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(CDDG)

DRAFT EXPLANATORY REPORT TO THE RECOMMENDATION  
OF THE COMMITTEE OF MINISTERS ON  
THE PARTICIPATION OF CITIZENS IN LOCAL PUBLIC LIFE

For discussion and approval

Secretariat Memorandum  
prepared by the  
Directorate General of Democracy  
Democratic Governance Department

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## Introduction

The terms of reference of the European Committee on Democracy and Governance (CDDG) for 2016-2017 include the specific task to “*Revise Committee of Ministers’ Recommendation [Rec\(2001\)19](#) on the participation of citizens in local public life*” (specific task v).

At its meeting of 20 October 2017, the CDDG Bureau examined and adopted both the draft recommendation and explanatory report prepared by the working group established by the CDDG at its November 2016 meeting.

The present document sets out the draft explanatory report and accompanying glossary (document CDDG(2017)17) finalised by the Secretariat in accordance with the instructions by the Bureau. The draft revised recommendation is presented in document CDDG(2017)16.

## Action required

The CDDG is invited to examine the draft text in the light also of the draft recommendation, to formulate final comments, if any and to approve both texts for transmission to the Committee of Ministers for adoption.

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## I. THE RECOMMENDATION IN A NUTSHELL

The ways in which citizens are engaging with local politics has been changing rapidly and is challenging traditional political structures. Across Europe local authorities are rising to the challenge by seeking new ways to interact with citizens, respond to their needs, and promote their participation in local public life. Councils have been reaching out to citizens through social media, involving them in decision-making in the form of local referenda and initiatives such as participatory budgeting mechanisms.

It is important to ensure effective participation of citizens in local public life if we wish to build inclusive, stable and prosperous communities. Satisfied citizens are those who feel their rights are being respected and their voices heard. Citizen engagement serves to strengthen the legitimacy of local authorities and improve the efficiency and effectiveness of the decision-making process.

Inspired by examples of successful participation initiatives in many of its 47 member states, the Council of Europe has adopted this recommendation to serve as a helpful guide for national and local authorities committed to improving the opportunities for participation of citizens in the life of their local community. The recommendation contains general advice and identifies basic principles and practical measures that could form the basis of a local democratic participation policy in any European country. The list below gives the general idea of the Recommendation's content:

- General guidelines :
  - Involve local authorities in designing a policy to promote the participation of citizens based on the basic principles outlined in the recommendation;
  - Adapt the legislative framework and ensure local and regional authorities are enabled to employ a wide range of participation instruments.
- Basic Principles of a democratic participation policy:
  - Share information with citizens in an appropriate and accessible format;
  - Promote a culture of democratic participation and civic-mindedness;
  - Adopt a comprehensive approach employing a wide range of participation instruments;
  - Ensure the balanced participation of women and men while recognising the contribution all actors can make to the consolidation of inclusive and stable societies.

- Steps and measures to encourage and reinforce citizen participation:
  - Ensure the effective distribution of competences between central, regional and local levels of authority to provide the necessary motivation for civic engagement;
  - Improve citizenship education to promote awareness of the responsibilities incumbent on citizens in democratic society;
  - Promote ethical conduct and transparent decision-making that inspire the trust of citizens and restore faith in local institutions;
  - Review the functioning of electoral systems and promote participation in elections;
  - Encourage dialogue between citizens and local elected representatives;
  - Listen to the views and needs of all groups of citizens and ensure effective follow-up.

## II. BACKGROUND TO THE RECOMMENDATION

The present Recommendation CM/Rec(20xx)xx on the participation of citizens in local public life is a revision of Committee of Ministers' Recommendation Rec(2001)19 which it replaces.

The purpose of this Recommendation is to encourage authorities at all levels to:

- step up communication between citizens and their elected representatives;
- give citizens more influence over municipal planning, decisions of strategic importance for the local community and their local environment and over local services;
- improve the opportunities for participation, particularly for citizens who have greater difficulty in becoming actively involved;
- encourage participation by all citizens: women, children and young people, older persons, vulnerable groups, foreigners and others who have greater difficulty in participating.

In the context of this Recommendation,

- "local public life" should be taken to mean "all matters, services and decisions and in particular the management and administration of the affairs relating to, or concerning a local community";
- "Citizens" shall be understood to mean "every person (including foreigners) belonging to a local community. Belonging to a local community involves the existence of a stable link between the individual and the community.

These definitions do not affect or modify in any way legal definitions and concepts embodied by national constitutions or laws.

### III. WHY THIS RECOMMENDATION?

Society and politics are concerned with issues related to the participation of citizens in the life of their community and the link between the development of democratic institutions and the participation of citizens in its various forms.

One may note that:

- Citizen participation in local politics is not declining but rather changing its form and this challenges the traditional political system;
- A wide range of approaches and measures are available for encouraging citizen participation;
- Policies for citizen participation must be regularly re-assessed both at national and local levels of government in order to benefit from new experiences and insights.

At the same time however, there are instances in member States where one can observe:

- declining public interest in and a general feeling of apathy about politics;
- difficulties in increasing public involvement through direct forms of consultation and participation;
- weaknesses in the institutions of representative democracy that decrease the effectiveness, openness and accountability of the system.

Since the adoption of the first Recommendation on the participation of citizens in local public life in 2001, Council of Europe member States have accumulated a wealth of experience regarding citizen participation and new approaches to participation keep emerging. Opportunities for learning across municipal and national borders have vastly increased. More knowledge is available on successes and pitfalls; at the same time, there is a growing consensus that there is no one best way to enhance citizen participation. The choice of modes for citizen participation must take account of variations in purposes of participation, local circumstances and national traditions.

Citizen participation also contributes to strengthening trust in and credibility of democratic institutions and helps building more inclusive societies. Thus it contributes to counteracting populism which seeks to limit debate, delegitimise dissent and reduce political pluralism.

Therefore, the Recommendation from 2001 has been brought up to date harmonising it with the relevant Council of Europe texts<sup>1</sup> and reflecting current concerns and recent social, political and technological developments in member States in respect of the participation of citizens.

#### IV. WHAT DOES PARTICIPATION OF CITIZENS IN LOCAL PUBLIC LIFE MEAN?

##### *WHAT does the participation of citizens achieve and what benefits does it bring?*

A diverse series of motivations for the participation of citizens is listed in the preamble and other parts of the Recommendation, ranging from that of being an expression of the common European democratic heritage to a means to more representative local politics, better policy choices or more efficient service provision. In addition to fostering development of evidence-based policies taking account of the needs of citizens and greater compliance and acceptance of decisions by citizens, participation also has an intrinsic value to the individual as it fosters community spirit and public-mindedness as well as a practical grasp and understanding of local affairs.

The Recommendation reaffirms such values and purposes and highlights new concerns such as social inclusion in turbulent times or enhanced focus on the accountability of elected bodies. The text also reminds local authorities of the importance of being clear about the exact purpose of local participatory initiatives, since local initiatives can sometimes be somewhat vague in this regard, leading to confusion.

##### *HOW can the participation of citizens be enhanced?*

Over the last decades a variety of participatory practices has been tried out in Europe, as well as in other parts of the world. A number of such practices are listed in the appendix to the Recommendation as well as in the Guidelines for civil participation in political decision-making, for example citizens' initiatives, forums for deliberation, participatory budgeting or more accessible voting procedures, as well as the various opportunities opened up by the digital revolution. As regards e-democracy, not only the new opportunities but also the challenges such as digital divides and fake news are recognised as issues that also need to be dealt with in the context of participation of citizens. Transparency and citizens' access to clear and comprehensible information are fundamentals for citizen participation.

##### *WHEN or where is participation of citizens appropriate or useful?*

Citizens can be involved in all stages of the local processes of decision-making, from policy initiatives, through policy deliberations, policy choices, policy implementation to policy scrutiny and adjustment.

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<sup>1</sup> European Charter of Local Self-Government and its Additional Protocol on the right to participate in the affairs of a local authority, Convention on the Participation of Foreigners in Public Life at Local Level, Guidelines for civil participation in political decision-making.

Participation of citizens means that citizens take on complementary roles in the design and provision of public services.

The choice of the modes of participation may vary depending on the requirements of the specific stage of the process in which participation of citizens is sought. This requires paying attention to the balance between the responsibilities of elected councillors on the one hand and the roles and requirements of the citizens involved on the other hand since representative democracy is the basic mode of local governance in most European countries. It also requires attention to the organisation of local government operations since, in many places, local authorities provide some services through quasi-independent *corporations* (for example as *inter-municipal companies* or through *outsourcing* ventures). In such cases, lines of responsibility may become blurred in the eyes of citizens and access to information more difficult.

Opportunities for citizens to participate at the local level of government also depend on the extent of tasks and responsibilities allocated to local government in the respective European countries. This can range from insignificant to substantial and creating the necessary framework for participation is a national responsibility (or in federated states, of the competent authority). There is little point in inviting citizens to participate if there are no significant issues at stake at the local level.

#### *WHO should be involved in schemes for participation of citizens?*

In many cases, participants come forward for altruistic reasons, in other cases for self-interest since they are directly affected by some local government policy. In many cases, participants engage spontaneously and voluntarily, in other cases special efforts have to be made to reach out to groups that may have less opportunity to participate, and lack resources or the skills required to speak out. The Recommendation lists a series of potential target groups of this nature, such as women, children and young people, older persons, persons with disabilities, foreigners or categories of citizens who have greater difficulty participating actively. First of all, local authorities must be clear about who the target groups are. Second, they may need to tailor the participatory measures to the needs of particular groups, such as those mentioned above. Often, local authorities experience a lack of response from the public, in other cases far more participants than expected may want to engage. It is important for local authorities to analyse the causes of the varying response rates in order to be able to reach out more precisely to the relevant target groups.

### V. HOW TO IMPLEMENT THE RECOMMENDATION?

*WHAT NEXT to be done by national and local governments on the basis of their experiences with participation of citizen as well as the experiences of others?*

It falls, of course, to the national governments to introduce or assess national policy in this field and to adjust national legislation in ways that promote the participation of citizens.



Much useful information in this field is however available across Europe as a whole as well as in other parts of the world. This information is an extremely valuable source of learning, allowing national governments as well as local authorities to analyse and evaluate their own experiences in order to identify particular strengths and weaknesses of local or national origin that may enhance or hamper citizen participation.

The Council of Europe bodies such as the European Committee on Democracy and Governance (CDDG), the Congress of Local and Regional Authorities, the Conference of INGOs of the Council of Europe not only actively facilitate sharing of information, experience, best practices in this regard but also provide instruments for self-evaluation such as the C.L.E.A.R. tool or the benchmarks and tools for the implementation of the Twelve Principles of Good Democratic Governance at local level developed by the Centre of Expertise for Local Government Reform.

## VI. – WHAT’S IN THE RECOMMENDATION AND HOW TO READ IT?

The Recommendation opens with the preamble which sets out the considerations referred to above and builds on existing instruments.

The Recommendation then consists of five recommendations to the governments of member States of the Council of Europe. Where an authority other than the central government is competent, it recommends that governments entrust the relevant tasks to the appropriate authorities, taking into account their respective constitutional or legislative arrangements.

It is supplemented by an appendix which forms an integral part of the Recommendation:

- Section A of the Appendix sets out the basic principles of a local democratic participation policy by which policy-makers at all levels should be guided;
- Section B of the Appendix outlines the various steps and measures which could be taken, depending on the institutional arrangements and their powers, by the various levels of government – national, regional and local - in order to encourage, stimulate and strengthen participation of citizens in local public life.

## *The recommendations to the governments of member States*

### First Recommendation

This concerns the framing, in co-operation with local and, where applicable, regional authorities, of a policy designed to promote participation of citizens in local public life, based on the principles contained in Section A of the Appendix.

In other words, states are asked not only to devise a strategy, a framework for their activities or a programme to encourage participation, but also to raise the level of their intervention to the level of a "policy". It should be noted that the Recommendation is concerned with participation at local level; the relevant policy can (or even should) nevertheless form part of a wider policy of participation pure and simple.

Framing the local democratic participation policy requires the intervention both of the government and national parliament, and of the regional and local authorities, because it is these latter authorities which will be directly affected and a number of measures lie within their competence. Accordingly, the governments are asked to involve these authorities in the framing of the policy.

### Second Recommendation

The governments are then asked to adopt, in the context of the policy thus defined, the measures within their power, while drawing inspiration from the measures listed in Section B of the Appendix to the Recommendation.

It is expressly stated that these measures should aim, in particular, to improve the framework for the participation of citizens in local public life.

Within this context, in order that local and regional authorities should be able to play an effective role in promoting participation, the governments of member States are asked to ensure that national legislation and regulations enable these authorities to employ a wide range of participation instruments.

### Third Recommendation

Framing and implementing the local democratic participation policy is largely a matter for local and regional authorities. This policy cannot succeed, therefore, without the commitment and joint efforts of authorities at all levels.

In keeping with established practice, the Committee of Ministers of the Council of Europe does not address its recommendations to local and regional authorities; it can, nevertheless, as in this case, ask the governments to encourage and stimulate the activities of local and regional authorities.

Accordingly, these authorities should be invited:

- to subscribe to the principles contained in Section A of the Appendix to the Recommendation and to undertake to actually implement the policy of promoting the participation of citizens in local public life;
- to improve local and regional regulations and practical arrangements concerning participation of citizens in local public life, and to take any other measures within their power to promote participation, with due regard for the steps and measures listed in Section B of the Appendix to the Recommendation.

#### Fourth Recommendation

Reviewing and adjusting government policy periodically is an inherent feature of good governance in any field of government responsibility as evidence of policy performance accumulates. This should also apply to policies for the participation of citizens, especially in times of turbulence and social change.

Policy reviews may draw on national experiences regarding participation of citizens as well as seeking to learn from experiences in other countries. While national policy reviews will benefit from contributions from local authorities, local authorities should also be encouraged to review their own records of participation of citizens.

#### Fifth Recommendation

The governments of member States and, more broadly, public authorities at all levels have a key role to play in promoting participation of citizens in local public life.

For this reason, the Committee of Ministers asks the governments of member States to ensure that the present Recommendation is translated into the official language or official languages of their respective countries and, in ways they consider appropriate, to publish it and to bring it to the attention of local and regional authorities.

#### *The appendix*

As mentioned, the appendix:

- sets out in Section A general basic principles of a local democratic participation policy. These should guide policy-makers at national level in elaborating a framework for participation and should also be subscribed to by local and regional authorities; and
- outlines in Section B steps and measures that could be taken by the competent public authorities, depending on the constitutional and legislative arrangements, by the various levels of government – national, regional and local.

### Section A - Basic principles of a local democratic participation policy

It is for member States to choose the appropriate means to promote participation of citizens in local public life. What matters is the end result and this requires flexibility in determining the approach and measures in function of the framework and practices of member States, with due regard to the circumstances and the wishes of their citizens.

The general principles which member States are invited to consider as key elements of a "local democratic participation policy" are set out in these 14 paragraphs.

### Section B - Steps and measures to encourage and reinforce the participation of citizens in local public life

When it comes to actually implementing a policy in keeping with these principles, states have a wide margin of discretion. This is only fitting, as the circumstances vary considerably, as do the public needs and expectations which states are required to address.

The experience of the states concerned shows that there are a great many instruments, mechanisms and forms of participation which have various advantages (or disadvantages), and some of which are more suitable than others for encouraging, stimulating and strengthening participation, depending on the circumstances. The most significant examples of steps and measures which should be considered in order to pursue this aim are outlined in Section B of the Appendix.

This section is divided into four components:

- Subsection I outlines some general steps and measures such as ascertaining that the scope of local government responsibilities leave room for meaningful participation of citizens, providing adequate information to citizens or guaranteeing the transparency of local decision-making.
- Subsection II focuses on participation in local elections and how to enhance this.
- Subsection III highlights a series of practical arrangements to involve citizens in local decision-making in a variety of ways.
- Subsection IV is concerned with reaching out to specific groups that may be underrepresented in local politics, such as women, children and young people, older persons, persons with disabilities, foreigners as well as those who have greater difficulty in participating.

## VII. GLOSSARY

The purpose of the following glossary is to ensure a better understanding of the text of the Recommendation. It describes the main concepts and instruments of participation of citizens in local public life which public authorities may use. However, in no way do the definitions below affect or modify the legal definitions and concepts embodied by national constitutions or laws.

Therefore, as an example, the definition of the term "citizen" for the purpose of the present Recommendation does not modify the meaning or the extent given to this concept by the internal legal order of each individual member State. Moreover, the intention is not to give definitions which force states to change the terminology that they normally use. Accordingly, the terms and expressions as described below may well be known in a given state under a different name from that used in the Recommendation. Likewise, the name used in the Recommendation to refer to a particular instrument may mean different things to different legal systems.

Nevertheless, for the purpose of interpreting the present Recommendation, the following definitions and explanations are the ones which should be used.

All definitions that follow relate to the "local" dimension of political life. However, for simplicity, "local" has not been used for qualifying the terms and expressions defined below.

Citizen → every person (including foreigners) belonging to a local community. Belonging to a local community involves the existence of a stable link between the individual and the community.

Citizens' assembly → a body formed from the citizens to deliberate on an issue or issues of importance. The membership of a citizens' assembly can be made up of persons who are concerned or have an interest, or persons selected either randomly or on some appropriate basis. The purpose is to employ a cross-section of the public to study the options available to the authorities on certain questions and to propose answers to these questions through rational and reasoned discussion and the use of various methods of inquiry. In some cases, within a system of direct democracy at local level, the citizens assembly is the deliberative body of the community.

Citizens' forum → body which meets on a regular basis. It may have a set membership or operate on an "open" basis. Sometimes it has the power to make recommendations to specific council committees or even to share in the decision-making process.

Citizens' panel → a body made up of a statistically representative sample of citizens whose views are sought several times a year. They focus on specific service or policy issues, or on wider strategies.

Citizens' jury → group of citizens (chosen to be a fair representation of the local population) brought together to consider a particular issue set by the local authority. Citizens' jury receives evidence from expert witnesses and cross-questioning can occur. The process may last some days, at the end of which a report is drawn up setting out the views of the jury, including any differences in opinion. Jury' views are intended to inform councillors' decision-making.

Civil society at large → the ensemble of individuals and organised, less organised and informal groups through which they contribute to society or express their views and opinions, including when raising issues regarding human rights violations, corruption and other misconduct or expressing critical comments. Such organised or less organised groups may include professional and grass-roots organisations, universities and research centres, religious and non-denominational organisations and human rights defenders.

Community → The people living and working in or otherwise associated with a particular place or area through a shared interest or involvement in social, political, economic or leisure activities.

Consultation → procedure that allows public authorities to collect the views of individuals, NGOs and civil society at large on a specific policy or topic as part of an official procedure. Consultations may be carried out through various means and tools such as meetings, public hearings, focus groups, surveys, questionnaires and digital tools.

Co-opting → the process whereby citizens ('co-optees') who usually represent a particular community group or set of interests on local council committees or working parties are invited to membership of a committee or other body. In some cases these citizens merely act in an advisory capacity but in others they play a full role in decision-making.

Council of children / youth council → assembly made up of children or young people elected by their peers, which may be co-chaired by one of its members together with the mayor or the municipal councillor responsible for youth affairs. It may discuss issues concerning most directly the category of age it represents and may draw up and implement projects, on the basis of a budget allocated by the local authority.

Decision-making process → the development, adoption, implementation, evaluation and reformulation of a policy document, a strategy, a law or a regulation at national, regional or local level, or any process where a decision is made that affects the public, or a segment thereof, by a public authority invested with the power to do so.

Digital repositories → a location in which data is stored in digital format and managed (such as servers, databases, clouds, etc.).

Direct democracy → procedures that allocate (some) decision-making powers directly to citizens of a community, for example in the form of citizen assemblies, binding referenda, citizen initiatives or recall motions; such powers mean that citizens, through some collective procedure, decide certain issues directly without elected intermediaries as in representative democracy.

Direct participation → involvement of citizens – individually or collectively – in the various stages of the decision-making process, alongside or instead of their elected representatives. This involvement takes tangible forms in a number of arrangements, mechanisms and procedures associating citizens in the regulatory activity usually incumbent on the elected bodies (local councils in particular) and in the management of public services. The various forms of such involvement range from mere information through dialogue and consultation to direct decision-making and direct users' management of certain services.

Foreigner → persons who are not nationals of the State and who are lawfully resident on its territory.

Local public life → all matters, services and decisions and in particular the management and administration of the affairs relating to, or concerning a local community.

Neighbourhood → a generally defined geographical area within a larger city, town, suburban area, municipality or with defined functional social networks that surrounds the place where people live and work and which often constitute social communities where face-to-face interaction occurs.

Neighbourhood forum → the members are – for the main part at least – residents of a particular geographically-defined area or neighbourhood; it may deal with services and matters of concern to the area or neighbourhood under consideration; it may or may not have dedicated officers attached to them; it may have a close link with the relevant ward councillors or with councillors responsible for the category of services under discussion.

Participatory budgeting → a type of participatory democracy in which citizens decide how to allocate part of a municipal or public budget. Participatory budgeting allows them to identify, discuss, and prioritize public spending projects, and gives them the power to make real decisions about how money is spent.

Participatory democracy → the participation of citizens in the direction and operation of political systems creating opportunities for all members of a population to be directly involved in and make contributions to public decision-making, often as a complement to the normal procedures of representative democracy. Participatory procedures may take many forms: see direct participation, consultation, participatory budgeting.

Petition → a formal request signed often by numerous individuals commonly addressed to a government official or public entity in respect of a particular case or issue usually to undertake some action.

Popular initiative → instrument which gives effect to a right of proposal granted to citizens to bring about a decision by the local deliberative body, if need be. The popular initiative may take the form of a proposal drawn up in general terms or a fully drafted project. It is introduced by a minimum number of persons entitled to vote. The legal value of the result of ballots may vary according to the case.

Public authority → any executive, legislative or administrative body at national, regional and local level, including individuals, exercising executive power or administrative functions.

Public meeting → meeting of citizens of a local community, initiated by the local council or executive body, or convened at the request of citizens/of a given number of electors. It gives the opportunity to obtain public views on particular issues or facilitate debate on broad options for a specific service, a project or a policy. Its function may be advisory or decision-making.

Referendum → instrument whereby a plan or decision is submitted to the judgement of the community. Depending on the case, the referendum is initiated either by the local bodies (or a given number of elected representatives) or citizens themselves (through a request bearing a minimum number of signatures by residents or electors). A consultative referendum (which is not binding on the local bodies) must be distinguished from a decision-making referendum (the result of which is binding on local bodies).

Representative democracy → citizens who are entitled to vote participate in elections to elect those who will represent them and form the membership of the bodies and assemblies which hold the decision-making and legislative powers.

Zoning → the action of designating a specific area (of land) for use or development as a particular zone which may be subject to specific restrictions in planning.