
Recommendation CM/Rec(2023)6 of the Committee of Ministers to member States on deliberative democracy

*(Adopted by the Committee of Ministers on 6 September 2023
at the 1473rd meeting of the Ministers' Deputies)*

The Committee of Ministers, under Article 15.b of the Statute of the Council of Europe (ETS No. 1),

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

Convinced that democracy, human rights and the rule of law are essential to the preservation of peace in European countries, and that their reinforcement is a factor of stability and social justice;

Recalling that representative democracy is the basis for the participation of citizens in public life at national, regional and local levels;

Considering that the participation of all citizens is at the very heart of democracy, that citizens who are committed to democratic values, mindful of their civic duties and active in public life are the lifeblood of any democratic system, and that dialogue between citizens and decision makers is essential for democracy, as it strengthens trust, the legitimacy of democratic institutions and the effectiveness of their actions;

Referring to the principles of good democratic governance, which include participation, responsiveness, accountability, innovation and openness to change;

Recalling that practices of participatory democracy, which include deliberative democracy, are increasingly used in member States and complement representative democracy;

Aware that public expectations continue to evolve, with citizens seeking and practising new ways to engage and express themselves;

Convinced that deliberative democracy – the process of direct deliberation by citizens, amongst themselves or with the participation of other stakeholders, on a substantive policy or legislative area – has, in certain cases, the potential to improve policy outcomes and ultimately to further enhance citizens' trust in public decision making and public action;

Recognising that deliberative democracy must be a lawful, fair, transparent, inclusive, accountable and auditable process;

Bearing in mind the work of Council of Europe bodies, in particular the Parliamentary Assembly, the Congress of Local and Regional Authorities, the Conference of International Non-Governmental Organisations and the European Commission for Democracy through Law (Venice Commission), as well as the conclusions of the successive editions of the World Forum for Democracy;

Building on the provisions of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) as well as the Congress Recommendation 472 (2022) "Beyond elections: the use of deliberative methods in European municipalities and regions" and its Explanatory Memorandum;

Considering that the time has come to establish a legal instrument applying to all levels of government with a set of principles aimed at ensuring that deliberative democracy, when used, strengthens the democratic framework, complementing the *acquis* of the Council of Europe, such as Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, the Guidelines on civil participation in decision making adopted by the Committee of Ministers on 27 September 2017, earlier work of the European Committee on Democracy and Governance on participation and e-democracy, as well as the toolkits of the Centre of Expertise for Good Governance and other relevant bodies of the Council of Europe;

Bearing in mind the diverse ways in which the competences of institutions and levels of government are organised in member States,

Recommends that the governments of member States:

- recognise that deliberative processes, when undertaken properly, can complement representative democracy and can expand opportunities for people to provide input to policy development and the formulation of legislation;
- conduct any deliberative process which they decide to undertake in accordance with the following principles:
 - availability of a legal framework,
 - clarity of mandate and design,
 - fair representation,
 - enabled and informed participation,
 - competent facilitation,
 - accountability,
 - oversight and good governance,
 - evaluation and learning;
- put in place measures and undertake activities, including embedding, where appropriate, provisions into a legal framework, to enable or encourage public institutions at national, regional and local levels which wish to undertake deliberative processes to do so in accordance with these principles, as set out in the appendix;
- ensure that this recommendation, including its appendix, is translated and widely disseminated among the relevant authorities at national, regional and local levels;

Appendix to Recommendation CM/Rec(2023)6

This appendix sets out principles to be applied when designing and/or implementing deliberative methods and processes.

Principles of deliberative democracy

1. Availability of a legal framework

- Deliberative processes should be in line with the overall regulatory framework and international obligations.
- Where needed, enabling legislation or formal regulation should clearly define the scope and requirements for deliberative processes, indicating when they should be used, how they work and their role and powers.
- Regulations and guidelines should be in place to ensure that deliberative processes are effective, lawful, fair, transparent, inclusive, accountable and auditable.

2. Clarity of mandate and design

- The mandate of deliberative processes should be clearly defined, including a clear timetable, responsibilities, resources and follow-up of the results.
- The scope should be manageable and achievable, taking into account available resources, such as time, personnel and funds.
- The mandate, scope, composition and formats of deliberative processes should be proportional and well suited to the topic under discussion and to the purpose of the process.

- The design of a deliberative process should be made transparent and public.

3. Fair representation

- The recruitment process should be managed by an independent private or public entity that is mandated and qualified to do so.
- The recruitment process should be transparent, inclusive, accountable and independently auditable.
- Recruitment of participants should ensure a representative group is obtained making use, as appropriate, of random selection techniques and, where necessary, reaching out to the socio-demographic groups affected by the topic of deliberation.
- Consideration should be given to balanced participation of women and men, and of all other groups, to reflect the demographic composition of the geographical area that the deliberative process concerns. If the group includes elected representatives, the ratio should be clearly defined, and a mechanism should be put in place to ensure that it does not lead to an imbalance of power throughout the deliberative process.
- Consideration should be given to ensuring accessibility and inclusivity, *inter alia*, by reimbursing the costs of participation, including compensation for travel, childcare or time off work, to encourage participation.

4. Enabled and informed participation

- Participants should be able to request and receive any information and should have the freedom to provide the response they want without external guidance or suggestion as to what it might be.
- Evidence provided to the participants should be verifiable and come from diverse sources.
- According to the depth and complexity of evidence, participants should have sufficient time to reflect on what they have heard and should have the possibility to request further explanations or additional information.
- Information should be presented in an accessible way using clear and understandable language.
- Consideration should be given to avoiding information overload and oversimplification.
- The deliberation should accommodate opportunities for preparatory training and continuous learning during the process of deliberation.

5. Competent facilitation

- Facilitation should ensure that the process runs smoothly.
- Facilitators should be suitably experienced and trained; facilitation is a critical skill, vital to ensuring the success of the process.
- There should be space for debate and disagreement; facilitators should ensure a respectful dialogue and not drive conclusions nor attempt to reach consensus at all costs.
- Participants should have the possibility to reach their own conclusions and develop their own responses, free of interference.
- Facilitation should ensure that participants receive sufficient and adequate information, and that they are heard and supported, when necessary.
- In case of extensive processes, there should be a streamlined facilitation concept, to ensure coherence between all groups involved in the deliberative process.
- Consideration should be made to secure gender-balanced representation of facilitators.

6. Accountability

- The relationship between the deliberative process and the overall decision-making process should be clearly defined and managed.
- A mechanism should be agreed on how the deliberative process will deliver recommendations and how these will be followed up by decision and/or policy makers. This should be made transparent.
- Decision and/or policy makers should explain their choices to the participants and the public, including when they do not take results of deliberations into account.
- Safeguards against undue influence, including manipulation and disinformation, should be put in place.

- A public engagement plan should be created to promote widely both the process and the results of deliberative processes via appropriate channels, including social media.
- Consideration should be given, in advance, to how participants in the deliberative process will interact with the wider public, for example by choosing a spokesperson.

7. Oversight and good governance

- To ensure the process is legitimate, consideration should be given to establishing independent oversight, for example in the form of an advisory group or a “guardian”.
- Governance processes should be agreed in advance and made transparent.
- Administration and management of the process should be properly resourced, including support for day-to-day operations.
- Consideration should be given to involving the participants in the design of the day-to-day operations.
- Openness and transparency should be built into the process to demonstrate its credibility and trustworthiness.
- Public administration should ensure that sufficient resources are planned for and available throughout the entire cycle, including capacity building where necessary.
- Participants and public officials should receive appropriate training on deliberation skills prior and/or during the process.

8. Evaluation and learning

- Evaluation should be part of the design of the process and conducted through self-assessment procedures or by an independent entity.
- Space should be provided for reflection on written or oral feedback received directly from participants, organisers and those giving evidence.
- In general, the findings of the evaluations should be public and form part of a wider cycle of reflection within the public sector body.
- The evaluation process should be open and critical; challenges should be acknowledged since this is how improvement and learning can be obtained.