, the ombudsman website is also used for communication with the public (in 16 out of 19 cases) and also for publishing decisions in all cases. Online publication of petition texts, anonymized where required, is provided in Estonia, France, Hungary, Lithuania, Malta and Norway.

A web function for online petition signing is already provided in Estonia, France, Luxembourg, Poland and Spain and is currently planned by the om-

budsman institutions of Hungary and Slovakia. According to the results of the questionnaire, only the ombudsman institutions of Bulgaria, France, Lithuania and Spain, offer the facility for online-comments or discussion on the internet.[110]

In comparing the ombudsman institutions against the lower house parliamentary petition bodies of each country for the criterion of »e-mail and internet functionality«, the ombudsman institutions overall attain a medium level, whilst the parliamentary petition bodies score a low medium value. Of the six systems that score highly for »e-mail and internet functionality«, two are run by parliamentary petition bodies. Within the group that attains only a low level of internet-based services there are no ombudsman institutions but only parliamentary petition bodies. However, the study shows that where the parliamentary petition bodies have consciously opted for modernization, including through web-based services, they do not lag behind the ombudsman institutions in either scope or functionality.

As already mentioned, public online discussions do actually not play any role for the ombudsman institutions. Notwithstanding, the discussion website provided between February 2010 and March 2011 by the French ombudsman institution, »Le Médiateur & vous«, is still of interest. We shall digress briefly here from the main study to discuss this site.

### A BRIEF ASIDE: THE WEBSITE »LE MÉDIATEUR & VOUS«

The French ombudsman institution has recently been reformed. According to constitutional law No. 2008 – 724, the institution of the »Médiateur de la République« was replaced by the »Défenseur des Droits«. This reform was a reaction to the identified shortcomings in the complaints system in France. The new institution – the »Défenseur des Droits« – will have a broader spectrum of intervention powers. The most important innovation compared to the former system is that the new institution will be directly accessible to the population. We will not go further into the general reform process here, but look back at a unique service of the former »Médiateur de la République« called »Le Médiateur & vous«. This service was offered in parallel to the official website of the ombudsman. It was specifically designed for communicating with the population (Médiateur de la République 2010).

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110 The discussion forum maintained by the Spanish ombudsman institution at the time of the questionnaire was discontinued as part of re-development of its internet functionalities. There are, however, plans to offer such a facility again in future (communication by the Spanish ombudsman on 6.9.2011). The French service »Le Médiateur & vous« was discontinued in 2011. With regard to Bulgaria and Lithuania it is assumed that there is no public discussion of petitions but rather a simple comments function (Nexus 2010, p. 236).

This website was an interactive online site that provided a mix between a discussion forum and a social network and was open to all internet users, although for active participation the site required registration and login. The platform went live in February 2010. In the discussion forum, to shed a little light simply on this component, internet users could enter into contact with experts and the ombudsman, who also took part in debates.

The procedures of this service provide an interesting model. The permitted subjects of debate were civic and human rights, corresponding shortcomings in the law and relevant suggestions for reform. The forum was expressly not intended for discussion of any concrete complaints that had already been submitted. A problem proposed for discussion was first discussed with other users. A unique feature here is that experts also entered the debate, so that discussions took place between ordinary citizens and experts. About 30 experts, with competence in different specialized fields, were involved in the discussion forum. The ombudsman could state his own position on the discussion, and after further debate the ombudsman could, where applicable, personally adopt the result of the discussion and take the initiative of submitting a suggested improvement to the competent authorities. Another possibility was that the experts or the ombudsman could inform citizens about the institution or action that could best advance their case – and this information could include the advice to submit a complaint to the ombudsman. By September 2010, a total of 721 subjects had been submitted for discussion by the 1,420 registered users, with a total of 3,332 contributions to the various discussion threads.

Figure IV.1 can only provide an extract of the »Le Médiateur & vous« website, but various functions of the service are already visible in the screenshot (e.g. blog of the Médiateur, links to current debates and the beginning of the list of experts).

The »Médiateur de la République« entered the discussions more than 100 times in the first six months after the start of this online service. According to information from the ombudsman's office, these discussions have in numerous cases uncovered errors or misconduct by the authorities and led to dozens of proposed reforms. For the ombudsman institution and its agencies, this platform has become a genuine tool for detecting inequalities and a barometer for the state of civic rights. With regard to further development of the platform, the communication team of the ombudsman institution was considering how to link the platform with events outside the internet, such as meetings and seminars held by the ombudsman (communication from the Ombudsman's Department for International Affairs, 8.11.2010).

»Le Médiateur & vous« can be seen as an innovative form of discussion forum for petitions, with the unique feature that it is provided upstream of any concrete petition or complaint, is independent of the official website and gains at-

tractiveness through the involvement of experts and the ombudsman in the service offered. The website was not intended as an e-petitions platform but was deliberately conceived and used as a participative element in the complaints system. Since March 2011 the »Défenseur des Droits« is in place and the particular service »Le Médiateur & vous« has been discontinued. Nevertheless at the conceptual level this defunct service can still be regarded as an interesting alternative to the forums provided on the petitions platform of the German Bundestag.

FIG. IV.1                                    THE WEBSITE »LE MÉDIATEUR & VOUS«
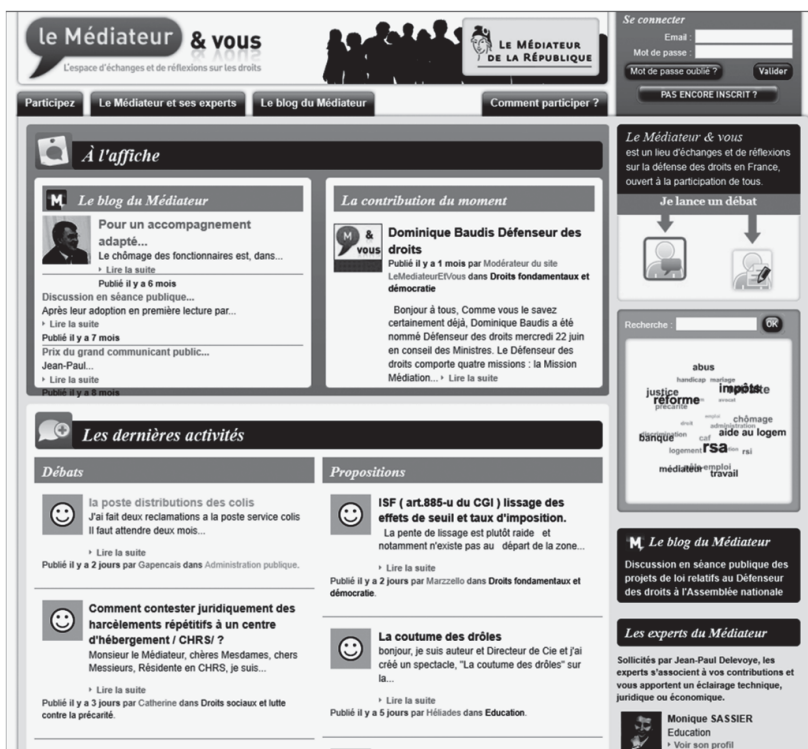


Source: www.lemediateuretvous.fr/fr (11.3.2011)

## MODERNIZATION BY PUBLIC PARTICIPATION

This section looks for signs of modernization of the petition systems of the ombudsman institutions through increased inclusion of the public and through changes in the complaints procedure directed towards public, electronic peti-

tions. It had already been established that the ombudsman institutions have a clear focus on individual complaints concerning actions of the public administration, with an emphasis on relief in individual cases of hardship and protection of individual rights, whilst the political participation of citizens by means of petitions plays a comparatively minor role.

However, on examining the internet functionalities, it also became clear that all ombudsman institutions maintain a public presence via their websites (compared with about 50 % of parliamentary petition bodies) and that the public and transparent nature of the petition procedure is established by the publication of decisions and also, in some cases, the publication of petition texts.

When we add further criteria to the assessment, a differentiated picture emerges, to the extent that in some countries the complaints system of the ombudsman institutions can also take on a more overtly public and political character. In Austria, Bulgaria, Denmark, Finland, Hungary Norway and Poland, public or political affairs are also accepted as subjects of complaints. In Austria, Bulgaria, Finland, Hungary, Norway and Spain complaints can also include suggestions for legislation (»legislative initiatives«). In seven countries, individual complaints can be debated in plenary session of parliament. The seven countries in question are Austria, Bulgaria, the Czech Republic, Estonia, Luxembourg, Malta and Norway.[111]

Additionally, the possibility for citizens to add their signatures to collective complaints and petitions can be seen as a sign that a complaint does not have to be confined to the individual initiative of one citizen but can also be supported by others. Data on the possibility of submitting collective complaints to ombudsman institutions is scarce: only nine of the ombudsman institutions have definite knowledge that these forms of complaint are not only possible but also occur in practice. Whatever the case, five ombudsman institutions already offer the possibility of online petition signing (Estonia, France, Luxembourg, Poland and Spain), and two countries (Slovakia and Hungary) intend to provide this function in future. The consideration of this function on the ombudsman websites is an indicator that collective signing is of practical relevance. By contrast, online discussions currently play practically no role for the ombudsman institutions. The website »Le Médiateur & vous« provided by the French ombudsman indicates one possible direction for further development. Unlike the parliamentary petition bodies, the ombudsman institutions never require a quorum as an element of their procedure.

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111 Individual petitions submitted to the parliamentary petition bodies are debated in plenary session in eleven countries.

TABLE IV.17                    PUBLIC PARTICIPATION IN THE COMPLAINTS PROCEDURE OF THE
                               OMBUDSMAN INSTITUTIONS

| Country | Publication of decisions | Publication of complaints | Subject: public affairs | Legislative initiatives | Individual petitions in plenary | Signing/ collective petition | Public online discussion |
|---|---|---|---|---|---|---|---|
| Norway | x | x | x | x | x | x | – |
| Bulgaria | x | – | x | x | x | x | (x) |
| Hungary | x | x | x | x | – | P | – |
| Austria | x | – | x | x | x | – | – |
| Estonia | x | x | – | – | x | x | – |
| Finland | x | – | x | x | – | – | – |
| France | x | x | – | – | – | x | [x] |
| Lithuania | x | x | – | – | – | x | (x) |
| Luxembourg | x | – | – | – | x | x | – |
| Malta | x | x | – | – | x | – | – |
| Poland | x | – | x | – | – | x | – |
| Spain | x | – | – | x | – | x | [x] |
| Denmark | x | – | x | – | – | – | – |
| Great Britain | x | – | – | – | – | x | – |
| Portugal | x | – | – | – | – | x | – |
| Slovakia | x | – | – | – | – | x/P | – |
| Sweden | x | – | – | – | – | x | – |
| Netherlands | x | – | – | – | – | – | – |
| Romania | x | – | – | – | – | – | – |
| Exists | 19 | 6 | 7 | 6 | 6 | 12 | 0 |
| Does not exist | 0 | 13 | 12 | 13 | 13 | 7 | 19 |

x = Criterion met; P = Implementation planned; – = Feature not available or unknown;
(x) = simple comment function; [x] = discontinued (updated 2011). Column headings:
Publication of final decisions on the internet/Publication of complaints on the internet/
Public affairs as accepted subject of complaints/Legislative initiatives as accepted subject
of complaints/Discussion of individual petitions in plenary session planned/possible?/
Addition of signatures to petitions planned/possible/Public online discussion of com-
plaints. Information as of August 2011.

Source: Nexus 2010, supplemented by TAB, own compilation

Table IV.17 provides an overview of the results obtained concerning the im-
portance of public participation for the ombudsman institutions. This overview
shows that the ombudsman institutions of Austria, Bulgaria, Estonia, Hungary

and Norway are very much oriented to the public.[112] We should add here that the political role of ombudsman institutions would be underestimated if we were to confine our observations to the involvement and participation of the public. As a rule, these institutions also exercise political influence through their annual reports and their opinions expressed to ministers and parliament. In Norway, Austria, Spain and Hungary, for example, the ombudsmen can influence legislation via special reports. In Estonia and Norway, the ombudsmen can, for example, verify whether laws are constitutional.

## RESULTS AND RECOMMENDATIONS 3.

This study was for the first time able to show which parliaments (and which chambers of parliament) deal with petitions in the 27 countries of the European Union, together with Norway and Switzerland. Including the ombudsman institutions, a total of 59 petition bodies were identified at national level.

The petition and complaints systems in the member states of the European Union are marked by significant dynamic progress. This progress is of course partly due to the democratization processes in Central and South-Eastern Europe, which in most countries has led to the establishment of ombudsman institutions and parliamentary petition bodies. New ombudsman institutions have also been established in eight other member states of the EU since 1980 – most recently in Luxembourg in 2003. In some countries, new petition bodies have also been introduced at regional and local level. The potential offered by modern information and communications technology, in particular the internet, has been increasingly put into use. The extensive reforms in the German Bundestag, in the French ombudsman system and in the regional parliaments of Great Britain provide telling examples. Today, all ombudsman institutions offer an extensive or very extensive range of internet-based services. By contrast, this modernising trend is less a matter of course for the parliamentary petition bodies of which some do not even plan any modernization at all.

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112 For the question whether some complaints to the ombudsman institutions are publicly perceived as »political«, it would be important to know whether individual complaints receive massive support. The data from the survey do not give any clear indication in this respect. The survey contains only general information: as an annual average for the years 2006 to 2009, Portugal received about 12,500 signatures on 6,700 petitions, whilst Slovakia had 7,700 signatures on 2,500 petitions and Spain 75,000 signatures for 22,500 petitions. According to the answers to the questionnaire, in Luxembourg about 7 % of all complaints were collective complaints. The corresponding figure for Lithuania is 10 %. For Great Britain, Norway and Sweden, it is only known that collective complaints are possible.

## CONSTELLATIONS OF MODERNIZATION                    3.1

The respective petition systems set up within national parliaments have developed historically. With some justification, it can be argued that each of these petition systems is a special case. However, various groups sharing typical characteristics can be identified. At a purely superficial level, it is possible to distinguish three constellations: in one constellation, petitions are received and processed by parliament and also by an ombudsman institution. This structure applies to 19 of the 29 countries studied. Of the ten countries differing from this model, three (Germany, Italy and Switzerland) do not have any national ombudsman institution, whilst in the seven others, parliament does not handle petitions at all, leaving this task exclusively to a national ombudsman. This last model is found in the Scandinavian countries and in the Baltic countries influenced by their Scandinavian neighbours. It is also found in Ireland and Cyprus.

The question whether the petition system in post-dictatorial states differs from that of the other EU member states was based on the twin assumptions that past experience of arbitrary government and of the absence of a due process of law would lead to a higher level of formal legal obligation in procedures and also that the lack of confidence in the political system could be reflected in special efforts to make the petitioning procedure responsive to citizens. The indicators for »formal obligation level« and »responsiveness« confirmed these assumptions.

One key question for the report is what common features are shared by the parliamentary petition systems identified as protagonists of modernization (responsiveness and participation) – namely the systems of Bulgaria, the Czech Republic, Germany, Portugal, Lithuania and Luxembourg. Conversely, we can ask what common features are shared by the parliamentary petition systems that have a comparatively low level of responsiveness and no plans for modernization – including the systems in Belgium, France, Malta, Spain and Switzerland. Although reasons can be found for each individual case, no general types can be defined.[113] Even the obvious argument that »good« democracies are careful to ensure a similarly »good« petitioning and complaints system cannot be confirmed or refuted without analysing the overall constellation: in other words, no final verdict can be pronounced on the parliamentary petition bodies and the quality of their complaints procedures without also taking into account the effectiveness of the ombudsman institutions, competing petition bodies at national

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113 To explain this point briefly for some of the less responsive petition bodies: the presidential democracy in France, the »Westminster« model in Malta, the federal state system in Switzerland with its emphasis on direct democracy, the aspects of language communities and demands for autonomy in Belgium and Spain and the importance of the regions can all help to explain the lack of decisive efforts to modernize the petition system, but these reasons cannot be reduced to a single common denominator.

level, processes of direct democracy, administrative jurisdiction and the options available for complaints at sub-national level.

Only the following conclusion can be drawn: a comparison between the parliamentary petition bodies of different countries indicates that the petition systems that include a specialized petition committee are on average more responsive and also tend to be more open to participation by citizens, not only via the internet. Petition systems without a petition committee, in particular the parliaments that do not have a petition committee but do impose an MP filter, are much less active in this respect. This difference might be partly due to the fact that petition systems that include a petition committee tend to have slightly greater powers of action and implementation: in the literature on the subject, a connection is drawn between this aspect and the stronger role of parliament compared to the executive power in the countries concerned. However, counter-examples demonstrate that there is no deterministic correlation here, and the adherence to a particular type of procedure does not in itself either guarantee or prevent the operation of a modern, responsive petition system.

A comparison between the parliamentary petition bodies and the ombudsman institutions shows that ombudsman institutions are much more homogeneous. Here, the emphasis is on the protection of individual rights and the handling of complaints concerning administrative actions. The concrete structure of the complaints system differs only in detail between ombudsman institutions. The differences between the ombudsman institutions are found more in the additional functions they fulfil (e.g. conflict mediation and the provision of expert advice in the legislative process).

In countries that have a petition system in both the lower house of parliament and an ombudsman institution, the petitioning level of the ombudsman institution is invariably higher. None of the parliamentary petition bodies receive more than 50 petitions per 100,000 inhabitants per year, whereas roughly two-thirds of the ombudsman institutions do receive more than 50. All ombudsman institutions have a high or medium level of responsiveness. In a direct comparison between the responsiveness of the ombudsman institution and the lower house petition system of a country, the ombudsman institution scores higher in all cases but one (the exception is Lithuania). Given the corresponding political will, a high level of responsiveness can of course also be attained by the parliamentary petition systems – as is confirmed by the five parliamentary petition systems that are rated as very responsive.

The fact that complaints to ombudsman institutions concern public affairs less frequently than petitions to parliament, with the result that public participation is less frequently sought, should not hide the finding that greater public involvement is very much a concern of the ombudsman institutions. Finally, we should point out that the political significance of the ombudsman institutions

often lies in their additional possibilities for influencing both the legislative and executive powers.

The comparison between the petition systems of the lower and upper houses of national parliaments yielded a surprising result. The expectation was that the petition systems of the upper houses would always play a comparatively lesser role. However, this is not always the case, as is testified by the information from Austria, Belgium, the Czech Republic, France, Italy, Romania and Spain. This result dispenses with a preconception but at the same time raises the question of what exactly underpins the attraction of an upper house of parliament as a recipient of petitions.

## MODERNIZATION BY INFORMATION TECHNOLOGY                   3.2

E-mail is already a standard feature of petition systems. The same cannot be said of web services. Only 10 out of 21 petition bodies report that they have their own web presence. Many petition bodies also currently have no or little interest in establishing web services. This overall picture will change slightly once Lithuania, Luxembourg and Portugal implement their current plans in this field. A system for public e-petitions at overall national level as in Germany does not exist anywhere else. The existing plans, particularly in Lithuania but also in the other two countries mentioned, are aiming in this direction and as such are highly interesting.

All ombudsman institutions offer an extensive or very extensive range of internet-based services. What for parliamentary petition systems is still not a matter of course or even on their wish list has become standard for the ombudsman institutions.

When it comes to the online signing or discussion of petitions on the internet, the parliamentary petition bodies seem to be more active. We can infer that due to their emphasis on individual complaints, many ombudsman institutions consider that public discussion of complaints would not necessarily represent an improvement to their service. The French ombudsman institution, with its service »Le Médiateur & vous«, was showing what an expanded interactive service from the ombudsman could look like – and this model can also be of interest for parliamentary petition bodies.

## THE GERMAN PETITION SYSTEM COMPARED TO THE REST OF EUROPE                                                              3.3

In general, the parliamentary petition systems in Europe have so many national peculiarities that it is impossible to speak of a single dominant model. Our analyses have shown that unlike ombudsman institutions, parliamentary petition

systems have relatively diverse structures. Germany is one of the few countries that manages without a parliamentary ombudsman (the others are Italy and Switzerland). It is also one of the few countries to have introduced quorums into the petition procedure (as have Austria, the Czech Republic Luxembourg, Portugal and Slovakia). The consideration of both personal complaints and public affairs by the parliamentary petition body, as in Germany, is by no means a rarity. The majority of petition bodies questioned in the survey handle petitions concerning the private as well as the public domain (»res privata« in addition to »res publica«).

On the question of the intensity of petitioning activity (petitions per inhabitant), the petition system of the German Bundestag has one of the highest levels of activity in comparison to the petition systems of other parliaments. If ombudsman institutions are also included in the comparison the German petition system drops to a lower middle place in the rankings.

On the criterion of responsiveness, the German petition system scores highly. However, we should note that Germany performs comparatively weakly in terms of petitioner support and involvement during the procedure. Here, a more detailed analysis of the services and activities of other countries, together with a study of their transferability, may be merited.

At national level, the German Bundestag's public e-petitioning system is unique within the EU. Of the countries wishing to expand their internet-based services, Luxembourg is explicitly planning its e-petition system along the lines of that of the German Bundestag. Increased communication between the countries establishing e-petitioning systems for the first time or expanding their existing services would appear to be advisable.

This exchange of experience should certainly include the ombudsman institutions with highly developed and particularly innovative web services. The website »Le Médiateur & vous« was such an innovative service. The interesting features of this example from the point of view of political strategy are that on the one hand the discussion forum was clearly separated from actual on-going complaints procedures, whilst on the other hand the ombudsman and various experts chosen by the ombudsman maintained a public presence on the site and entered into dialogue with the citizens.

On the question of the electronic petitioning system, in the medium term we can anticipate that petitioners will expect to be able to find out the progress and status of their petition online, in the same way as people today can use the internet to check on the status of an expected or dispatched delivery. The plans of the Lithuanian government already take this type of expectation into account. These plans envisage the users of the system being able to track the progress of the procedure, to obtain information on the course of the procedure (by both pull

and push services) and to revise, supplement or even withdraw petitions. The IT ideal revealed in these plans, transposed to the petition system, is one of user involvement at any point, flexibility and reversibility. Whether this approach can provide a suitable model for the re-design of the German e-petitioning system merits investigation.

We recommend a more intensive international exchange on the desired or even unintended changes in the functions of petition systems in the internet age, as illustrated in these innovations and in the opinions expressed by the numerous experts surveyed.[114]

## ANNEX: CASE STUDY PORTUGAL                 4.

With the Carnation Revolution of 1974, the dictatorship that had lasted more than forty years was overthrown and the transition from an authoritarian to a democratic system was started (see Fonseca 2009 for a description of the political system as a whole). The present constitution of Portugal entered into force in 1976.

Da Fonseca considers that the political culture of the country is still heavily marked by the long years of dictatorship. After the euphoria of a revolutionary new start and subsequent disillusionment, a sense of dissatisfaction with the operation and effectiveness of democracy has arisen (Fonseca 2009, p. 800). Comparative European research adds the assessment that Portugal is one of the countries with the lowest participation levels in Europe (Gabriel/Völkl 2008, p. 284 f.). A representative survey conducted by the Lisbon University Institute of Social Science in 1997 even concluded that the relations between the governing and the governed are, surprisingly, still very similar to the model of the liberal-oligarchic conditions of the 19th century (Cabral 2000, p. 110). For example, according to this study, 56 % of those surveyed would never take part in a strike and 59 % would never take part in a street demonstration, whilst 38 % would not even sign a petition. Nevertheless, 21 % did say that they had already signed petitions (p. 99), indicating that this channel does enjoy a certain popularity.

The application of the direct democracy procedures laid down in the constitution since 1989 (Article 115 and Article 176) point towards the same conclusions. Due to the low level of participation, none of the referendums so far conducted have had any binding effect (Fonseca 2009, p. 789) and, according to political scientist Ismayr, even the possibility of using a referendum to initiate a draft law (in accordance with Article 176) is of no relevance in practice in the everyday politics of the country (Ismayr et al. 2009, p. 41).

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114 Further questions for research are addressed in Chapter IV.5.3.

| TABLE IV.18 | CHARACTERISTICS OF THE PORTUGUESE PETITION SYSTEM | |
|---|---|---|
| **Characteristics** | **Parl. petition system** | **Parl. ombudsman** |
| Type | No petition committee (dissolved); Group of »post-dictatorial« states | Largely based on the conventional ombudsman model |
| Staffing level | No clear judgement possible, because petitions are handled in specialized committees | Approx. 70 people |
| Legal foundation | Constitution: Article 52, 178 (3) and 270 National Law: No. 43/90 dated 10.8.1990, supplemented by No. 6/93, 15/2003 and 45/2007 Standing orders of Parliament | Constitution: Article 23 National Law: No. 9/91 (Estatuto do Provedor de Justiça) dated 9.4.1991 (with amendments in 1996 and 2005) Organic law: 279/93 |
| Petitions received | < 100 (2009) ∅ 2006–2009 = 140 | > 6,700 ∅ 2006–2009 = 6,691 |
| Activity level | 1.32 petitions per 100,000 citizens | 63.12 petitions per 100,000 citizens |
| Type of subject | 60 % »res publica«, 40 % »res privata« | Both forms are possible |
| Petitions as an instrument of political participation | Clearly significant | Marginal |
| Formal obligation level | High | Medium |
| Responsiveness | High | High |
| Recent or planned measures to increase responsiveness (excluding internet) | No plans | Cooperation with the Portuguese local authorities association to improve local knowledge of the petitioning system and to make it easier to submit petitions |
| Scope of internet-based services | High | Medium |
| Expansion of online functions | Introduction of a discussion forum (still under discussion) | No plans for new functions, but interest in continuous improvement of website |
| Features of note and particularities | High importance of quorums: Petitions supported by more than 4,000 people must be discussed in plenary session. Petitions with more than 1,000 signatures lead to a hearing of the petitioner and are published in the Official Gazette of Parliament. Above-average degree of petitioner inclusion during the procedure. | A complaint can be submitted orally; it is then put down in writing in an official document. Complaints are forwarded to the ombudsman for processing from a large number of petition bodies. |

The data in this table are based on the answered questionnaires, the derived indicators and additional information from the Portuguese Parliament and the Ombudsman's Cabinet.

Source: Nexus 2010, supplemented by TAB, own compilation

Consequently, da Fonseca considers that one of the central roles of democratic politics is to introduce confidence-building structures and mechanisms between

citizens and institutions (Fonseca 2009, p. 814). The development of the parliamentary petition system in Portugal should be seen in this light.

We shall first examine the parliamentary petition system and then the ombudsman institution. The information, where not obtained from the cited academic literature, comes from our survey and the supplementary communications of the Portuguese parliament and ombudsman institution.[115] We start by providing, in Table IV.18 below, some basic data on the parliamentary petition system in Portugal.

## THE PARLIAMENTARY PETITION SYSTEM                                    4.1

### LEGAL FOUNDATIONS AND REFORMS SINCE 1976

The right of petition in Portugal is enshrined in the constitution and also in non-constitutional law and in the standing orders of parliament. The petition system was for a long time experienced as extremely frustrating, because the handling of petitions was often put back from one election period to the next and remained without practical results.[116] This situation was gradually improved by a series of reforms.

After 1976, various changes to the constitution were introduced that also affected petition law. In the context of the constitutional reform of 1982, there was already heated debate on petitioners' rights to information during the petition procedure and on whether collective petitions should be debated in plenary session of parliament. However, these points were not adopted until the constitutional amendment of 1989, which led to concrete provisions in a specific law. In the third constitutional reform of 1997, the obligation to process petitions rapidly and the right of petitioners to be informed of the result of their petitions were adopted. In a further amendment to the constitution in 2004, the governmental organs of the autonomous regions (Azores and Madeira) were added to the list of institutions empowered to receive and handle petitions.

The petition law that entered into force in 1990 (Lei 43/90) was repeatedly amended by further laws (Lei 6/93, 15/2003 and 45/2007). Law 15/2003, which entered into force in 2004, not only made significant changes to the procedure but

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115 The questionnaire and additional inquiries to parliament were answered by the Directorate for Technical Support and Secretariat Services of the Portuguese Parliament. The questionnaire and further inquiries to the ombudsman institution were answered by the cabinet of the Portuguese ombudsman.

116 At the beginning of the 9th legislative period in 2002, a total of 135 petitions were still pending from previous legislative periods: 29 from the 6th legislative period (1991–1995), 52 from the 7th (1995–1999) and 54 from the 8th (1999–2002) (Ribeiro 2008, p. 32).

also regulated the electronic submission of petitions (Ribeiro 2008, p. 241 ff.).[117] In the Law of 2007, further changes were laid down concerning both the parliamentary intranet and the public internet service.

»In August 2007 there was a new amendment to the law which established that the parliament must have a complete and simple computerized registration system for receiving petitions and handling the applicable procedure and that the system must provide complete information about the data contained in all the petitions which are made, including their full text and information about the procedure in relation to each of them, and centralize the data which is available in all of the departments and services involved. It also prescribed the possibility of adhesion. So, we changed the design by the end of 2007 and in 2008 we added more information through internal databases and creating web services.« (Communication of the Directorate for Technical Support and Secretariat Services, 13.11.2010)

### THE PETITION SYSTEM

Both private complaints and affairs of public concern are accepted as petitions. Petitions to parliament are always received by the leader of the house. The leader of the house then forwards the petitions to a suitable special committee. The specialized Petitions Committee set up in 1989 was dissolved in 1995.[118] In the special committees, the departments concerned first draw up a report on the admissibility of the petition. On this basis, the committee then decides whether to accept and consider the petition. There is a legal obligation to receive petitions, examine their contents, consider them within 60 days and inform the petitioner of the final decision. The actual processing time, according to our survey, is still often considered to be too long. The special committee appointed to process the petition is also responsible for formally closing the procedure. In the years 2006 to 2008, between 80 and 150 petitions were received annually by parliament, and about 70 % of these petitions were considered. Roughly 60 % of these petitions concern public affairs and 40 % concern private matters. In 2009, a total of 56 new petitions were submitted. Of these, 14 were signed by only one person. Of the collective petitions, 12 were signed by less than 4,000 people, and 30 were supported by more than 4,000 citizens (communica-

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117 We should further add that the standing orders of parliament have also been modified several times, most recently in 2007. For petitioning, these changes are relevant in that faster processing of petitions in parliament has been made possible (»a strong and successful effort to increase the speed by which citizens' petitions were considered«; Filipe 2009, p. 8).

118 The decision was justified by the fact that special committees could demonstrate more competence in the relevant subjects. The fact that the Petitions Committee had to carry out a large volume of work but was accorded little political significance also played a certain role in the decision. The current practice has since proven itself (communication from the Directorate for Technical Support and Secretariat Services, 9.9.2011).

tion from the Directorate for Technical Support and Secretariat Services, 13.11.2010).

The number of signatures has an important role in the procedure.

› Petitions supported by more than 4,000 people must be discussed in plenary session of parliament. This obligation does not preclude petitions with fewer signatures from also being debated in plenary session. For example, in 2009, of the 29 petitions debated in plenary session, one was signed by only 427 citizens.[119]
› If a petition has been signed by more than 1,000 citizens, a hearing of the petitioners or a delegation must be held in open session of the committee. In practice, such hearings are often held even if the quorum is not reached.
› In addition, petitions with more than 1,000 signatures must be published in their full text in the Official Bulletin of Parliament (Diário da Assembleia da República).

The domains that frequently attract large numbers of signatures for petitions are social affairs, health and education. A petition concerning the calculation of the pension formula topped the rankings in 2009 with almost 16,000 signatures, followed by a petition on education with 13,500 signatures and one on health, concerning tax concessions in cases of chronic sickness.

The structure of the petition system is remarkably responsive: petitions can be submitted in person, by post or e-mail or even via online form. Petitioners have various possibilities for obtaining information on the procedure in progress and are also included in the procedure. They can obtain information on the status of processing of their petition by e-mail, post, telephone, on the internet or via printed reports from parliament, and they are also allowed to view the relevant documents. They can actively participate in the process via hearings and personal statements. If we refer to the indicators for »level of formal legal obligation« and »responsiveness«, the petition system scores highly and is ranked in third or fourth place in comparison with the other petition systems for which we have the relevant information (Tables IV.4 and IV.5).

### THE ONLINE PETITION SYSTEM

The online petition system should also be seen in the context of the introduction of modern information and communication technology throughout parliament. Intranet and internet services are developed and maintained by parliament's own

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119 Ribeiro criticizes this type of quorum and advocates that debate in plenary session should always be justified by the actual subject of the petition, for example a subject of general public concern (Ribeiro 2008, p. 253, 268). Certainly, with such a low quorum we can easily imagine that petitions of only minor public interest could also find their way into plenary session.

IT centre. In the early nineties, a reform of parliament was launched, with goals that included improving responsiveness and transparency and with a conscious decision to use modern means of information and communication to attain these goals. Internally, the reforms concerned the computerization of working processes and the establishment of parliament's own internal network (intranet). By 2002, members of parliament already had an intranet. By a resolution of parliament, which was supported by all parliamentary groups (Resolution 68/2003), these aims were given further concrete expression – for example, making the Official Bulletin available only electronically, making the minutes of plenary sessions accessible online, introducing digital signatures, allowing access to parliament's intranet from the seats of the plenary session, establishing personal websites with blogs for the MPs and many other features. Leston-Bandeira (2007, p. 404) indicates that this major leap forward essentially came about through the initiative of a single MP, José Magalhães, whom she calls the »ICT Champion«. Parliament's first website was launched in 1996. This site was comprehensively redesigned after 2007. The parliament website now has a specific web page for petitions, under the section »Activities of parliament and legislative processes« (Fig. IV.2).

The full texts of petitions are publicly accessible via this page, together with the number of signatures and the processing status. Records of closed petitions contain information on the final decision. A search window helps the user find submitted petitions via criteria-based search functions. The page also provides a link to the online form for submitting petitions. Once a petition is published, citizens have a period of 30 days to add their signature. Signatures can also be added electronically, either via the website or by e-mail.[120]

The online petition system was an immediate and enormous success from the moment of its introduction at the beginning of the 10th legislative period in 2005. The number of submitted petitions surged dramatically. In the period from 2005 to 2007, a total of 374 petitions were submitted via the online web form, compared to only 140 submitted by conventional means. These figures should be set against the figure for the whole of the ninth legislative period (2002–2005), when a total of only 113 petitions were submitted. Since 2006, petitions are subject to a preliminary verification of admissibility by a parliamentary department. Of the 140 conventionally submitted petitions, 16 were disallowed; of the 374 electronically submitted petitions, 55 were disallowed, whilst 42 matters were settled by direct communication from the parliamentary service to the petitioners (Ribeiro 2008, p. 248).

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120 There was debate in Portugal on whether to require electronic signatures for the authentication of petitions. To date, however, electronic signatures have only been introduced in the internal system of parliament.

FIG. IV.2　　　　　　　　　　　PETITIONS WEB PAGE OF THE PORTUGUESE PARLIAMENT



Source: www.parlamento.pt/ActividadeParlamentar/Paginas/Peticoes.aspx (1.8.2011)

According to the figures from the questionnaire, a particularly large number of petitions were submitted and processed in 2007. In the following year, 2008, the number of received petitions declined slightly. 2009 marked a low point. This reduction may be due to cyclical variations and perhaps also due to the fact that the novelty of electronic petitions has now worn off.

Ribeiro points to a change in the petition system. Of the 113 petitions during the ninth legislative period (2002–2005), 33 were submitted by individuals. Most of these petitions concerned public affairs. Legislative measures were frequently demanded. 75 petitions were qualified as collective petitions, with 48 of them counting more than 4,000 signatures (thereby triggering mandatory debate in plenary session of parliament). Five petitions were submitted by corporate entities. This picture changed with the introduction of electronic petitions: collective petitions are now the exception and are far outnumbered by petitions submitted

by individuals. Most petitions now concern the protection of political rights in combination with personal interests. The number of collective petitions submitted online is very low (Ribeiro 2008, p. 251 f.).

In addition to the online facilities already provided, a discussion forum is planned. However no decisions have yet been taken on the exact functionality and the technical system to be used (communication from the Directorate for Technical Support and Secretariat Services dated 9.10.2010). According to the Portuguese Parliament, the motivation for setting up a forum of this nature is the expected increase in transparency of the procedure. Portugal already has experience of similar discussion forums relating to the drafting of new laws. The parliamentary committees concerned put these bills up for public discussion.[121] The online discussions are then moderated by appointed members of the committees. It can be assumed that an online forum for the discussion of petitions will be based on this model (communication from the Directorate for Technical Support and Secretariat Services dated 9.9.2011).

## THE PETITION SYSTEM OF THE »PROVEDOR DE JUSTIÇA«           4.2

The Portuguese ombudsman institution of the »Provedor de Justiça« has been in existence since 1975. It is enshrined in the constitution and regulated by law. The ombudsman is supported by two representatives, a Cabinet, 40 legal advisers, six coordinators and additional administrative employees (a total of 73 people). This ombudsman institution is accorded competence at all levels – national, regional and local. It participates in the work of parliament via special reports and mandatory annual reports. It handles administrative complaints and violations of human rights, and in individual cases it is also responsible for conflict mediation. In answer to the questionnaire, it cited its most important functions as the protection of individual rights, improved communication between citizens and the state, conflict mediation and the seismographic function.

In terms of its appointed tasks, the ombudsman is not restricted to handling only concrete, individual cases. Its competence also extends to public affairs.

»... the Ombudsman is not restricted to intervening in concrete, individual cases; rather, his/her action can have a broad scope and general impact. It is important to consider the following competences and powers attributed to the Ombudsman by its Statute:

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121 As political scientist Leston-Bandeira explains, »Committees can promote a debate online (an online forum), particularly on bills that have to be put forward to public discussion, such as any bill that deals with labour legislation (as determined by the Constitution)« (Leston-Bandeira 2007, p. 415).

> Ability to act on his/her own initiative, irrespective of a complaint;
> Possibility to make recommendations of a legislative nature, i.e. to recommend a legal interpretation or modification or the adoption of new legislation;
> Power to request the Constitutional Court to review compliance with the Constitution of legal rules and omissions;
> Competence to issue opinions, at the request of the Parliament, on any matter relating to its activity;
> Competence to intervene in the protection of collective or diffuse interests whenever a public entity is involved (e.g. protection of the environment).« (Communication from the Portuguese ombudsman institution, 22.10.2010)

In addition, for parliament, the ombudsman is an advisory authority that can be asked to give his/her opinion. Collective petitions concerning legal amendments also play a significant political role. For example, in 2008/2009, laws concerning public employment were changed, leading to one petition with approximately 12,000 signatures and another with 1,500 signatures. In 2009, a legal amendment concerning the coordination of health and safety measures in the building and construction industry was supported by 540 petitioners.

Complaints can be submitted in writing or orally. Oral submissions are subsequently put down in writing as official documents. Complaints must not be anonymous, i.e. they must always contain the identity and address of the complaining party and must be signed »whenever possible«. The ombudsman also accepts complaints on referral from other bodies. The government and the State President also receive and process petitions (Constitution Article 52 and Law Article 8). Petitions to these authorities can be referred to the ombudsman if the ombudsman is competent for the domain concerned, and indeed it is not uncommon for the ombudsman to handle petitions forwarded by the President. It may also happen that a specialist committee, after initially starting to process a petition, passes it on to the ombudsman. »Sometimes (not often) the Parliament forwards petitions to the Ombudsman, but the Ombudsman never forwards petitions to the Parliament« (communication from the Portuguese Parliament, 9.10.2010). These forms of cooperation are enshrined in the relevant laws. Complaints addressed to the State Attorney are immediately forwarded to the ombudsman.

In the years between 2006 and 2009, the annual number of complaints received ranged from 6,000 to 7,000, of which more than 80 % were accepted for consideration each year. The number of people backing these complaints varied greatly: whereas in 2008 a total of 8,668 people supported the total of 6,942 complaints, a comparable number of complaints (6,731) in 2009 were signed by more than 23,000 people. One of these complaints was supported by around 12,000 people.

Complaints to the Portuguese ombudsman can be submitted by every conceivable channel, i.e. in person, in writing, by telephone, by e-mail, by fax or via an online form. The ombudsman institution also has local offices in the autonomous regions (Azores and Madeira). To increase the accessibility and responsiveness of the institution, agreements have recently been concluded with the association of Portuguese local authorities, whereby the local bodies publicize the responsibilities and competences of the Portuguese ombudsman, provide access to the online form and assist citizens in completing the form. There are also special hotlines for the elderly and for children.

One fixed component of the complaints procedure is the provision of regular information, usually by e-mail, to complainants concerning the progress of processing. Between these regular updates, complainants can also find out the current status of their complaints by post, phone and e-mail. Complainants are also actively included in the processing procedure by being offered the opportunity to inspect documents, submit their personal opinion and attend hearings. They are also allowed to provide additional information at any time, in accordance with the current progress of the procedure. According to the internal regulations, the procedure must result in a final decision within twelve months, and this decision must be notified to the complainant. The vast majority of complaints (84 %) require a processing time of between one and six months. Statistics for 2009 reveal that the specified time limit is not always honoured. The range is between one day and more than two years.

On the ombudsman's website (www.provedor-jus.pt), citizens can obtain detailed information on the possible submission channels, submit complaints online and read sample examination reports and decisions. Not all decisions are published on the website. Generally, recommendations by the ombudsman involving matters where no immediate relief was possible are published. In addition, requests by the ombudsman to the Constitutional Court to verify whether a law is in compliance with the constitution are published, as are the ombudsman's official statements of position addressed to parliament. The ombudsman can of course also make other documents publicly accessible if he/she deems fit. No further expansion of the internet functionalities is planned, although interest has been expressed in improving the web service. In particular, the question of how citizens' access to information relating to their complaints can be improved via the internet is currently being examined.

## FINAL EVALUATION                                                       4.3

Portugal emerges from the study as a country that has a relatively low-ranked participation level but that is making recognizable efforts to involve citizens more closely through legal reforms and the use of modern information technolo-

gy. On the parliament's website, citizens can submit not only petitions but also legislative initiatives and questions and suggestions to the government by online form. Electronic communication systems are also used in other fields.[122] The good scope of internet-based services is in contrast to actual internet use, where Portugal trails the field among Western European countries. In 2010, only 47 % of the Portuguese population regularly used the internet (Eurostat 2011b).[123]

Accordingly, the petition system does not rely totally on the internet either – see for example the oral submission of petitions or the strengthening of cooperation with local authorities. However, it is clear that the possibilities of electronic participation are seen as important aids to improving relations between citizens and the state. This conclusion is also reflected in the positive assessment of the experts who responded to the survey regarding the use of modern information technology: in particular, they expect this aspect of modernization to lead to increased transparency of the petition procedure.

On comparing the two systems, we can infer that the ombudsman institution is of greater importance, measured in terms of the number of petitions received and staff employed. In terms of actual responsibilities, certain overlaps occur. Both institutions deal with both private and public affairs, although their relative emphasis differs in that parliament leans more towards public affairs, whilst the ombudsman focuses more on private complaints.

## ANNEX: DATA ACQUISITION, INDICATORS, FURTHER QUESTIONS FOR RESEARCH        5.

### DATA ACQUISITION        5.1

Two questionnaires, differing only slightly from each other, were drawn up for the ombudsman institutions and the parliamentary petition bodies. The questionnaires contained mainly closed-ended questions, which could be supplemented by explanatory notes and additional information. In addition, about 30 statements were proposed, and the respondents were asked to grade their level of agreement or disagreement with each statement on a scale from 1 to 5.

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122 In the legal field, an electronic system, CITIUS, was introduced by the Justice Ministry, allowing where possible all stages of a trial to be conducted electronically; in the field of law enforcement, a system called »Queixa Electronica« (which can roughly be translated as »electronic criminal complaint«) has been established, whereby crimes can be reported to the police via the internet in particular cases, such as domestic violence or theft.

123 In the EU as a whole, only Bulgaria, Greece and Romania have a lower rate of internet use by the population.

The questions and statements were initially drawn up in German and then translated into English. The translations were checked by a native speaker. Before use, the questionnaire was put through a pre-test, which included participants from TAB, the Petitions Committee of the German Bundestag and three academic experts. The original versions of the questionnaires can be found in Nexus (2010, p. 266 ff.).

The unavoidable limitations of this written survey are that the questionnaire could only address one section of the complex overall constellation of petitioning and complaints systems and that a survey of this kind cannot determine the extent to which theory and practice diverge in the relevant petition system. Moreover, this survey only records how the petition systems are perceived by the petition bodies themselves, but not by the citizens and petitioners. Further imponderables lie in the fact that outside the German-speaking countries the questionnaires were only available in English, which can be a source of misunderstanding (e.g. not noticing a negative in a statement). Additionally, certain questions are heavily dependent on the understanding of particular terms. For example, different people may understand very different things when asked if »public and political affairs« can be the subject of petitions. Finally, the subjective opinions expressed by the persons who completed the questionnaires should not be seen as representing the official and validated assessment of a particular country's petition body.

All parliaments and ombudsman institutions were contacted by telephone before the questionnaire was sent out, in order to identify specific contact persons and to increase their willingness to respond. The questionnaires were sent out in week 6 of 2010 (3 or 4 February). In addition, the information from three other petition bodies surveyed separately by TAB was included in the final evaluation (the German Bundestag and, in the UK, the House of Commons and the Parliamentary and Health Service Ombudsman). A total of 26 questionnaires were sent to ombudsman institutions and 38 to parliaments. Of the 38 questionnaires to parliaments, twenty eight were sent to the relevant lower house and ten to the relevant upper house (Belgium, France, Italy, the Netherlands, Austria, Romania Poland, Slovenia, Spain and the Czech Republic). The questionnaire on the petition system of the »House of Commons« was answered in connection with the country study on the United Kingdom (Sturm/Fritz 2010).

The covering letter requested all answers to be returned within two weeks. After two weeks, all bodies from which no answer had yet been received were contacted again by telephone. The time taken to return the questionnaires was generally between two and nine weeks. In the case of Poland, the completed questionnaires from the two chambers of parliament and the ombudsman institution were not received until 2011. This was partly due to the Smolensk air crash, in which the then officiating ombudsman Janusz Kochanowski was killed. His suc-

cessor, Irena Lipowicz, entered office in July 2010. The completed question-
naires from the Romanian petition bodies reached us, via the embassy in Berlin,
in May 2011. The parliament of Cyprus did not answer the questionnaire, but
the Cypriot embassy in Berlin informed us that the country's parliament does
not currently handle any petitions and that a national ombudsman is competent
for all grievances.

The database as a whole can be judged as good to very good. Information is
available from all 29 lower houses – even those that do not process petitions.
Completed questionnaires were received from all of the 21 lower houses that do
process petitions. The aim of conducting a complete survey has therefore been
met. However, this positive result has its limitations, since the petition bodies
were not always able to supply the requested statistical data, and some respond-
ents did not wish to express any subjective evaluations of the proposed state-
ments. Out of the ten upper houses addressed, answers were received from eight
petition bodies. 20 of the 26 ombudsman institutions addressed took part in the
survey.

The questionnaire was completed by different bodies within the institutions ad-
dressed (Table IV.19). In the case of the petition system of the German Bundes-
tag, the acting head of the Secretariat of the Petitions Committee answered the
»factual« questions on the questionnaire. The subjective assessment questions
were forwarded to the President, Deputy President and the five senior members
(Obleute) of the Petitions Committee, with a request for them to submit an-
swers. We were able to include four sets of answers in the evaluation. After ex-
amining the answers to the questionnaire, in some cases we asked the persons
who had completed the questionnaires for further explanations and additional
information (Bulgaria, France, Greece, Great Britain, Lithuania, Portugal, Ro-
mania, Slovakia and the Czech Republic).

In order to validate the results and identify incorrect information, the parties
surveyed were sent a draft of this section in German together with an English
translation in August 2011 and were asked to check the text, especially as re-
gards their petition body and to notify us of any need for factual corrections.
Comments received by 16 September 2011 were incorporated in this chapter.

TABLE IV.19    INSTITUTIONS ACTIVELY PARTICIPATING IN THE SURVEY EU 27+2

| Country | Lower House | Ombudsman Institution | Upper House |
|---|---|---|---|
| Austria | Petitions Committee | Communication Department | Committee for Civil Rights and Petitions |
| Belgium | Secretariat of the Petitions Committee of the Chamber of Deputies | No answer | Senate – Legal Department |
| Bulgaria | Committee for Human Rights, Religion, Citizen Complaints and Petitions* | Expert from the Administration | No upper house |
| Cyprus | Embassy in Berlin** | No answer | No upper house |
| Czech Republic | Research Service of the Chamber of Deputies* | Department for Public Affairs | Petitions Committee of the Czech Senate |
| Denmark | The Legal and Parliamentary Department of the Danish Parliament | Legal Department | No upper house |
| Estonia | Chancellery of Parliament (Research Department) | Office of the Ombudsman | No upper house |
| Finland | Research Service of Parliament | Office of the Ombudsman »referendary counsellor« | No upper house |
| France | Legal Department of the National Assembly | International Affairs Office* | Cabinet of the President of the Senate |
| Germany | Committee Secretariat and four members of the Petitions Committee | No Ombudsman institution | No upper house |
| Great Britain | Information from the expert's report (Sturm/Fritz 2010) for the TAB, including interviews conducted in the country | Public Affairs Analyst of the Parliamentary and Health Service Ombudsman* | No questionnaire |
| Greece | Research Service of Parliament* | No answer | No upper house |
| Hungary | Parliamentary Service | Legal Department | No upper house |
| Ireland | Parliament's Press and Information Office** | No answer | No questionnaire |
| Italy | Legal Department of the Chamber of Deputies | No Ombudsman institution | Parliamentary Information Office of the Senate |
| Latvia | Public Affairs Department of Parliament[2] | No answer | No upper house |
| Lithuania | Office of the Petitions Committee* | Expert (»chief specialist«) | No upper house |
| Luxembourg | Secretariat of the Petitions Committee* | Ombudsman | No upper house |

**TABLE IV.19**                                                                        **CONTINUATION**

| Country | Lower House | Ombudsman Institution | Upper House |
| --- | --- | --- | --- |
| Malta | Parliament Office | Ombudsman | No upper house |
| Netherlands | Secretariat of the Petitions Committee* | International Affairs Department | No answer |
| Norway | Constitutional Department in the Storting | Legal Department | No upper house |
| Poland | Communication and Information Office at the Chancellery of the Sejm | Legal experts from the Polish Ombudsman | Secretariat of the Committee for Human Rights, Rule of Law and Petitions in conjunction with the Office for Citizens' Relations of the Senate Chancellery |
| Portugal | Directorate for Technical Support and Secretariat Services of the Chamber of Deputies* | Cabinet of the Ombudsman* | No upper house |
| Romania | Parliamentary Counsellor – Head of Services | Office of the Ombudsman | Expert at the Senate |
| Slovakia | Department for Petitions and Complaints* | Office of the Ombudsman (no further details) | No upper house |
| Slovenia | Petitions Committee* | No answer | No answer; no petition system |
| Spain | Petitions Committee | Legal Department | Office of the General Secretary of the Senate |
| Sweden | Research Service of Parliament | Legal Department | No upper house |
| Switzerland | Commission for Legal Questions of the Federal Assembly | No Ombudsman institution | Commission for Legal Questions of the Federal Assembly |

\*    Additional information was obtained by e-mail correspondence after the survey.
\*\*   Information was sent, but not the completed questionnaire.

The body with which communication was conducted is stated.

Source: Nexus 2010, supplemented by TAB, own compilation

## GENERATION AND CALCULATION OF INDICATORS 5.2

### »FORMAL OBLIGATION LEVEL«

The »formal obligation level« indicator is intended to provide information on whether and to what extent the petition procedure is formalized and subject to legally binding obligations. The indicator is composed of the answers to eight questions (Questions 10, 14, 15, 18, 19, 20, 21 and 22 of the questionnaire). The evaluation includes the obligation to receive and check the formal admissibility of incoming petitions, the obligation to examine the contents of approved petitions, the specification of a deadline for processing petitions, the obligation to notify the result of the petition, the obligation to inform the petitioner of the final decision, a statement on whether the measures required in the decision are legally binding, whether implementation of the measures required in the decision or in its explanatory note is monitored and whether there are any punitive enforcement powers attached to the implementation of decisions.

Specification of a maximum processing time was awarded 1 point. All other obligations marked with Yes were awarded 2 points. The statement »It depends on the particular case« was awarded 1 point.

A maximum of 15 points can be obtained. 10 to 15 points correspond to a high level of formal obligation. 5 to 9 points indicate a medium level, and 0 to 4 points correspond to a low level.

### »RESPONSIVENESS«

The indicator for »responsiveness« is composed of the answers to nine questions (28 to 36 in the questionnaire).

> The petition system is considered responsive if petitions can be submitted via several different channels. Six options were proposed, with one blank field for »Other«: petitions can be submitted by post, in person to an appropriate office of parliament, in person to a corresponding agency in different locations of the country, by telephone, by e-mail or by online form. Points were awarded as follows: one channel as a matter of course = 0 points; two channels are not unusual = 1 point; three to four variants = 2 points, and more than four options = 3 points. The intention to establish one or more channels in future (plans) was awarded one point. The maximum number of points attainable is 4.
> If petitioners are supported by the petition body when formulating their petition, the petition system is considered responsive. If this type of support service is provided, 2 points are awarded; if it is planned, 1 point.
> Similarly, a system is judged responsive if a petitioner can obtain information on the status of the procedure via several different channels during the procedure. Six predefined options and »Other« were offered: by e-mail, by tele-

phone, by post, by printed publications of parliament, via the internet/information on the petitions website, via an automated information service (e.g. RSS feeds). One information channel scores 1 point; two information channels score 2 points, and three or more channels 3 points. The intention to provide this type of service via a new channel in future (plans) was awarded 1 point. The maximum number of points attainable is 4.

> A system is also judged responsive if the petitioners are actively included in the procedure and can participate. Three predefined options and »Other« were proposed as possible answers. The petitioner can take part in a hearing or committee session, can inspect documents relating to the procedure and/or can state a personal opinion concerning the on-going procedure. Each form of inclusion corresponds to 2 points; plans correspond to 1 point. The maximum number of points attainable is 6.

> The system is considered citizen-friendly if no costs are incurred by the petitioner. Since, according to the answers to the questionnaire, no costs are incurred in any case, this self-evident criterion is not awarded any points.

> The system is further considered citizen-friendly if the petition body actively informs petitioners about the petition system and the possibility of petitioning. The respondents were asked whether active press work is undertaken, whether independent television programmes (e.g. for a parliamentary channel) are produced, whether specific printed material (e.g. flyers, brochures, annual reports) are produced, whether the internet is used for public information (e.g. own website, electronic newsletter, feeds and/or blogs) and, finally, whether special events are arranged at local level (in schools, at exhibitions, at public meetings, etc.). Each form of public communication corresponds to 2 points; plans correspond to 1 point. The maximum number of points attainable is 12.

A concrete positive answer to the open question of whether in addition to these measures further efforts are being made to establish responsiveness and to open the petition systems to broader sections of the population was awarded 2 points.

The existence of a specific website for the parliamentary petition system was also awarded 2 points. 2 additional points were awarded for each implemented function. The functions proposed in the questionnaire are: online submission of petitions, online signing of petitions, publication of petitions on the internet, publication of decisions and explanatory grounds on the internet and public discussion of petitions on the internet (discussion forum). The maximum number of points attainable is 10. Plans to this effect are awarded 1 point. Additional functions under »Other« are each awarded an extra 2 points.

The maximum number of points attainable is 42 (not including the extra points for »Other«). 25 to 42 points indicate an extremely responsive petition system (high level). With 15 to 24 points (medium level), responsiveness appears important and something is being done to enhance it. A score of 0 to 12 points indicates a low level of responsiveness.

### »E-MAIL AND INTERNET FUNCTIONALITY«

The »e-mail and internet functionality« indicator is intended to provide information on whether and to what extent communication with citizens concerning petitioning in general and the petition procedure itself is supported on the internet. The functionality of submitting petitions by e-mail is also taken into account here.

For the functions, the questionnaire distinguishes between electronic submission of petitions, publication functions and interactive functions. Unlike the context of the »responsiveness« indicator, this indicator attaches particularly high value to the interactive »participative« functions. In detail:

> The submission of petitions by e-mail or online form is awarded 2 points in each case. Plans to this effect are awarded 1 point. The maximum number of points attainable is 4.
> Facilities for obtaining information on the status of the procedure while the procedure is in progress by e-mail, on the internet (e.g. information on the petition website) or via an automated information service (e.g. RSS feed) are each awarded 2 points. Plans to this effect are awarded 1 point. The maximum number of points attainable is 6.
> If the petition body carries out public relations work via the internet, it scores 2 points. Corresponding plans are again awarded 1 point.
> If there is a specific website for the parliamentary petition procedure, this facility is awarded 3 points.

The static information functions, i.e. publication of petitions, decisions and/or explanatory grounds on the internet, are each awarded 2 points. The »participative« functions, namely online signing and public discussion of petitions on the internet (discussion forum) are each awarded 3 points. Corresponding plans are awarded 1 point.

The maximum number of points attainable for this indicator is 25. A score of 17 to 25 points corresponds to a comprehensive internet service (high level); 9 to 16 points represents an electronic functionality that is already relevant (medium level), and 0 to 8 points corresponds to very little use or even no use at all of digital information and communication media (low level).

### FURTHER NEED FOR EMPIRICAL RESEARCH 5.3

At the beginning, we emphasized that the petition system of each country should be seen as a constellation of different institutions. The present study focuses solely on the parliamentary petition systems provided at national level. In subsequent phases, research should be extended to the entire constellation concerned. Firstly, the analysis at national level should also take into account the possibili-

ties of petitioning the head of state, the government, the prime minister and individual ministries. Secondly, the analysis should be extended to the regional and local levels. In particular in the case of countries where different nationalities or language communities play a major role, such as in Switzerland, Belgium or Spain, analyses of the sub-national level, as presented in this report for Great Britain, would reveal important additional knowledge of the respective petition systems. One starting hypothesis could be that parliamentary petition systems that appear weak at national level compensate for these »weaknesses« at a subsidiary level.

Another set of questions that is relevant both in practice and to political science theory concerns the transformation of petition systems in the internet age. With a narrower focus on the theme of the modernization of petition systems (responsiveness and participation), the next stage of research should be to commence an in-depth analysis of the existing web facilities offered by the petition bodies in Europe and of their use, together with in-situ interviews with experts from the institutions that wish to expand the functional scope of their electronic services – in some cases in combination with amendments to the law. Here, research should consider not only the parliamentary petition bodies instituted at national level but also all other petition bodies that increasingly make use of the internet when providing their services. Moreover, it would be important to also determine the changes to petitioning in the context of civil society from two different perspectives. Firstly, it would seem worthwhile to investigate how internet activities affect state petition systems, for example upstream by mobilization, and concurrently through online discussion forums or downstream through the evaluation of the information published by the petition bodies and the use of this information in the media. Secondly, studies should be conducted into whether forms of petition that compete with the existing formalized services of the political system are developing on the internet.

The need for empirical research outlined here should be seen in combination with a need for theories that can both guide empirical research and assist in interpreting the results. In particular, there is a need for comparatistic approaches in political science theory that are able to correlate the transformation of the petition systems in Europe with the various macro-political variables (the parliamentary system, political culture, the forms of representation available to particular interest groups, forms of citizen participation, competition between political parties, the role of the judiciary, innovation policies and pressing social and political problems).

This concluding chapter discusses options for configuring and further developing the 2005 reform of the petition system of the German Bundestag. These efforts at modernization are initially discussed in the context of an expansion of citizen participation and of the use of the internet in politics (Chapter V.1). We present some options for improving Public Petitions of the German Bundestag that would enable existing shortcomings and problems to be reduced while building on prevailing strengths (Chapter V.2). Finally, we discuss three development options that extend beyond the existing system of Public Petitions (Chapter V.3).

## CONTEXTUAL CONDITIONS RELATING TO THE MODERNIZATION OF PETITIONING                    1.

The current reforms of the petition system can be seen in the context of three main developments: promotion and expansion of citizen participation, increasing use of the internet in the political sphere and computerization of parliaments.

## CITIZEN PARTICIPATION AND THE MODERNIZATION OF PETITIONING                    1.1

As early as the start of the 1980s, Kaase (1982) referred to the »participatory revolution« that was identified from an increased political interest among the population and growing political participation: citizens wanted to help shape politics in ways other than merely participating in elections.

In the current debate on »post-democracy«, although Crouch (2008, p. 155 f.) criticizes the fact that citizens have tended to be reduced to »passive citizens« with an increasing decline in opportunities for active political participation, he does continue to stress the potential offered by the new social movements for vitalising democracy.[124]

For Crouch (2008, p. 141 ff.) the representative form of democracy has not become obsolete in principle but needs to be supplemented with forms of »substantial participation«. Even parties within the parliamentary system are not obsolete because of the role they play in developing a programme for society as whole that extends beyond group interests and that is geared to political and social equality.

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124 »Aus Politik und Zeitgeschichte«, supplement to the weekly journal »Das Parlament«, dedicated the issue 1–2/2011 (3.1.2011) to the debate on post-democracy.

Nolte (2011, p. 9 and 11) summarizes this long-standing discussion on further development of representative democracy: citizens have developed an understanding that clearly extends beyond their status as »voters«. Among other things, this means that citizens control the legitimacy of decisions that are taken on a representative basis and can where applicable demand a review of such decisions.[125] According to Nolte, these new powers of control also need to be reflected in the constitution. At the same time, Nolte (2011, p. 11 f.) sees the risks and lines of conflict arising from »multiple democracy«: on the one hand altruism and commitment for other people, on the other hand group-egotistical interest-driven policies; on the one hand the principle of equality, on the other hand political commitment mainly among the privileged and well-educated segments of the population; on the one hand democracy as a regulated process for establishing collectively binding decisions, on the other hand democracy as a general, all-embracing life principle with the ideal of deliberative, communicative consensus.

Keane (2009a and 2009b) adopts a different stance in the debate on post-democracy. For him, submission and complaints processes belong to the institutions of the extended form of representative democracy, which he calls »monitory democracy«. Its institutions include, for example, nationally constituted »monitoring institutions« such as courts and authorities (e.g. the German Constitutional Court or the German Bundesbank), or bodies that offer citizens access to government organs such as participation processes and complaint offices and petition bodies. However, even non-governmental, civic organizations such as anti-corruption or human rights organizations belong to the institutional elements of monitory democracy. Since many of these new institutions cannot rely on formal democratic legitimacy based on elections and majorities, they need to seek legitimacy through public recognition. One of the most important prerequisites for this is maximum possible transparency of their (financial) resources and activities.

The importance of petitions should not be overestimated. They can, however, represent an element of a multiple or self-monitoring (»monitory«) democracy and their modernization could contribute to a vitalization of democracy. It is clear that while petitions do not count among the most influential participative processes, they are a long-established and known means by which citizens can engage in political participation and control authorities, parliaments and governments. Compared with other participative processes, they offer the advantage that the prerequisites for their use are very straightforward. They are not dependent on achieving majorities or quorums. They are a right to which every individual is entitled, meaning submissions by individuals and small groups are treated in exactly the same way as those with large numbers of supporters.

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125 Consider, for example, the protest movement against the »Stuttgart 21« railway station project in 2010.

Although, in historical terms, petitioning has its origins in a pre-democratic era, it does exhibit considerable vitality. It is possible to observe an increasing variety of petition bodies and complaint offices in both the governmental and private sectors (ifib 2010a). The diversity of petition bodies that has emerged over the last 20 to 30 years in particular and the intensive use made of such bodies indicate that citizens have a considerable need for such bodies and that the respective bodies to which petitions are addressed also see a benefit in their establishment: as a kind of suggestion system they help identify shortcomings that need to be rectified where possible. But even if no shortcomings exist or if they cannot be rectified, the communication offered by such systems can help generate trust.

## THE INTERNET AND THE MODERNIZATION OF PETITIONING   1.2

The current observable transition from conventional to electronic and internet-based petitioning is in line with the internet's growing importance in all areas of society. This opens up opportunities for even greater transparency and openness and for more extensive citizen participation in the petition process. However, whether in the submission phase or the review and decision-making phase, use of the internet alone does not automatically result in greater procedural transparency, increased accessibility or improved opportunities for participation. Attaining these goals requires political reforms and institutional changes. However, technical modernization per se will not automatically prompt political and institutional reforms. The specific potential for information, communication and interaction offered by the internet can only come to fruition if, for example, petitions are made public and if the overall process is made more open to citizen participation.

Innovations that are restricted to technological aspects run the risk of becoming merely a bogus appearance of modernization. We can, for example, ask whether this applied to the introduction of discussion forums in the Scottish and German e-petition systems. Although there was a desire to use the internet as an interactive medium for the discussion forums, the political implications of this innovation were not clarified sufficiently well. Consequently, the forums were not sufficiently integrated into the petition process.

Moreover, the chances of success for political and institutional reforms always depend on the available resources and on the ability of the actors involved to assert their interests and objectives. This aspect can be studied to good effect in Great Britain (Chapter III). The »devolution« process that was triggered in the 1990s enabled new forms of petition processes at regional level. When it was constituted in 1999, the Scottish Parliament expressed a strong desire to distance itself from certain procedural approaches adopted by the Westminster system in London. But it also had the power to implement these plans when forming the new parliament.

By contrast, the objectives and interests pursued in the long-discussed but falter-
ing reform of the petitioning system in Westminster are more diffuse and con-
tradictory. More importantly, however, Parliament doesn't have the power over
the executive to implement an independent strategy for reform of the parliamen-
tary petition system. By contrast, the concentration of power enjoyed by the
Prime Minister led to the establishment of a Prime-Minister's e-petitions system
in 2006 that was independent of Parliament.

## E-PARLIAMENT AND E-PETITIONS                                      1.3

Computerization and IT networking are also making strides within parliaments.
They improve the internal efficiency of parliamentary operations, allow parlia-
ment to open up towards citizens and foster citizen participation in political life;
however, they also lead to increasingly more important and active PR work. The
activities to introduce e-petition systems must also be seen in this context.

In principle, petitioning appears to represent a particularly suitable area of ap-
plication for use of the internet that promotes citizen participation. This is espe-
cially because the petitions system is based on clear rules governing how parlia-
ments must deal with submissions by citizens and these continue to apply even
following the introduction of an electronic system.

However, it is debatable whether the particular suitability of petitions for inter-
net use has resulted in e-petitions playing a key role in the »modernization of the
e-parliament« (Riehm et al. 2009a, p. 18).

If we consider the »World e-Parliament Report 2010« of the Inter-Parliamentary
Union and of the United Nations (UN/IPU 2010), 16 houses (12 %) have one or
other form of e-petition systems and 34 (25 %) are planning the introduction of
such systems. However, this also means that 84 houses (63 %) are not planning
e-petition systems (own calculations based on UN/IPU 2010, p. 32).

E-mail communication and information-based web applications are prevalent
within parliaments. Among the »one-to-many« communication services, video
services are currently enjoying particular popularity (UN/IPU 2010, p. 31 ff.). For
example, 43 % of parliaments already use »webcasting of plenary sessions« and a
further 29 % are planning such services. By contrast, the truly »innovative«, inter-
active and participative internet applications lag a long way behind (Table V.1).

In terms of the rates of increase, although e-petitions do not occupy top place
among interactive and participative applications, they do rank among the upper
middle reaches in the list. Their importance among all internet-based efforts to
modernize the world's parliaments is thus confirmed, but should not be overes-
timated.

| TABLE V.1 | INTERACTIVE AND PARTICIPATIVE E-PARLIAMENT APPLICATIONS IN % | | |
|-----------|--------|---------|------------------|
| Application | Exists | Planned | Rate of increase |
| Blogs | 22 | 19 | 86 |
| Online consultations on draft legislation | 16 | 26 | 163 |
| Online consultations on political matters | 15 | 25 | 167 |
| E-petitions | 12 | 25 | 208 |
| Online voting | 11 | 25 | 227 |
| Online discussion groups | 10 | 28 | 280 |

The rate of increase shows the relationship between existing and planned applications. The survey was conducted in 2009.

Source: UN/IPU 2010, p. 32 and 37

# FURTHER IMPROVING PUBLIC PETITIONS OF THE GERMAN BUNDESTAG                                    2.

Using the analyses presented in this report as a basis, the following section identifies key approaches for improving the current process and system of Public Petitions and discusses options for further development. These proposals primarily relate to the German Bundestag, its Petitions Committee and the current petition system, but can of course also be of interest to other parliaments wishing to modernize their petition systems.[126]

The proposals below have been developed on the basis of four guiding principles:

> The aims and objectives of individual procedural steps should be described as precisely as possible and should be communicated to the public in an understandable way.
> Petitioners should be given extensive opportunities to be involved and have decision-making powers in the procedure.
> Public and non-public petitions should be treated equally as a matter of principle.
> Process steps that are only possible via the internet should be avoided where possible.

These proposals do not exceed the framework set for Public Petitions. They describe a means for successive improvements to existing processes. Chapter V.3 then discusses three more extensive possible developments, together with their advantages and disadvantages.

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126 Cf. also Zebralog (2011d) with accents of its own.

The argument for a pragmatic approach of incremental improvements is backed by the fact that despite the prevailing frictions, after seven years of Public Petitions the German Bundestag can now boast a well-established procedure that is widely used and publicly known and that also reveals a considerable degree of modernization in international comparison. Moreover, the newly commissioned software development will provide an improved e-petitions platform with high capability for future expansion whilst reducing or eliminating known problems of use.[127]

However, without further reforms Public Petitions would remain a distinct »premium service« and at the same time a »niche product«. Even if only partial integration of Public Petitions into the existing petition system is considered, a range of tiny improvements and adjustments could reduce certain obstacles and problems. Nevertheless some subjects for critical debate would probably still remain: The process for admitting Public Petitions, the role of the discussion forums, the special status of Public Petitions in the petition process and the significance of the quorum.

## REFORMING THE ADMISSIONS PROCESS                            2.1

The low proportion of Public Petitions that are admitted compared with the number submitted is a topic of critical discussion among petitioners and the general public. Most petitioners surveyed would like to see more petitions published than to date (Chapter II.2.5). What options are available for dealing with this strong demand?

One possibility would be to allow petitioners to largely decide whether to publish a petition. Since this approach would go beyond the scope of the current model where the Public Petition is designed as an exception from the rule of non-public petitions, it is examined in further detail in Chapter V.3.1. The following discussion focuses on the advantages and disadvantages of other processes for selecting between Public Petitions and non-public petitions where petitioners have no influence on the selection process.

### MAKING THE CURRENT SELECTION PROCESS MORE TRANSPARENT

Under the current system (Chapter II.2.5), the Petitions Committee uses a specific procedure to decide on the admissibility of Public Petitions. Under this proce-

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127 The following discussion does not consider individual questions relating to the software for the e-petitions platform, which is being developed with the objectives of functionality, user friendliness and accessibility (on this point see, among others, ifib 2009; Zebralog 2009). Some proposals of TAB and the experts consulted have already been incorporated in the new petition software commissioned by the German Bundestag.

dure, a submitted petition is »suitable« as a Public Petition if it fulfils a cata-logue of criteria that does, however, contain relatively unspecific criteria that can be subject to broad interpretation. Revising this catalogue and communicating the grounds for admitting or rejecting a petition as a Public Petition as clearly as possible to petitioners would undoubtedly improve procedural transparency.

The Public Petitions that are not admitted include many where petitions on the same subject already exist. However, the current system does not really allow petitioners to check for the existence of such petitions. An improved function enabling searches on similar subjects would thus prove helpful. However, we should not set our expectations too high here, because automatic comparison of texts for semantic similarity is complex and still prone to error. Moreover, it raises the intractable problem of how to include non-public petitions in this check.

The issue of the low admission rates could also be defused by publishing peti-tions that the Petitions Committee classes as identical in terms of subject matter as a supplement to an existing »main petition«.

### ALTERNATIVE SELECTION PROCESSES

Although it may at first appear unusual, one alternative method for limiting the number of Public Petitions that is certainly worth mentioning is that of random selection (drawing lots). It would, for example, be possible to specify a maximum number of petitions that can be published each week. A random selection process would be triggered if the number of petitions submitted exceeded this quota.

Compared with other selection processes, random selection offers the advantage that each petition has the same chance of being published. The main legitimacy of random selection is based on this principle of equality of opportunity, which is perhaps especially justified in the case of petitioning which is heavily enshrined as an individual right.[128]

The disadvantage of this process is that drawing lots would also mean petitions being selected that were less interesting than others for politicians and the public (e.g. in terms of mobilising public support or debate in a forum).

The disadvantage of a petition's lack of content-based relevance for the public could be countered by the Petitions Committee itself deciding on a case-by-case basis which petitions it wanted to publish so that they could be debated in public (online or offline).[129] It would use its interests in the petition that materialize dur-ing the petition process as a guide when making such a decision. At present, it already (implicitly) acts in line with this principle when it discusses petitions that haven't achieved the quorum of 50,000 signatures in a public committee session.

128 See, for example, Buchstein (2009) on the significance of the chance factor in modern democracies and on the »aleatoric democracy theory«.
129 Similar considerations can be found in Riehm et al. 2009a, p. 250 f.

Under the current procedure, the Petitions Committee decides if a submission meets a quasi-objective catalogue of criteria. Generally, a petitioner who submits a petition believes that his/her petition meets the specified criteria, expects it to be published and is in many cases disappointed. Under the procedure proposed here, the sole primary criteria would be the Petitions Committee's political interest in a petition's subject-matter. Citizens would no longer be able to submit petitions as a Public Petition. The Public Petition's current character of a »voluntary service« would be even more pronounced.

Since the Petitions Committee would have to express its explicit interest in public handling of a petition, this could result in communication with politicians, which is desired by many citizens and petitioners. It would be conceivable for the Petitions Committee to incorporate key questions on the online forum for a petition that it considers are important for the formation of its opinion and which the participants in the discussion could use as a guide. This would ensure greater integration of online forums into the petition process.

It is interesting to note that this subject-related selection of petitions that would be managed by the German Bundestag corresponds to the current practice adopted by the committees of the Bundestag when holding expert hearings on legislative proposals or other issues of interest. However, the Petitions Committee would be likely to face the criticism that only petitions that it finds acceptable are published and put forward for debate. This criticism could be countered to some extent by introducing quorums for decisions within the Committee and thus also giving minorities the right to select public petitions.

## IMPROVING THE RULES GOVERNING
## THE SIGNING PROCEDURE                                           2.2

### HARMONISING SIGNING PERIODS

In reality, the different time limits allowed for signing petitions can only be considered an editorial error. With regard to the quorum of 50,000 signatures, section 8.2.1, seventh indent of the »Principles of the Petitions Committee governing the Treatment of Requests and Complaints« (version dated 6 April 2006) states that this quorum must have been reached at the time of submission (for collective and mass petitions) or at the latest *three weeks* after submission (for Public Petitions in particular). By contrast, No. 8 of the »Guidelines on the Treatment of Public Petitions« provides for a signing period of *six weeks* and an identical period for the discussion of petitions in forums. Understandably, this has caused confusion and misunderstanding from the outset and continues to do so today. A uniform period should therefore be stipulated.

## SIGNING PERIODS

The period for reaching the quorum, for online signing and for the forum discussion could be set at a uniform six weeks. This extension in the deadline is unlikely to significantly increase the number of petitions achieving the quorum. Up to October 2010, of all the public petitions since October 2005, only seven petitions had achieved this quorum through the addition of signatures on the internet (Chapter II.2.6.2).

Alternatively, it could be said that a petitioner himself could – within certain limits – decide on the start date for a Public Petition and the relevant period for signing and discussion.[130] This would place Public Petitions on the same footing as conventional collective and mass petitions because with the latter, the petitioners can themselves determine the start and end of their »campaign« to generate support for their petition. Currently, petitioners often receive little notice before the start of the signing period for a Public Petition, meaning they may lose a few days for »advertising measures« to promote the signing of their petition; since the total signing period is only 21 days, this could prove very significant. If petitioners were also able to determine the signing period themselves (e.g. up to a maximum limit of six months), they could themselves weigh up the expected duration of the entire process and the opportunities for mobilising support. Some petitioners may well set themselves a very short signing period because they are not interested in generating widespread support and believe that prompt handling of their concern is more important.

## ACTIVELY OFFERING DIFFERENT SIGNING OPTIONS

Signatures can »officially« only be added to Public Petitions via the German Bundestag's e-petitions platform.[131] However, the transmission of signatures by fax or the submission of conventional signature lists are also clearly tolerated for Public Petitions. The public should be better informed of this welcome practice by, for example, making express reference to it on the e-petitions platform and notifying the corresponding fax number and postal address. Consideration should also be given to the addition of signatures via mobile phone (SMS text message or special signing apps for smart phones) and social networks. When stating the current number of signatures, figures should be given for both signatures gathered electronically and also others received by fax or on paper.

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130 Such rules applied to the British Prime Minister's e-petitions system and are still valid for the Scottish petitions system.

131 »User guide: Support a petition: If you would like to sign a petition you must register with the e-petition system« https://epetitionen.bundestag.de/index.php?action=help;pa ge=pet sign (6.4.2011). Cf. also No. 7 of the Guidelines on the Treatment of Public Petitions pursuant to No. 7.1 (4) of the Procedural Rules: »Signatories of a public petition or persons who participate with contributions to discussions state their name, their address and e-mail address« https://epetitionen.bundestag.de/index.php?action=policy (6.4.2011).

## CLARIFYING THE PURPOSE AND
## STRUCTURE OF THE DISCUSSION FORUMS                    2.3

In addition to the problem of the low admission rate for Public Petitions, the discussion forums also reveal a need for clarification and development (Chapter II.2.7).

### CLARIFYING THE OBJECTIVES AND ROLE OF THE FORUMS

Both the Guidelines on the Treatment of Public Petitions and also the e-petitions platform of the German Bundestag should provide a clear and understandable description of the objectives pursued by the discussion forums. The following aspects in particular should be clarified:

> What is the purpose of the discussion forums?
> Who 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 whom 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?

Additional statements may be necessary depending on the answers to the above:

### MANDATORY OR OPTIONAL DISCUSSION FORUMS?

Currently, all Public Petitions have mandatory discussion forums. However, this could be dispensed with and a decision on whether to set up a discussion forum could be made either by the petitioner[132] or by the German Bundestag. These considerations could in particular be significant if there was a sharp rise in the number of Public Petitions (Chapter V.3.1).

There may well be petitioners who, while having an interest in making their petitions public, are not interested in the discussion forums.[133] In the same way as when setting a signing period, petitioners could weigh up acceleration of the petition process against interest in a public discussion. Some petitioners may find the registration procedures for the e-petitions platform of the German Bundestag too complex and consider the discussion forums to be insufficiently user-friendly, prompting them to choose another discussion platform as being more suited to their purpose. They could therefore renounce mandatory establishment

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132 See also, for example, Guckelberger (2008, p. 94), who advocates a right of veto for petitioners with regard to the establishment of discussion forums.
133 The e-petitions system of the National Assembly for Wales leaves petitioners to choose whether they wish to use a discussion forum; according to the information available, this option is rarely selected (Chapter III.3.2).

of the Bundestag discussion forum. For its part, the German Bundestag could justify its interest in discussion forums through a specific need for information on the matters in question.

Other possible alternatives for limiting the number of discussion forums include random selection (drawing lots) (Chapter V.2.1) or voting[134] among users of the e-petitions platform. This would enable the German Bundestag to adjust the number of forums according to its capacity to moderate them, without exposing itself to accusations that it exerts a content-based influence on the selection of petitions for which discussion forums are established. Voting procedures would place greater emphasis on the political and public character of petitions and could play a mobilising role.

### EXTENDED ADMISSIBILITY OF DISCUSSION FORUMS DURING THE PARLIAMENTARY REVIEW PHASE

Currently, the periods for signing petitions and for the discussion forums are in parallel and limited to six weeks. One could ask whether this coupling of the respective periods is appropriate. Whereas the addition of signatures is appropriate during the submission phase, the discussion forums could be established for the entire duration of the petition procedure. Even the concluding opinion of the Petitions Committee and the consequences of a decision to forward the petition to another body (e.g. to the Federal Government) could form the subject of discussions in the forums.

### CONSIDERING DISCUSSION FORUMS IN THE PROCEDURE

Alongside these possible means for structuring the discussion forums, it is also important to ask whether the forums should be considered in the petition procedure itself. One typical criticism of e-petition systems is that while the »input channel« is extended, the political capacities for processing petitions do not undergo similar expansion. Or, as expressed by Coleman/Blumler (2009, p. 189): the desire of citizens to express themselves at a political level is clear, but does anyone actually listen if they do express an opinion?[135] An attempt to counter the reproach that »nobody is listening« raises the question of the means for evaluating discussion forums. Essentially, it is possible to distinguish between three possible types of evaluation (see Riehm et al. 2009a, p. 251 ff.):

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134 The platform direktzurkanzlerin.de uses a voting procedure; votes are taken within a period of 30 days on questions to the Chancellor and the questions receiving the most votes are then answered.
135 A similar opinion is also expressed by Wright 2006.

*Summary evaluation reports*

This type of individually prepared discussion summaries (extending to around two pages) represents the most sophisticated form of evaluation. Such reports are produced following public consultations by the EU Commission or by the Scottish Petitions Committee.[136] A fundamental objection to this option centres on the significant staff resources required. There is also a certain degree of scepticism as to whether such reports can be produced so that they are both informative and also sufficiently balanced, thus benefiting the administrative staff in the Committee Service and also the rapporteurs and members of the Committee.

*Individual search strategies*

The need for a more user-controlled evaluation of the discussion forums that is not influenced by third parties could be met by incorporating efficient search and select features in the forums (see Riehm et al. 2009a, p. 253). Implementing classic text-retrieval and search-engine technologies and also the user-defined allocation of key words (»tags«), analyses and system characteristics (e.g. number of views, number of positive evaluations) could allow individuals to search interesting discussion forums specifically for, e.g. the contributions that are most frequently read or that are most highly rated by users, or for contributions that address a particular subject. This would not require the same level of personnel capacities as the professional drafting of evaluation reports.

*Semi-automatic evaluation reports*

A combination of a personally drafted report and one that is produced automatically is described in Zebralog (2011c) and a prototype is presented. The software can use »tags« and other characteristics to produce statistics and a »word cloud« of the most frequent meaningful terms. Initial reactions from the German Bundestag to sample reports produced in this way were largely positive. More extensive semi-automatic discussion summaries produced on the basis of linguistic and semantic processes are conceivable in principle (Zebralog 2011c, p. 36 ff.). However, it is difficult to predict the quality of such texts and corresponding test runs would be required to verify this. The new software generation of the German Bundestag's e-petition system that is currently undergoing development offers additional, optional expansion phases that will support evaluation of the discussion forums (Müller 2010).

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136 However, it renounced these two-page summaries at the end of 2008, mainly due to the relatively high resources required to produce them and to their low level of use by the members of parliament (Chapter III.3.1.).

## CONSIDERATION OF MEDIA DIVERSITY                              2.4

Under the existing system, Public Petitions can only be submitted electronically and Public Petitions can (officially) only be signed via the German Bundestag's e-petitions platform. To simplify the submission of petitions to the German Bundestag still further and in order to reflect current patterns of media usage more closely, we need to examine improved linking of the different media usage types and also expansion to include media that have not been considered to date.

### BETTER INTEGRATION OF CURRENTLY AVAILABLE MEDIA

In principle, it should be possible to use all functions of the petition process both in a conventional way and also by electronic means; where possible, there should be no obstacles between the »paper world« and the »internet world«.

With regard to the submission of petitions, this concerns Public Petitions, which can currently only be transmitted by electronic means, but not by fax or by post.[137] By contrast, non-public petitions can be submitted using both conventional and electronic means. However, the signing of petitions also reveals unnecessary distinctions as regards media usage. Signatures for Public Petitions are only admitted via the Bundestag's e-petitions platform, whereas collective petitions that are not handled via the Public Petitions process can collect signatures using any desired means. So what is there against Public Petitions also collecting signatures at local level or via fax? (Chapter V.2.2).

### EXPANSION OF THE MEDIA SERVICES THAT CAN BE USED

Among the widely used media technologies, it is noticeable that the telephone is not a permissible means of submitting petitions. This is attributable to Article 17 of the Basic Law, which stipulates that petitions must be in written form. An expansion to include oral forms of submission would require a change in the Basic Law. Here, it should be noted that facilities for submitting petitions orally and by telephone are generally widely used among the petition bodies where this is allowed.[138] The population survey on awareness about and the reputation of the Petitions Committee of the German Bundestag that was conducted in 2008 also revealed that 31.4 % of those surveyed advocated oral submission in person

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137 Guckelberger (2008, p. 91), for example, also calls for petitions that have been submitted in writing to be transferred to the electronic platform by the petition body if this is requested by the petitioner, in order to enable the addition of signatures by electronic means.

138 For example, 75 % of the submissions to the ombudsman of Mecklenburg-Vorpommern in 2009 were made by telephone or during a personal meeting (Bürgerbeauftragter des Landes Mecklenburg-Vorpommern n. d., p. 8). 64 % of the complaints and enquiries submitted in 2006 to the Federal Network Agency in the field of telecommunications were submitted by telephone (Riehm et al. 2009a, p. 84).

or by telephone (TAB 2009, p. 72 ff.). It can be assumed that for certain segments of the population, written submission presents a greater obstacle than oral submission, and that permitting oral submissions may also enable new segments of the population to be reached.

The significance of simple telephone access to the authorities is also reflected in the uniform nationwide 115 number for calling public authorities and in the current Federal Government's plans to introduce a »central consumer hotline with navigation function« (CDU/CSU/FDP 2009, p. 45).

Nowadays, telephones are small computers that can be used for much more than simple telephone operations. Two »telephone services« may also be relevant for petitioning. The first is the still widely used SMS text service. Due to the limit of 160 characters, it is not really suitable for sending petitions; in principle, however, it would be possible to add signatures to Public Petitions via SMS text message, as already happens in Scotland.[139] These restrictions don't apply to modern smart phones. A »petitions app« of the German Bundestag (i.e. a special programme allowing users to access the e-petitions platform of the German Bundestag from their smart phone) would offer an additional electronic variant for submitting, signing and discussing Public Petitions.

The widespread use of video platforms such as YouTube and the broad availability of digital video recording devices (almost every modern mobile telephone can record videos) raise the question of whether »video petitions«, i.e. video recording of a verbally presented petition, could be permitted or indeed images and video recordings that support a petition submitted in writing.[140] Politicians now use these media almost as a matter of course for contacting their electorate. So why should this channel not also be opened up for petitioners, too?

Social networks such as Facebook have become so widespread that if it wishes to design its e-petitions platform so that it offers both optimal targeting of specific groups and also straightforward access, the German Bundestag should consider an independent presence on such networks.[141] In 2010, 39 % of all internet users were active on these networks (34 % at least weekly); among 14 to 19 year-olds this figure was 81 % and among 20 to 29 year-olds it was 65 % (Busemann/Gscheidle 2010, p. 362 and 364; Kaernbach 2011).

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139 See Wernecke (2007) on the use of SMS texts in political campaigns.

140 The Scottish Parliament is also active on this front, too. Both in the general instructions and also on the submission form, it encourages the submission of images or videos that support or explain a petition (www.scottish.parliament.uk/s3/committees/petitions/furtherInfo.htm [8.3.2011]).

141 An existing Facebook page »Petitionen im Deutschen Bundestag – Regierungsinstitution« www.facebook.com/pages/Petitionen-im-Deutschen-Bundestag/206905355059 (21.6.2011) clearly does not originate from the German Bundestag. The German Bundestag could also use Twitter to provide information on new Public Petitions submitted.

Less suited as a means for submission, the mass media of radio and television are still ideal for publicity work due to the wide audience that can be reached. Examples from Mecklenburg-Vorpommern (cooperation between the ombudsman and NDR radio) or from Austria (with its programme entitled »Ombudsman« on ORF) and the Czech Republic (with its programme »A case for the Ombudsman« in the public TV service) are considered to have an extremely strong impact among the public (Riehm et al. 2009a, p. 96).

Finally, it is important to mention a development in electronic communications that has already been considered by the German Bundestag. Governmental public information services and data are increasingly offered to the public via standardized interfaces, known as APIs (Application Programming Interfaces), for further processing. As previous examples have already shown, this is also of interest for the e-petitions platform of the German Bundestag. For example, up until September 2008, demokratieonline.de acquired the petition data of the German Bundestag for its own platform and enhanced it with functions that were not then offered by the Bundestag's system (Riehm et al. 2009a, p. 90 f.). Since October 2008, Petition24.de has adopted a similar approach with the data of the new petition system.[142] The private initiative openPetition.de takes this one step further and processes petitions of the German Bundestag independently while also offering a general platform for submitting petitions to any petitions body; this includes a facility for electronic signing and the transmission of signature lists completed by hand. These initiatives can be seen as pioneers of developments, the significance of which cannot currently be predicted. The fact that the provision of standardized programming interfaces is one of the long-term development aims for the petitions software of the German Bundestag must be viewed as a positive step (Müller 2010).

## INCREASING PROCEDURAL TRANSPARENCY     2.5

The information contained on the e-petitions platform on Public Petitions and on the procedural sequence is currently limited to the text of the petition, the status (»undergoing signature«, »undergoing parliamentary review«, »concluded«), the names of the signatories, the contributions to the discussion forums and, following conclusion of the petition, the decision on the petition and the associated grounds. Compared with the information provided by, for example, the Scottish Parliament (Chapter III.3.1; Riehm et al. 2009b), this is a relatively limited amount of information and consideration should be given to extending it.

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142 Similar, although the user interface is poorly designed www.sejmwatch.info/petitions (9.9.2011).

## DIFFERENTIATED STATUS INFORMATION

Since the quorum is fairly significant for the current system and specified deadlines have to be complied with, greater emphasis could be placed on a petition's status up to the end of the signing period and until the quorum is reached. Some interesting design options are shown at http://petition24.de (Fig. V.1).

FIG. V.1            EXAMPLE OF DIFFERENTIATED STATUS INFORMATION AT PETITION24.DE
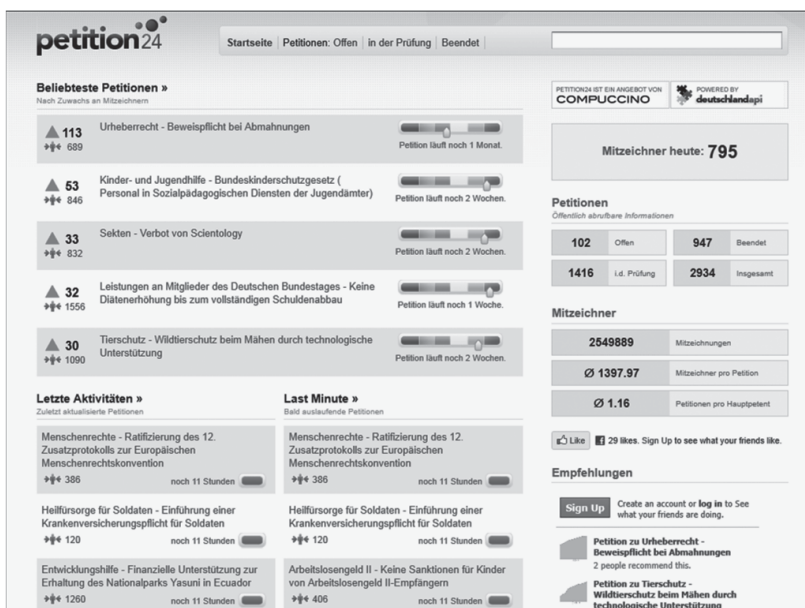


Source: http://petition24.de (8.4.2011)

During the signing phase and also during the subsequent review process it could, in addition to stating the number of electronic signatures, also be useful to specify the number of non-electronic signatures (where these have contributed to the quorum being reached).

Greater procedural transparency would also be achieved through detailed tracing of the individual process steps in the review process. As well as illustrating the complexity and extent of this processing procedure, this would also enable interested citizens to judge the stage in the process reached by a petition. Some of the typical process steps that could be listed in chronological order include, for example, receipt of the submission, conclusion of the admissibility check, the initial expert review, enquiry submitted to the competent ministry by the Com-

mittee Service, receipt of a response from the ministry, the reporting start date for a petition, a site visit or public committee meeting where applicable, the concluding committee meeting, the concluding decision in plenary session, the annex procedure. Once again, these features could be partly inspired by the petition documentation system of the Scottish Parliament (Riehm et al. 2009b, p. 540).[143]

To improve clarity on the treatment of petitions within parliamentary work beyond the Petitions Committee it could be useful to map petitions better as part of the documentation and information system for parliamentary proceedings (DIP), which is accessible to the public. Currently, the DIP contains only lists of petitions of the Petitions Committee relating to petitions that are passed to the plenary session for conclusion; decisions on these are generally made on a blanket basis within the plenary session without any further debate. Even the process of forwarding petitions to specialist committees, which is regulated in § 109 of the Rules of Procedure of the German Bundestag, is not mapped in the DIP. This may also be due to the fact that most petitions are not public and that the Public Petitions do not have the status of either a Bundestag printed paper or a committee printed paper.

Reference is also made to petitions in other parliamentary contexts outside the provisions of § 109 of the Rules of Procedure. These include, for example questions addressed to the Federal Government by Members of Parliament, minor and major interpellations, interpellations on specific subjects, contributions to debates or legislative proposals that, among other things, make implicit or explicit reference to existing petitions. The current set-up of the DIP does not make it possible to say how often such instances occur. It is, however, evident that they do occur. Greater transparency over such additional parliamentary handling of petitions could strengthen awareness about the significance of petitions.

### EXTENDED PROVISION OF INFORMATION

With Public Petitions, internet users can currently only access the text of the petition and the resulting decision via the internet. The opinion of a ministry on a petition, which represents a key basis for the decision subsequently taken by the

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143 The document processing system PetKom that is used internally by the Committee Service of the Petitions Committee and that can also be called up by members of the Committee and their staff presumably contains much of the information mentioned. However, a problem that has been mentioned for some time (by TAB, among others) is that PetKom is not linked to the Public Petitions database and that to date, it has not even been possible to exchange data between the two systems. Integrating both systems or at least enabling the exchange of data between the internal petitions administration system and the externally provided e-petitions platform is obviously a basic prerequisite for increasing the level of detail in procedural information. Here, too, hope is offered by the new software generation, which provides for integration and connection to the internal PetKom system in later expansion phases (Müller 2010).

Committee Service and the Petitions Committee, cannot be viewed by either the petitioner or by the general public. Publication (as currently practised by the Scottish Parliament, for example) would make it possible to trace how the opinion responds to the matter raised by the petition. The petitioner would then have the opportunity to comment on this opinion from his point of view.

Although other documents do exist (e.g. video recordings of public committee sessions), they are difficult to locate as they are not directly assigned to the respective petition. The same also applies to the invitations to attend public committee sessions. It is obvious that all documents of relevance for the petition process should also be collated with (or linked to) the respective petition on the e-petitions platform of the Bundestag so that they can be accessed from there.

Also the suggestion made in Chapter V.2.1 of explicitly linking Public Petitions on the same subject but that have not been admitted with a main petition and of publishing them in the context of that petition would presumably render some criticisms redundant and result in greater transparency concerning the admission of Public Petitions.

## EXTENDING PARTICIPATION IN PETITIONS                    2.6

Although the petition system presents few formal hurdles, petitions are primarily used by better educated, older men. This is in line with the current valid conclusions of participation research (Verba et al. 1995). Public Petitions have nevertheless reached younger age groups; here, too, however, the majority of participants tend to be male and especially well educated compared with the average population (Chapter II.2.4).

In principle, however, the few formal requirements and costs associated with petitions mean they also offer potential for being an appropriate means for less privileged segments of the population to pursue their interests and participate in political life. There is no recipe for success as regards reaching out to these groups. Focusing purely on the internet will not suffice if we wish to recruit previously under-represented segments of the population. Some other possibilities that merit investigation are therefore discussed below.

### EMBRACING LINGUISTIC DIVERSITY

According to the Federal Statistical Office, in 2009 almost 20 % of Germany's population had a migration background; 8 % were classed as foreign (persons without a German passport who are staying in Germany on a not merely temporary basis) (Statistisches Bundesamt 2010a and 2011). According to the 2008 population survey on petitioning that was commissioned by TAB, 53.4 % of the interviewees with a migration background had already heard of the right of peti-

tion. This is considerably less than the 68.6 % of German citizens who had already heard of the right of petition (Forschungsgruppe Wahlen 2008, p. 22).

Among the people submitting conventional petitions to the German Bundestag who were surveyed in 2009, only 1.8 % did not have German citizenship and 6.5 % were not born in Germany. Of the people submitting a Public Petition, only 1.5 % did not have German citizenship and only 3.5 % were not born in Germany. The disproportionately low rate of participation of these citizens in the petition process was actually accentuated in the case of internet use (Zebralog 2010a, p. 102 and 144).

Submissions in foreign languages are in fact admitted as petitions and are translated by the German Bundestag. However, both the written information materials and also the e-petitions platform on the internet are currently only available in the German language. Many of the 6.5 million foreigners would probably find even just an English or Spanish version helpful. Corresponding language versions should be considered for the largest groups of foreigners in the population – 1.6 million Turkish and 0.4 million Polish citizens alone live in Germany (Statistisches Bundesamt 2011, p. 31).

The Scottish Parliament can serve as model here, too. As well as offering information on submitting petitions in English and Gaelic, it also offers such information in Arabic, Bengalese, Chinese (Mandarin and Cantonese Chinese), Punjabi, Polish and Urdu and also in sign language (Chapter III.3.1; www.scottish. parliament.uk/s3/committees/petitions/furtherInfo.htm [8.3.2011]).

## ORAL SUBMISSION

In addition to the language barriers for non-Germans, the requirement for petitions to be submitted in writing represents a further obstacle for certain segments of the population (Chapter V.2.4). 14 % of the working-age population (i.e. 7.5 million adults) are classed as functionally illiterate, with 4 % illiterate in the narrower sense (BMBF 2011). People belonging to educationally deprived segments also reveal a reluctance to express themselves in writing. It would be naïve to believe it would be possible to reach these groups simply by enabling oral submission of petitions by telephone or in person; however, if oral means of submission aren't offered as an additional facility then such people will not really be offered greater opportunity to participate in the petition process.[144]

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144 According to the TAB surveys on petitioning in Europe (at national level), the parliamentary petition bodies in Portugal, Slovenia and Hungary (of a total of 21 petition bodies) and nine of the 20 parliamentary ombudsmen also allow petitions to be submitted orally (Chapter IV.2.1).

## APPROPRIATE ADDRESSING OF TARGET GROUPS AND COOPERATION

When attempting to reach out more effectively to population groups who do not tend to use petitions, it is important to try and approach them in a way that considers their interests and the means of communication used by them. We have already provided corresponding details above regarding foreign citizens; however, addressing groups such as children and young people (who are also entitled to submit petitions), women and the disabled, to name just a few, could be done on a carefully targeted basis.

An approach that is carefully directed at specific target groups is less likely to involve proliferation of electronic and non-electronic information materials of the Petitions Committee, but rather cooperation with suitable organizations, intermediaries and multipliers. These could include, for example, schools, associations, political organizations, local authorities (e.g. citizens' advice bureaux), trade unions, professional associations, churches and media. These cooperation ventures could include information materials, posters, training and information events at local level and also corresponding electronic platforms. This presupposes an active mandate on communication and cooperation for the Committee Service of the Petitions Committee and requires corresponding personnel resources.

The proposal to establish a network of »petition agencies« goes even further.[145] Here, too, this would probably not mean the establishment of new »petition bureaux« but linking up with existing institutions such as local government or citizens' advice bureaux, citizens' bureaux of the local government elected assemblies and those of the federal states, libraries, trade unions and consumer associations.[146] Even in the internet age, a local presence and personal contact are vitally important when it comes to raising awareness about and use of the Petitions Committee among the general public.

Through their constituency offices, the Members of the German Bundestag could also act as intermediaries and forwarders of petitions; this would require raising their own awareness of such a role. The 2008 population survey on awareness about and the reputation of the Petitions Committee revealed that depending on the type of a complaint or of a proposal, citizens tend to consider contacting a Member of Parliament rather than turning to the Petitions Commit-

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145 E.g. the National Assembly of Wales has set up three information bureaux in rural regions where petitions can be submitted (Chapter III.3.2). In Slovakia, there are plans for citizens to be able to submit petitions via decentralized agencies throughout the country (Chapter IV.1.2). The French ombudsman has over 303 »officers«, who can be contacted at 428 bureaux spread throughout the country (Médiateur de la République 2011, p. 73).

146 The Portuguese ombudsman has an agreement with the umbrella organization of the Portuguese local authorities regarding publicising the duties of the ombudsman at local level and offering support for the submission of complaints (Chapter IV.4.2).

tee.[147] If the Members of Parliament forwarded some of these enquiries to the Petitions Committee, this would relieve them of some of their own workload and in some cases also do more justice to the citizens' concerns because they would be dealt with by the Petitions Committee with its more extensive powers and resources.[148]

## ASSISTING WITH THE CHOICE OF A SUITABLE PETITION BODY    2.7

The diversity of petition bodies at the various governmental levels, among the legislative and executive powers, among other governmental and non-governmental agencies, does not always make it easy for citizens to find the correct body with the required authority and most extensive competencies to deal with their concerns. This means that citizens' petitions are repeatedly (and sometimes in large numbers) submitted to bodies that have no actual responsibility for the matter in question. This triggers frustration among citizens and delays in processing; it also generates considerable bureaucratic work for the petition bodies.

However, this problem does not appear to be particularly prevalent with the Petitions Committee of the German Bundestag or among the parliamentary petition committees as a whole. According to the petition statistics of the German Bundestag, of a total of 17,217 petitions dealt with in 2009, 1,469 were passed to the competent parliament of a federal state; this represents a share of 8.5 % (Petitionsausschuss 2010, p. 60). According to the survey conducted by ifib (2010a, p. 20 ff.) of 63 petition bodies in Germany, the average annual share of incorrect submissions to the petition bodies was 4.9 %, while the figure for parliamentary ombudsmen was 17.2 %, for the government and administrative commissioners 18.9 % and for non-governmental petition bodies 19.0 %. In individual cases the rate of petitions that were addressed to the wrong bodies was 40 to 70 %.[149] This problem is also found in other countries and at European

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147 If faced with a personal problem involving an authority, 9.5 % would turn to a Member of the German Bundestag and 2.0 % to the Petitions Committee. For a public political matter, 10.7 % would turn to a Member of Parliament and 4.4 % to the Petitions Committee; for a »request for legislation«, 7.5 % would contact a Member of the German Bundestag and 7.6 % the Petitions Committee (TAB 2009, p. 58 ff.).

148 This would not establish an MP filter based on the Anglo-Saxon model because petitions would not necessarily have to be submitted via a Member of Parliament; Members of Parliament would simply represent an additional means of reaching the Petitions Committee.

149 40 % for the ombudsman of Saarland's state government, 40.5 % for the office of the Government Representative for Reduction of Bureaucracy in Baden-Württemberg, 47.1 % for the Data Protection Officer in Hesse, 50 % for the Arbitration Board for Local Public Transport of Berlin, Brandenburg, Saxony-Anhalt and as high as 70 % for the European Solvit Centre at the Federal Ministry of Economics and Technology (ifib 2010a, p. 22).

level and has resulted in various attempts to rectify the situation.[150] In Germany, where the institutional landscape is perceived to be complex or difficult to access, efforts are also being made to establish guidance and navigation facilities through the introduction of a uniform national 115 telephone number for contacting public authorities (ifib 2010b, p. 5 ff.) or through the planned central consumer telephone helpline with navigation function (CDU/CSU/FDP 2009, p. 45).

However, it is difficult to evaluate the success of such efforts. Although the interactive guide of the European Ombudsman was used by 26,000 people in 2009 and led to a significant number of referrals to national or regional ombudsmen, the overall number of incorrect submissions to the European Ombudsman did not fall (ifib 2010b, p. 37).

Based on initial studies, a comprehensive central information and clearing platform for petitions and complaints for Germany would appear extremely ambitious (ifib 2010a). It is therefore proposed that under a much more limited framework, competency finders should be established for the parliamentary petition bodies and for the commissioners of the Federal Government. Consideration should also be given to extending and differentiating the database on complaints and petitions for the uniform 115 telephone number for contacting public authorities so that this special number can also be used to locate the required bodies as precisely as possible (ifib 2010a, p. 67 f.).

## CLARIFYING TERMINOLOGY – UPDATING PETITION STATISTICS     2.8

Currently, the Procedural Rules of the Petitions Committee distinguish between multiple petitions, collective petitions, mass petitions and Public Petitions, while the e-petitions platform distinguishes between individual petitions and Public Petitions.

The differences between multiple, collective and mass petitions are very subtle and are difficult to understand for many citizens. They do not appear to be of any relevance for the procedure. Published petition statistics distinguish between collective and mass petitions (but not multiple petitions), but here too, the individual differences are not made clear. Consideration could be given to abandoning this differentiation and to using only the term multiple petition, which would refer to several petitions on the same issue, irrespective of whether or not the details of the text were identical. The number of supporters would be stated for all multiple petitions. Public Petitions would also be referred to as multiple peti-

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150 For South Korea, for example, see Riehm et al. (2009a, p. 168) and ifib (2010b, p. 39 ff.), for the European Ombudsman ifib (2010b, p. 27 ff.) and for Great Britain Advicenow (www.advicenow.org.uk [9.9.2011]). See Dunleavy et al. (2005) on the diversity of petition bodies in Great Britain.

tions if they secured additional signatures. Petition statistics could, for example, show the proportion of multiple petitions with more than 1,000, more than 10,000 and more than 50,000 supporters and also the total number of multiple petitions and the total number of supporters.

The distinction between individual petitions and Public Petitions is misleading and should be abandoned. Under the current system, Public Petitions are always differentiated by the fact that they are submitted electronically and are published on the internet and nowhere else, irrespective of whether they are signed only by one petitioner or by several persons as a multiple petition. The opposite of a Public Petition would thus be a non-public petition, sometimes submitted electronically and sometimes using non-electronic means, which could again be an individual or a multiple petition. Thus, if we were to adhere to the current system for Public Petitions, for which the German Bundestag applies extensive admission criteria, the two more appropriate terms would be Public Petitions and non-public petitions.

The petition statistics could then differentiate as follows:

> New submissions categorized by type of submission: A distinction could be made between postal submission, submission by fax, via the web or by e-mail. A more approximate system of distinction could differentiate merely between electronic (web and e-mail) and non-electronic submission.
> Public nature of petitions: A distinction would be made between published petitions (i.e. published on the e-petitions platform of the German Bundestag or in Bundestag printed papers) and non-published petitions.
> Individual and multiple petitions: Irrespective of the type of submission and the public or non-public nature of a petition, a distinction would be made between individual petitions and multiple petitions (petitions with two and more supporters). The number of co-signatories would be recorded for multiple petitions.

## NEED FOR FINANCIAL AND PERSONNEL RESOURCES          2.9

Not all these suggestions are resource-intensive or personnel-intensive. Ultimately, however, sufficient financial and personnel resources need to be provided in order to fulfil the basic right to petitions under a modern look. When compared to the other petition bodies, an increase in the current staffing level of the Petitions Committee seems to be entirely justified in view of the central importance of the Petitions Committee for compliance with Article 17 of German Basic Law and also in view of the continuous modernization requirements.

## FURTHER DEVELOPMENT OPTIONS                            3.

In a final step, three options for development of the petition system of the German Bundestag beyond the current system of Public Petitions are discussed, together with their advantages and disadvantages. These discussions are motivated by the view that not all aspects of Public Petitions are sufficiently well integrated into the existing procedure. These discussions could also be introduced by saying that Public Petitions have triggered an interplay between technical and institutional modernization; as yet, it is difficult to predict how this will end. The three development options illustrate possible paths for further development.

## MAKING PETITIONS PUBLIC AS A MATTER OF PRINCIPLE        3.1

One could consider the introduction of Public Petitions as an initial step in the reform process and that further steps could now follow. This could mean making Public Petitions the rule rather than the exception. What advantage would be offered by such a generalization of Public Petitions?

The principle of handling every petition by the same procedural rules could be re-instated. The concept of the Public Petition as an »additional service« – »There is no legal entitlement to a petition being accepted as a public petition« (Guidelines on the Treatment of Public Petitions) – would therefore be renounced. The issue of low admission rates that has intensified in recent years – only 13.8 % of submitted Public Petitions are now admitted as such (Chapter II.2.5 and V.2.1) – would be resolved. The continuing interest in submitting Public Petitions – in 2010 almost one in four new submissions was a Public Petition (Chapter II.2.3) – and the surveys conducted among petitioners by TAB (81 % of those submitting conventional petitions expressed an interest in their petition being published) (Riehm et al. 2009a, p. 230) – show that such a step would be in line with most petitioners' wishes. Moreover, this would follow the model adopted by other parliaments where all petitions are published as a matter of principle and are dealt with in public committee sessions (as, for example, with the Scottish or European Parliament).[151]

Making all petitions public as a matter of principle would solve many problems relating to detail. For example, at present, it is not possible for petitioners to

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151 According to the TAB surveys, the ombudsman bodies in Europe at national level publish petitions and submissions (sometimes in anonymized form) in Estonia, France, Lithuania, Malta, Norway and Hungary (Chapter IV.2.2). Among the parliamentary petition bodies, Germany, Lithuania, Portugal, the Czech Republic, Austria and Great Britain publish petitions on the internet, albeit to differing degrees. In addition, most also publish decisions on petitions on the internet. France, Malta, Switzerland and Slovakia currently only publish petition decisions on the internet (Chapter IV.1).

check in advance of their submission whether a petition with identical or similar content already exists, because more than 95 % of all petitions are not publicly accessible; even a refined search function on the e-petitions platform would not alter this in any way. Similarly, if a petition is rejected as a Public Petition because a petition on the same subject already exists, the petitioner is also unable to track this because the existing petition may be a non-public petition.

While being within relatively easy reach for citizens, the Petitions Committee is weak in terms of its ability to assert citizens' interests. Alongside the ability to argue in direct conflict with the executive, its greatest asset is probably its ability to get the public and the media – and therefore citizens and the electorate – on its side. For this to happen, all petitions need to be made public and the petition process needs to be largely transparent.

There are two arguments against this generalization of Public Petitions: privacy and data protection and also the additional personnel resources required.

Privacy and data protection could be achieved by firstly allowing the petitioners themselves to decide whether they wish their petition to be considered as public or non-public. The German Bundestag could refrain from performing this task and trust in petitioners' decisions. Moreover, any personal names mentioned in petitions could be anonymized on a general basis, as happens with some Land parliaments (e.g. in Baden-Württemberg).

It goes without saying that petitions that incited criminal offences or contained objectionable or offensive content could not be published. However, such petitions are not currently admitted even as non-public petitions. Making petitions public as a matter of principle would therefore not alter things in this respect.

It is difficult to assess how the costs of processing petitions would change if petitions were made public as a matter of principle. The current additional costs generated by Public Petitions are primarily due to the additional selection procedure, the privileged handling of petitions in the committee procedure and moderation of the forums. The additional costs relating to the admission of Public Petitions and their mandatory handling by the Committee would cease to apply and would not be replaced by any new additional costs. However, the discussion forums would be extended to include all petitions and moderation expenses would increase accordingly. Presumably, however, this would not lead to a proportionate increase in the volume of discussions because even today, only relatively few petitions generate a broad level of interest with large numbers of discussion contributions. It would also be necessary to consider options where discussion forums were not set up as a mandatory requirement for each and every petition (Chapter V.2.3).

## AN OMBUDSMAN FOR »RES PRIVATA« PETITIONS                    3.2

The 1960s saw intensive political debate concerning the introduction of a national ombudsman. In the 1975 reform of the petition system, however, it was decided to strengthen the Petitions Committee rather than introducing a national ombudsman (Banse 1973; Franke 1999; Riehm et al. 2009a, p. 57 ff.; Thierfelder 1967). Although there do not currently appear to be any political forces advocating the introduction of a national, parliamentary ombudsman, this discussion has never waned, especially among academics (Franke 1999; Sturm/Fritz 2010, p. 149).

This discussion could again become topical if set against the backdrop of the introduction of Public Petitions. According to No. 2.1 of the »Guidelines on the Treatment of Public Petitions«, Public Petitions are requests or complaints which involve a matter of general interest (»res publica«) and the presentation of which is suitable for an objective, public discussion. The Petitions Committee could restrict itself to such petitions and leave the large number of petitions that do not involve »matters of general interest« to be dealt with by a new ombudsman institution to be set up within Parliament. The advantages of making such an institutional distinction between »res publica« and »res privata« petitions could be that the different admission criteria and procedural steps for Public Petitions and non-public petitions would also be separated on an institutional basis; this would clarify the profile of the two institutions and could reduce the problems associated with the low rates of admission for Public Petitions.

With regard to such a model that combines a petitions committee and an ombudsman, it is noted that 17 of the 27 EU countries have both a parliamentary petitions committee (within the lower house) and also a (parliamentary) ombudsman (Chapter IV.1). However, these countries do not always adopt the above division of tasks, which may at first glance seem convincing; instead they have very differing models extending from widespread overlapping of competencies to precisely defined specialization.

Objections against the re-introduction of an ombudsman include the following arguments (Riehm et al. 2009a, p. 59 ff.): the Petitions Committee would lose its trademark »universal competence«. For citizens, this would mean that alongside the existing large number of petition bodies, they would have to consider an additional, new body – namely the national ombudsman – and then decide the most suitably competent body to which they should address their concern. Moreover, the division into »matters of general public interest« and other matters is problematic. The surveys of people submitting conventional (non-public) petitions reveal that 84.5 % of them wish to prompt a legislative change through their petition. Moreover, in this survey from 2007, 81 % expressed an interest in

their petitions being published. In 79 % of the cases the issue addressed by the petition does not merely relate to one individual person (Riehm et al. 2009a, p. 230).

With its broad remit and the fact that it addresses political issues in petitions, the Petitions Committee is distinct from a public authority's complaint body or court proceedings. While the latter can only resolve and deal with a particular case, the Petitions Committee considers the general problem that may lie behind an individual case and can then also pursue this from a political viewpoint.

Consequently, it is doubtful whether the introduction of a national ombudsman would exercise the control function that may perhaps be expected or whether the current major problem surrounding the admission of Public Petitions would be reduced. According to analyses available on the non-admission of Public Petitions, in around 50 % of cases the grounds given for non-admission are that there is already a petition in existence on the same subject. The reason »unsuitable as a Public Petition« is only given as the reason for non-admission in 8 % of submissions; in other words, only this 8 % would fall within the remit of a newly established ombudsman and relieve the Petitions Committee of its workload. (Chapter II.2.5.2).[152]

If we consider the studies on petitioning among the European parliaments (Chapter IV), the establishment of a national ombudsman could present a further risk, namely that of reducing the political weight of the Petitions Committee of the German Bundestag. Clearly, a petition body such as a national ombudsman where the emphasis is more clearly on institutional and personnel continuity is more able to generate external political and media impact than a collective body such as a parliamentary petitions committee that is subject to change as a result of elections. However, the study of European parliamentary petition bodies does find that in all cases where there is both a parliamentary petition body (e.g. a petitions committee) and also a parliamentary ombudsman, the latter is generally perceived more strongly in the public eye, conducts more active publicity work by itself and also pursues more comprehensive modernization strategies. In international comparison, the Petitions Committee of the German Bundestag is currently rated as one of the most clearly profiled petition bodies in terms of its competencies and responsibilities, human resources, willingness to reform and its public perception. There is every reason to question whether this position could be maintained if a national ombudsman were established.

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152 This does give any indication of what proportion of non-public petitions would fall within the remit of an ombudsman.

## FURTHER DEVELOPING PETITIONS AS AN ELEMENT OF
## DIRECT-DEMOCRATIC PROCESSES                                    3.3

At the national level, there are no instruments of direct democracy[153] such as referendums, citizens' initiatives or citizens' decisions that are enshrined and used in all federal states and in many local government constitutions. Previous political initiatives to also introduce direct democratic processes at national level have all failed at the major hurdle of the majority required for amending the constitution. It is therefore possible to understand some people's attempts to extend petitions to make them more an instrument of direct democracy. The introduction, in 2005, of a quorum of 50,000 signatures for dealing with a petition in a public committee session can be interpreted in this way. The current coalition government's plan to establish an additional, higher quorum which if reached would require petitions to be dealt with in *plenary session* of the German Bundestag takes this idea one step further. Thus, although no binding referendums are envisaged as yet, citizens could introduce (legislative) proposals in the German Bundestag and if the quorum was reached they would have to be discussed in plenary session. This would more or less correspond to the procedure that is mostly referred to as a »Volksinitiative« (popular initiative) in the federal states.[154] Quorums are also found in the petition rules of other countries. They serve different purposes, but reaching a certain quorum is generally required in order to actually start the petition process.[155]

An upgrading of petitions in the context of direct democracy also finds favour among those who criticize the current petition process's weakness in terms of assertive capacity.

But what arguments could nevertheless be cited against moving towards processes of direct democracy when developing the petitions system for the future? The processes of dealing with, examining and deciding on a petition do not require a quorum; under the Basic Law, these processes are guaranteed for every

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153 The only exception is Article 29 of the German Basic Law, which in the case of the redrawing of Land boundaries prescribes a mandatory referendum to confirm a corresponding federal law.

154 For example in Berlin, Mecklenburg-Vorpommern, Lower Saxony, North Rhine-Westphalia, Rhineland-Palatinate, Saxony-Anhalt. In Bremen and Thüringen the corresponding procedure is called a »Bürgerantrag«, in Hamburg a »Volkspetition«. In the federal states of Brandenburg, Hamburg, Mecklenburg-Vorpommern and Schleswig-Holstein, popular initiatives represent elements of the three-stage popular legislation process. The European Citizens' Initiative (addressed to the European Commission), which is in the process of being introduced, also belongs to this category of direct democracy processes.

155 For example in the case of local government petitions in Norway (Riehm et al. 2009a, p. 185 ff.) and also the electronic petitions system of the British Prime Minister (Chapter III.2.2).

petition, including those supported by just one person. A petition can also be made public without a quorum – once the admissibility check with its known issues has been passed (Chapter II.2.5 and V.2.1). The quorum currently compels »only« handling of the petition in a public committee session and possibly in future also in plenary session. It is important not to underestimate this, as demonstrated by the positive way in which public committee meetings are embraced by petitioners and politicians. It plays a noticeable role in increasing the degree of esteem in which the petitions system of the German Bundestag is held.

However, the linking of procedural steps to quorums could push the right of petition as a defined individual right into the background. The right of petition also gives minorities in particular access to the government and to parliament. The organization of interests within groups and associations and also the majority rule constitute basic pillars of democracy. However, where such conditions prevail, groups with low levels of resources and those which are unable to secure a majority on structural grounds have only limited ability to represent their interests. In principle, petitions – and in a different way courts – offer such persons and groups a low-threshold means of protecting interests and rights (even if these channels are weak in terms of assertive capacity) and also an opportunity to articulate interests and participate. The fact that these groups only use petitioning to a limited degree (Chapter II.2.4) does not render this fundamental orientation obsolete. Broader social participation would not be achieved by transforming the right of petition into a process of direct democracy.

If the right of petition is emphasized as an individual right, this does not necessarily mean that the matters raised in petitions are of a personal or even private nature, i.e. that they must be apolitical. Indeed, when citizens address the German Bundestag via petitions, they generally pursue a public-political issue that emanates from a personal concern. It is therefore important not to underestimate the significance of collecting supporting signatures. Collective and mass petitions have always been an integral part of petitioning. For petitioners, signatures offer an opportunity to alert people to their concern, to recruit supporters and where applicable to attract media and political attention through the number of signatories. However, since the subject matters of petitions can vary widely from local disputes on issues relating to specific professions through to matters that affect society as a whole, the absolute number of signatures received for a petition is a problematic relevance criterion. The number of signatories should instead primarily be judged against the backdrop of a petition's subject matter and the affected group, and should not impact on the petitions procedure.

The German Bundestag would thus not deal with a petition because a quorum was reached, as the public have mistakenly believed or as it has been asserted since the introduction of a quorum in 2005. Instead, the Bundestag would deal with it because »everyone« has a corresponding right. The number of signatures

would be incorporated into the petition process as contextual additional infor-
mation, not additional information that determines the process per se. Matters
raised in petitions would not necessarily have to compete for majorities or
would not have to be in the (direct) interest of majority groups.

Understandably, further development of petitioning along the lines of a tool for
direct democracy aims at further raising the political profile of the right to petition
and making its procedural steps more binding and more effective in terms of as-
sertive power. If this path were followed this would weaken the character of peti-
tioning as a low-threshold individual right. This requires careful consideration.

# BIBLIOGRAPHY

## COMMISSIONED EXPERT REPORTS 1.

ifib (Institut für Informationsmanagement Bremen) (2010a): Konzeption einer zentralen Informationsplattform für Petitionen, Eingaben und Beschwerden (Authors: Lippa, A., Kubicek, H., Hofmann, J.). Bremen

ifib (2010b): Konzeption einer zentralen Informationsplattform für Petitionen, Eingaben und Beschwerden – Anhang (Authors: Lippa, A., Kubicek, H., Hofmann, J.). Bremen

Nexus (Institut für Kooperationsmanagement und interdisziplinäre Forschung GmbH) (2010): Elektronische Petitionen und andere Modernisierungstrends im Petitionswesen bei den europäischen Parlamenten. Eine Bestandsaufnahme (Authors: Bach, N., Reiter, J., Böhm, B., Walk, H.). Berlin

Sturm, R., Fritz, J. (2010): Länderstudie zur Entwicklung des Petitionswesens im Vereinigten Königreich. Friedrich-Alexander-Universität, Institut für Politische Wissenschaft, Erlangen/Nuremberg

Zebralog (2010a): Follow-up-Studie zu den Öffentlichen Petitionen des Deutschen Bundestages. Teilstudie 2: Befragung der Petenten und Fokusgruppen (Author: Escher, T.). Berlin

Zebralog (2010b): Follow-up-Studie zu den Öffentlichen Petitionen des Deutschen Bundestages. Teilstudie 3: Befragungen der Nutzer der Bundestags-Webseiten zu den öffentlichen Petitionen (Author: Albrecht, S.). Berlin

Zebralog (2011a): Follow-up-Studie zu den Öffentlichen Petitionen des Deutschen Bundestages. Teilstudie 1: Trendanalyse (Authors: Trénel, M., Jonas, N.). Berlin

Zebralog (2011b): Follow-up-Studie zu den Öffentlichen Petitionen des Deutschen Bundestages. Teilstudie 4: Interviews und Fokusgruppendiskussionen mit Abgeordneten, ihren Referenten und dem Ausschussdienst (Authors: Trénel, M., Hintz, J.). Berlin

Zebralog (2011c): Follow-up-Studie zu den Öffentlichen Petitionen des Deutschen Bundestages. Teilstudie 5: Auswertung der Diskussionsforen (Authors: Trénel, M., Jonas, N., Schank, J.). Berlin

Zebralog (2011d): Follow-up-Studie zu den Öffentlichen Petitionen des Deutschen Bundestages. Zusammenfassung und Empfehlungen aus den fünf Teilstudien – Mantelbericht (Authors: Lippa, B.). Berlin

## OTHER SOURCES 2.

BaFin (Bundesanstalt für Finanzdienstleistungsaufsicht) (2010): '09 Jahresbericht der Bundesanstalt für Finanzdienstleistungsaufsicht. Bonn/Frankfurt a. M.

Bagehot, W. (1963): The English constitution. Introduction by R.H.S. Crossman. Glasgow (first published 1867)

Banse, W. (1973): Chronik der Bestrebungen um eine Reform des Petitionswesens im Deutschen Bundestag. In: Zeitschrift für Parlamentsfragen 4(2), p. 171–174

Baumann, F., Detlefsen, M., Iversen, S., Vogelsang, L. (2004): Neue Tendenzen bei Bürgerbeteiligungsprozessen in Deutschland. Veränderte Rahmenbedingungen, Praktiken und deren Auswirkungen. Berlin

Baumann, G. (2006): Beauftragte der Bundesregierung – Konkurrenz und Transparenz zwischen parlamentarischer Kontrolle und Selbstkontrolle der Verwaltung. In: Protokoll der Tagung der Vorsitzenden und stellvertretenden Vorsitzenden der Petitionsausschüsse des Bundes und der Länder mit den Bürgerbeauftragten aus der Bundesrepublik Deutschland und dem deutschsprachigen Raum Europas vom 3. bis 4. April 2006 im Deutschen Bundestag. Berlin, p. 7–12

Blais, A. (2010): Political Participation. In: LeDuc, L., Niemi, R. G., Norris, P. (eds.). Comparing democracies. elections and voting in the 21st century. London, p. 165–183

BMBF (Bundesministerium für Bildung und Forschung) (2011): Bund und Länder planen Grundbildungspaket für Alphabetisierung. Pressemitteilung 025/2011 dated 28.2.2011, Berlin

BMFSFJ (Bundesministerium für Familie, Senioren, Frauen und Jugend) (2010): Freiwilliges Engagement in Deutschland 1999 – 2004 – 2009. Kurzbericht des 3. Freiwilligensurveys. Monitor Engagement, Ausgabe Nr. 2, Berlin

Bockhofer, R. (Hg.) (2004): Demokratie wagen – Petitionsrecht ändern! Bremen

Bogumil, J., Jann, W. (2009): Entwicklungsphasen der öffentlichen Verwaltung in Deutschland. In: Bogumil, J., Jann, W. (Hg.): Verwaltung und Verwaltungswissenschaft in Deutschland. Wiesbaden, p. 211–289

Buchstein, H. (2009): Bausteine für eine aleatorische Demokratietheorie. In: Leviathan 37(3), p. 327–352

Bundesnetzagentur (2010): Jahresbericht 2009. Bonn

Bürgerbeauftragter des Landes Mecklenburg-Vorpommern (n. d.): 15. Bericht des Bürgerbeauftragten für das Jahr 2009. Schwerin

Busemann, K., Gscheidle, C. (2010): Web 2.0: Nutzung steigt – Interesse an aktiver Teilhabe sinkt. In: Media Perspektiven H. 7–8, p. 359–368

Cabral, M. V. (2000): O exercício da cidadania política em Portugal. In: Análise Social XXXV(154–155), p. 85–113

Carman, C. (2006): The assessment of the Scottish Parliament's Public Petitions System 1999–2006. Edinburgh www.scottish.parliament.uk/business/committees/petitions/reports-06/pur06-PPS-assessment-01.htm (12.2.2011)

Carman, C. (2010): The process is the reality: Perceptions of procedural fairness and participatory democracy. In: Political Studies 58(4), p. 731–751

Carman, C., Shephard, M. (2009): Committees in the Scottish Parliament. In: Jeffery/Mitchell 2009, p. 21–27

Cazals, M. de (2010): La saisine du Conseil économique, social et environnemental par voie de pétition citoyenne: gage d'une V$^e$ République »plus démocratique«? In: Revue française de droit constitutionnel No. 82, p. 289–312

CDU/CSU, FDP (2009): Wachstum, Bildung, Zusammenhalt. Koalitionsvertrag zwischen CDU, CSU und FDP zur 17. Legislaturperiode. Berlin www.cdu.de/doc/pdfc/091026-koalitionsvertrag-cducsu-fdp.pdf (4.4.2011)

CLG (Department for Communities and Local Government) (2008): Communities in control. Real people, real power (Evidence Annex). Wetherby/West Yorkshire www.communities.gov.uk/documents/communities/pdf/886123.pdf (25.1.2009)

Coleman, S., Blumler, J.G. (2009): The Internet and democratic citizenship. Theory, practice and policy. Cambridge

Crouch, C. (2008): Postdemokratie. Bonn

Curtice, J. (2004): Restoring confidence and legitimacy? Devolution and public opinion. In: Trench, A. (ed.): Has devolution made a difference? The State of the Nations 2004. Exeter, p. 217–236

Deutscher Bundestag (2007): Stichwort Petitionen. Von der Bitte zum Bürgerrecht. Berlin

Dunleavy, P., Loughlin, M., Margetts, H., Bastow, S., Tinkler, J., Pearce, O., Bartholomeou, P. (2005): Citizen redress – What citizens can do if things go wrong in the public services. London http://eprints.lse.ac.uk/595/ (10.4.2011)

Eimeren, B. van, Frees, B. (2009): Der Internetnutzer 2009 – multimedial und total vernetzt? Ergebnisse der ARD/ZDF-Onlinestudie 2009. In: Media Perspektiven 7, p. 334–348

Escher, T. (2010): Wi(e)der die üblichen Verdächtigen? Politische Beteiligung via Internet. In: Wolling, J., Seifert, M., Emmer, M. (Hg.): Politik 2.0? Die Wirkung computervermittelter Kommunikation auf den politischen Prozess. Baden-Baden, p. 131–150

Eurostat (2011a): Gesamtbevölkerung. Luxemburg http://epp.eurostat.ec.europa.eu/tgm/table.do?tab=table&language=de&pcode=tps00001 (30.6.2011)

Eurostat (2011b): Internet usage in 2010 – Households and Individuals. Data in focus 50/2010. Luxemburg http://epp.eurostat.ec.europa.eu/cache/ITY_OFFPUB/KS-QA-10-050/EN/KS-QA-10-050-EN.PDF (30.6.2011)

FDP-Bundestagsfraktion (2011): Bürgerbeteiligung ausweiten, Petitionsverfahren weiterentwickeln, Bürgerplenarverfahren einführen. Positionspapier, Stand 28. März 2011, Berlin

Filipe, A. (2009): The 2007 reform of the Portuguese Parliament: What has really changed? In: The Journal of Legislative Studies 15(1), p. 1–9

Flinders, M. (2010): Democratic drift. Majoritarian modification and democratic anomie in the United Kingdom. Oxford

Foley, M. (1993): The rise of the British Presidency. Manchester

Foley, M. (2000): The British Presidency: Tony Blair and the politics of public leadership. Manchester

Fonseca, S.C. da (2009): Das politische System Portugals. In: Ismayr 2009a, p. 765–818

Forschungsgruppe Wahlen (2008): Petitionen und politische Beteiligung. Mannheim

Franke, M. (1999): Ein Ombudsmann für Deutschland? Einführungsmöglichkeiten einer Ombudsmann-Institution in das deutsche Verfassungsleben unter Berücksichtigung der dänischen und europäischen Einrichtungen. Frankfurt a. M.

Gabriel, O.W., Völkl, K. (2008): Politische und soziale Partizipation. In: Gabriel, O.W., Kropp, S. (Hg.): Die EU-Staaten im Vergleich. Wiesbaden, p. 268–298

Gebauer, B. (2000): Das britische Oberhaus: Neue Effizienz für eine ehrwürdige Institution? In: Riescher, G., Ruß, S., Haas, C.M. (Hg.): Zweite Kammern. Munich, p. 270–287

GESIS (2009): Datenhandbuch Allbus 2008. Cologne/Mannheim

Grant, M. (2009): The UK Parliament. Edinburgh

Grunow, D. (2010): Bürgernähe als Gegenstand empirischer Implementationsforschung. Beitrag zum Gedächtnis-Symposion »Bürokratie im Irrgarten der Politik« für Prof. Dr. Hans-Ulrich Derlien, 3. und 4. Dezember 2010 in Bamberg, www.uni-bam berg.de/fileadmin/uni/fakultaeten/sowi_lehrstuehle/verwaltungswissenschaft/ Grunow_Bamberg.pdf (30.6.2011)

Grunwald, A., Banse, G., Coenen, C., Hennen, L. (2006): Netzöffentlichkeit und digitale Demokratie. Tendenzen politischer Kommunikation im Internet. Studien des Büros für Technikfolgen-Abschätzung beim Deutschen Bundestag 18, Berlin

Guckelberger, A. (2008): Neue Erscheinungen des Petitionsrechts: E-Petitionen und öffentliche Petitionen. In: Die Öffentliche Verwaltung 61(3), p. 85–94

Hansard Society (2011): Digital Democracy in Scotland and Wales: Lagging or leading? In: Digital Papers, Issue 4, February 2011. London http://hansardsociety.org.uk/ files/folders/2913/download.aspx (12.3.2011)

Helms, L. (2005): The presidentialisation of political leadership: British notions and German observations. In: Political Quarterly 76(3), p. 430–438

Hertogh, M.L.M. (2007): Wie klaagt bij de Nationale ombudsman? Een empirisch onderzoek naar het normatieve profiel van verzoekers. In: Brenninkmeijer, A.F.M. (red.): Werken aan behoorlijkheid: de Nationale Ombudsman in zijn context. The Hague, p. 199–221

Hindman, M. (2008): The myth of digital democracy. Princeton

Hirsch, T. (2007): Das parlamentarische Petitionswesen: Recht und Praxis in den Deutschen Landesparlamenten. Berlin

HM Government (2010): The Coalition: our programme for government. London www.cabinetoffice.gov.uk/media/409088/pfg_coalition.pdf (30.6.2011)

House of Commons Information Office (2010): Public Petitions. Factsheet P7 (Procedure Series). London www.parliament.uk/documents/commons-information-office/p07. pdf (30.6.2011)

House of Commons Procedure Committee (2007): Public Petitions and Early Day Motions. First report of session 2006–07. London

House of Commons Procedure Committee (2008): e-Petitions. First report of session 2007–08. London www.publications.parliament.uk/pa/cm200708/cmselect/cmpro ced/136/13602.htm (30.6.2011)

House of Commons Procedure Committee (2009): e-Petitions: Call for government action. Second report of session 2008–09. London www.publications.parliament.uk/ pa/cm200809/cmselect/cmproced/493/493.pdf (30.6.2011)

House of Commons Reform Committee (2009): Rebuilding the House. First report of session 2008–09. London

ifib (Institut für Informationsmanagement Bremen) (2009): Teilgutachten zur Barriere-freiheit des neuen Softwaresystems für die öffentlichen Petitionen des Deutschen Bundestages (Authors: Schulte, B., Hofmann, J.). Bremen

IMAS (Institut für Markt- und Sozialanalysen) (2004): Die Bekanntheit der Volksan-waltschaft – Trendübersicht (unveröffentlichter Auswertungsbericht)

Ipsos MORI, Carman, C. (2009): Engaging the public in the Scottish Parliament's petition process. Research study conducted for the Scottish Parliament's Public Peti-tions Committee, www.scottish.parliament.uk/s3/committees/petitions/inquiries/peti tionsProcess/Engagingthepublicinthepetitionsprocess.pdf (12.3.2011)

Ismayr, W. (1992): Der Deutsche Bundestag. Funktionen, Willensbildung, Reformansätze. Opladen

Ismayr, W. (2004): Vitalisierung der parlamentarischen Demokratie durch Petitionen? In: Bockhofer 2004, p. 60–73

Ismayr, W. (Hg.) (2008): Gesetzgebung in Westeuropa. EU-Staaten und Europäische Union. Wiesbaden

Ismayr, W. (Hg.) (2009a): Die politischen Systeme Westeuropas. Wiesbaden

Ismayr, W. (2009b): Die politischen Systeme Westeuropas im Vergleich. In: Ismayr 2009a, p. 9–64

ITC (International Teledemocracy Centre) (2011): ITC Project Summaries. e-Petitioning the Scottish Parliament 1999. Edinburgh http://itc.napier.ac.uk/ITC/projectSum maries.asp#Project13 (5.4.2011)

Jacobs, W. (1994): Klagers en veelklagers bij de Nationale ombudsman. Arnhem

Jeffery, C. (2010): Devolution: Auflösung des Vereinigten Königreichs? In: Aus Politik und Zeitgeschichte 49, p. 33–40

Jeffery, C., Mitchell, J. (eds.) (2009): The Scottish Parliament 1999–2009: The first decade. Edinburgh

Judge, D. (1978): Public Petitions and the House of Commons. In: Parliamentary Af-fairs 31(1), p. 391–405

Jungherr, A., Jürgens, P. (2010): The political click: political participation through e-pe tition in Germany. In: Policy & Internet 2(4), p. 131–165

Kaase, M. (1982): Partizipatorische Revolution – Ende der Parteien? In: Raschke, J. (Hg.): Bürger und Parteien. Opladen, p. 173–189

Kaernbach, B. (2011): Social Media und politische Teilhabe. Ausarbeitung des Wissen-schaftlichen Dienstes des Deutschen Bundestages (WD 10 – 3000/026-2011). Berlin

Kaiser, A. (Hg.) (2000): Regieren in Westminster-Demokratien. Baden-Baden

Karpf, D. (2010): Online political mobilization from the advocacy group's perspective: looking beyond clicktivism. In: Policy & Internet 2(4), p. 7–41

Keane, J. (2009a): Ein neues Zeitalter der Demokratie. John Keane über Elemente und Ursprünge demokratischer Herrschaft. In: WZB-Mitteilungen 125, p. 50–52

Keane, J. (2009b): Monitory democracy and media-saturated societies. In: Griffith Re-view 24, p. 79–101

Kirby, T. (2007): Critics seize No 10's petitions website to slate Government. In: The Independent, 12.2.2007, p. 12

Klasen, S. (1991): Das Petitionsrecht zum Bayerischen Landtag – eine Ombudsmann-Einrichtung. Munich

Kluxen, K. (1983): Geschichte und Problematik des Parlamentarismus. Frankfurt a. M.

Korinek, K. (1977): Das Petitionsrecht im demokratischen Rechtsstaat. Tübingen

Kucsko-Stadlmayer, G. (Hg.) (2008): Europäische Ombudsman-Institutionen. Eine rechtsvergleichende Untersuchung zur vielfältigen Umsetzung einer Idee. Vienna and other cities

LBA (Luftfahrt-Bundesamt) (2011): Statistik zu den Fluggastrechten nach Verordnung (EG) Nr. 261/2004. Braunschweig www.lba.de/cln_008/DE/Oeffentlichkeitsarbeit/ Statistiken/Statistik_Fluggastrechte.html (5.9.2011)

Leston-Bandeira, C. (2007): Are ICTs changing parliamentary activity in the Portuguese Parliament? In: The Journal of Legislative Studies 13(3), p. 403–421

Lijphart, A. (1999): Patterns of democracy. Government forms and performance in thirty-six countries. New Haven/London

Lindner, R. (2007): Politischer Wandel durch digitale Netzwerkkommunikation? Strategische Anwendung neuer Kommunikationstechnologien durch kanadische Parteien und Interessengruppen. Wiesbaden

Lindner, R., Blümel, C. (2008): Fallstudien zum Interneteinsatz im Petitionswesen. Karlsruhe www.isi.fraunhofer.de/isi-de/t/download/publikationen/TAB-ePetition-Fallstudien.pdf (30.6.2011)

Lindner, R., Riehm, U. (2009): Electronic petitions and institutional modernization. International parliamentary e-petition systems in comparative perspective. In: JeDEM – eJournal of eDemocracy and Open Government 1(1), p. 1–11 www.jedem.org/ar ticle/view/3 (27.8.2011)

Lindner, R., Riehm, U. (2011): Broadening participation through e-petitions? An empirical study of petitions to the German Parliament. In: Policy & Internet 3(1), Article 4

Local Government Ombudsman (2008a): Analysis of complaints statistics for 2007/08. Coventry www.lgo.org.uk/GetAsset.aspx?id=fAA5ADgANAB8AHwAVAByAHUA ZQB8AHwAMAB8AA2 (12.5.2011)

Local Government Ombudsman (2008b): Annual Report 0708. Delivering public value. Coventry www.lgo.org.uk/GetAsset.aspx?id=fAAxADIANwB8AHwAVAByAHUA ZQB8AHwAMAB8AA2 (12.5.2011)

Local Government Ombudsman (2010): Annual Report 0910. Delivering public value. Coventry www.lgo.org.uk/GetAsset.aspx?id=fAAxADIAMgA3AHwAfABUAHIdQ BlAHwAfAAwAHwA0 (12.5.2011)

Macintosh, A., Adams, N., Whyte, A., Johnston, J. (2008): Epetitioning in the Scottish Parliament. In: Chen, H., Brandt, L., Gregg, V., Traunmueller, R., Dawas, S., Hovy, E., Larson, C. A., Macintosh, A. (eds.): Digital Government. E-Government research, case studies, and implementation. Berlin, p. 487–501

Macintosh, A., Whyte, A., Renton, A. (2005): From the top down. An evaluation of e-democracy activities initiated by councils and government. Edinburgh itc.napier. ac.uk/ITC/Documents/eDemocracy_from_the_Top_Down_ODPM_2005.pdf (4.4.2011)

Maddicott, J. (2010): The origins of the English Parliament, p. 924–1327. Oxford

Maer, L. (2009): Local petitions and the community call for action.www.n-somerset. gov.uk/NR/rdonlyres/C75BB5B7-CC61-4DAA-A9E4-1418C911C254/0/Epetitions LegalSummary_200912.pdf (23.3.2010)

Maer, L. (2010): Petitions in local government. www.parliament.uk/briefingpapers/com mons/lib/research/briefings/snpc-04856.pdf (23.3.2011)

Malina, A., Macintosh, A., Davenport, E. (2001): E-petitioner: A monitoring and eval-uation report. Edinburgh http://itc.napier.ac.uk/ITC/Documents/e-petitioner_Rown tree_evaluation.pdf (7.9.2011)

McAllister, L. (1999): The road to Cardiff Bay: The process of establishing the National Assembly for Wales. In: Parliamentary Affairs 52(4), p. 634–648

McGarvey, N., Cairney, P. (2008): Scottish politics. An introduction. Basingstoke/New York

Médiateur de la République (2010): Le Mediateur & vous. La plateforme citoyenne du Médiateur de la République. Dossier de présentation LeMediateurEtVous.fr. Paris www.mediateur-republique.fr/fic_bdd/pdf_fr_fichier/1287407924_Dossier_de_Pre sentation.pdf (9.11.2011)

Médiateur de la République (2011): Rapport annuel 2010. Paris www.mediateur-republique.fr/fic_bdd/pdf_fr_fichier/1300292092_Mediateur_RA2010_VD.pdf (8.11.2011)

Mérot, C. (Hg.) (2008): L'individu face au pouvoir: les pétitions aux assemblées parle-mentaires. Journée d'études, Archives nationales (Paris) 24 octobre 2006. La Revue administrative, N° spécial, Paris

Miller, L. (2009): e-Petitions at Westminster: the way forward for democracy. In: Par-liamentary Affairs 62(1), p. 162–177

Mitchell, J. (2010): The narcissism of small differences: Scotland and Westminster. In: Parliamentary Affairs 63(1), p. 98–116

Müller, M. (2010): Neuentwicklung des Systems ePetitionen. Vortrag im Rahmen der Tagung der Vorsitzenden und stellvertretenden Vorsitzenden der Petitionsausschüs-se des Bundes und der Länder mit den Bürgerbeauftragten aus der Bundesrepublik Deutschland und dem deutschsprachigen Raum Europas vom 26. bis 28. September 2010 in Schwerin

National Assembly for Wales (2010): Standing Orders of the National Assembly for Wales. Cardiff www.assemblywales.org/bus-docs-third-standingorders.pdf (4.4.2011)

National Assembly for Wales (2011): Petitions Committee. Petitioning: bringing your issues to light. Cardiff www.assemblywales.org/2011.25.03_achievement_report__ e__final_version.pdf (4.4.2011)

Nolte, P. (2011): Von der repräsentativen zur multiplen Demokratie. In: Aus Politik und Zeitgeschichte H. 1/2, p. 5–12

Norris, P. (1999): Critical citizens: Global support for democratic government. Oxford

Northern Ireland Assembly (2010a): Public petitioning in legislatures in the UK and Ire-land. Research and Library Service Research Paper, NIAR 486-10, October 2010. Belfast www.niassembly.gov.uk/researchandlibrary/2011/2211.pdf (23.3.2011)

Northern Ireland Assembly (2010b): Standing Orders. Belfast www.niassembly.gov.uk/ sopdf/2007mandate/Standing_Order_01.12.10.pdf (21.2.2011)

Office for National Statistics (2011): Population estimates for UK, England and Wales, Scotland and Northern Ireland (mid year population estimates 2009). London www.statistics.gov.uk/downloads/theme_population/mid-09-uk-eng-wales-scot-nor thern-ireland-24-06-10.zip *(12.3.2011)*

Ombudsman Luxembourg (2009): Rapport d'activité du 1er octobre 2008 au 30 septembre 2009. Luxembourg

Panagiotopoulos, P., Moody, C., Elliman, T. (2011): An overview assessment of ePetitioning tools in the English local government. Brunel University. West London, unpublished manuscript

Parliamentary and Health Service Ombudsman (2006): Making a difference. Annual Report 2005–06. London www.ombudsman.org.uk/__data/assets/pdf_file/0010/10 72/Annual-Report-2005-06.pdf (10.4.2011)

Parliamentary and Health Service Ombudsman (2007): Putting principles into practice. Annual Report 2006–07. London www.ombudsman.org.uk/__data/assets/pdf_file/ 0012/1074/Annual-Report-2006-07.pdf (10.4.2011)

Parliamentary and Health Service Ombudsman (2008): Bringing wider public benefit from individual complaints. Annual Report 2007–08. Londonwww.ombudsman. org.uk/__data/assets/pdf_file/0002/1010/Annual-Report-2007-08.pdf (10.4.2011)

Parliamentary and Health Service Ombudsman (2009): Every complaint matters. Annual Report 2008–09. London www.ombudsman.org.uk/__data/assets/pdf_ file/0009/1017/Annual-Report-2008-09.pdf (10.4.2011)

Parliamentary and Health Service Ombudsman (2010a): Customer satisfaction research: summary of results November 2009 – April 2010. London www.ombudsman.org. uk/__data/assets/pdf_file/0007/6289/Customersatisfaction.pdf (16.5.2011)

Parliamentary and Health Service Ombudsman (2010b): Making an impact. Annual Report 2009–10. London www.ombudsman.org.uk/__data/assets/pdf_file/0015/ 4263/Annual-Report-2009-10-low-res-with-appendix-as-spread.pdf (10.4.2011)

Peele, G. (2004): Governing the UK. British politics in the 21st century. Malden

Petitionsausschuss (1979): Bitten und Beschwerden an den Deutschen Bundestag. Die Tätigkeit des Petitionsausschusses in der ersten Hälfte der 8. Wahlperiode (1977/78). Deutscher Bundestag, Drucksache 8/3036, Bonn

Petitionsausschuss (1980–2011): Bitten und Beschwerden an den Deutschen Bundestag. Die Tätigkeit des Petitionsausschusses des Deutschen Bundestages im Jahr 1979–2010. Deutscher Bundestag, Drucksachen 8/4140, 9/549, 9/1729, 9/2389, 10/1193, 10/2979, 19/5504, 10/6807, 11/2346, 11/4570, 11/7130, 12/683, 12/2566, 12/4961, 12/7396, 13/1415, 13/4498, 13/8000, 13/10500, 14/1390, 14/3456, 14/5882, 14/9146, 15/920, 15/3150, 15/5570, 16/2500, 16/6270, 16/9500, 16/13200, 17/2100, 17/6250, Bonn/Berlin

PPC (2011): Second Report, Session 3, Legacy Paper. SP Paper 628, PU/S3/11/R2. Edinburgh www.scottish.parliament.uk/s3/committees/petitions/reports-11/pur11-02.htm (10.4.2011)

PPC (Public Petitions Committee to the Scottish Parliament) (2009): Third Report, Session 3, Inquiry into the public petitions process. Remit and membership. SP Paper 300, PU/S3/09/R3. Edinburgh www.scottish.parliament.uk/s3/committees/petitions/ reports-09/pur09-03.htm (10.4.2011)

Public Services Ombudsman for Wales (2006): Annual Report 2005–2006. Cardiff www.ombudsman-wales.org.uk/uploads/publications/161.pdf (5.4.2011)

Public Services Ombudsman for Wales (2007): Annual Report 2006–2007. Cardiff www.ombudsman-wales.org.uk/uploads/publications/250.pdf (5.4.2011

Public Services Ombudsman for Wales (2008): Annual Report 2007–2008. Cardiff www.ombudsman-wales.org.uk/uploads/publications/286.pdf (5.4.2011)

Public Services Ombudsman for Wales (2009): Investigating complaints, improving services. Annual Report 2008–2009. Cardiff www.ombudsman-wales.org.uk/uploads/publications/396.pdf (5.4.2011)

Public Services Ombudsman for Wales (2010): Contributing to excellence. Annual Report 2009–2010. Cardiff www.ombudsman-wales.org.uk/uploads/publications/472.pdf (5.4.2011)

Ribeiro, C. (2008): O direito de petição na assembleia da república. In: Assembleia da República (ed.): O Parlamento na Prática. Lisbon,

Ridley, F.F. (1984): The Citizen against authority: British approaches to the redress of grievances. In: Parliamentary Affairs 37(1), p. 1–32

Riehm, U. (2008): E-Petitionen in Schottland und Deutschland – Gemeinsamkeiten und Unterschiede. In: TAB-Brief 34, p. 20–27

Riehm, U., Coenen, C., Lindner, R. (2009b): Zur Öffentlichkeit des Petitionsverfahrens beim Deutschen Bundestag und beim Schottischen Parlament. In: Zeitschrift für Parlamentsfragen 40(3), p. 529–543

Riehm, U., Coenen, C., Lindner, R., Blümel, C. (2009a): Bürgerbeteiligung durch E-Petitionen. Analysen von Kontinuität und Wandel im Petitionswesen. Studien des Büros für Technikfolgen-Abschätzung beim Deutschen Bundestag 29, Berlin

Röper, E. (2004): Grundsätze für ein Petitionsrecht des 21. Jahrhunderts in Bund und Ländern. In: Bockhofer 2004, p. 118–125

Saalfeld, T. (2008a): Gesetzgebung im politischen System der Irischen Republik. In: Ismayr 2008, p. 201–228

Saalfeld, T. (2008b): Gesetzgebung im politischen System Großbritanniens. In: Ismayr 2008, p. 159–199

Schick, R. (1996): Petitionen. Von der Untertanenbitte zum Bürgerrecht. Heidelberg

Schrape, J.-F. (2010): Neue Demokratie im Netz? Eine Kritik an den Visionen der Informationsgesellschaft. Bielefeld

Scottish Constitutional Convention (1995): Scotland's Parliament. Scotland's Right. Edinburgh www.almac.co.uk/business_park/scc/scc-rep.htm (28.2.2011)

Scottish Office (1998): Report of the Consultative Steering Group on the Scottish Parliament. Edinburgh www.scotland.gov.uk/library/documents-w5/rcsg-00.htm (23.1.2011)

Scottish Parliament (2008): How to submit a public petition. Edinburgh www.scottish.parliament.uk/vli/publicInfo/htsapp/documents/Howtosubmitapublicpetition.pdf (23.1.2011)

Scottish Parliament (2009): Standing Orders of the Scottish Parliament. Edinburgh www.scottish.parliament.uk/business/so/sto-c.htm (23.1.2011)

Scottish Parliament (2010): Petitioning the Scottish Parliament. Making your voice heard. Edinburgh www.scottish.parliament.uk/vli/publicInfo/htsapp/documents/Petitionleaflet-EngFINAL.pdf (23.1.2011)

Shulman, S. W. (2009): The case against mass e-mails: perverse incentives and low quality public participation in U.S. Federal rulemaking. In: Policy & Internet 1(1), p. 23–53

Skocpol, T., Fiorina, M. (1999): Making sense of the civic engagement debate. In: Skocpol, T., Fiorina, M. (eds.): Civic Engagement in American Democracy. Washington D.C., p. 1–23

Smith, C. F., Gray, P. (1999): The Scottish Parliament: [Re-]Shaping parliamentary democracy in the information age. In: Coleman, S., Taylor, J., Donk, W. van de (eds.): Parliament in the age of the Internet. Oxford/New York, p. 67–79

Smith, N. B. (1986): »Shall make no law abridging…«: An analysis of the neglected, but nearly absolute, right of petition. In: University of Cincinnati Law Review 54, p. 1153–1197

SPSO (2010b): Complainant survey results 2009 & 2010. Edinburgh www.spso.org.uk/webfm_send/2714 (16.5.2011)

SPSO (2011): SPSO Annual Statistics – Top level cases received. Edinburgh. www.spso.org.uk/files/webfm/Stats/2009-10 Stats/Top level cases received in 2009-10.pdf (5.4.2011)

SPSO (Scottish Public Services Ombudsman) (2010a): Annual Report. 2009–2010. Edinburgh www.spso.org.uk/files/SPSO Annual Report 2009-10.pdf (5.4.2011)

SPSO and Scottish Health Council (2006): Experience and attitudes in relation to NHS complaints since the introduction of the new procedure. Edinburgh www.spso.org.uk/webfm_send/2105 (16.5.2011)

Statistisches Bundesamt (2009): Bevölkerung und Erwerbstätigkeit. Mikrozensus. Beruf, Ausbildung und Arbeitsbedingungen der Erwerbstätigen. Bd. 2: Deutschland – 2008. Wiesbaden

Statistisches Bundesamt (2010a): Bevölkerung und Erwerbstätigkeit. Bevölkerung mit Migrationshintergrund – Ergebnisse des Mikrozensus 2009. Fachserie 1 Reihe 2.2, Wiesbaden

Statistisches Bundesamt (2010b): Bevölkerung und Erwerbstätigkeit. Bevölkerungsfortschreibung – 2008. Wiesbaden

Statistisches Bundesamt (2011): Bevölkerung und Erwerbstätigkeit. Ausländische Bevölkerung. Ergebnisse des Ausländerzentralregisters – 2010. Fachserie 1 Reihe 2, Wiesbaden

Steinbrecher, M. (2009): Politische Partizipation in Deutschland. Baden-Baden

Stiftung Mitarbeit (Hg.) (2007): E-Partizipation. Beteiligungsprojekte im Internet. Bonn

Stoker, G. (2004): Transforming local governance. From Thatcherism to New Labour. Basingstoke

Stortinget (2010): Supervisory role. Oslo www.stortinget.no/en/In-English/About-the-Storting/Control/ (30.6.2011)

Stringer, D. (2007): Blair seeks e-opinions, gets 3 million. In: Associated Press Online, 21.2.2007

Sturm, R. (2004): Devolution – Der pragmatische Weg zur Anerkennung regionaler Vielfalt im Vereinigten Königreich. In: Piazolo, M., Weber, J. (Hg.): Föderalismus. Leitbild für die Europäische Union? Munich, p. 181–199

Sturm, R. (2009): Politik in Großbritannien. Wiesbaden

Sturm, R. (2010): Reform von Wahlsystem, Parlament und Kommunalverfassungen: Die Agenda der konservativ-liberaldemokratischen Koalition in Großbritannien. In: Zeitschrift für Parlamentsfragen 41(4), p. 739–749

TAB (Büro für Technikfolgen-Abschätzung beim Deutschen Bundestag) (2009): Bekannt-heit und Ansehen des Petitionsausschusses des Deutschen Bundestages und Nutzung des Petitionsrechts in Deutschland. Gutachten im Rahmen des TA-Projekts »Öffent-liche elektronische Petitionen und bürgerschaftliche Teilhabe« (Authors: Lippa, B., Kubicek, H., Bröchler, S. ). TAB-Hintergrundpapier Nr. 17, Berlin

TAB (2010): Neue Medien als Mittler zwischen Bürgern und Abgeordneten? Das Beispiel abgeordnetenwatch.de. Berlin (Authors: Albrecht, S., Trénel, M.). TAB-Diskussions-papier Nr. 12, Berlin

taz (2010): Hebammen starten Online-Petition. 20.5.2010, p. 6

Thierfelder, H. (1967): Zum Problem eines Ombudsmans in Deutschland. Köln/Berlin

Thomson, B. (2009): Access and participation: aiming high. In: Jeffery/Mitchell 2009, p. 43–48

Trench, A. (2009): Opening doors: devolution in Wales and the Scottish Parliament, 1999–2009. In: Jeffery/Mitchell 2009, p. 147–152

Ullrich, H. (2009): Das politische System Italiens. In: Ismayr 2009, p. 643–712

UN/IPU (United Nations, Inter-Parliamentary Union) (2010): World e-parliament report 2010. n.p.

Verba, S., Schlozman, K.L., Brady, H.E. (1995): Voice and equality: civic voluntarism in American politics. Cambridge

Verfassungen.de (2011): Gegenwärtige und historische nationale und internationale Verfassungstexte in deutscher Sprache. www.verfassungen.de/ (30.6.2011)

Wehrbeauftragter (2010): Jahresbericht 2009 (51. Bericht). Deutscher Bundestag, Drucksache 17/900, Berlin

Welt Online (2009): Offener Zugang zum akademischen Weltwissen. 18.11.2009 www.welt.de/die-welt/kultur/article5250928/Offener-Zugang-zum-akademischen-Welt wissen.html (26.8.2011)

Wernecke, F. (2007): Mobile Partizipation: Schnelle Beteiligung per SMS am Beispiel der Initiative Mindestlohn. In: Stiftung Mitarbeit 2007, p. 297–307

White, M. (2010): Clicktivism is ruining leftist activism. Reducing activism to online petitions, this breed of marketeering technocrats damage every political movement they touch. In: The Guardian, 12.8.2010

Whyte, A., Renton, A., Macintosh, A. (2005): e-Petitioning in Kingston and Bristol. Evaluation of e-Petitioning in the Local e-Democracy National Project. http://itc.na pier.ac.uk/ITC/documents/Evaluation_of_e-Petitioning_Local_e-Democracy_Natio nal_Project05.pdf (23.3.2011)

Wilson, G. (1994): The Westminster model in comparative perspective. In: Budge, I., McKay, D. (eds.): Developing democracy. London, p. 189–201

Winnett, R., Swinford, S. (2007): Revealed: the e-petition »prat«. In: The Sunday Times, 18.2.2007 www.timesonline.co.uk/tol/news/uk/article1401042.ece (27.8.2011)

Wintour, P. (2010): Public to choose policies as coalition gets the X factor. In: The Guardian, 27.12.2010 www.guardian.co.uk/politics/2010/dec/27/public-policies-coalition-x-factor (30.6.2011)

Woodward, W., Wintour, P., Milmo, D. (2007): Downing Street to send Blair emails to 2 million road pricing protesters. In: The Guardian, 14.2.2007, p. 12

Wright, S. (2006): Electrifying democracy? 10 years of policy and practice. In: Parliamentary Affairs 59(2), p. 236–249

Zebralog (2007): Stärken-Schwächen-Analyse des Modellversuchs »Öffentliche Petitionen«. Analyse der Nutzer und Nicht-Nutzer, Teil B: Befragungen von Einreichern öffentlicher und traditioneller Petitionen, Mitzeichnern und Diskutanten öffentlicher Petitionen sowie sonstigen Nutzern der Webseiten für öffentliche Petitionen (Authors: Trénel, M., Scholz, S.). Berlin

Zebralog (2009): Softwareergonomische Beurteilung des neuen Softwaresystems für die »Öffentlichen Petitionen« des Deutschen Bundestages (Authors: Trénel, M., Märker, O., Scholz, S., Albrecht, S.). Berlin

Zittel, T., Fuchs, D. (Hg.) (2007): Participatory democracy and political participation. Can participatory engineering bring citizens back in? New York

# ANNEX

## LIST OF TABLES

## LIST OF FIGURES                                        2.

In recent years, electronic petition systems have found widespread use. They ensure both the publication of petition texts and the collection of supporting signatures. Moreover, advanced systems enable online discussions concerning the respective petition. Parliaments and governments are making increasingly use of this instrument of political participation and protection of the citizens' interests vis-à-vis the executive power. At the turn of the millennium, the Scottish parliament was one of the pioneers with regard to parliamentary petition portals. The active participation of citizens in the entire petitioning process was one of the guiding principles of the Scottish e-petition system which attracted attention worldwide and has been taken up elsewhere. Since 2005, the Scottish model has been adopted and further developed by the German Bundestag. In many European parliaments, reform processes regarding the modernization of petitioning systems can be observed. On behalf of the German Parliament, the Office of Technology Assessment at the German Bundestag has examined the functional change of the parliamentary petition system in Germany in the course of the introduction of public electronic petitions and has shown a differentiated picture of the strengths and weaknesses of the currently applied system. The view of the German situation is complemented by a country study regarding the petitioning systems applied in Great-Britain including the Scottish one. The volume is completed by an overview of the petitions procedures provided by the European national parliaments and ombudsman institutions.

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