



# Global petitioning perspectives and subsequent considerations for building a substantive petition system

February 2014

Fraser Henderson & Tiago Tiburico

## **About**

The aim of this study is to identify good practices and gather considerations which can be explored, adapted and adopted by a Moroccan petition system in relation to [Article 15](#).

This study explores the range of petitioning practices and mechanics of petition systems in experienced public administration such as Australia, Portugal, Canada, Italy, Scotland, Wales, Germany and the European Parliament. The report also explores petition systems in developing countries in an attempt to closer match the situation in Morocco.

A comparison matrix is included in Appendix A and a summary of discussion points is compiled in Appendix B. Appendix C contains a list of key facets for creating a substantive system. Appendix D contains snippets of example legislation from established systems.

## Contents

<b>Executive Summary</b> .....	<b>4</b>
<b>1.0 Introduction</b> .....	<b>7</b>
1.1 The right to petition .....	7
1.2 Who can petition? .....	8
<b>2.0 Framing of the petition system</b> .....	<b>9</b>
<b>3.0 Elements of a petition system</b> .....	<b>10</b>
3.1 Modes of petition .....	11
<b>4.0 The Petition Lifecycle</b> .....	<b>12</b>
4.1 Pre-petition Stage.....	14
4.1.1 Petition Organisers .....	15
4.1.2 Petition structure.....	15
4.2 Support Gathering Stage .....	16
4.2.1 Types of petition.....	16
4.2.2 Collecting Support.....	16
4.3 Submission Stage.....	17
4.4 Verification Stage .....	18
4.4.1 Rejection statistics.....	18
4.4.2 Duplicates .....	18
4.4.3 Presentation .....	19
4.4.4 Admissibility of content.....	19
4.4.5 Authentication and verification of petition organisers and supporters.....	20
4.5 Consideration Stage.....	21
4.5.1 Hearing a petition.....	21
4.5.2 Petition Committees.....	22
4.5.3 Powers of the Committee .....	23
4.5.4 The Petitions Office .....	23
4.5.5 Volume of work .....	24
4.5.6 Powers .....	25

4.6 Response Stage.....	26
4.6.1 Meaningful responses .....	26
4.7 Monitoring and evaluation .....	27
4.7.1 Evaluation strands .....	27
4.7.2 Data .....	27
4.7.3 Data capture .....	28
4.7.4 Reporting .....	28
<b>5.0 Thresholds .....</b>	<b>29</b>
<b>6.0 Petitioning in developing countries .....</b>	<b>31</b>
6.1 Petitioning in South America .....	32
<b>7.0 The role of the Ombudsman .....</b>	<b>33</b>
7.1 Eligibility .....	33
7.2 Subject of complaints .....	33
7.3 Submission.....	33
7.4 Communications.....	33
7.5 Adherence .....	34
<b>8.0 Wider Consultation .....</b>	<b>35</b>
8.1 Outreach.....	35
<b>Appendix A: Petition system comparison matrix.....</b>	<b>36</b>
<b>Appendix B: Summary of discussion points .....</b>	<b>37</b>
<b>Appendix C: Key facets of meaningful petition systems.....</b>	<b>39</b>
<b>Appendix D: Example legislation.....</b>	<b>40</b>
UK (Scheme): Local Democracy Economic Development & Construction Act (2009).....	40
Scotland: Standing Orders - 4 <sup>th</sup> Edition (7 <sup>th</sup> Revision).....	46
Portugal: Article 161c of the Constitution.....	48

## Executive Summary

Petition systems from across the world tend to fall into one of two categories. Descriptive systems tend to just accept and record petitions, resulting in little or no action. In comparison, more substantive systems take care in the consideration of petitions and strive to release their potential for influencing policy.

It is in the interest of good public administrations to make their petition systems as *substantive* as possible or risk diluting the true value of the instrument and further disenfranchising citizens with democracy. The mechanics of the petitioning process are reasonably well understood yet there are significant variances in how government operate their petitioning systems. The modern right to petition is, in essence, a right to a procedure.

Research on procedural justice and public perceptions of political processes, ‘provides unmitigated evidence that individual-level evaluations of how ‘fair’ (or ‘unfair’) a political process is have a very strong influence on the willingness to accept the outcomes of these processes’ and thus ‘individuals are often willing to accept outcomes they do not prefer if they believe the outcomes were derived through a fair process’<sup>1</sup>.

Subsequently it is important that there are a set of robust structures and protocols around the petitioning process. The petitioners’ journey through the process is therefore deemed almost as crucial as the issue raised in their petition. Above all, the process must be well understood, fair and transparent - which involves significant depth of understanding on how to deal with the various challenges such as trivial and mischievous petitions and large petition volumes.

The regulatory differences vary significantly from country to country and are reflective of both system maturity and cultural differences. More strikingly, the right to petition may exist in any or all tiers of government and include other legal entities such as courts of law.

There are only a few generalisations: that there is rarely an age restriction placed on participating in a petition (notable exclusion is France), that petitions should not be dealt with in private and that there is an obligation to receive a petition when the right to petition exists. Moreover, that a petition must concern the powers of the recipient for it to be valid and that certain exclusions are always enacted. Likewise, that the contents and form of any petition must conform to a set of rules. Finally, there is normally a safeguard to prevent accepting ‘repeat’ petitions.

It would seem that the fundamental *difference* for petitioners revolves around their liberties and rights, such as the valid topics for a petition and opportunities for involvement in the petition hearing such as being allowed to present a petition orally. There are also differences in terms of barriers to entry – such as achieving certain thresholds for consideration and how a petition must be submitted.

Evaluation of the Scottish and German systems indicate that the average petitioner is older, more middle-class, better educated and lives in a more affluent area than the average citizen<sup>2</sup>. The proportion of petitioners who are white, heterosexual and able-bodied also exceeds averages. It is important, therefore, to ensure that petitions do not become a democratic instrument for the elites.

---

<sup>1</sup> C. Carman (2010), ‘The Process is the Reality: Perceptions of Procedural Fairness and Participatory Democracy’, *Political Studies*, 58

<sup>2</sup> Public Petitions Committee, *Inquiry into the Public Petitions Process*, 3rd Report 2009

Unfortunately there few countermeasures against usage inequalities – although a concerted marketing outreach and the use of simple marketing concepts (such as an explanatory video or comic strips for younger audiences) should help petitioners recognise petitioning as ‘welcoming’.

Where petitions are well established by the constitution, research suggests that people are more willing to sign a petition than engage in any other kind of political activity<sup>3</sup>. In other words, strong public acceptance. Moreover, the effect on political dynamics have largely escaped instances of political abuse and have instead contributed to increased responsiveness, accountability and visibility of government. For example, contributing to media attention over political issues.

However, out of all the instruments for popular participation, the petition appears to be one of the weakest because it is not able to immediately influence the will and behaviour of institutions. The implementation of the wish of a petition lies entirely with the institution that has received it, while the petitioner has little power to influence its decision.

The ‘right to petition’ is commonplace in constitutions of democratic and undemocratic countries alike. However, citizens cannot freely petition if their political and civic liberties are not respected. This means that the true expression of the right to petition can only be reached where there is a serious democratic environment (in theory and in practice).

For example, in China there is a long traditional of petitioning the leadership to redress one’s grievances. Chinese people can lodge complaints when their rights are infringed upon as a result of the abuse of power on the part of authorities, enterprises, public institutions, civil groups or their employees. Petitions regarding the country’s legal and judicial systems are reserved for judicial remedies and are not accepted.

Chinese petitioners are free to present their cases in a number of ways such as at their local county office, the provincial office, or the national office (ideally in this order of escalation) - but petitions still tend to rotate around the complaints process. Unfortunately, the Chinese process is fraught with dangers for the petitioner and attempting to resolve a complaint using China’s official petition system is a desperate, last-ditch measure that generally won’t be undertaken until other avenues for the redress of grievances have been exhausted.

The figures are reflective of this - only 0.2% of Chinese petitions are settled directly through the system and petition organisers’ know that there is little hope within the system. Instead, 91% of petitioners simply wanted the government to ‘know their situation’ and 86% made visits to put the government under pressure<sup>4</sup>. Thankfully, new reforms are promised, starting with more diverse ways to submit a petition (e.g. online) and publically reinforcing the legal aspects of the right. This example demonstrates that substantive systems must be matched with quality implementation. This includes the need for an active petitions committee, going beyond formation ‘on paper only’.

It is noteworthy that online systems can also vary significantly in their ability to be substantive. For example, an online form created for the submission of a petition over the internet is quite different from an online facility that allows the collection of signatures and inspection of other petitions.

Finally, it is worthwhile to contemplate the existing petitions culture in order to determine likely petitioner motivations and acceptance among non-governmental influencers and leaders. For example, how non-governmental petitions are being used to influence the business community<sup>5</sup>.

---

<sup>3</sup> Hansard Society (2004-2012), Audit of Political Engagement 1-9 (London:Hansard)

<sup>4</sup> Z. Keyuan, ‘The right to petition in China: New developments and prospects’, EAI Background Brief No. 285 (2006)

<sup>5</sup> [https://secure.avaaz.org/en/petition/BMW\\_N47\\_engine\\_recall/](https://secure.avaaz.org/en/petition/BMW_N47_engine_recall/)

There should also be an expectation that a petition system must evolve to stay in good health. For example, petitions are already considered to have evolved from the 17<sup>th</sup> century when they were requests for the redress of personal grievances. Today, it is reasonable to consider that government will have a separate complaints process.

The extent to which petition systems can fulfil their stated aims and objectives are largely dependent on factors such as the scope and powers granted to the receiver, the extent of acceptance and integration of the system into the wider political and policy-making environment in which they operate and the nature of the petitions themselves. The key attributes of meaningful petition system are explored in Appendix C and are subsequent tests for determining if a system is 'strong' or 'weak' and subsequently 'substantive' or 'descriptive'.

#### **Discussion Point [A]**

*What is the current state and culture of petitioning in Morocco? Will petition organisers be comfortable with filing a petition?*

*What is the appetite for a "substantive" system?*

*What opportunities will exist to petition local or regional government? Is this more or less relevant for petitioners?*

*What are the short, medium and long term goals and how will success be measured?*

#### Note

A similar yet more direct democratic instrument is a 'citizen or peoples initiative'. These instruments tend to have a more preclusive set of conditions (such as a minimum participation age and verification of identification) and require many more signatures. For example, through the European citizens' initiative, one million EU citizens are able to invite the European Parliament to make a legislative proposal.

Likewise, in Sweden, there is a relatively new 'peoples initiative' which can call for a local referendum on proposals where 10% of citizens of voting age have provided written signatures – albeit excluding decisions that have already been taken. In Portugal, 35000 signatures can be used to present the Assembly with an initiative 'legislativa popular' and in Finland, 50000 signatures (1.2% of the population) on a 'citizens' initiative' can be used to suggest new laws directly to Parliament.

Similar 'local referendum' proposals (which allow voters to launch local non-binding referendum on any local issue with a four year cycle) were dropped from proposed 2011 legislation in the UK due to concerns over cost and potential abuse by extreme groups.

It is important that there is an appreciation of the difference between the types of instrument and the crossover (when traditional petitions exhibit aspects of direct democracy triggered by escalating thresholds). Petitions in the context of legislative motions (Article 14 in the Moroccan Constitution) and *are not considered* in this paper.

## 1.0 Introduction

### 1.1 The right to petition

Fundamentally this right is for citizens of to freely petition political powers to address particular grievances or for any reason. An alternative definition of the right to petition is the 'right to present requests to the government without punishment or reprisal'. Nowadays, the 'right to feedback' is considered as a minimum outcome. Modern and more substantive petition systems guarantee the petitioners a range of outcomes through the course of the process (e.g. information, transparency, debate).

There are two main strengths in the right to petition. Firstly, flexibility in that petitions are an instrument which can be used by the masses on a wide range of issues. Secondly, 'appeal' due to the relatively low complexity and barriers to entry. Practice shows, however, that petitions are seldom used by those who have no other forms of democratic instrument at their disposal - such as foreigners and immigrants.

The 'right to petition' should strengthen democracy by allowing citizens to take part in the government of society. In other words, forms part of effective participation. Fundamentally, petitions challenge governments to explain their policies in a way which cannot go unanswered.

In many democracies, the origins of the petition can be traced back into ancient history. However, the right to petition some political organisations has only existed within the last decade and there are well established institutions (e.g. Westminster, UK) who are only just renewing the right to petition - necessary to give petitions the gravitas enjoyed by late adopters.

For example, any citizen, acting individually or jointly with others, may at any time exercise his right of petition to the European Parliament under Article 227 of the Treaty on the Functioning of the European Union. In the United States the right to petition traces back at least to the British "Bill of Rights" of which declared "the right of the subjects to petition the king".

The Scottish Parliament introduced this right in 1999 and Norwegian Municipalities from 2003. However, the German Parliament have had this right since 1949 and Queensland (Australia) since 1859. It is noted that in established cases, enhancements are regularly made after a couple of years of running paper petitions, typically with the introduction of an ePetition facility.

The right of petition the Portuguese Assembly of the Republic is the right to present written statements in the defence of rights, the Constitution, the law or the public interest. This right may be exercised before any of the sovereign bodies (except the courts) or any public authority and about any matter. However, only Parliament approved a specific process for this right.

Sometimes the constitutional provision gives no regard for the various tiers of government (e.g. regional government). For example, in Italy, the regions are free to include the right to petition among the additional contents of their statutes in the absence of anything to the contrary. It is therefore important to consider at what level petitions will be accepted and governed.

Petitions are widely regarded as work best when they are on a very specific issue. The impact of petitions in a local government context is historically more apparent than at the regional or national level. Not least, local government can often be the most appropriate authority for decision making on a locally sourced petition.

## 1.2 Who can petition?

There is sense in the Italian view that a restriction on a 'right that is not expressed' is hardly justifiable and therefore the majority agree that the exercise of the 'right to petition' is not subject to the same requisites that apply to the 'right to vote'.

It follows that it is widely accepted that there should be no age limit applied to the 'right to petition'. One of the resulting benefits is that petitions can be used by young adults who are intellectually capable of expressing their will yet are of an age whereby they are not entitled to vote.

Some of the Italian regions recognise other social entities as entitled to file petitions, including organisations and associations represented at regional or at least provincial level; organised social subjects, associations, labour unions and trade associations, as well as autonomous functional entities. However, the inclusion of 'local institutions' may extend the 'right to petition' to include locally elected bodies.

Portugal and Spain admit petitions from body corporate entities. In Brazil, they are the only ones admitted (before the congress) and under the German system, local authorities are specifically excluded from submitting petitions at the federal level.

However, there are scenarios where a citizen-led petition could result in a local government petition. For example, citizens in the city of Bristol (UK) petitioned their local council to use their powers of objection at a federal government level to a new airport runway which was being built in a different part of the country.

The default position is that the right to petition is one extended to any citizen or (normal) resident of any particular geography pertaining to the institution which is being petitioned. In other words, every natural person who is resident. However, there are exceptions. In Scotland and Wales, petitions are accepted from petition organisers that are non-residents (e.g. from overseas) as long as their issues concerns the state. The balance of residency of the petitioners may also be scrutinised. For example, in Canada, petitions signed exclusively by non-resident aliens have traditionally been deemed as unacceptable.

Allowing elected members to sign or start petitions is a matter of preference. Some systems (e.g. Canadian) allow elected members to start and sign petitions but exclude them from the count. The case for legal persons (e.g. companies) to petition is less compelling as they typically have other means to lobby and may have commercial interests which conflict with the decision making equilibrium.

There tends to be more restriction on the validity of petitions at the local government level. For example, the UK has adopted a minimum requirement for petitioners in that they must 'live, study or work' in the administrative area. Notwithstanding that local authorities might add to these categories depending on their local circumstances. For example, to include seasonal tourists.

### **Discussion Point [B]**

*Who is allowed to start and sign petitions (e.g. prisoners?)..?*

*Will legal persons be allowed to start or sign petitions? What about elected representatives?*

*What framework or minimum standards will the 'right to petition' embody?*

## 2.0 Framing of the petition system

Effort is required to portray the petition system in a way that accurately reflects its ability to influence and further manages the expectations of petitioners. Likewise, to ensure that the petitioners' expectations of the instrument match that of the decision maker. For example, for a politician a debate on a petition is often seen as an outcome in itself which is often at odds with the petitioners' vision.

There is a risk that democracy is further isolated when a democratic instrument is viewed as tokenistic or if the process is blemished in some way. Since the policy impact is indirect (mediated by representatives), perceived fairness and openness in the process can be as important as the actual outcome.

Political scientists have placed petitioning between pure representative democracy and direct democracy (which bypasses representatives altogether) in a separate category called 'advocacy democracy'<sup>6</sup>. In advocacy democracy, participation activities are directed towards influencing the decisions of elected representatives - thereby mitigating the risks of weakening existing democratic institutions.

Clearly a petition is not a way for people to get anything they want but it should carry the promise of an ability to indirectly influence the development of new legislation or propose a change of government policy or other public body's policy. Likewise, petitions should not be seen as a barometer for public opinion (due to the number of people who do not participate).

In laymen terms, consensus (among British MPs) is that a petition is 'an easy way for people to make sure their concerns are heard by Government or Parliament' and not 'an easy way for people to *influence* Government or Parliament'. The National Assembly for Wales have a similar view that petitions act to 'raise the public profile of an issue'.

### **Discussion Point [C]**

*What terminology or message will be adopted and what information will be provided to frame the new petitioning rights?*

*What guidance do petition organisers need?*

*(This should be considered in the context of what can and cannot be achieved).*

---

<sup>6</sup> Dalton, Scarrow and Cain, 2003

### 3.0 Elements of a petition system

Upon inspecting the various characteristics of public administrations who accept petitions, it is apparent that there are three elements which make an important contribute towards a substantive system:-

1. **The right to petition (constitutional)** - the basis for redress and various powers thereof and might include details of minimum standards.
2. **An authority or sponsor for hearing a petition** such as a petition Committee (a subset of officials who consider petitions addressed to their institution).
3. **A resource for orchestrating and governing the scheme**, such as a clerk or petitions office.

In addition there are three supporting facets, of which the majority of systems embrace at least one:-

4. **Regulation**– to produce outcomes which might not otherwise occur, such as mandating a scheme.
5. **An approved petition scheme** – a set of detailed procedures for the submission and examination of a petition by any given administration which can be adjusted over time.
6. **A petition facility** - a place or resource which is used to manage a petition submitted to any given administration (this could be an online platform or office).

In terms of process, safeguards for protecting the legal rights and optional privacy of petitioners are necessary. For example, petitioners may not want to be publically identified as supporters of controversial petitions.

This paper discusses the fundamental requirements listed above in more detail during the following chapters.

#### **Discussion Point [D]**

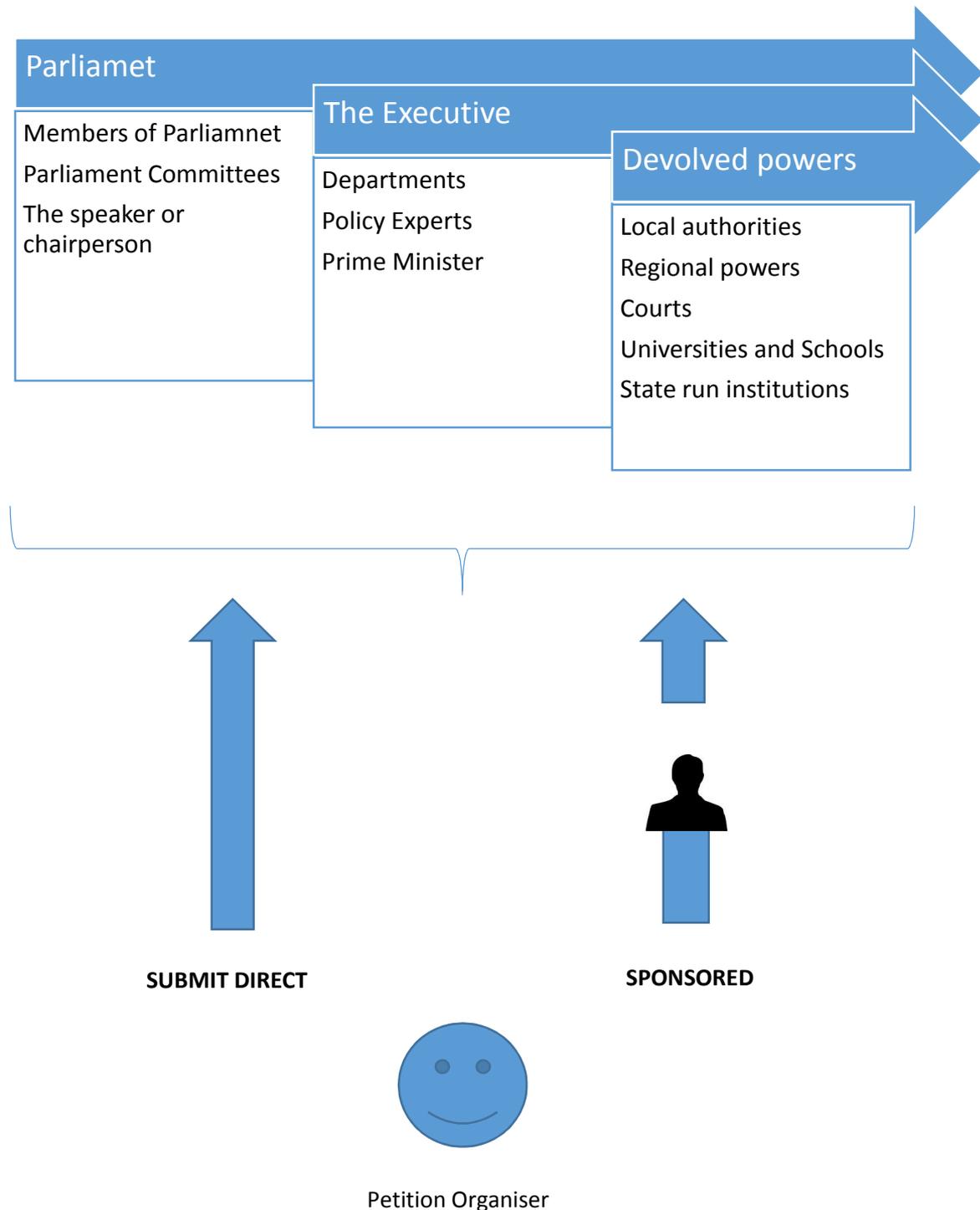
*Which elements of the petition system will the Moroccan government adopt (a) now and (b) at a later stage?*

*What resources are needed to run a system and what are available?*

### 3.1 Modes of petition

In any given country, the existence of a petition system may manifest at any combination of the tiers of government. This is represented in diagram 1.0 below – typically involving the listed actors at each tier.

**Diagram 1.0: Modes of petitioning government**



## 4.0 The Petition Lifecycle

Diagram 2.0 (overleaf) details the possible sequential stages of a petition and time considerations for each stage. Individual petition systems are a reflection of this but may have combined or omitted stages.

It is recognised that a 'reasonable' timetable for the creation, processing and output of a petition is necessary for its purpose to be meaningfully upheld. Deadlines also ensure that petitions do not get 'stuck' at any particular stage and are frequently triggered by the completion of a previous stage instead of being fixed timetables which could be stifling.

For example, in Portugal the petitions Committee must prepare a final report within 60 days which should include proposals for action judged appropriate in each case. However, a Parliamentary response in Portugal can vary from several months to several years and evidence suggests that it can take an average of 100 days (2012).

A timetable for petition Committees in terms of its reporting cycle may also be set. For example, monthly with an annual report. There may also be strict provisions for the permissible duration of petition 'statements' or debate or hearing.

There may also be time limits in the process for the petition organiser. For example, a deadline for the petitioner to amend the petition in order to make it formally admissible once it has been initially checked.

Research suggests that there is a natural 100 day 'useful' life of a petition in terms of the tail-off of supporting signatures. This also ties in nicely with minimum timescales for good practice public consultation<sup>7</sup>.

### **Discussion Point [E]**

*What deadlines, if any, should be considered for the various stages?*

*How long should a petition organiser reasonably wait before being told the outcome of their petition?*

*How will petition organisers be informed about the progress of their petition?*

---

<sup>7</sup> As suggested by The Consultation Institute

Monitoring and Evaluation [Chapter 4.7]



Diagram 2.0: The Petition Lifecycle

## 4.1 Pre-petition Stage

At this stage the petition organiser is considering the petition and subsequent dynamics such as its wording (prayer) and timeliness. The pre-petition stage can be considered as a form of process control but may not be present in a system unless petitioners are required to submit their draft petition to the Petitions Committee Secretariat for checking before signatures are collected (e.g. Australia) or unless there is an online collection facility (i.e. ePetitions).

There are many advantages of including this stage. Foremost, potential petitions can be resolved at an early stage – for example, if the petition is calling for something which is already being planned or implemented. Secondly, it provides an opportunity to optimise the petition (such as adjusting the closing date to coincide with the decision making cycle) and verify the identity of the petition organiser. However, the balance of control must be offset against freedoms associated with being able to start directly with a collection stage.

It is worth noting that ePetition facilities are not all the same. Irrespective of the way it has been submitted, a petition is defined as a public ePetition if the petition text is published on the Internet. The actual petition text can also be supplemented with additional background information concerning the petition issue, and/or the different procedural steps relating to it, and/or the decision on the petition. This sort of ePetition functionality would not result in a pre-petition stage or be able to harness the benefits of it.

Public ePetitions with additional participatory elements are more substantive and can accommodate a pre-petition stage. In this case, the public ePetition is enriched with additional participatory opportunities that are made available to the public. The most widespread participatory element is the opportunity to support a public ePetition with an electronically submitted signature.

Not quite as common are Internet based discussion forums which allow for public debates on the issues raised by a public ePetition. Beyond these participatory elements, other functions such as automatically generated email alerts sent out to users once public ePetitions on related issues are submitted, or a “wiki-style” authoring of ePetition texts prior to an official submission are conceivable.

Petitions submitted electronically are a third permutation. In the case of this most basic ePetition type, petitions are accepted by the addressees if they are submitted electronically, either via email or by using a web interface. The person submitting the ePetition is usually required to include her or his name, address, and other information as part of the identification procedure. Compared to traditional paper petitions, the novelty of this ePetition type merely refers to the initial submission phase.

#### 4.1.1 Petition Organisers

Petition organisers should embrace the fact that ‘any form of collective good may be pursued through a petition’. In terms of baby steps into a political process, petitions should certainly be celebrated as a mechanism for taking citizens through an increasing ladder of participation and consideration is needed on how petitions will co-exist with other democratic instruments.

Petition organisers must be conscious of their responsibilities. For example:-

- They must make sure the petition is clearly worded.
- They must make sure all petition signers are eligible to sign the petition.
- They must make sure each signer signs legibly, with the full information required.
- They must count and collect more signatures than the minimum required, even up to 50% more to counter duplicates and invalid entries.
- Ideally, they should keep a copy of the petition and its signatures (usually the original petition is the one that is required to be submitted).

These sorts of ‘tips’ are a useful addition to more formal guidance on the petitioning process.

#### 4.1.2 Petition structure

Although there are variations on theme, a valid petition is expected to have:-

- A title or subject and date.
- A statement that covers the subject and action to take (the prayer).
- The authority to which the petition is addressed.
- The petition organisers name and contact details.
- The name and signature of any person supporting the petition.

Enforcing a skeleton structure of a petition prayer is useful as it allows petition organisers to word their petition in a way which is easily understood by petitioners and those who receive petitions. The Australian Assembly enforce a 250 word limit to the petition prayer. In contrast, Italian authorities have no statutory limitation on the form of written petitions. Good petitioning authorities provide paper templates for petition organisers to avoid non-compliance scenarios.

It is normal for administrations to request the original sheets, signed by citizens who supported a petition. For example, in Canada, photocopied signatures are unacceptable. The Canadians rules are particularly strict - petitions must be free of erasures or interlineations in its text; correctly sized paper and format. Moreover, the subject matter must be written on every sheet (so that petitioners are aware of what they are supporting).

The admissibility of appendices or hyperlinks (URLs) to support the petition varies between ‘none at all’ or ‘limited’ or ‘unrestricted’. For example, the Scottish system allows petition organisers to provide additional information (no more than three sides of A4) as to the reasons why the action requested is necessary at the time of submission. The Portuguese system has no restrictions.

In terms of language, most petitioning authorities require that petitions must be written in one of the official languages of the land. The exception is the Scottish Parliament whereby *any* language is accepted (and can be interpreted). This allows for petitions to be submitted in alternative formats such as Braille.

## 4.2 Support Gathering Stage

### 4.2.1 Types of petition

Some of the petition systems make a distinction between petitions that pursue general matters and those concerned with personal grievances. For example, the Scottish system only admits general interest petitions but the German and Portuguese systems admit both types. As a point of reference, personal petitions represent less than 10% of petitions submitted to the Portuguese system.

While petitions that deal with personal grievances bear closer resemblance to the historic definition of a petition, personal complaints presented through a petition are somewhat outdated due to a number of reasons such as separation of powers, universal suffrage, state of law and growing public mediatisation.

Our view is that complaints are best served by an Ombudsman (see Section 8.0), who traditionally assumed the role to defend the citizens from rights violation by the Administration. This way, complaints are handled with more privacy and potentially more speedily.

### 4.2.2 Collecting Support

Petition organisers can often collect statements of support in a variety of ways (e.g. directly in public, online or indirectly through papers left in a public place such as shop or place of worship) and tend to exercise these simultaneously.

The prominence of the campaign, clarity of the petition prayer, salience of the issue and number/nature of existing support are contributing factors to the speed of take-up. It is normal for the petition organiser to seek consent from intermediaries who 'host' a petition for the collection of signatures and it may be the intent of a petition organiser to transpose paper petitions into an online facility, when present and permitted.

### 4.3 Submission Stage

The area of weakness often associated with petitioning is the lack of obligations regarding the recipient to act on their merit. In other words, ensuring petitioners are not ignored. However, obligations can be a burden if there are already established norms.

Regulation should be in keeping with the idea that petitions should be public and that they should be characterised by a general scope.

In cases where there is no secondary legislation, the rules around petitions tend to be more relaxed. For example, in Italy regional petitions may be filed even if its contents refer to matters that are generally excluded from popular legislative initiatives. However, the character of a petition in this instance is usually no more than a mere request with discretionary acceptance by the receiving institution.

The fact that petitions are not subject to the same limitations that apply to other instruments of popular participation contributes to making it relevant. The drawback is that this broad-brush approach is that it weakens their objectivity and can lead to inequality and subsequently contribute to a perceived lack of fairness or usefulness, hence the need for good regulation.

The 'obligation to receive' a petition is widely regarded as a given – as is the requirement to acknowledge its receipt. Submitting a petition should be as easy as possible. In Scotland, petitions can be posted to the Parliament free of charge if handed in at a post office.

The obligation to 'examine the merit of a petition' is normally adopted implicitly under other obligations for decision making. It should be noted that the 'right to submit a petition *in person*' is not normally adopted (although this is a good media opportunity for the petition organiser).

Thresholds for the 'right to present a petition orally' vary significantly. In Germany, this 50,000 signatures whereas in Portugal it is 1000 and the Czech Republic 10,000. However, smaller institutions such as the Welsh Assembly allow petition organisers to routinely present their petition, meet committee members as well as informally discuss the petition without any threshold. This has led to various media-friendly events, such as petition organisers wearing fancy dress for their appearances. In parliamentary systems, the written form is only waived in Slovenia and Hungary.

Regulation is also useful to define *when* a petition scheme must be applied. Regulations do not tend to contain any provisions on how the petition's admissibility should be verified by the administration.

#### **Discussion Point [F]**

*Is regulation needed?*

*Which obligations or duties should the Moroccan government adopt?*

*How will petitions be handed over? Should there be a corresponding form to complete in order capture administrative information (as per the Scottish example)?*

*Will the administration allow electronic submission of petitions by email?*

## 4.4 Verification Stage

The verification stage is used to ensure that there are no deficit petitions. That is, where checks are made to ensure that the petition has valid purpose, content and origins.

### 4.4.1 Rejection statistics

Sited common reasons for rejecting a petition are: legal issues tied to judicial decisions, offensive language and issues outside the remit of the receiver. At the European Parliament almost half of petitions received (40%) are rejected due to issues of scope (i.e. that the petition should have been raised nationally). In Germany, a smaller number (c.14%) of petitions are admitted – mainly due to duplication (c.50%) or being based on false assumptions (c.6%). In Portugal only a fraction of petitions are rejected, between 2% and 6%.

One reason why so few petitions are accepted in the German system is because the Bundestag distinguishes between public and individual, non-public petitions. Public petitions have to meet certain criteria: general public appeal and technical and organisational prerequisites. This means that there is considerable discretionary power at the Bundestag for refusals (resulting in frequent criticism). In-fact, the German guidelines on the treatment of public petitions state that "There shall be no legal entitlement for a petition to be accepted as a public petition".

Hence, the low acceptance rate for Germany (stated above) is most probably the public petitions acceptance rate. According to Ralf and Riehm, Ulrich (2011), the acceptance rate for German public ePetitions was 37.3% in 2006 and 13.7% in 2009.

Conversely, the Portuguese system treats every petition as public (including the petition text, questions, governmental answers, final report and all the procedures). There is no discretion to refuse a petition in Portugal and there are only very few guiding conditions.

### 4.4.2 Duplicates

Many of the administrations adopt a pragmatic approach to duplicates by limiting the consideration of similar matters within a set period of time. For example, in Wales, matters that have already been considered (or are substantially similar to matters considered) less than a year ago and submitted by the same person/corporate body will be rejected.

In Germany, public petitions may be rejected if the Committee has already taken a decision on a largely identical matter during the current electoral term and no new issues of relevance to the decision have been presented.

The Scottish Parliament goes a step further by requesting that petitioners demonstrate (via written submission) that they have taken previous steps to resolve the issue raised by their petition.

Some *ePetition* systems reject petitions which 'duplicate existing open petitions'. This insight is not always available to the petition organiser in a paper system unless there is a paper journal and puts significant burden on them to investigate all recent and current petitions.

#### 4.4.3 Presentation

There are also grounds for rejecting a petition based on how it is presented. For example, if:-

- The contents are confused or illegible.
- The petitioners address or signature is wholly or partly lacking.

Standard practice is to that petitions must be signed by original names (or marks) unless there are exceptional circumstances and based on condition – such as the case of incapacity from sickness of the signee.

#### 4.4.4 Admissibility of content

There are a number of different practices regarding the scrutiny of petition content, particularly in terms of the petition subject. The general rule on admissibility in terms of content is that a petition must relate to ‘matters under the authority of the administration’. Different types of petition might also be considered differently or as a single entity. For example, the German Bundestag distinguishes between multiple, collective and mass petitions according to the following definition:-

1. *Multiple petitions* shall be individually written submissions concerning the same matter.
2. *Collective petitions* shall be collections of signatures concerning the same matter.
3. *Mass petitions* shall be a large number of submissions concerning the same matter, the text of which is completely or largely identical.

Normal practice is to publish a list of topics which can be influenced and provide a separate list of exclusions. There are also some very specific caveats among the systems investigated. For example, the Canadian system rejects petitions which make direct requests for the expenditure of public funds.

A compilation of exclusions from the various systems explored is provided below. We do not mean to imply that a wide range of exclusions are needed but aim to highlight the fact that specific conditions can be set.

- Matters relating to planning decisions.
- Matters relating to licensing decisions.
- Any matter relating to an individual or entity in respect of which that individual or entity has a right of recourse to a review or right of appeal conferred by or under any enactment.
- Any matter relating to honours and government appointments.
- Matters that have already been decided (blanket!).
- Matters associated with political parties or organisations.
- Petitions that refer to a matter which is already the subject of legal proceedings.
- Petitions submitted from employees regarding terms and conditions of employment.
- Freedom of information requests.

The tone, demand, accuracy and morality of the petition prayer is also scrutinised. For example, petitions are not normally permitted if they:-

- Contain confidential information or in interfere with the right to privacy of individual persons (e.g. by stating names);
- Demand something which is in fact impossible, a criminal offence, a breach of an administrative regulation or measure in contravention of the constitutional order or moral law.
- Are insulting or their purpose is blackmail or coercion.
- Infringe the principle of human dignity.
- Contain expressions of opinion which are evidently false, misleading or insulting (are evidently not based on fact).
- Use offensive language.
- Include information which may be protected by an injunction or court order.
- Include statements that amount to advertisements.
- Are clearly jokes.

Some petition systems revoke personal complaints of requests although the majority of parliamentary petition systems in EU countries admit these.

The upshot is that it is very easy for petition organisers to get confused about who is the recipient of their petition and if the petition is permissible.

#### 4.4.5 Authentication and verification of petition organisers and supporters

In most circumstances there is no way to accurately authenticate or verify petition organisers and their co-signers outside of contacting each person individually. We cannot find any instances of regulations on how petition admissibility should be verified.

The petition organiser (whether the first or the only signatory) is required to provide at least some personal information so that the petition's admissibility can be checked if necessary and, more importantly, so that the petition organiser can be informed about its outcome. Logic dictates that this would be a reveal of the petition organisers' address. If the petition organiser cannot be identified (i.e. the petition is anonymous) then the normal outcome is for it to be rejected.

Thankfully, there are a low number of instances of abuse through false petitioners and supporters witnessed by experienced bodies such as the petition committees of the Scottish Parliament and Queensland Government.

The verification process becomes more important when thresholds have been exceeded or if the number of signatures is very close to a threshold.

A number of risk mitigation strategies can therefore be used:-

- Contacting the petition organiser to ensure that their details are correct (this is also a good opportunity to discuss the course of a petition).
- Checks based on random sampling of received petitions.
- Visual checks for obvious duplicates or false names.

The degree of confidence of the petition can be summarised in a briefing note by the Petition Office or clerk.

It should be noted that simply because one person gives a presumably false name, that should not affect those who have genuinely signed in good faith. In other words, the petition should not be rejected in its entirety. It is also noteworthy that there is little evidence of organised disruption or fraud in petition systems which have adopted low barriers to entry (i.e. considered to be at greater risk of manipulation or distortion).

#### **Discussion Point [G]**

*How will a deficit petition be defined (including consideration for repeats)?*

*What constitutes a valid petition?*

*What measures can be taken to reduce the likelihood of inadmissible petitions?*

*What checks and balances will be introduced to ensure petitions are verifiable?*

## 4.5 Consideration Stage

### 4.5.1 Hearing a petition

There are essentially two models for dealing with petitions - those which have a 'petition committee' and those with no specialised committee (that deliver petitions to the committees/competent authorities responsible for the subject petitioned).

There are also two core variations in terms of access to the process. Those that follow the indirect, 'Sponsorship method' stipulate that petitions can only be submitted through the intermediary (such as an elected Member of Parliament, who act like a filter). 'Direct Access' methods are more common and allow petitions can be submitted directly by citizens. Typically, petition systems that have a committee model follow the direct access method and some systems have both direct and indirect access methods.

Petition systems that invoke a petitions committee and 'direct access' method tend to be more responsive to citizens and are thought to be more substantive examples but there are exceptions (e.g. in Portugal they do not have a petitions committee but do have a 'direct access mechanism').

There are a number of examples of these models in practice. For example, in Australia a petition must be lodged by a Member of the Legislative Assembly or the Clerk of the Parliament. Usually the Speaker does not lodge petitions for presentation to the House. The Member of Parliament or the Clerk of the Parliament ensures that the petition conforms to the rules. The Member or the Clerk of the Parliament places their signature on the top of the first page of the petition, and indicates the total number of signatures contained in the petition.

This is similar to the process in Westminster (UK) where petitions are presented to Parliament by MPs on behalf of their constituents. MPs usually present petitions from their constituents but aren't compelled to. Presentation does not imply support and finding a sponsor can be challenging for the petition organiser.

The MP carries the petition up to the Speaker, and is allowed to make a short statement – not a speech – before dropping the petition into a green bag that hangs behind the Speaker’s chair. Petitions are listed in Hansard, and a government department responds to each one with an ‘observation’ – which does not have to include any promise for action. It follows that the British system encapsulates many problems: confusion between government petitions and Parliament petitions, a lack of information on the Parliamentary process and frustration with the lack of action.

#### 4.5.2 Petition Committees

The case for a Committee is made by considering that whilst a right to petition might be recognised, the receiving authority remains the master of the nature and manner of presentations of any petition.

Forming a Committee is often regarded a symbol that government is taking petitions seriously. However, specialised committees can also have disadvantages. For example, members will ultimately not be experts in the matters under examination and may be forced to meet less frequently.

The Committee remit tends to be very simple – ‘to consider all admissible petitions that are submitted and decide what action is to be taken’. It takes responsibility for the initial consideration of the issues raised.

A Petitions office normally supports the Committee and the Committee would not therefore have the function of determining the admissibility of petitions.

The Committee is normally made up of several cross-party elected representatives and may itself be elected. The table below shows the number of petition Committee members for a selection of petition systems and the corresponding number of seats:-

<b>Committee</b>	<b>Number of members</b>	<b>Number of seats</b>
Scottish Parliament petitions Committee	7	129
Welsh Assembly petitions Committee	4	60
UK Local Government (typical)	15	84
European Parliament (PETI)	65	766
German Bundestag	26	631

By similar proportions, Morocco (395 seats) might be expected to have around 20 members.

The Welsh Assembly Committee meet every two weeks whereas the European Parliament petitions Committee meet monthly.

The Committee needs to ensure that it can handle its workload and that it is not over-burdening the authorities other Committees. If the system becomes over-burdened, it cannot meet the needs and desires of petitioners.

#### 4.5.3 Powers of the Committee

The Committee has a range of options available to it to facilitate consideration of petitions and can refer them to other Committees if desired. Subsequently the courts and administrative authorities shall be bound to render administrative assistance to the Petitions Committee and the members commissioned by it.

Committees also need the power to facilitate all the possible outcomes such as 'sending for persons, papers and records', commission inquiries into petitions, the questioning of ministers and holding public evidence etc.

In Australia, The Committee is also able to inquire into and report on matters relating to the petitioning process.

#### 4.5.4 The Petitions Office

The petitions office or secretariat can be responsible for a number of functions, such as:-

- Engaging with petitioners.
- Tagging petitions to debates.
- Checking the validity of petitions.
- Checking for duplicates.
- Passing on petitions to the responsible authorities when appropriate.
- Confirming safe receipt of a petition.
- Suggesting rewording of petitions to the petition organiser when appropriate.
- Providing help to the petition organiser about how to publicise their petition.
- Giving guidance on how to submit a petition
- Making contact with elected members where required.
- Asking for feedback/progress reports for all petitions.
- The moderation of discussions when permitted.

The Petition Office is usually tasked with preparing briefing notes for the Committee on any given valid petition. This might be simple or contain a detailed analysis of the signatures (e.g. by number and location).

The German Bundestag receives 15-20,000 petitions per year and requires a substantial "back office" of approximately 80 staff assigned to the committee (although they are also function as the federal ombudsman service in Germany). At the other end of the spectrum, a UK local authority will use existing staff to manage the system which typically equates to a part time role for a single individual.

#### 4.5.5 Volume of work

The number of petitions received is a factor of the population served, self-efficacy of petitioners and maturity of the petition system. This volume can vary day-by-day, month by month and year by year but the general trend is that the petition volumes are rising (possibly in conjunction with population increases).

In 2007, a typical UK local authority with a well-established system dealt with around 40 petitions per year. By comparison, the Australian Parliament dealt with 170 paper petitions and the European Parliament dealt with 1,506 in the same period.

It is therefore difficult to estimate the likely take-up in Morocco. However, the average petition level in several EU countries can be used as a guide and is provided in the following table:-

EU countries	Population, 2010	Received 2006-2009 Average per year	Index: Petitions/100,000 inhabitants
Luxemburg	524.853	7	1,3
Malta	416.110	3	0,7
Italy	60.820.764	415	0,7
Greece	11.290.067	3400	30,1
Czech Rep.	10.505.445	73	0,7
Bulgaria	7.327.224	660	9,0
Lithuania	3.007.758	33	1,1
Netherlands	16.730.348	319	1,9
UK	62.989.550	225	0,4
Belgium	11.041.266	100	0,9
Slovenia	2.055.496	209	10,2
Austria	8.443.018	51	0,6
Slovakia	5.404.322	131	2,4
Spain	46.196.276	1520	3,3
Romania	21.355.849	931	4,4
Portugal	10.541.840	140	1,3
France	65.397.912	11	0,02

Source: Adapted from Riehm, Bohl and Lindner, 2013

#### 4.5.6 Powers

The action that a petition triggers will depend on the powers that the sponsor or Committee can invoke and the extent of public support that the petition carries (i.e. the number of signatures). The following are example outcomes based on established petitioning authorities from across the world:-

- Referral (e.g. to a public prosecutor, criminal investigation, police or ombudsmen)
- Closure
- A fact-finding mission or site visit.
- Holding a roundtable evidence session.
- Commissioning and inquiry.
- The preparation of supporting research or summoning of 'experts'.
- Asking for more information, including from the petition organiser.
- Writing to government departments or relevant organisation to ask for their views.
- Inviting ministers or government officials to attend meetings and answer questions.
- Calling senior government officers 'to account',
- Inviting petitioners or any other organisations to present oral evidence (this usually does not happen until at least the second consideration of a petition in Germany. In this instance, the petitioner, witnesses and experts summoned by the Committee receive are entitled to remuneration).
- Public hearings or debates (normally subject to a minimum number of ministers being present).
- Request time for allocation in a full Parliamentary debate.
- Forwarding the petition to another committee or organisation.

#### ***Discussion Point [H]***

*What model should be formed?*

*Anticipate volume?*

*How can petition committees be drawn closer to people and the regions?*

*What is the procedure for redress or complaint regarding the process?*

*What outcomes can a petition trigger?*

*What will happen to petitions that do not meet the minimum acceptable criteria? Will rejected petitions be published?*

## 4.6 Response Stage

Some, but not all administrations include a statute that they *must* provide a reply to the petitioner. However, often the filing of the petition tends to implicate the recipient in publishing the petition and the resulting decision or outcome of any deliberation. A basic response may be as simple as telling the petition organiser that they did not meet the minimum criteria for consideration.

The notion of a 'duty to respond', underpinned by the Local Democracy, Economic Construction and Development Act 2009 (UK) is one of the most comprehensive examples. This required local authorities to generate a petition scheme which included deadlines for taking action and creating an online petition facility among other provisions. However, it also provided them with the flexibility to determine their own thresholds and conditions (within a given envelope) in accordance with local circumstances.

The key outcome for the UK government in enforcing the creation of local petition schemes was for "Everyone, no matter where they live, will be easily able to find information about how to petition their local authority and they will know what to expect from their local authority in response".

The 'right to a response within a reasonable time' is expressed by the Portuguese Assembly and is a reminder that a time component or at least 'timeliness' is essential for fair treatment of any given petition.

The publication of responses, including logs of rejected petitions and entry into official journals must be considered.

It can be argued that petitions with lower levels of support could, where appropriate, be 'tagged to debates', that ministers are made aware of their existence, and petitioners receive some form of feedback.

### 4.6.1 Meaningful responses

The distinction between output and outcome is significant – the petitioners will often wish to know what happened to the petition (such as the total amount of support) as well as what decision was made as a result of it.

It is courteous to relay official responses to all petitioners whenever possible, either directly or through the petition organiser. This could be by email, in writing, in person or by video.

The wording of the response should not be underestimated; investing in the creation of well written responses will soften the relationship between the process and outcome and reinforce the values of listening and reacting. For example, a well written response should:-

1. Reinstating facts of the petition and process
2. Explain existing position and stances
3. Describe key aspects of the debate
4. Disclose any new findings
5. Detail the decision
6. Explain what happens next

## 4.7 Monitoring and evaluation

There are two important reasons for evaluating a petition system:-

1. To assess what has been achieved.
2. To improve future practice.

Effective evaluation is not something that can be tagged onto the end of an engagement process so it is essential that the ongoing evaluation needs are established as part of the system design.

### 4.7.1 Evaluation strands

There are a number of evaluation strands which can be considered:-

- Perspectives (including institutional) on acceptability (e.g. have expectations been met?).
- Perspectives on usability and ease of use.
- Impact of the petition system on the democratic process as a whole.
- Understanding the motivation of Individuals and petition organisers.

It follows that research questions can be put to different subsets of stakeholders (e.g. officers, moderators, petitioners, citizens who did not petition). From the petitioner's perspective, fairness and transparency in the process are major factors in how the system is perceived. Evaluation is therefore focused on a range of factors such as timeliness of responses, feedback and perceived influence.

### 4.7.2 Data

Data collection is made easier with the presence of an ePetition facility where the petitioners are more readily surveyed and the petition data can be published in an open forum for other organisations to interpret (as per the UK case). Typically, however, the evaluation of any given system is carried out independently by academics or by officers who support the process.

There is a wide range of evaluation data that the system should collect. For example:-

- Numbers and outcomes of petitions, with, time taken, subject, category.
- Numbers rejected, referred on or resolved immediately, with, time taken, reason.
- The time that petitions remain open.
- Number of signatures by day.
- Date petitions withdrawn early or resolved (with reason).
- Time taken to move between a petition closing to signatures, being presented to Council and the formal response being issued.
- Types of issue that the petition falls into (category).
- Demographic of petition organisers (postcodes, sex etc.).
- How the petition was formed, promoted etc.

It is worth considering how the collection of such data might be incorporated into the petitioning process. For example, if the petition organiser should classify their petition in respect to a provided taxonomy of issues.

The following facets are useful measures to determine the **level** of success in a particular engagement system:-

- Extent and manner of use (effectiveness).
- Range of users (representativeness).
- User and stakeholder satisfaction (quality, what changed?).
- Input costs relative to outputs.
- Level of stakeholder support (barriers to continuity).
- User and stakeholder perception about design (process).
- Repeat visits and 'up-stepping' of citizens in the engagement process.
- Who was/wasn't involved (public/stakeholder groups) and why/why not.
- Overspill in terms of increased participation on other channels.

The following facets are useful to measure **democratic criteria**:-

- Representation – who did and did not participate?
- Political equality – were any groups excluded from participating?
- Engagement – what was the quality and quantity of participants' involvement?
- Exposure – to what degree was the process publicised?
- Transparency – how open was the process?
- Conflict and consensus – did the process cause participants opinions to diverge or converge?
- Community Control – did participants have or take ownership of the process?

#### 4.7.3 Data capture

A number of techniques can be used to collect the measures. For example:-

- Attitudinal, behavioural and demographic data (managers and users), to see the different types people who were involved.
- Process observation, to see how people participated and interacted.
- Content analysis, to see the outputs of people's participation.
- Site analytics (e.g. Google Analytics, Counters, Referrers), to see how many people participated, where did they come from, and how long did they stay for.
- Pre- and post-activity surveys or interviews, to see peoples' experiences of participation and the affect it had on them.
- Search Engine Ranking / Search volumes, to see how easily people can find out about the participation opportunities.

#### 4.7.4 Reporting

The evaluation process is typically undertaken annually (and after the first year) although some petitioning institutions go beyond this. For example, PETI (European Commission) provide a regular newsletter about the activities of the petitions committee which include some reflective articles. PETI have also set-up a Facebook group (<https://en-gb.facebook.com/PETITIONS.EU>) which keeps petitioners informed and offers a channel for continual feedback and engagement.

## 5.0 Thresholds

There are lots of arguments ‘for’ and ‘against’ the use of thresholds. In the positive sense they:-

- Can help reduce the burden in terms of the volume of petitions that get debated. Often petition ‘air time’ is limited, particularly in Parliament.
- Are a crude way of measuring support for an issue.
- Ensure that the petition mechanism is not used for complaints or politicking.

On the flipside:-

- Thresholds may simply act as ‘targets’ for motivated campaigners.
- They can be the source of dispute when a petition exceeds a particular target but later is found to contain non-valid signatures (i.e. is called into question).
- They may be a barrier to what might be considered as overwhelming representation.
- It is difficult to raise or lower thresholds after the system has gone live.
- Inequalities are introduced when thresholds are set locally.
- Are generally prohibitive.
- They can create uneven support. Some people will participate when very few other people have participated, some people will only participate when there are large numbers of other participants, and most people are somewhere in between.

When thresholds are applied, there are typically two barriers. The first is the lower limit for which a petition will be considered a petition – in many cases this is just one signature (in other words, the petition organiser and a single supporter). In some instances, petitions submitted by an organisation or group do not require any signatures (e.g. Welsh Assembly).

A second (upper) threshold is used to trigger procedural action and is generally deployed in an attempt to manage the volume of petitions received. Exceeding the upper threshold is advantageous for petitioners and can result in a wide variety of such as publication in an official journal (e.g. Portugal) or trigger a formal debate.

The introduction of intermediate quorums, such as thresholds for the number of signatures required to handle a petition in a public committee session or number of signatures for the discussion of a petition in plenary session is indicative that petitions are a crossover with instruments of direct democracy, which is generally seen as an evolutionary notion.

Thresholds may also be subject to special dispensation by elected members. For example, if a petition relates to a ‘hyperlocal’ issue then its relevance might be absolute yet there is no chance of reaching a set minimum threshold.

Where authorities are free to set their own thresholds, guidance has stipulated that there should be a ‘cap’ on thresholds in proportion to the size of the local population. For example, in the UK, local authority thresholds may be no greater than 5% of the total local authority population. It is also noted that thresholds are often fluid in that they might rise or fall over time, albeit subject to periodic review and never on an ad-hoc basis.

Care must be taken when setting thresholds as they might skew the entire process. A 2013 report from Oxford University showed that 99.9% of ePetitions to the UK government website fail to reach the 100,000 signatures needed to trigger the prospect of a Commons debate. Similarly, if petition thresholds rise over time (which is likely due to increased volumes over time) then this can be perceived as a gradual deterioration of their achievability.

The average number of signatures per petition varies significantly depending on the characteristics of the system. For example, 85% of all public petitions received by the German Bundestag have less than 1,000 signatures. Moreover, 94% of petitions to the older No.10 ePetition website in the UK failed to obtain even the modest 500 signatures required to elicit a response. By contrast, more than 60 percent of the petitions to crossed the 25,000 signature threshold for the American system in 2012.

At the local level (in the case of Bristol, UK with a population of around ½ million), the average number of signatures is closer to 300 with the top-ten supported petitions of all time ranging in support between 500 and 8000 signatures.

It is noteworthy that these examples incorporate ePetitions and that there is a significant 'bandwagon' effect associated with the distribution of support for petitions. Petitioners who strongly agree with an issue are likely to sign a petition no matter how many others have signed. However, petitions with only mild support for a petition are more likely to sign if they can see a high levels of existing support.

***Discussion Point [1]***

*What are the thresholds (if any) for the Moroccan system? Should these be introduced at the outset or would thresholds be more accurately set after an introductory period? Are threshold tiers a possibility?*

*When using an upper signature threshold, it makes sense to consider the politically engaged portion of the population. In Morocco, if this is in the region of 45% of the 13.5 million population who are entitled to vote then by comparison a threshold of up to 10,000 could be considered as proportionally valid compared to other systems. However, a threshold of 250 would be a more meaningful number based on the precedent set by other international systems.*

## 6.0 Petitioning in developing countries

Developing countries face a number of challenges when implementing a petition system. For example:-

- Reducing the barriers to participation - notably making it easier to submit petitions (e.g. dealing with high levels of citizen illiteracy or physical access to government buildings and officials).
- Dealing with interception – corruption or deceit that results in petitions never getting officially filed or intimidation of the petition organiser.
- Marketing of the petition – other than door to door canvassing, there may be no suitable or willing host for the collect of signatures. There is little evidence around effective ways of collecting paper signatures but typically petition organisers in developed countries will use public buildings, shops, shopping malls and streets to enlist the support of the general public. However, it is not uncommon for governments to block petition organisers from collecting signatures in public premises when the matter is of direct concern to it (for example, collecting signatures in a library which is earmarked for closure). Religious settings (e.g. mosques) are often natural hosts for a petition but inevitably street canvassing is required to attract maximum support.

In terms of the submission of petitions, one way to elevate routing problems and assure delivery is by using an online system. However, internet penetration and the digital divide (including low levels of digital literacy) may be equally as preclusive. Some developing countries allow the submission of petitions through telephone ‘hotlines’ or using video.

In China, the government has recently reminded local authorities that any attempt to constrain the public from legal petitioning is prohibited, and acts to intercept, detain or take revenge on the petitioners will be ‘strictly investigated and punished’. This re-iteration of the right to petition within government walls and pre-emptive warning against interception is one possible strategy.

In other developing countries there are problems associated with procedure apathy. For example, according to the House Rules of Procedure in Bangladesh, anyone with consent of the Speaker can submit a petition and give their opinion or feedback on any bill placed in the House. Petitions can also be filed on issues pending in the House or any other matters related to public interest. Under the rules, the Petition Committee headed by the Speaker would inform the House about the petition and recommend actions. This is an all-MP committee, and ministers cannot be its members.

However, the petition Committee in Bangladesh has been particularly inactive and is regularly criticised as ‘existing only on paper’. Statistics show that only 149 petitions related to public issues were submitted to the Petition Committee in the last 38 years. Of them, 12 were filed during the present (ninth) parliament that began in January 2009. The earlier parliament accepted only one petition out of 20 which were submitted.

Records of the meetings held by the committee during successive parliaments are also very poor. No meeting was held during the first four parliaments from 1973 to 1990. During the next four parliaments from 1991 to 2006, the committee sat just nine times.

## 6.1 Petitioning in South America

Latin American countries were touched by the "third wave" of democratization that merged in the 70's. Despite this democratic movement, obstacles continue to block paths towards to democratic consolidation across the region. There are considerable gaps among this region's legislatures. Some have actively sought to cultivate links with citizens (like Brazil, Chile, Costa Rica) but for others this have been much less of a priority (Mexico, Argentina or Venezuela).

Many Latin countries share important institutional characteristics: strong presidential regimes with weak legislatures. However, contrary to popular belief, evidence suggest that citizens are not that disconnected from their legislatures. Actually, some countries made important efforts in that direction.

Nevertheless, the right to petition is widespread in the Americas. For example, in Panama every person has the right to present respectful petitions and complaints to public servants for reasons of social or private interest and to obtain a prompt resolution. A public servant, in response to one who presents a petition, consultation or complaint should resolve it within 30 days or face 'the sanctions indicated by the law'.

In Mexico, Article 8 states that public officials and employees shall respect the exercise of the right of petition, provided it is made in writing and in a peaceful and respectful manner; but this right may only be exercised in political matters by citizens of the Republic. Every petition is replied to in writing by the official to whom it is addressed, and the said official is obliged to inform the petitioner of the decision taken within a brief period of time.

Brazilians have the right to petition (as individuals or collectives) the Government but only in defence of rights or against illegal acts or abuse of power. Moreover, popular initiatives now operate in Argentina, Brazil, Colombia, Costa Rica, Panama, Peru, Uruguay and Venezuela although they have a very limited role in the policymaking process thus far.

## 7.0 The role of the Ombudsman

Ombudsman institutions exist in all EU countries. Unlike parliamentary petitions the typical ombudsman profile is more homogenous. The Ombudsman is focused on the defense and promotion of citizens' fundamental rights as its primary objective whereas petitions are focused on political participation.

The right to complain before an ombudsman is very similar to the right to petition. In this chapter, we use the word 'complaint' to refer to a petition to the ombudsman and the term 'petition' to refer to a parliamentary petition.

In the last two decades, several European countries have adopted new ombudsman institutions and established parliamentary petitions, due mostly to the democratization process in Central and South-East Europe.

More recently we can find reform with ombudsman institutions in Luxemburg (2003) and in France who have a new ombudsman system since 2012. The reform of the German Parliament and the modernization of the petition and complaint system are relevant as the German Parliament acts as an ombudsman.

### 7.1 Eligibility

Except in the cases of the UK and Lithuania, complaints to the ombudsman are not exclusively from citizens. Non-citizens can also submit complaints.

A citizens-only limitation is more frequent in the case of parliamentary petition bodies (but still a minority, existing in only seven countries).

### 7.2 Subject of complaints

Ombudsman institutions are primarily focused on "*res privata*" complaints (all countries accept these complaints), although "*res publica*" are, in many cases, also admitted.

Most commonly, complaints relate to actions of public administration and human rights issues. On the other hand, the majority of parliamentary petitions accept only *res publica* petitions (in accordance to parliamentary competences).

### 7.3 Submission

In contrast with parliamentary petition bodies, the obligation to submit petitions in writing is much less frequent for ombudsman institutions. That means that complaints can even be submitted orally. All ombudsman institutions allow complaints to be submitted by e-mail.

### 7.4 Communications

All ombudsmen have their own websites which publish decisions and, in most cases, are used to communicate with the public. For example, email is commonly used to communicate with the petitioners during the consideration stage.

The Online publication of complaint texts (anonymized as necessary) are provided in Estonia, France, Lithuania, Malta and Hungary.

## 7.5 Adherence

In all European cases, the number of complaints to the Ombudsman is much higher than the number of petitions submitted to parliament, which is coherent with the nature of the complaints (private matters), against petitions (more focused on political and general interest issues).

Fig. 1 Level of complaints to the ombudsman institutions in several EU countries

EU country	Population (2010)	Number Received 2006-2009 (Average)	Index: Complaints per 100,000 inhabitants
Luxemburg	524.853	900	171,5
Malta	416.110	596	143,2
Greece	11.290.067	10600	93,9
Czech Rep.	10.505.445	6700	63,8
Bulgaria	7.327.224	2800	38,2
Lithuania	3.007.758	1600	53,2
Netherlands	16.730.348	13200	78,9
UK	62.989.550	16800	26,7
Belgium	11.041.266	3600	32,6
Slovenia	2.055.496	2700	131,4
Austria	8.443.018	10100	119,6
Slovakia	5.404.322	2500	46,3
Spain	46.196.276	22600	48,9
Romania	21.355.849	7413	34,7
Portugal	10.541.840	6700	63,6
France	65.397.912	67400	103,1

Source: adapted from Riehm, Bohl and Lindner, 2013

## 8.0 Wider Consultation

Consultation on any draft statutory guidance seems appropriate, particularly for petition recipients. This should be in keeping with good practice principals.

Pre-consultation with key stakeholders will ensure that the questions are fine-tuned. The following questions were devised for the 2010 consultation on UK petition guidance:-

- Are there any areas that need clarification?
- Are there any areas which have been omitted? (I.e. should be included in the scope?)
- Are there any areas which are not appropriate?
- Do you think the minimum standards are achievable and appropriate to citizens' expectations?
- Do you agree on the categories which have been excluded under the provisions?
- Do you think there should be additional exclusions? If so, please state what they are and why you feel this way.
- Following on from this consultation, what is the most appropriate timescale for bringing the legislation into force? Please explain your reasons.

Consultation may also wish to explore the development of sector-led best practice and the best way to stimulate communities of practice.

### 8.1 Outreach

When a right to petition is new, government can market the process by:-

- Identifying and target petition organisers.
- Identifying problems that citizens experience which might be tackled via a petition.
- Presenting the petition as a solution within its frame.
- Presenting the results of petitions past or case studies.

#### ***Discussion Point [J]***

*What provisions can be made to support petition organisers and the recipients of petitions to ensure that good practices and lessons learned can be exchanged?*

## Appendix A: Petition system comparison matrix

Institution	Target of petitions	Petitions Committee ?	Maximum duration of open stage for ePetitions	Minimum admissibility (no. of signatures)	Thresholds	Response time guarantee
<b>Scottish Parliament</b>	Parliament	Yes, 7 members of Parliament.	3 months	1		
<b>Queensland Australian Parliament</b>	Parliament	No – sponsored model	6 months		No thresholds	Ministers respond within 90 days
<b>European Commission</b>	Government department	Yes		1	1 Million – ECI to European Parliament	
<b>German Parliament (Bundestag)</b>	Parliament	Yes	8 weeks		Public hearing at 50,000 (0.06% of the population)	
<b>UK Local Authorities</b>	Council	Yes		Set locally	Set locally	Set locally
<b>UK Parliament (Westminster)</b>	Parliament	No – sponsored model	1 year	1	Eligible for debate at 100,000 (0.1% of the population)	Response Within 2 months of presentation
<b>Wales (Welsh Assembly)</b>	Parliament			10		
<b>Portuguese Assembly</b>	Parliament			1	1,000 mandatory hearing by the committee and publication. 4,000 to debate in plenary session	Committee must prepare a final report within 60 days.
<b>White House (USA)</b>	Policy Experts		30 days	150	100,000	No
<b>Parliament of Canada</b>	Parliament	No – sponsored model		25	None	45 days

## Appendix B: Summary of discussion points

### **Discussion Point [A]**

*What is the current state and culture of petitioning in Morocco? Will petition organisers be comfortable with filing a petition?*

*What is the appetite for a “substantive” system?*

*What opportunities will exist to petition local or regional government? Is this more or less relevant for petitioners?*

*What are the short, medium and long term goals and how will success be measured?*

### **Discussion Point [B]**

*Who is allowed to start and sign petitions (e.g. prisoners?)..?*

*Will legal persons be allowed to start or sign petitions? What about elected representatives?*

*What framework or minimum standards will the ‘right to petition’ embody?*

### **Discussion Point [C]**

*What terminology or message will be adopted and what information will be provided to frame the new petitioning rights?*

*What guidance do petition organisers need?*

*(This should be considered in the context of what can and cannot be achieved).*

### **Discussion Point [D]**

*Which elements of the petition system will the Moroccan government adopt (a) now and (b) at a later stage?*

*What resources are needed to run a system and what are available?*

### **Discussion Point [E]**

*What deadlines, if any, should be considered for the various stages?*

*How long should a petition organiser reasonably wait before being told the outcome of their petition?*

*How will petition organisers be informed about the progress of their petition?*

**Discussion Point [F]**

*Is regulation needed?*

*Which obligations or duties should the Moroccan government adopt?*

*How will petitions be handed over? Should there be a corresponding form to complete in order capture administrative information (as per the Scottish example)?*

*Will the administration allow electronic submission of petitions by email?*

**Discussion Point [G]**

*How will a deficit petition be defined (including consideration for repeats)?*

*What constitutes a valid petition?*

*What measures can be taken to reduce the likelihood of inadmissible petitions?*

*What checks and balances will be introduced to ensure petitions are verifiable?*

**Discussion Point [H]**

*What model should be formed?*

*Anticipate volume?*

*How can petition committees be drawn closer to people and the regions?*

*What is the procedure for redress or complaint regarding the process?*

*What outcomes can a petition trigger?*

*What will happen to petitions that do not meet the minimum acceptable criteria? Will rejected petitions be published?*

**Discussion Point [I]**

*What are the thresholds (if any) for the Moroccan system? Should these be introduced at the outset or would thresholds be more accurately set after an introductory period? Are threshold tiers a possibility?*

*When using an upper signature threshold, it makes sense to consider the politically engaged portion of the population. In Morocco, if this is in the region of 45% of the 13.5 million population who are entitled to vote then by comparison a threshold of up to 10,000 could be considered as proportionally valid compared to other systems. However, a threshold of 250 would be a more meaningful number based on the precedent set by other international systems.*

**Discussion Point [J]**

*What provisions can be made to support petition organisers and the recipients of petitions to ensure that good practices and lessons learned can be exchanged?*

## Appendix C: Key facets of meaningful petition systems

### 1.They set realistic expectations

- Promote understanding in order to manage satisfaction.
- Don't over-promise.
- Have a defined scope, such as areas of influence.
- Are not overly restrictive.

### 2. They operate in controlled environments

- Have open rules of engagement (e.g. schemes).
- Invoke a robust method for 'hearing' petitions.
- Include guarantees for petitioners seeking to invoke powers.
- Are an integrated part of the wider political and policy making environment.

### 3.They are well equipped

- Are properly resourced .
- Have significant powers (e.g. call a debate or demand a response).

### 4.They encapsulate good communications

- Including moderation, facilitation and feedback stages.
- Write good, constructive, meaningful replies to the petitioners.
- Are open and transparent.

### 5.They create fair conditions

- Work to a reasonable timetable (i.e. are responsive).
- Are inclusive, open to a wide range of people who might be affected by an issue.
- Make it easy to submit and assemble a petition (e.g. directly).
- Do not subject petitioners to persecution, intimidation or inequality.

### 6. They operate responsibly

- Report and communicate widely on their progress.
- Build-in evaluation and monitor the satisfaction of petitioners.
- Can deal with petitions with a degree of flexibility.

## Appendix D: Example legislation

### UK (Scheme): Local Democracy Economic Development & Construction Act (2009)

(1) A principal local authority must make a scheme for the handling of petitions which are made to the authority and to which section 12 applies.

(2) In this Chapter “petition scheme” means a scheme under this section.

(3) A petition scheme must be approved at a meeting of the authority before it comes into force.

(4) A principal local authority must publish its petition scheme—

(a) on its website, and

(b) in such other manner as the authority considers appropriate for bringing the scheme to the attention of persons who live, work or study in its area.

(5) A principal local authority may at any time revise its petition scheme (and subsections (3) and (4) apply in relation to any scheme which is revised under this subsection).

(6) A principal local authority must comply with its petition scheme.

(7) Subject to that, nothing in this Chapter affects the powers or duties of a principal local authority in relation to any petition to it.

### **12 Petitions to which a scheme must apply**

(1) This section applies to a petition made to a principal local authority which—

(a) requests the authority to take or cease to take action described in the petition,

(b) is signed by at least the specified number of persons who live, work or study in the authority's area,

(c) is not a petition made under and in accordance with any other enactment, and

(d) if the petition is in electronic form, is made using the authority's ePetition facility.

(2) In subsection (1)(b), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.

(3) For the purposes of this Chapter—

(a) a signature counts if (and only if) the petition gives the signatory's name and address (which may be an address where the signatory lives, works or studies);

(b) references to signing or signature, in the case of a petition made using a principal local authority's ePetition facility, are to authentication in such manner as the authority's petition scheme may specify.

### **13 Requirement to acknowledge**

(1) A principal local authority's petition scheme must secure the following results where a petition to which section 12 applies is made to the authority—

- (a) the authority must send written acknowledgement of the petition to the petition organiser within the specified period;
- (b) the acknowledgement must give such information about what the authority has done or proposes to do in response to the petition as the authority considers appropriate.

(2) In subsection (1)(a), “specified period” means the period specified for the purposes of this section in the scheme.

### **14 Requirement to take steps**

(1) For the purposes of this Chapter, an “active petition”, in relation to a principal local authority, is a petition to which section 12 applies made to the authority where—

- (a) the petition relates to a relevant matter, and
- (b) the petition is not in the opinion of the authority vexatious, abusive or otherwise inappropriate to be dealt with as specified in this section.

(2) For the purposes of subsection (1)(a) “relevant matter” means—

- (a) in the case of any principal local authority, a matter which relates to a function of the authority, and
- (b) in the case of a relevant principal local authority, a matter which—
  - (i) does not relate to a function of the authority, but
  - (ii) relates to an improvement in the economic, social or environmental well-being of the authority's area to which any of its partner authorities could contribute.

(3) In subsection (2)(b)—

- (a) “relevant principal local authority” means a principal local authority in England other than a non-unitary district council;
- (b) “partner authority”, in relation to such an authority, has the same meaning as in Chapter 1 of Part 5 of the Local Government and Public Involvement in Health Act 2007 (c. 28).

(4) For the purposes of subsection (1)(a)—

- (a) the appropriate national authority may by order specify matters falling within subsection (2)(a) which are not to be regarded as relating to a function of the authority;
- (b) the Secretary of State may by order specify matters falling within subsection (2)(b) which are not to be regarded as relevant matters.

(5) A principal local authority's petition scheme must secure that, where an active petition is made to the authority, the authority must take one or more steps in response to the petition.

(6) A principal local authority's petition scheme must secure that the steps which may be taken by the authority pursuant to subsection (5) include the following—

- (a) giving effect to the request in the petition;
- (b) considering the petition at a meeting of the authority;
- (c) holding an inquiry;
- (d) holding a public meeting;
- (e) commissioning research;
- (f) giving a written response to the petition organiser setting out the authority's views about the request in the petition;
- (g) in the case of a principal local authority operating executive arrangements, referring the petition to an overview and scrutiny committee of the authority;
- (h) in the case of a principal local authority not operating executive arrangements, referring the petition to a committee of the authority with power under or by virtue of any enactment to review or scrutinise decisions made, or other action taken, in connection with the discharge of any functions of the authority.

(7) A principal local authority's petition scheme must secure that where an active petition is made to the authority, the authority must also within the specified period—

- (a) notify the petition organiser in writing of the steps the authority has taken or proposes to take in response to the petition and of the authority's reasons for doing so, and
- (b) publish that notification on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.

(8) In subsection (7), "specified period" means the period specified for the purposes of this section in the petition scheme.

(9) A principal local authority's petition scheme may—

- (a) permit the notification referred to in subsection (7)(a) to be included in an acknowledgment sent pursuant to section 13(1);
- (b) in a case where the authority takes the step referred to in subsection (6)(f), permit the notification referred to in subsection (7)(a) to be included in the response referred to in subsection (6)(f).

## **15 Requirement to debate**

(1) For the purposes of this section, a “petition requiring debate”, in relation to a principal local authority, is an active petition made to the authority in relation to which the conditions in subsection (2) are met.

(2) Those conditions are that—

(a) the petition is signed by the specified number of persons who live, work or study in the authority's area, and

(b) the petition is not a petition requiring an officer to be called to account by the authority (within the meaning of section 16).

(3) A principal local authority's petition scheme must secure that, where a petition requiring debate is made to the authority, the steps taken by the authority under section 14(5) include or comprise the step of considering the petition at a meeting of the authority.

(4) In subsection (2)(a), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.

## **16 Requirement to call officer to account**

(1) For the purposes of this section, a petition “requiring an officer to be called to account” by a principal local authority is an active petition made to the authority in relation to which the conditions in subsection (2) are met.

(2) Those conditions are that—

(a) the petition is signed by the specified number of persons who live, work or study in the authority's area,

(b) the petition requests that an officer of the authority (whether identified by name or description) be called to account at a public meeting of the authority,

(c) the officer is a relevant officer, and

(d) the petition gives grounds for the request which relate to the discharge of functions for which the officer is responsible.

(3) In subsection (2)(a), “specified number” means the number specified for the purposes of this section in the principal local authority's petition scheme.

(4) In subsection (2)(c), “relevant officer” means an officer of the principal local authority of a description specified for the purposes of this subsection in the authority's petition scheme.

(5) The descriptions of officer specified under subsection (4) must include—

(a) the statutory chief officers of the authority within the meaning of section 2 of the Local Government and Housing Act 1989 (c. 42),

(b) the non-statutory chief officers of the authority within the meaning of that section, and

(c) the head of the authority's paid service.

(6) A principal local authority's petition scheme must secure the results in subsection (7) where—

- (a) a petition requiring an officer to be called to account by the authority is made to the authority, and
- (b) the authority operates executive arrangements.

(7) The results in this subsection are that the steps taken by the authority under section 14(5) include or comprise the following steps—

- (a) the exercise by an overview and scrutiny committee of the authority of its power under subsection (13)(a) of section 21 of the Local Government Act 2000 (c. 22) to require the relevant person to attend before it to answer questions;
- (b) after the relevant person has attended before the overview and scrutiny committee, the making by the committee of a report or recommendations to the authority under subsection (2) of that section;
- (c) the sending by the authority of a copy of that report or those recommendations to the petition organiser.

(8) A principal local authority's petition scheme must secure the results in subsection (9) where—

- (a) a petition requiring an officer to be called to account by the authority is made to the authority,
- (b) the authority does not operate executive arrangements, and
- (c) under or by virtue of any enactment the authority has a committee with power—
  - (i) to require officers of the authority to attend before it to answer questions, and
  - (ii) to make reports or recommendations to the authority.

(9) Those results are that the steps taken by the authority under section 14(5) include or comprise the following steps—

- (a) the exercise by the committee referred to in subsection (8)(c) of its power to require the relevant person to attend before it to answer questions;
- (b) after the relevant person has attended before the committee, the exercise by the committee of its power to make a report or recommendations to the authority;
- (c) the sending by the authority of a copy of that report or those recommendations to the petition organiser.

(10) In each of subsections (7)(a) and (9)(a), "relevant person" means—

- (a) the officer identified in the petition, or
- (b) if the committee referred to in that subsection considers that for the purposes of addressing the concerns raised by the petition it would be more appropriate for another officer of the authority to attend before it, that officer.

## 17 Review of steps

(1) A principal local authority's petition scheme must secure the results in subsection (2) where—

(a) pursuant to an active petition made to the authority, the authority gives notification further to section 14(7)(a), and

(b) the authority operates executive arrangements.

(2) Those results are—

(a) if the petition organiser so requests, an overview and scrutiny committee of the authority must under subsection (2)(a) of section 21 of the Local Government Act 2000 (c. 22) review the adequacy of the steps taken or proposed to be taken in response to the petition (or arrange, pursuant to subsection (3)(b) of that section, for the authority to do so);

(b) the authority must inform the petition organiser of the results of the review;

(c) the authority must publish those results on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.

(3) A principal local authority's petition scheme must secure the results in subsection (4) where—

(a) pursuant to an active petition made to the authority, the authority gives notification further to section 14(7)(a),

(b) the authority does not operate executive arrangements, and

(c) under or by virtue of any enactment the authority has a committee with power to review or scrutinise decisions made, or other action taken, in connection with the discharge of functions of the authority.

(4) Those results are—

(a) if the petition organiser so requests, the authority's committee referred to in subsection (3)(c) must exercise the power referred to in that subsection to review the adequacy of the authority's steps in response to the petition (or exercise any power of the committee to arrange for the authority to do so);

(b) the authority must inform the petition organiser of the results of the review;

(c) the authority must publish those results on the authority's website unless the authority considers that in all the circumstances it would be inappropriate to do so.

## **18 Supplementary scheme provision**

(1) A principal local authority's petition scheme may, subject to the requirements of this Chapter, include such provision as the authority making it considers appropriate.

(2) That provision may in particular include—

(a) provision relating to petitions which are not petitions to which section 12 applies;

(b) provision for handling a petition made to more than one principal local authority;

(c) provision for handling a petition made to one principal local authority which relates to functions of another principal local authority.

## [Scotland: Standing Orders - 4<sup>th</sup> Edition \(7<sup>th</sup> Revision\)](#)

### **Rule 6.10 Public Petitions Committee**

1. The remit of the Public Petitions Committee is to consider public petitions addressed to the Parliament in accordance with these Rules and, in particular, to—

- (a) decide in a case of dispute whether a petition is admissible;
- (b) decide what action should be taken upon an admissible public petition; and
- (c) keep under review the operation of the petitions system.

### **Rule 15.4 Bringing petitions**

1. The Parliament shall consider, in accordance with the provisions of this Rule and Rules 15.5 to 15.8, any petition addressed to it. A petition may be brought in any language by an individual person (other than a member), a body corporate or an unincorporated association of persons.

2. A petition shall clearly indicate—

- (a) the name of the petitioner;
- (b) an address of the petitioner to which all communications concerning the petition should be sent; and
- (c) the name and address of any person supporting the petition.

3. The Public Petitions Committee (the Committee) shall determine the proper form of petitions and shall publish its determinations in such manner as it considers appropriate.

4. A petition may be lodged with the Clerk, or sent to the Clerk by e-mail, at any time when the office of the Clerk is open and the Parliament is not dissolved. Petitions may be lodged or sent by the petitioner or by a member on behalf of the petitioner.

### **Rule 15.5 Admissibility of petitions**

1. A petition is admissible unless it—

- (a) does not comply with Rule 15.4.2 or is otherwise not in proper form;
- (b) contains language which is offensive;
- (c) requests the Parliament to do anything which the Parliament clearly has no power to do;  
or
- (d) is the same as, or in substantially similar terms to, a petition brought by or on behalf of the same person, body corporate or unincorporated association during the same session of the Parliament and which was closed less than a year earlier.

2. The Committee shall consider and decide in a case of dispute whether a petition is admissible and shall notify the petitioner of its decision and of the reasons for that decision.

### **Rule 15.6 Action on petitions**

1. If a petition is admissible, the Committee shall take such action as it considers appropriate in relation to that petition.

1A. [deleted]

2. The Committee may—

- (a) refer the petition to the Scottish Ministers, any other committee of the Parliament or any other person or body for them to take such action as they consider appropriate;
- (b) report to the Parliamentary Bureau or to the Parliament;
- (c) take any other action which the Committee considers appropriate; or
- (d) close the petition under Rule 15.7.

3. The Committee shall notify the petitioner of any action taken under paragraph 2.

### **Rule 15.7 Closing petitions**

1. The Committee, or any other committee to which a petition has been referred, may close a petition at any time.

2. Where a committee closes a petition it shall notify the petitioner that the petition is closed and of the reasons for closing it.

### **Rule 15.8 Notification**

1. Any notification to a petitioner under Rule 15.5.2, 15.6.3 or 15.7.2 shall be made as soon as practicable after the action or decision to which the notification relates and may, at the discretion of the Committee, be given in the language of the petition (if that language is not English).

## Portugal: Article 161c of the Constitution

### Article 1 Scope

1 – The present Law shall regulate and ensure the exercise of the right of petition, with a view to defending citizens' rights, the Constitution, the law, and the general interest by means of the making of petitions, representations, protests or complaints to the bodies that exercise sovereign power or any public authority except the courts.

2 – The following shall be regulated by special legislation:

- a) The impugnation of administrative acts by protest or by hierarchical appeal;
- b) The right of complaint to the Ombudsman and to the Media Regulatory Body;
- c) The right of residents' organisations to petition local authorities;
- d) The collective right of petition of full-time military and militarised personnel on active service.

### Article 2 Definitions

1 – In general, "petition" shall mean the making of a request or a proposal to a body that exercises sovereign power or to any public authority, with a view to its taking, adopting, or proposing certain measures.

2 – "Representation" shall mean an exposé intended to display an opinion contrary to that expressed by any person or body, or to call a public authority's attention to a certain situation or act, with a view to the revision thereof, or to the consideration of its effects.

3 – "Protest" shall mean the impugnation of an act before the body, member of staff, or agent who or which engaged in it, or before his or its hierarchical superior.

4 – "Complaint" shall mean the denunciation of any unconstitutionality or illegality, or of the irregular operation of any department or service, with a view to the taking of measures against those responsible.

5 - Petitions, representations, protests and complaints shall be termed "collective" when made by a number of persons acting by means of a single instrument, and "for and on behalf of a collective body" when made by a body corporate representing its members.

6 – Whenever the present Law just employs the term "petition", the latter shall be taken to apply to all the formats referred to by the present Article.

### Article 3 Cumulation

The right of petition may be cumulated with other means of defending rights and interests which are provided for by the Constitution and the law, and its exercise shall not be limited or restricted by any body that exercises sovereign power, or by any public authority.

#### **Article 4 Holders**

1 – The right of petition, as an instrument for democratic participation in politics, shall belong to Portuguese citizens, without prejudice to the possession of the same legal capacity by citizens of other states which grant it to Portuguese citizens under equal and reciprocal terms and conditions, particularly within the scope of the European Union and the Community of Portuguese-Speaking Countries.

2 – Foreigners and stateless persons who reside in Portugal shall always possess the right of petition for the purpose of defending those of their rights and interests which are protected by law.

3 - The right of petition shall be exercised either individually or collectively.

4 – Any legally constituted body corporate shall also possess the right of petition.

#### **Article 5 Universal and free nature**

The right to make petitions shall be universal and free of charge, and shall never imply the payment of any tax or fee.

#### **Article 6 Freedom of petition**

1 – No public or private person or body shall prohibit or in any way impede or hamper the exercise of the right of petition, particularly the free collection of signatures or the practice of the other necessary acts.

2 – The provisions of the previous paragraph shall not prejudice the ability to verify the authenticity of signatures and the personal details of signatories, either in full or by sampling.

3 – Petitioners shall indicate their full name and the number of their identity card, or, in the event that they do not hold the latter, of any other valid identity document.

#### **Article 7 Guarantees**

1 – No one shall be prejudiced, privileged or deprived of any right as a result of the exercise of the right of petition.

2 - The provisions of the previous paragraph shall not exclude a petitioner's criminal, disciplinary or civil liability if the exercise of the right of petition leads to the illegitimate breach of an interest which is protected by law.

### **Article 8 Duty to study and communicate**

1 – Exercise of the right of petition shall oblige the body to which the petitions are directed to receive and study the petitions, representations, protests or complaints that are made, as well as to communicate such decisions as are taken.

2 – A mistake in the choice of the format of the right of petition from among those referred to by Article 2 shall not justify a refusal to consider a petition by the body to which it is directed.

3 - Petitioners shall indicate a single address for the purpose of the communications provided for by the present Law.

4 – When the right of petition is exercised collectively, communications and notifications which are made in accordance with the previous paragraph shall be deemed valid for all the petitioners.

### **Article 9 Form**

1 – Exercise of the right of petition shall not be subject to any given form or specific process.

2 – However, petitions, representations, protests and complaints shall be made in writing, may be made in the Braille language, and shall be properly signed by the holders of the right of petition or others at their request, if the holders do not know how, or are unable, to sign.

3 - The right of petition may be exercised by post or by telegraph, telex, fax, electronic mail or other means of telecommunication.

4 – The bodies that exercise sovereign power, the self-government bodies of the Autonomous Regions, local authority bodies, and the departments of the Public Administration to which the instruments involved in the exercise of the right of petition are delivered, shall organise systems for receiving petitions electronically.

5 – The body to which a petition is directed shall invite the petitioner to complete an existing written petition when:

a) The petitioner is not correctly identified or the petition does not include details of his domicile;

b) The text is unintelligible, or does not specify the object of the petition.

6 – For the purposes of the previous paragraph, the body to which the petition is directed shall set a time period of not more than twenty days, with the warning that failure to overcome the indicated shortcomings will cause the petition to be automatically archived.

7 – In the case of a collective petition, or one which is made for and on behalf of a collective body, the complete details of one of the signatories shall suffice.

### **Article 10 Delivery in Portuguese territory**

1 - As a rule, petitions shall be delivered at the offices of the bodies to which they are directed.

2 - Petitions which are directed to the central management of public bodies may be delivered at the offices of the latter's local management when the interested parties reside or find themselves in the respective area.

3 – When petitions are directed to Public Administration bodies which do not possess departments or services in the area of the district or municipality in which the interested party or parties reside or find themselves, they may be delivered to the secretariat of the civil government of the district in question.

4 - Petitions which are made in accordance with the previous paragraphs shall be sent by registered post to the bodies to which they are directed within twenty-four hours of their delivery, together with mention of the date of that delivery.

### **Article 11 Delivery abroad**

1 - Petitions may also be delivered at the departments or services of Portugal's diplomatic and consular offices in the country in which the interested parties find themselves or reside.

2 – The diplomatic or consular offices shall send the petitions to the bodies to which they are directed, in accordance with paragraph (4) of the previous Article.

### **Article 12 Immediate denial**

A petition shall be immediately denied when it is manifest that:

- a) The desired purpose is illegal;
- b) The object is the reconsideration of court decisions, or of administrative acts which are not subject to appeal;
- c) The object is the reconsideration by the same body of cases which have already been considered following exercise of the right of petition, save only if new grounds for consideration are invoked or have occurred.

2 - A petition shall also be immediately denied if:

- a) It was made anonymously and studying it has not made it possible to identify the person or persons it came from;
- b) Any of the required grounds are not met.

### **Article 13 Procedure**

1 – In the absence of the immediate denial referred to by the previous Article, the body which receives a petition shall take a decision in relation to the content thereof as soon as is compatible with the complexity of the subject matter.

2 – If the body deems that it does not possess the responsibility or competence to consider the matter which forms the object of a petition, it shall forward it to the body that does, and shall inform the petitioner thereof.

3 – In order to judge the grounds which are invoked in a petition, the body that does possess the responsibility or competence may take such steps as are necessary to determine the facts and, depending on the case in question, may either take the measures required to satisfy the desired purpose, or archive the file.

....

### **Article 20 Committee powers**

1 – During the study of, and the procedure in relation to, a petition, the parliamentary committee may hear the petitioners, ask any citizens to testify, and request and obtain information and documents from other bodies that exercise sovereign power or from any public or private bodies, without prejudice to the law governing state secrets, the confidentiality of legal proceedings, or professional confidentiality, and may ask the Public Administration to take the steps that prove necessary.

2 - The parliamentary committee may decide to hear the person in charge of a Public Administration department or service which is targeted by a petition.

3 – Once the committee has studied the issue raised by the petitioner, and upon a proposal by the rapporteur, the committee may ask the competent bodies to take a position on the matter.

4 – Compliance with requests made by the parliamentary committee in accordance with the present Article shall take priority over any other Public Administration services and shall occur within a maximum of twenty days.

5 – Requests provided for by the present Article shall make reference to the present Law and shall include a transcription of both the previous paragraph and Article 23.

### **Article 21 Hearing petitioners**

1 – Whenever a petition is signed by more than 1,000 citizens, the petitioners shall obligatorily be heard before the parliamentary committee, or a delegation thereof, during the study and procedural phase.

2 - The parliamentary committee may also decide to hold such a hearing for duly substantiated reasons of merit, with special regard to the interests at stake, their social, economic or cultural importance, and the gravity of the situation which forms the object of the petition.

3 – The provisions of the previous paragraphs shall not prejudice such steps as the rapporteur deems appropriate in order to obtain further information and prepare his report, including by contacting the petitioners.

**Article 25 Petitions do not lapse**

Petitions that are not considered during the legislature in which they are made shall not require renewal in the following legislature.

**Article 26 Publication**

1 – The following petitions shall be published in full in the Journal of the Assembly of the Republic:

- a) Those signed by at least 1,000 citizens;
- b) Those whose publication has been ordered by the President of the Assembly of the Republic, in accordance with the committee decision.

2 – The reports concerning the petitions referred to by the previous paragraph shall also be published.

3 - The Plenary shall be informed of the essence of such petitions as are received, and of the measures which are taken in relation to them, at least twice in each legislative session.

**Article 27 Controlling results**

1 – At the initiative of the petitioners or of any Member of the Assembly of the Republic, the parliamentary committee may at any time decide to determine the state of progress, or the results, of the steps which have been taken as a result of the consideration of the petition.

2 – The approved report in relation to each case may give rise to new steps, and in any case shall be communicated to the petitioner and publicised on the Internet.