

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 12 October 2022

**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

PUBLIC CONSULTATION

**Draft Recommendation
on Deliberative Democracy**

Please send comments by 22 November 2022 to cddg@coe.int

Public Consultation on a Draft Recommendation on Deliberative Democracy

Invitation to comment by 22 November 2022

Would you like to contribute to the creation of the first European standard on deliberative democracy?

Innovative deliberative initiatives, such as citizens' assemblies, citizen juries, townhall meetings, on the national and local level are already happening in many countries. Deliberative practices – the process of direct deliberation by people on a substantive policy or legislative area – are seen as a new method in the repertoire of participatory democracy and as a way of bringing people closer to policy and decision making, and of increasing trust of people in public action.

The European Committee on Democracy and Governance (CDDG) was tasked with preparing a draft recommendation by the Committee of Ministers to member States on deliberative democracy. A Working Group on deliberative democracy (GT-DD) was entrusted by the CDDG to carry out the preparatory work.

The CDDG would like to open this process for public consultation. You are invited to comment on the draft text until **22 November 2022**. The working group will thereafter review the comments and will prepare a final draft for adoption by the CDDG at its plenary session in 2023.

Please send your comments to: cddg@coe.int

Subject line: Deliberative Democracy – Public Consultation

Please also indicate your name and affiliation, e.g. private or public institutions, civil society organization, research institute or sector you work in.

We look forward to hearing from you!

**Recommendation CM/Rec(2023)...
of the Committee of Ministers to member States
on deliberative democracy
(adopted by the Committee of Ministers on ... 2023
at the ... 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 members 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 and 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 fundamentals of good democratic governance, which include principles of 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 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, 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 Protocol to the 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 "Beyond elections: The use of deliberative methods in European municipalities and regions" and its explanatory memorandum;

Considering that 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 strengthens the democratic framework, complementing the acquis of the Council of Europe, such as [Recommendation CM/Rec\(2018\)4 on the participation of citizens in local public life](#) and the [2017 Guidelines on civil participation in decision-making](#) and earlier work of the European Committee on Democracy and Governance on participation and e-Democracy, as well as 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 democracy, whenever exercised properly, can complement representative democracy and can expand opportunities for people to provide input to the policy and legislative process;
- whenever they wish to undertake an exercise of deliberative democracy, adopt measures and act in a manner in accordance with the principles of deliberative democracy set out in the appendix to ensure that the exercise is lawful, fair, transparent, accountable and auditable, and with the deliberation processes safeguarded against undue and biased influences;
- put in place measures and undertake activities, including embedding, where appropriate, provisions into the legal framework to enable, facilitate or encourage public institutions at the national, regional and local levels which wish to undertake exercises of deliberative democracy to do so in accordance with the principles of deliberative democracy as set out in the appendix;
- translate this Recommendation into the national language(s) and ensure its dissemination at national, regional and local levels;

Instructs the European Committee on Democracy and Governance to review the implementation of this Recommendation periodically and to report to the Committee of Ministers on the results.

Appendix to Recommendation CM/Rec(2023)...

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

Principles of deliberative democracy

1. Availability of a legal framework

- Deliberation initiatives should be clearly in line with the overall regulatory framework and international obligations.
- Enabling legislation or formal regulation should clearly define the scope and requirements for deliberation initiatives, indicating when they should be used, how they work and their role and powers.
- Regulations and guidelines should be in place to ensure that deliberation initiatives are effective, lawful, transparent and auditable.

2. Clarity of mandate and scope

- Deliberation initiatives should be well thought out and based on solid planning.
- The topic for deliberation should be clearly defined and unambiguous.
- The mandate of deliberation initiatives should be clearly defined, including starting and end dates, 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 scope should be appropriate, neither too broad and overly ambitious nor too narrow.

3. Availability of resources

- Public administration should ensure that sufficient resources are planned for and available.
- A good process design should be put in place and funded accordingly.
- Participants and public officials should receive relevant training on deliberation skills prior or during the process.
- The deliberation initiative should be professionally facilitated.

4. Fair representation

- The recruitment process should be managed by an independent private or public entity that is mandated to do so.
- The recruitment process should be transparent, accountable and independently auditable.

- Consideration should be given to ensuring the widest possible representation of the public, where necessary reaching out to the demographic group affected by the topic of deliberation.
- Consideration should be given to ensuring accessibility and inclusivity, *inter alia* by considering reimbursing the costs of participation, including compensation for travel, childcare or time off work, to lower barriers to participation.
- "Sortition", or having participants drawn by lot, could be one form of recruitment.
- If the group includes elected representatives as well as the public, the ratio should be clearly defined, and a mechanism should be put in place to ensure a power balance during the deliberation process as a whole.

5. Enabled and informed participation

- Deliberation refers to the consideration of an issue by a group through a facilitated process. The group may or may not include elected representatives.
- The evidence provided to the participants should be diverse and reflect a range of perspectives.
- 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.
- Consideration should be given to avoiding information overload and oversimplification.
- The deliberation should accommodate opportunities for continuous learning during the process of deliberation.
- Every deliberation initiative should be seen as an opportunity for reflection and deepening the understanding of the issues.

6. Competent facilitation

- Facilitation should steer the debate, not drive the conclusions.
- Facilitators should be suitably experienced and professionally trained; this is a critical skill and is vital to ensure success of the process.
- There should be space for rigorous debate and disagreement; facilitators should not attempt to reach consensus at all costs.
- Good facilitation should be at the heart of the initiative to ensure the process runs smoothly; participants are heard and supported and are not overwhelmed by evidence.

7. Accountability

- The relationship between the deliberation process and the overall decision-making process should be clearly defined and managed.

- A mechanism should be agreed on how the deliberation process will deliver recommendations and how these will be followed up by decision and/or policy makers.
- A mechanism or system to measure the results of the deliberation process should be put in place and the follow-up should be communicated.
- Safeguards against undue influence, including manipulation, should be considered and put in place.

8. 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 modalities should be agreed in advance.
- 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 build trust.

9. Evaluation and learning

- Space should be provided for reflection to hear directly from participants, organisers and those giving evidence.
- Evaluation should be part of the design of the process and conducted by an independent entity.
- 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.

10. Communication

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