

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 13 November 2017

CDDG(2017)16
Item 4.1 of the agenda

EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)

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

For discussion and approval

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

*This document is public. It will not be distributed at the meeting. Please bring this copy.
Ce document est public. Il ne sera pas distribué en réunion. Prière de vous munir de cet exemplaire.*

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 November 2016 meeting, the CDDG decided to set up a working group. This group met three times (2-3 March, 15-16 June and 7-8 September 2017 respectively).

At its meeting of 20 October 2017, the Bureau examined both the draft recommendation and explanatory report prepared by the working group. It adopted final amendments proposed by working group members and formulated some minor suggestions to improve the clarity of the text.

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

The Bureau instructed the Secretariat to finalise the texts for presentation of the draft Recommendation to the CDDG on 4-5 December 2017.

Action required

The CDDG is invited to examine the draft recommendation and explanatory report and to formulate final comments, if any. It is further invited to approve both texts for transmission to the Committee of Ministers for adoption.

Recommendation Rec (xxxx)xx of the Committee of Ministers to member States on the participation of citizens in local public life

(Adopted by the Committee of Ministers on xx xxxx 20xx at the xxxth meeting of the Ministers)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and to foster their economic and social progress;

Considering that the participation of citizens is at the very heart of the idea of democracy and that citizens who are both committed to democratic values, mindful of their civic duties and active in public life, are the lifeblood of any democratic system;

Reaffirming its belief that representative democracy is part of the common heritage of member states and is the basis of the participation of citizens in public life at national, regional and local level;

Recalling the practices of direct democracy in some member states;

Considering that participatory democracy, which respects and recognises the role of all actors, can contribute to and complement representative and direct democracy, rendering democratic institutions more responsive, hence contributing to inclusive and stable societies;

Convinced that local democracy is one of the cornerstones of democracy in European countries and that its reinforcement is a factor of stability;

Noting that local democracy is today operating in a challenging context which is continuously evolving as a result not only of structural and functional changes in local government organisation, but also of political, economic, cultural and social developments that are occurring in Europe;

Aware that public expectations continue to evolve, that local politics continue to change form with citizens seeking and practicing new ways to engage and to express themselves and that this requires, even more strongly than in the past, more direct and flexible methods of participation;

Considering that there continues to be a need for local public institutions to re-engage with and respond to citizens in new ways, to maintain the legitimacy of decision-making, in particular given that, so often today, the level of trust citizens have in their elected institutions is declining;

Recognising that a wide variety of measures, which are readily adaptable to local circumstances, is available to promote the participation of citizens;

Considering that the right of citizens to have their say in major decisions entailing long-term commitments or choices which are difficult to reverse and concern citizens, is one of the democratic principles common to all member states of the Council of Europe;

Considering that this right can be most directly exercised at local level and that, accordingly, steps should be taken to involve citizens more directly in the management of local affairs, while safeguarding the effectiveness and efficiency of such management;

Considering that dialogue between citizens and local authorities and elected representatives is essential for local democracy, as it strengthens the legitimacy of local democratic institutions and the effectiveness of their action;

Considering that, in keeping with the principle of subsidiarity, local authorities have and must assume a leading role in promoting the participation of citizens, and that their commitment is critical to the success of any "local democratic participation policy";

Having regard to the need for updating Recommendation Rec(2001)19 of the Committee of Ministers to member States on the participation of citizens in local public life and considering that the changes that have taken place since its adoption justify that it be replaced by the present Recommendation;

Having regard to:

- the Additional Protocol to the Charter of local Self-Government on the right to participate in the affairs of a local authority [CETS 207];
- Recommendation CM/Rec(2009)2 of the Committee of Ministers to member States on the evaluation, auditing and monitoring of participation and participation policies at local and regional level and the C.L.E.A.R. tool appended thereto;
- the Twelve Principles of Good Democratic Governance; and
- the Guidelines for civil participation in political decision-making;

Recommends that the governments of member states undertake the tasks set out in paragraphs 1-5, or entrust these tasks to the competent public authorities, taking into account their respective constitutional or legislative arrangements:

1. frame a policy, involving local and - where applicable - regional authorities, designed to promote the participation of citizens in local public life, drawing on:

- the principles of the European Charter of Local Self-Government [ETS 122];
- the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local community [CETS 207];
- the Guidelines for civil participation in political decision-making (CM(2017)83 final); and
- the principles set out in Section A of the Appendix to this Recommendation;

2. adopt measures within their power, having regard to that policy and to Section B of the Appendix to this Recommendation, in particular with a view to improving the legal framework for participation and ensuring that national legislation and regulations enable local and regional authorities to employ a wide range of participation instruments;

3. invite, in an appropriate way, local and regional authorities:

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

4. review periodically the policies adopted concerning the participation of citizens to ensure that they are maintained as effective and up to date policies;

5. ensure that this recommendation is translated into the official language or official languages of their respective countries and, in ways they consider appropriate, is published and brought to the attention of local and regional authorities;

Decides that this Recommendation replaces Recommendation Rec(2001)19 of the Committee of Ministers to member States on the participation of citizens in local public life.

Appendix to Recommendation Rec(20..) .

For the purposes of this Recommendation:

“Local public life” shall 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”;

“Citizen” 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 that community”.

A. Basic principles of a local democratic participation policy

1. Comply with the principles for providing information as set out in the Council of Europe Convention on Access to Official Documents (CETS 205) in relation to the various matters of concern to a local community in order to enable its citizens to have a say in decisions which affect their community or affect them individually and allow for transparency in local authorities’ decision-making, thereby enhancing accountability of the decision-makers.
2. Seek new ways to enhance civic-mindedness and to promote a culture of democratic participation shared by communities and local authorities.
3. Develop the awareness of belonging to a community and encourage citizens to accept their responsibility to contribute to the life of their communities.
4. Accord major importance to communication between public authorities and citizens and encourage local authorities to give emphasis to the participation of citizens and careful consideration to their demands and expectations, so as to provide an appropriate response to the needs which they express.
5. Adopt a comprehensive approach to the participation of citizens, having regard both to the processes of representative democracy and to the forms of direct participation in the decision-making and the management of local affairs.
6. Avoid overly rigid solutions and allow for experimentation, giving priority to the empowerment of citizens; consequently, provide for a wide range of participation instruments, and the possibility of combining them and adapting the way they are used in function of the circumstances.

7. Start from an in-depth assessment of the situation as regards local participation, establish appropriate benchmarks and introduce a monitoring system for tracking any changes therein, in order to identify the causes of any positive or negative trends in the participation of citizens, and in order to gauge the impact of the mechanisms adopted.

8. Enable the exchange of information between and within countries on best practices in the participation of citizens, support local authorities' mutual learning about the effectiveness of the various participation methods and ensure that the public is fully informed about the whole range of opportunities available, taking into account Recommendation CM/Rec(2009)2 of the Committee of Ministers to member States on the evaluation, auditing and monitoring of participation and participation policies at local and regional level and the C.L.E.A.R. tool appended thereto.

9. Pay particular attention to those categories of citizens who have greater difficulty becoming actively involved or who, *de facto*, remain on the sidelines of local public life.

10. Promote balanced participation of women and men in local politics and local public life.

11. Recognise the potential that children and young people represent for the sustainable development of local communities and emphasise the role they can play.

12. Recognise and enhance the role played by associations and groups of citizens as key partners in developing and sustaining a culture of participation and as a driving force in the practical application of democratic participation.

13. Recognise how culturally diverse and inclusive societies can facilitate the participation of all in the public life of their communities.

14. Encourage and make use of the joint efforts of the authorities at every level of governance, with each authority being responsible for taking appropriate action within its competence, according to the principle of subsidiarity.

B. Steps and measures to encourage and reinforce the participation of citizens in local public life

I. General steps and measures

1. Ascertain whether, in a complex and globalised world, the relevance of local action and decision-making is made clear to the public by identifying core roles for local authorities in a changing environment.

2. Give proper emphasis to these roles and ascertain, if necessary, whether the balance of powers exercised at national, regional and local levels is such as to ensure that a sufficient capacity for local action lies with local authorities and elected representatives to provide the necessary stimulus and motivation for the involvement of citizens. In this context, make use of every opportunity for functional decentralisation, extending the responsibilities of local authorities.

3. Give local authorities the possibility to introduce at neighbourhood level, participatory structures that offer citizens opportunities to influence their immediate environments.

4. Improve citizenship education and incorporate into school curricula and training syllabuses the objective of promoting awareness of the responsibilities that are incumbent on each individual in a democratic society, in particular within the local community, whether as an elected representative, local administrator, public servant or ordinary citizen in line with the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (Recommendation CM/Rec(2010)7).

5. Encourage local elected representatives and local authorities, by any suitable means, including the drafting and publishing of codes of conduct, to behave in a manner which is in compliance with the highest standards of ethical conduct and inspires the trust of citizens, taking into account:

- Congress of Local and Regional Authorities' Resolution 401 (2016) on Preventing corruption and promoting public ethics at local and regional level;
- the European Code of Conduct on the political integrity of local and regional representatives; and
- the 2006 Abridged Handbook on Public Ethics at Local Level.

6. Introduce greater transparency into the way local institutions and authorities operate, and in particular:

- i. ensure the public nature of the local decision-making process (for example, publication of agendas of local council and local executive meetings; meetings of the local council and its committees open to the public; question and answer sessions, publication of minutes of meetings and decisions);
- ii. ensure and facilitate access by any citizen to information concerning local affairs (such as setting up information offices, documentation centres, public databases; making use of information and communication technologies; simplifying administrative formalities and reducing the cost of obtaining copies of documents), respecting legislation on privacy and security;
- iii. provide adequate information on administrative bodies and their organisational structure, and inform citizens who are directly affected by any ongoing proceedings of the progress of these proceedings.

7. Implement a fully-fledged communication policy, in order to afford citizens the opportunity to better understand the main issues of concern to the community and the implications of the major political decisions which its bodies are called upon to make, and to inform citizens about the opportunities for and forms of participation in local public life.

II. Steps and measures concerning participation in local elections and the system of representative democracy

1. Review the functioning of local electoral systems in order to ascertain whether there are any fundamental flaws or voting arrangements that might discourage particular sections of the population from voting and consider the possibilities of correcting those flaws or arrangements in accordance with the Code of Good Practice in Electoral Matters adopted by the Commission for Democracy through Law (Venice Commission) (CDL-AD(2002)023rev-E).

2. Endeavour to promote participation in elections. Where necessary, conduct information campaigns to explain how to vote and to encourage people in general to register to vote and to use their vote. Information campaigns targeted at particular sections of the population may also be an appropriate option.

3. Examine voter registration and electoral turnout in order to determine whether there is any change in the general pattern or whether there are any problems involving particular categories or groups of citizens who are able to vote but show little interest in doing so.

4. Consider at all levels measures to make voting more convenient given the complexity and demands of modern lifestyles, e.g.:

- i. review the way in which polling stations operate (number of polling stations, accessibility, opening hours);
- ii. introduce new voting options, more in line with the aspirations of the citizens of each member state (early voting, postal voting, post office voting, electronic voting¹);
- iii. introduce specific forms of assistance (for example for persons with disabilities or illiterate people) or other special voting arrangements for particular categories of voters (voting by proxy, home voting, hospital voting, voting in barracks or prisons).

5. Where necessary, in order to better gauge the impact of any measures envisaged, conduct (or allow) pilot schemes to test the new voting arrangements.

¹ Having regard to Recommendation CM/Rec(2017)5 of the Committee of Ministers to member States on legal, operational and technical standards for e-voting.

6. Examine the basis on which candidates are able to stand for local elective office and consider, for example:

- i. whether voters should be involved in the process of selecting candidates, for instance by introducing the possibility of presenting independent lists or individual candidatures, or by giving voters the option of casting one or more preference votes;
- ii. whether voters should be given a stronger influence in the election or appointment of the (heads of the) local executives or mayors.

7. Examine the issues relating to plurality of elective office, so as to adopt measures designed to prevent simultaneous office-holding where it would hinder the proper performance of the relevant duties or would lead to conflicts of interest.

8. Examine the conditions governing the exercise of elective office, in order to determine whether particular aspects of the status of local elected representatives or the practical arrangements for exercising office might hinder involvement in politics. Where appropriate, consider measures designed to remove these obstacles and, in particular, to enable elected representatives to devote the appropriate time to their duties and to relieve them from certain economic constraints.

III. Steps and measures to encourage participation of citizens in local decision-making and the management of local affairs

1. Promote dialogue between citizens and local elected representatives and make local authorities aware of the various techniques for communicating with the public, and the wide range of ways in which citizens can play a direct part in decision-making. Such awareness could be developed through the publication of guidelines (e.g. in the form of a charter for participation of citizens at local level), the holding of conferences and seminars or the establishment of digital repositories and interfaces so that examples of good practice could be posted and accessed.

2. Develop, through surveys and discussions, an understanding of the strengths and weaknesses of the various instruments of citizen participation in decision-making and encourage innovation and experimentation in local authorities' efforts to communicate with citizens and involve them more closely in the decision-making process.

3. Make full use, in particular, of:

- i. new information and communication technologies, and take steps to ensure that local authorities and other public bodies use (in addition to the traditional and still valuable methods such as formal public notices or official leaflets) the full range of communications facilities available, consulting, for example, Recommendation Rec(2009)1 of the Committee of Ministers to member States on electronic democracy ("e-democracy") and Recommendation Rec(2004)15 of the Committee of Ministers to member States on electronic governance ("e-governance");

- ii. more deliberative forms of decision-making, i.e. involving the exchange of information and opinions, for example: public meetings; citizens' assemblies and juries and various types of citizens' forums, groups and panels and public committees whose function is to advise or make proposals; such as round tables, opinion polls, user surveys, etc.
4. Introduce or, where necessary, improve legislation/regulations which enable:
- i. petitions/motions, proposals and complaints filed by citizens with the local council or local authorities;
 - ii. popular initiatives, calling on elected bodies to deal with the matters raised in the initiative in order to provide citizens with a response or initiate the referendum procedure;
 - iii. consultative or decision-making referendums on matters of local concern, called by local authorities on their own initiative or at the request of the local community taking into account the Code of Good Practice on Referendums adopted by the Commission for Democracy through Law (Venice Commission) (CDL-AD(2007)008rev);
 - iv. devices for co-opting citizens to decision-making bodies, including representative bodies;
 - v. devices for involving citizens in management (user committees, partnership boards, direct management of services by citizens, participatory budgeting, etc.).
5. Give citizens more influence over local planning and, in a general manner, over strategic and long-term decisions; more specifically:
- i. give citizens the opportunity to participate in different phases of the decision-making process concerning those decisions. These phases can be: development, adoption, implementation, evaluation and reformulation of local policies;
 - ii. illustrate each phase of the process by means of lucid, intelligible material that is readily accessible to the public, using, if possible, in addition to the traditional methods (maps, scale models, audio-visual material) other media available through new technologies.
6. Develop systematic feed-back mechanisms to involve citizens in the evaluation and the improvement of management of local affairs and service delivery, such as user surveys, user panels, performance indicators, or choice between alternative service providers, in order to enhance quality of decisions, services and accountability.

7. Ensure that participation of citizens has a real impact on the decision-making process, that citizens are well informed about the impact of their participation and that they see tangible results. However, local authorities must be honest with the public about the limitations of the forms of participation on offer and avoid raising exaggerated expectations about the possibility of accommodating the various interests involved, particularly when decisions are made between conflicting interests or about rationing resources.

8. Encourage and duly recognise the spirit of volunteering that exists in many local communities, for example through grant schemes or other forms of support and encouragement for non-profit, voluntary and community organisations, citizens' action groups, etc., or through the forging of contracts or agreements between these organisations and local authorities concerning the respective rights, roles and expectations of these parties in their dealings with one another.

9. Develop neighbourhood participatory structures that allow citizens to influence decisions regarding public investments, zoning, service delivery or take on responsibilities for the management of local spaces, facilities, etc., for example through neighbourhood councils and forums, participatory budgeting, or voluntary groups.

IV. Specific steps and measures to encourage categories of citizens who, for various reasons, have greater difficulty in participating

1. Collect, on a regular basis, information on the participation of the various categories of citizens and ascertain whether certain ones such as women, children and young people, older persons, persons with disabilities, foreigners and others who have greater difficulty in participating, are under-represented in the elected bodies and/or play little or no part in electoral or direct forms of participation, having regard to the increasingly diverse composition of European societies and to the importance of inclusive societies.

2. Set targets for achieving certain levels of representation and/or participation of the groups of citizens concerned and devise packages of specific measures to increase the opportunities for their participation, for example:

- i. introduce, for the groups of citizens concerned, an active communications and information policy including, where appropriate, specific media campaigns to encourage them to participate (consideration may be given to adopting a particular language, media and campaign style geared to the needs of each group);
- ii. introduce specific institutional forms of participation, designed, where possible, in consultation with the group or groups of citizens whose involvement is being encouraged;

- iii. appoint officials specifically responsible for dealing with matters of concern to the groups of those who have greater difficulty in participating, passing on their demands for change to the relevant decision-making bodies and reporting back to the groups on the progress made and the response (positive or negative) given to their demands.
3. As regards women in particular:
- i. emphasise the importance of a balanced participation of women and men in decision-making bodies and consider any arrangements which might make it easier to combine active political involvement with family and working life;
 - ii. consider, if legally possible, the introduction of compulsory or recommended quota systems for the minimum number of same-sex candidates who can appear on an electoral list and/or a quota of seats reserved for women on local councils, local executive bodies and the various committees and boards formed by local bodies, taking into consideration Recommendation Rec(2003)3 of the Committee of Ministers to member States on balanced participation of women and men in political and public decision-making.
4. As regards children and young people in particular:
- i. develop the school as an important common arena for young people's participation and democratic learning process;
 - ii. promote "children's council" and "youth council" type initiatives at municipal level, as genuinely useful means of education in local citizenship, in addition to opportunities for dialogue with the youngest members of society;
 - iii. encourage youth associations and, in particular, promote the development of flexible forms and structures for community involvement, such as youth centres, making full use of young people's capacity to design projects themselves and to implement them;
 - iv. consider the reduction of the age for voting in or standing for local elections and for participating in local referendums, consultations and popular initiatives;
 - v. consider the various other types of initiative suggested by Recommendation CM/Rec(2004)13 of the Committee of Ministers to member States on the Participation of Young People in Local and Regional Life, Recommendation CM/Rec(2012)2 of the Committee of Ministers to member States on the participation of children and young people under the age of 18 and Recommendation 1864 (2009) of the Parliamentary Assembly on promoting the participation by children in decisions affecting them.

5. As regards older persons in particular:
 - i. create and promote possibilities for older persons to fully participate in all aspects of local public life and encourage them to do so irrespective of their age;
 - ii. develop and promote flexible forms and structures for involving older persons such as appropriate advisory boards, taking into account Recommendation CM/Rec(2014)2 of the Committee of Ministers to member States on the promotion of human rights of older persons.
6. As regards persons with disabilities:
 - i. create and promote possibilities for persons with disabilities to fully participate in all aspects of local public life, and take the necessary measures to allow and encourage them to do so;
 - ii. develop and promote suitable forms and structures removing obstacles and providing appropriate assistance as required, for involving persons with disabilities such as advisory boards, taking into account Recommendation CM/Rec(2011)14 of the Committee of Ministers to member States on the participation of persons with disabilities in political and public life.
7. As regards lawfully resident foreigners in particular, encourage their active participation in the life of the local community on a non-discriminatory basis, by complying with the provisions contained in the Council of Europe's Convention on the participation of foreigners in public life at local level of 1992², even when its provisions are not legally binding on states, or, at least, by drawing inspiration from the mechanisms referred to in this Convention.

². For the purposes of the Convention (Cf. Article 2), the term "foreign residents" means persons who are not nationals of the State and who are lawfully resident on its territory.