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MINISTERS' DEPUTIES

Recommendations

CM/Rec(2018)4

21 March 2018

**Recommendation CM/Rec(2018)4
of the Committee of Ministers to member States
on the participation of citizens in local public life**

*(Adopted by the Committee of Ministers on 21 March 2018
at the 1311th meeting of the Ministers' Deputies)*

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 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 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 nowadays operates 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 in Europe;

Aware that public expectations continue to evolve, that local politics continue to change form with citizens seeking and practising new ways to engage and to express themselves, and that this requires, even more 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 in order to maintain the legitimacy of decision-making processes, particularly 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 which concern them, 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 to update 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 No. 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 CLEAR tool appended thereto;
- the 12 Principles of Good Democratic Governance; and
- the Guidelines for civil participation in political decision making (CM(2017)83-final);

Recommends that the governments of member States undertake the tasks set out in paragraphs 1 to 5 below, 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 No. 122);
- 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);
- 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 the abovementioned 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 remain as effective and up-to-date policies;
 5. Ensure that this recommendation is translated into the official language(s) of their respective countries and, in a way 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 CM/Rec(2018)4

For the purposes of this recommendation:

- “local public life” shall 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 mean any person (including, where appropriate, foreign residents^[1]) belonging to a local community. Belonging to a local community involves the existence of a stable link between the individual and that community.

Definitions of further terms used in the present recommendation are provided in the explanatory memorandum hereto (CM(2018)13-final).

A. Basic principles of a local democratic participation policy

Member States should:

1. comply with the principles for providing information set out in the Council of Europe Convention on Access to Official Documents (CETS No. 205) in relation to the various matters of concern to a local community in order to enable their citizens to have a

- say in decisions which affect their community or affect them individually and to allow for transparency in local authorities' decision making, thereby enhancing the accountability of 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. give major importance to communication between public authorities and citizens and encourage local authorities to give emphasis to the participation of citizens and give careful consideration to their demands and expectations, so as to provide an appropriate response to the needs 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 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, member States should provide for a wide range of participation instruments, and the possibility of combining them and adapting the way they are used, depending on the circumstances;
 7. start with an in-depth assessment of the situation as regards local participation, establish appropriate benchmarks and introduce a monitoring system to track any changes therein, in order to identify the causes of any positive or negative trends in the participation of citizens and 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' learning about the effectiveness of 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 CLEAR tool appended thereto;
 9. pay particular attention to citizens who have greater difficulty becoming actively involved or who, *de facto*, remain on the sidelines of local public life;
 10. promote the 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 everyone in the public life of their communities;

14. encourage and make use of the joint efforts of the authorities at all levels 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

Member States should:

1. ascertain whether, in a complex and globalised society, 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 ensures that local authorities and elected representatives have sufficient competences and capacity for local action to provide the necessary stimulus and motivation for the involvement of citizens. In this context, member States should 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 their local communities, whether as elected representatives, local administrators, public servants or ordinary citizens, in line with the Council of Europe Charter on Education for Democratic Citizenship and Human Rights Education (Recommendation CM/Rec(2010)7 of the Committee of Ministers);
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 of the Council of Europe Resolution 401 (2016) on "Preventing corruption and promoting public ethics at local and regional levels";
 - the European Code of conduct for the political integrity of local and regional elected 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 local decision-making processes (for example by publishing the agendas of local council and local executive meetings; making meetings of the local council and its committees open to the public; holding question and answer sessions or

- publishing the minutes of meetings and decisions);
 - ii. ensure and facilitate access by any citizen to information concerning local affairs (for example by setting up information offices, documentation centres and public databases; making use of information and communication technologies; simplifying administrative procedures 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 full-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 participation in local public life and the forms this may take.

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

Member States should:

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 possibility of correcting those flaws or arrangements in accordance with the Code of Good Practice in Electoral Matters adopted by the European Commission for Democracy through Law (Venice Commission) (CDL-AD(2002)023rev-E);
2. endeavour to promote participation in elections, in accordance with national legislation on voting rights. Where necessary, member States should conduct information campaigns to explain how to vote and to encourage people 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 identify any change in general patterns or any problems involving particular categories or groups of citizens who are entitled to vote but show little interest in doing so;
4. consider measures to make voting more convenient, given the complexity and demands of modern lifestyles, for example by:
 - i. reviewing the way in which polling stations operate (number, accessibility, opening hours, etc.);
 - ii. introducing new voting options, corresponding more closely to the aspirations of the citizens of each member State (early voting, postal voting, post office voting, electronic voting,^[2] etc.);
 - iii. introducing 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, voting in prisons, etc.);

5. where necessary, in order to better gauge the impact of any measures envisaged, conduct (or allow) pilot schemes to test new voting arrangements;
6. examine the basis on which candidates who are entitled to stand for local elective office can actually do so 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 introducing preferential voting;
 - 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, member States should consider measures designed to remove these obstacles and, in particular, enable elected representatives to devote the appropriate time to their duties and to relieve them of certain economic constraints.

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

Member States should:

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 by publishing guidelines (for example in the form of a charter on the participation of citizens at local level), holding conferences and seminars or establishing digital repositories and interfaces making it possible to post and access examples of good practice;
2. develop, through surveys and discussions, an understanding of the strengths and weaknesses of the various instruments for citizen participation in decision making and encourage innovation and experimentation in local authorities' efforts to communicate with citizens and involve them more closely in decision-making processes;
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 traditional and still valuable methods such as formal public notices or official leaflets) the full range of communication facilities available, consulting, for example, Recommendation CM/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, that is, involving the exchange of information and opinions (for example public meetings, citizens' assemblies and juries or various types of citizens' forums, groups, panels and public committees whose function is to advise or make proposals, or round tables, opinion polls and user surveys);
4. introduce or, where necessary, improve legislation or regulations which enable:
 - i. petitions, motions, proposals and complaints filed by citizens with the local council or local administration;
 - ii. popular initiatives calling on elected bodies to deal with specific matters in order to provide citizens with a response or to initiate a 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 European Commission for Democracy through Law (Venice Commission) (CDL-AD(2007)008rev);
 - iv. mechanisms for co-opting citizens to decision-making bodies, including representative bodies;
 - v. mechanisms 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 such decisions. These phases can be: preparation, 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, audiovisual material) other means available through new technologies;
6. develop systematic feedback mechanisms to involve citizens in the evaluation and improvement of management of local affairs and service delivery, such as user surveys, user panels, performance indicators, or in the choice between different service providers, in order to enhance the quality of decisions and services and increase accountability;
7. ensure that the participation of citizens has a real impact on decision-making processes, that citizens are well informed about the impact of their participation and that they see tangible results. However, local authorities should 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 or 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

Member States should:

1. collect, on a regular basis, information on the participation of the various categories of citizens and ascertain whether certain groups, are under-represented in 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 by:
 - i. introducing, for the groups of citizens concerned, an active communication 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. introducing specific institutional forms of participation, designed, where possible, in consultation with the group or groups of citizens whose involvement is being encouraged;
 - iii. appointing officials specifically responsible for dealing with matters of concern to those groups who have greater difficulty in participating, passing on their requests for change to the relevant decision-making bodies and reporting back to them on progress made and the response (positive or negative) given to their requests;
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 may facilitate reconciling 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 school as an important common arena for young people's participation and the 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 support, in particular, the development of flexible forms of 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 lowering the age of voting in or standing for local elections and for participating in local referendums, consultations and popular initiatives;
 - v. consider the various other types of initiatives suggested by Recommendation 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 of and structures for participation, removing obstacles and providing appropriate assistance as required, to involve 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 foreign residents^[3] 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 1992 Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144) or, at least, by drawing inspiration from the mechanisms referred to in this convention even if it has not been ratified by the member State.

[1] In accordance with the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144 – cf. Article 2), the term “foreign residents” means persons who are not nationals of the State and who are lawfully resident on its territory.

[2] Having regard to Recommendation CM/Rec(2017)5 of the Committee of Ministers to member States on standards for e-voting.

[3] In accordance with the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144 - cf. Article 2), the term “foreign residents” means persons who are not nationals of the State and who are lawfully resident on its territory.

Related documents

▸ Meetings

1311th meeting of the Ministers' Deputies (21 March 2018) - Meetings 2018 / 21 March 2018 / *English* 

▸ Committee of Ministers; Council of Europe

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European Committee on Democracy and Governance (CDDG) - Explanatory Memorandum to the Recommendation CM/Rec(2018)4 on the participation of citizens in local public life [1311 meeting]