

A basic right

Available to all



The actions of the state can be flawed in practice. Any law, no matter how well thought through, and any government ordinance, no matter how well considered and precisely worded, can be the cause of inequity or injustice.



The right of petition makes a direct channel to Parliament available to everyone in the Federal Republic of Germany.

The right of petition has several consequences:

- The citizen can complain about specific administrative acts
- Suggestions for legislation are put forward
- The Members of the German Bundestag gain an idea of the mood among the population

Article 17 of the Basic Law

Anybody can make use of the right of petition: adults and minors, Germans and people from other countries, but also prisoners and legally incapable persons. Soldiers can address the Petitions Committee in addition to or instead of a submission to the Parliamentary Commissioner for the Armed Forces.

People can address the Petitions Committee on their own behalf, for third parties or in the general interest.

The Petitions Committee deals with all petitions that relate to the German Bundestag's legislative functions or make complaints about federal authorities. It forwards other submissions to the competent bodies (e.g. the parliaments of the *Länder*, the German constituent states).

Citizens and the Administration

The Petitions Committee – working for you

The Petitions Committee is the central point of contact at the German Bundestag for anyone in the Federal Republic of Germany who wishes to raise their concerns, draw attention to hardships or make suggestions.

It can intervene in a mediating role when people have problems with federal authorities and other institutions subject to federal supervision.

It has the right to press for the amendment of federal legislation, e.g. in order to close gaps in the system.

The Petitions Committee cannot intervene in conflicts between individual citizens under private law. For example, it has no powers to mediate in conflicts between neighbours, examine purchase agreements concluded between private individuals or judge claims for compensation of damages.

The Petitions Committee cannot review court judgements or other court decisions. However, it can certainly seek to influence federal authorities involved in court cases that are still ongoing.



Meeting the public at trade fairs

For understandable reasons, the Petitions Committee does not deal with anonymous or insulting letters.

Provided that they respect these limitations, any petitioner may justifiably expect that the matter they have raised will be examined objectively and that they will be informed of the results of this examination in writing.



Hope and Gratitude

"It is comforting to know..."

Many of the letters received from petitioners illustrate in an impressive way the kind of hopes and expectations that are placed in the Petitions Committee. Some also express gratitude for the help that has been provided.

"The wheelchair we applied for has now been approved by the sickness fund responsible. Many thanks for your efforts."

"I would like to send a big thank you to all your staff for helping my petition to get successful results so quickly. This is purely down to the Petitions Committee of the German Bundestag. All the authorities I presented my complaint to just told me that the decisions that had been taken were correct in law and I had no grounds for an appeal. But thanks to your help and the re-examination carried out by the Federal Ministry of Health and Social Security, my appeal has been decided in my favour. May all federal and *Land* bodies work so effectively..."

"I am writing to sincerely express my deep gratitude to the members of the Petitions Committee for the fact that, due to your assistance, a problem that was causing us serious difficulties has been resolved so quickly and it has been possible for the misunderstanding that led to it to be cleared up. It is refreshing to be able to experience for myself that, in spite of all the negative news, all the wrangling and all the pessimistic talk, this state is, nevertheless, willing and able to assist the individual as well. We felt it was practically a minor miracle that this help was given so unexpectedly rapidly..."

"Without the work of the Petitions Committee, this decision would definitely not have been taken. We would therefore like to thank you and the Petitions Committee very warmly for the support you have provided..."

Examination, Deliberation, Recommendation

A body with special powers



The Petitions Committee during an on-site visit to Verden-Dauelsen

The Petitions Committee has various options when it seeks to comprehensively clarify the facts of a case.

It can:

- Request comments from the Federal Government and hear government representatives

- Require official bodies to provide it with files
- Visit federal institutions
- Carry out on-site visits



The Petitions Committee during an on-site visit to Castrop-Rauxel

Modest Requirements

Signed petition giving name and address

Because the right of petition is a general right, it must also be easy to exercise. For this reason, the only requirements made of those who wish to submit a petition are that they draw it up in writing, sign it and give their address. No other personal details are required unless they are absolutely necessary in order to clarify the facts of the case.

Submissions should be sent to:

**Deutscher Bundestag
Petitionsausschuss
Platz der Republik 1
11011 Berlin
Telefax +4930 22736027**

A form is available at www.bundestag.de/petitionen that makes it easier to submit petitions and which can also be submitted via email, provided that the necessary personal details (mandatory fields) are given. However, it is possible to simply write a letter or send a fax without following any special rules of form.

This Internet page also offers a trial system allowing people to co-sign petitions online. In agreement with the petitioners, petitions relating to matters of general interest can be published online. Third parties are given the opportunity to support these petitions or otherwise comment on them. Each of these petitions receives its own discussion forum online. Such petitions and the related discussions are dealt with in accordance with special "guidelines on the treatment of public petitions" issued by the Petitions Committee, in addition to the general legal bases for petitions.

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They Work On Your Behalf

The members of the Petitions Committee



Kersten Naumann (chairwoman)



Gero Storjohann (deputy chairman)



Günter Baumann (spokesman)



Gabriele Lösekrug-Möller (spokeswoman)

CDU/CSU

Günter Baumann (spokesman)
Andreas Jung
Siegfried Kauder
Dr Maximilian Lehmer
Paul Lehrieder
Carsten Müller
Sibylle Pfeiffer
Karl Schiewerling
Gero Storjohann (deputy chairman)

FDP

Jens Ackermann (spokesman)
Dr Edmund Peter Geisen
Florian Toncar

ALLIANCE 90/THE GREENS

Monika Lazar
Josef Philip Winkler (spokesman)

SPD

Gregor Amann
Clemens Bollen
Gabriele Frechen
Klaus Hagemann
Gabriele Lösekrug-Möller (spokeswoman)
Marlene Rupprecht
Ewald Schurer
Andreas Steppuhn
Lydia Westrich

The Left Party

Heidrun Bluhm (spokeswoman)
Kersten Naumann (chairwoman)



Jens Ackermann (spokesman)



Heidrun Bluhm (spokeswoman)



Josef Philip Winkler (spokesman)

The Petitions Procedure

A well tried approach

Apart from the relevant legal provisions, the basis for the petitions procedure is provided by the "Principles governing the Treatment of Requests and Complaints".

As a rule, the Committee begins its examination of the matters raised in a submission by requesting comments from the federal ministry responsible.

Apart from its other rights, the German Bundestag's right to demand information from the Federal Government is the key to the preparation of the Committee's recommendations.

As soon as the facts of the case raised by a petition have been clarified and the legal situation has been assessed, the Petitions Committee brings a recommendation for a resolution on how the petition should be dealt with conclusively before the plenary of the Bundestag.

The resolutions most frequently recommended are intended to conclude the petitions proceedings because the matter raised by the petitioner has been dealt with in the petitioner's favour, or because it has not been possible for the matter to be dealt with in the petitioner's favour since either no objection could be made to the actions of the administration or there is no prospect of the law being amended. Furthermore, the following resolutions may also be recommended:

- Referral to the Federal Government for remedial action when the request is justified and remedial action is necessary
- Referral to the Federal Government for re-examination when the submission justifies a request that the matter be re-examined once again and ways of remedying the situation sought
- Referral to the Federal Government as background material in order to ensure that the petition is considered during the preparation of draft legislation.

- Simple referral to the Federal Government in order to particularly draw its attention to the matter raised by the petitioner
- Forwarding to the parliamentary groups in the German Bundestag because the petition appears to be a suitable matter for a parliamentary initiative

- Forwarding to one or more parliaments of the German *Länder* or the European Parliament because their jurisdiction is affected

Once the resolution has been adopted by the plenary, the petitioner is sent an official reply setting out the decision reached and the grounds on which it was taken. This concludes the petitions proceedings.

Busy Schedule

Scrutiny, facilitation and mediation

On average, over 15,000 submissions are received each year by the Petitions Committee. A good third of them are requests for legislation. Most of the rest are complaints raising problems, concerns and hardships.

Many of them can be dealt with at an early stage – sometimes advice or information is given, sometimes the involvement of the Petitions Committee alone is enough to ensure that discretion is exercised fully in the petitioner's favour and their problem resolved as pragmatically as possible. In

other cases, it is necessary for the Committee to facilitate complex proceedings during which all parties can be heard (e.g. when making on-site visits). Frequently, ways of finding a solution become apparent to those concerned during this process. Against this background, it is to be noted that in previous years it has been possible to achieve something for the petitioner in almost half of all cases. This may not always be the solution originally requested by the petitioner, but often a compromise that is regarded as acceptable by all the parties.



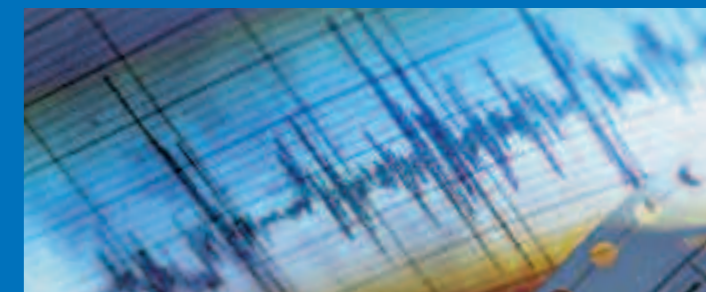
The report on the Committee's work is presented to the Bundestag President



Serving the Citizen The Petitions Committee

"Every person shall have the right individually or jointly with others to address written requests or complaints to competent authorities and to the legislature."

Article 17 of the German Basic Law



A seismograph for Parliament