



2023/2836

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**COMMISSION RECOMMENDATION (EU) 2023/2836**

**of 12 December 2023**

**on promoting the engagement and effective participation of citizens and civil society organisations  
in public policy-making processes**

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 292 thereof,

Whereas:

- (1) As enshrined in Article 2 of the Treaty on European Union ('TEU'), the Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights. Article 10(3) TEU provides to every citizen the right to participate in the democratic life of the Union and requires that decisions are taken as openly and as closely as possible to the citizen. Article 165(2) of the Treaty on the Functioning of the European Union ('TFEU') provides a basis for Union action to encourage the participation of young people in democratic life in Europe.
- (2) Article 12 of the Charter of Fundamental Rights of the European Union ('the Charter') ensures the right of freedom of association and the right to freedom of assembly. This entails the right of individuals to unite in groups or organised structures. That right – as recognised by the Court of Justice of the European Union ('CJEU') – constitutes one of the essential bases of a democratic and pluralist society, inasmuch as it allows citizens to act collectively in fields of mutual interest and in doing so to contribute to the proper functioning of public life. Moreover, the right to freedom of expression and information, as enshrined in Article 11 of the Charter, includes the freedom to hold and voice opinions and to receive and impart information. In addition, Article 41 of the Charter on the right to good administration imposes on the administration the obligation to give reasons for its decisions. Finally, Article 24 of the Charter includes the right of children to express their views freely and provides that such views are to be taken into consideration on matters which concern them in accordance with their age and maturity.
- (3) An inclusive and effective engagement of public authorities with citizens, civil society organisations and human rights defenders in their public policy-making processes should be actively promoted. Public policy-making processes do not cover in any manner individual decisions of the administration that could affect rights of individuals. A tailored approach is needed as the conditions for the participation of individual citizens and civil society organisations are not the same.
- (4) Member States should create and maintain a safe and enabling environment for civil society organisations and human rights defenders to enhance their effective engagement and ensure they can actively participate in public policy-making processes, and thereby exercise a key role in the democracies in the Union. Civil society organisations are frequently referred to as non-State, not-for-profit, non-partisan and non-violent structures, through which people organise to pursue shared objectives and ideals <sup>(1)</sup>. Human rights defenders are individuals, groups and organs of society that promote and protect universally recognised human rights and fundamental freedoms, in line with the definition set out in the UN Declaration on Human Rights Defenders (1998) <sup>(2)</sup> and referred to also in the EU guidelines on Human Rights Defenders <sup>(3)</sup>. Human rights defenders seek the promotion and protection of civil and political rights, as well as the promotion, protection and realisation of economic, social and cultural rights <sup>(4)</sup>. The Union commits to engage with organisations which respect the Union values and fundamental rights, as enshrined in Article 2 of TEU and in the Charter.

<sup>(1)</sup> See for example the Commission Communication on 'The Roots of Democracy and Sustainable Development', COM(2012) 492 final.

<sup>(2)</sup> <https://www.ohchr.org/en/instruments-mechanisms/instruments/declaration-right-and-responsibility-individuals-groups-and>

<sup>(3)</sup> [https://www.eeas.europa.eu/sites/default/files/eu\\_guidelines\\_hrd\\_en.pdf](https://www.eeas.europa.eu/sites/default/files/eu_guidelines_hrd_en.pdf)

<sup>(4)</sup> In this Recommendation, any reference to 'civil society organisations' should be understood as referring also to 'human rights defenders'.

- (5) The participation of citizens and civil society organisations should be ensured in public policy-making processes at the local, regional, national, European and international level. This is also recognised by the United Nations Guidelines for States on the effective implementation of the right to participate in public affairs <sup>(5)</sup>, the Council of Europe Recommendations on the legal status of non-governmental organisations in Europe <sup>(6)</sup> and on the participation of citizens in local public life <sup>(7)</sup>, and on deliberative democracy <sup>(8)</sup>, the OECD Recommendation on Open Government <sup>(9)</sup>, the Conference of International Non-governmental Organisations (INGOs) Code of Good Practices for Civil Participation in the Decision-Making Process <sup>(10)</sup>, and the joint Organization for Security and Cooperation in Europe (OSCE) Office's for Democratic Institutions and Human Rights (OSCE-ODIHR) and Venice Commission's Guidelines on freedom of associations <sup>(11)</sup>.
- (6) Evidence-informed policy-making means that public authorities should involve those affected by the rules and decisions being taken and actively gather their views and evidence, throughout the different stages of policy-making processes. Member States therefore should have an interest to actively support participation of citizens and civil society organisations in public policy-making processes. This includes innovative avenues such as cultural activities and engagement of cultural organisations which have been shown to strengthen civic engagement, democracy and social cohesion <sup>(12)</sup>. Member States should foster a supporting and inclusive environment providing opportunities to citizens to effectively participate in such processes. Such an environment strengthens transparency and resilience against information manipulation and disinformation and may contribute to reinforcing trust in representative democracy.
- (7) Promoting citizen participation in public policy-making supports electoral turnout and encourages citizens to take part in representative democracy, including by campaigning and standing as candidates. Member States should ensure that citizens have access to information through appropriate channels and tools to participate as well as to the resources to enhance awareness of Union citizenship rights.
- (8) Participation in public policy-making should be inclusive and reflect to the best possible extent the demographic configuration and diversity of a constituency, as well as the needs of underrepresented groups or of persons with disabilities <sup>(13)</sup>. Member States should provide possibilities to participate via adapted and accessible exercises and mechanisms both online and offline, including in rural and remote areas.
- (9) Digital technologies are transforming policy-making processes in the Union, as well as the way in which public authorities interact with citizens. Use of new technologies in policy-making processes, such as online platforms and e-governance tools, may support enhanced interaction between citizens and their governments. Introducing such techniques should respect the checks and balances of a democratic society and be duly protected from risks of cyber-attacks and online surveillance. While recognising the potential of digital solutions to enhance public participation, their role in this regard could be insufficient and widen the digital gap. Therefore, it is necessary to continue envisaging and enabling in-person participation where relevant.

<sup>(5)</sup> UN, Guidelines on the effective implementation on the right to participate in public affairs, 2018.

<sup>(6)</sup> Council of Europe, Recommendation of the Committee of Ministers to member States CM/Rec (2007)14 on the legal status of non-governmental organisations in Europe.

<sup>(7)</sup> Council of Europe, Recommendation of the Committee of Ministers to member States CM/Rec (2001)19 and Recommendation CM/Rec(2018)4 on the participation of citizens in local public life. On the local level, see also Council of Europe, Recommendation of the Committee of Ministers to Member States CM/Rec (2009)2 on the evaluation, auditing and monitoring of participation and participation policies at local and regional level, and Council of Europe, Additional Protocol to the European Charter of Local Self-Government on the rights to participate in the affairs of a local authority.

<sup>(8)</sup> Council of Europe, Recommendation of the Committee of Ministers to member States CM/Rec(2023)6 of the Committee of Ministers to member States on deliberative democracy

<sup>(9)</sup> OECD, Recommendation of the Council on Open Government, OECD/LEGAL/0438.

<sup>(10)</sup> Conference of INGOs, Code of good practice for civil participation in the decision-making process revised, on 30 October 2009.

<sup>(11)</sup> <https://www.osce.org/files/f/documents/3/b/132371.pdf>

<sup>(12)</sup> See 'Culture and Democracy: the evidence – the importance of citizens' participation in cultural activities for civic engagement, democracy and social cohesion – lessons from international research', European Commission Office of Publications, May 2023.

<sup>(13)</sup> See for example the reference to the participation of persons with disabilities and Roma in the Commission Communication 'Union of Equality: Strategy for the Rights of Persons with Disabilities 2021-2030 Strategy for the Rights of Persons with Disabilities', COM(2021) 101 final and the 'Union of Equality: EU Roma strategic framework on equality, inclusion and participation', COM (2020) 620 final.

- (10) Media literacy and digital skills are important to participate in online public policy-making processes, to access and navigate relevant information, engage with authorities and develop the ability to identify and be resilient towards manipulated information, including disinformation. Those skills can be further fostered through education and training, and through non-formal and informal learning and youth work, with a focus on critical thinking<sup>(14)</sup>. A whole-of-society approach is required, working also with organisations developing grassroots initiatives and undertaking activities of monitoring, identifying, pre-bunking and de-bunking disinformation.
- (11) Innovative forms of participation associating citizens directly, such as online and in person deliberative and co-creation processes, are promising practices to support and renew governance mechanisms. They help in mobilising citizens to tackle complex policy problems including climate change and infrastructure investment decisions<sup>(15)</sup>.
- (12) These innovative forms of participation and engagement in public policy-making can be carried out at different stages of policy-making and can be organised in various formats, such as citizens' panels, juries or assemblies online or offline, consensus conferences, participatory budgeting and co-creation. Member States should ensure that public administrations have adequate financial resources and competences to organise such exercises taking into account, for instance, the requirements of Union data protection law.
- (13) Member States could draw on the expertise and best practices at the Union level, in particular the Conference on the Future of Europe<sup>(16)</sup>. In order to support active citizen participation, and as a follow-up to the Conference, the Commission is implementing a new phase of citizens' engagement strengthening its standards and tools including European Citizens' Panels, bringing together randomly-selected citizens from all Member States, one third being young, aged between 16 and 25, which are discussing key upcoming proposals and are now a regular feature of democratic life in the Union<sup>(17)</sup>. The Commission is also developing a revamped 'Have Your Say' portal as one-stop-shop for online citizen engagement. The 'Have your say portal' enables citizens to engage at different levels with European institutions: from expressing their opinion on legislative initiatives (public consultations), to debating and deliberating with other Europeans, to putting forward their own proposals for the Union they want to live in, through European Citizens' Initiatives. It maintains various unique features that were developed for the Multilingual Digital Platform of the Conference on the Future of Europe. The Commission has also established a Competence Centre on participatory and deliberative democracy<sup>(18)</sup> to support the take up of these practices at Union and national level, through connecting practitioners and researchers across the Union and carrying out research into best practises and innovations, whether online or offline.
- (14) Member States could also draw examples from initiatives taken under the environmental democracy laws and apply similar initiatives in other areas of public policy making. These examples are especially related to obligations stemming from the Aarhus Convention<sup>(19)</sup>, and Regulation (EC) No 1367/2006 of the European Parliament and of the Council<sup>(20)</sup>, or the Peer Parliaments<sup>(21)</sup> organised by the Union, for instance in the framework of the European Climate Pact to discuss how individuals, local and national governments and the European Union can best fight climate change.

<sup>(14)</sup> Council of Europe, Digital Citizenship Education Handbook, <https://rm.coe.int/16809382f9>. See also, European Commission, Engaging with Food, People and Places. <https://publications.jrc.ec.europa.eu/repository/handle/JRC121910>

<sup>(15)</sup> See initiatives under the European Climate Pact (europa.eu). See also OECD report 'Innovative Citizen Participation and New Democratic Institutions - Catching the Deliberative Wave' (2020) and OECD Declaration OECD/LEGAL/0484 of 18 November 2022 on Building Trust and Reinforcing Democracy, <https://legalinstruments.oecd.org/en/instruments/OECD-LEGAL-0484>

<sup>(16)</sup> Report on the final outcome of the Conference on the future of Europe, 'The Future is in your hands', 9 May 2022.

<sup>(17)</sup> See Communication from the Commission to the European Parliament, the European Council, the Council, the European Economic and Social Committee and the Committee of the Regions Conference on the Future of Europe 'Putting Vision into Concrete Action' of 17 June 2022 (COM/2022/404 final) <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52022DC0404>. See also the webpage of the European citizens' panels (europa.eu).

<sup>(18)</sup> [https://knowledge4policy.ec.europa.eu/participatory-democracy/about\\_en](https://knowledge4policy.ec.europa.eu/participatory-democracy/about_en)

<sup>(19)</sup> UNECE Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention).

<sup>(20)</sup> Regulation (EC) No 1367/2006 of the European Parliament and of the Council of 6 September 2006 on the application of the provisions of the Aarhus Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters to Community institutions and bodies (OJ L 264, 25.9.2006, p. 13, ELI: <http://data.europa.eu/eli/reg/2006/1367/oj>).

<sup>(21)</sup> [https://climate-pact.europa.eu/about/peer-parliaments\\_en](https://climate-pact.europa.eu/about/peer-parliaments_en)

- (15) The Union, within its competence, and all Member States are parties to the UN Convention on the Rights of Persons with Disabilities <sup>(22)</sup>. That Convention requires States Parties, in the development and implementation of legislation and policies to implement the convention, and in other decision-making processes concerning issues relating to persons with disabilities, to closely consult with and actively involve persons with disabilities, including children with disabilities. Accessibility for persons with disabilities should be ensured in line with the accessibility requirements laid down in Annex I to Directive (EU) 2019/882 of the European Parliament and of the Council <sup>(23)</sup> and reasonable accommodation should be provided to ensure the participation of persons with disabilities to public policy-making processes on equal basis with others.
- (16) Member States should encourage the participation of children and young people in democratic life in the Union to support their long term engagement in European democracies as active citizens and vectors of positive transformative change. This is called for by the European Union's Strategy on the rights of the child <sup>(24)</sup>, the European Union's Youth Strategy <sup>(25)</sup> and by a European Parliament resolution <sup>(26)</sup>. Member States could learn from best practices of existing children and youth councils and processes, such as EU Youth Dialogues <sup>(27)</sup>, the EU Children's Participation Platform <sup>(28)</sup> and the Learning Corner <sup>(29)</sup>. In addition, councils for older persons and persons with disabilities could also be considered good examples to embed citizens' views in public policy-making.
- (17) Civil society organisations working on the promotion and protection of fundamental rights are an important vehicle for channelling the voices of diverse individuals and groups in society, including of those in the most vulnerable situations and contribute to addressing societal challenges and economic development. They foster pluralism and accountability of decision-making, enhancing the quality of representative democracy, as recognised under the European Democracy Action Plan <sup>(30)</sup>, the 2022 Report on the application of the Charter <sup>(31)</sup>, the annual Rule of law reports <sup>(32)</sup>, and the Action Plan on Human Rights and Democracy 2020-2024 <sup>(33)</sup>. The important role of civil society in the checks and balances of healthy democracies has been highlighted by the European Court of Human Rights (ECtHR), which has consistently underlined that the manner in which public watchdogs carry out their activities may have a significant impact on the proper functioning of a democratic society.

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<sup>(22)</sup> See the United Nations Convention on the Rights of Persons with Disabilities and its Optional Protocol (A/RES/61/106). According to the UN Convention on the Rights of Persons with Disabilities, 'reasonable accommodation' means necessary and appropriate modification and adjustments not imposing a disproportionate or undue burden, where needed in a particular case, to ensure to persons with disabilities the enjoyment or exercise on an equal basis with others of all human rights and fundamental freedoms.

<sup>(23)</sup> Directive (EU) 2019/882 of the European Parliament and of the Council of 17 April 2019 on the accessibility requirements for products and services (OJ L 151, 7.6.2019, p. 70 ELI: <http://data.europa.eu/eli/dir/2019/882/oj>).

<sup>(24)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the EU Strategy on the Rights of the Child, COM(2021) 142 final, 24.3.2021.

<sup>(25)</sup> Resolution of the Council of the European Union and the Representatives of the Governments of the Member States meeting within the Council on a framework for European cooperation in the youth field: The European Union Youth Strategy 2019-2027 of 18 December 2018 (OJ C 456, 18.12.2018, p. 1).

<sup>(26)</sup> European Parliament resolution on Citizens' dialogues and Citizens' participation in the EU decision-making of 7 July 2021 (2020/2201(INI), point 17).

<sup>(27)</sup> EU Youth Dialogue | European Youth Portal (europa.eu)

<sup>(28)</sup> EU Child Participation Platform (europa.eu)

<sup>(29)</sup> Learning corner (europa.eu)

<sup>(30)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, on the European democracy action plan, COM (2020) 790 final, 3.12.2020, p. 1.

<sup>(31)</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, A thriving civic space for upholding fundamental rights in the EU 2022 Annual Report on the Application of the EU Charter of Fundamental Rights, COM(2022)716 final, 6.12.2022.

<sup>(32)</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Rule of law report – The rule of law situation in the European Union, COM(2023) 800 final, 5.7.2023, p. 26.

<sup>(33)</sup> Joint Communication to the European Parliament and the Council EU, Action Plan on Human Rights and Democracy 2020-2024 (JOIN(2020) 5 final).

- (18) The Commission's annual Rule of law report assesses developments related to the inclusiveness of legislative processes and civil society involvement as one element of the respect of the rule of law and has in several cases addressed recommendations to individual Member States on this issue. As affirmed in the 2022 Rule of law report, 'improving stakeholder participation, including for civil society organisations, can benefit the quality of legislation as well as the transparency of the process'. On the contrary, the lack of formalised processes for contributing to decision-making, late and fragmented consultation strategies, selective and opaque choice of the interlocutors, and the absence of effective follow up, raise concerns from a rule of law perspective and severely damage democratic processes. The need to recognise the role of civil society organisations to enable them to act and to make sure that the conditions are in place so they can be meaningfully involved in decision-making and implementing national and Union policies are also emphasised in the 2022 Report on the application of the Charter.
- (19) An effective and inclusive participation in public policy-making processes is only possible when civil society organisations can work in a safe and enabling environment where their fundamental rights and those of their members are upheld, including those of freedom of association and assembly and of expression and access to information, as well as the rights to liberty and security, respect for private and family life, protection of personal data, property and non-discrimination, in a democratic system that respects the rule of law. To enable their effective participation in public policy-making processes, civil society organisations need a safe, healthy, and thriving civic space, where they are protected, supported and empowered<sup>(34)</sup> and where they can fully enjoy the Internal Market fundamental freedoms. Continuous efforts are needed to create and foster such enabling civic space, for civil society organisations and human rights defenders who act in full respect of the values of the Union<sup>(35)</sup>.
- (20) The CJEU has ruled that civil society organisations 'must be able to pursue [their] activities and operate without unjustified interference by the State'<sup>(36)</sup>, and the ECtHR has stressed that Member States should not only refrain from unduly interfering when civil society organisations pursue their activities, but they should also provide for an enabling environment for civil society organisations through legal, administrative and practical measures<sup>(37)</sup>. Such space is a key component of democratic systems where the rule of law and fundamental rights are respected and upheld.
- (21) Public authorities have a duty to protect freedom of association and of expression and civil society organisations' safety by providing an appropriate legal environment, monitoring and seeking to effectively address threats against civil society organisations, providing access to adequate support services, and funding and other resources that enables them to carry out their work. While most Member States do ensure a safe space for civil society organisations, a growing number of physical, verbal and digital attacks against them, hatred, harassment, intimidation, smear campaigns, including the criminalisation of humanitarian fundamental rights work, administrative and legal restrictions, unlawful surveillance, and the use of strategic lawsuits against public participation has been observed in some Member States over the past years<sup>(38)</sup>. Several studies also show that among civil society organisations, the most affected are those who work on women's and sexual and reproductive health and rights, LGBTIQ rights, migrants' and asylum seekers' rights, public integrity and anti-corruption, and environmental protection.

<sup>(34)</sup> Report by the Secretary-General of the Council of Europe, State of Democracy, Human Rights and the Rule of law in Europe, A shared responsibility for democratic security in Europe, p. 53. See also, Council of Europe, Recommendation of the Committee of Ministers to member States, CM(2017)83-final Guidelines for civil participation in political decision making. See also the Recommendation CM/Rec(2018)11 of the Committee of Ministers to member States on the need to strengthen the protection and promotion of civil society space in Europe. At UN level, see United Nations Human Rights Office of the High Commissioner, 2018, Guidelines for States on the effective implementation of the right to participate in public affairs.

<sup>(35)</sup> See Council Conclusions on the application of the EU Charter of Fundamental Rights; The role of the civic space in protecting and promoting fundamental rights in the EU, 24 February 2023, 6675/23 points 9, 12 and 16. In its conclusions, the Council invited the Member States to promote an enabling environment for CSOs and human rights defenders so that they are able to pursue their activities in line with Union values without unjustified interference by the State as required by EU – and international standards. See also, the European Parliament resolution of 8 March 2022 on the shrinking space for civil society in Europe (2021/2103(INI)) and European Parliament resolution of 17 February 2022 with recommendations to the Commission on a statute for European cross-border associations and non-profit organisations (2020/2026(INL)) and the 2022 Annual Report on the Application of the EU Charter of Fundamental Rights, COM/2022/716 final, p. 34. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 2023 Rule of law report – The rule of law situation in the European Union, COM(2023) 800 final, p. 26.

<sup>(36)</sup> CJEU, judgment of 18 June 2020, C-78/18, Commission vs Hungary, ECLI:EU:C:2020:476, paragraph 106.

<sup>(37)</sup> ECtHR, judgment of 20 October 2005, *Ouaranio Toxo and Others v. Greece*, app. no. 74989/01, § 35.

<sup>(38)</sup> See European Union Agency for Fundamental Rights, Challenges facing civil society organisations working on human rights in the EU, 2018; Protecting civic space in the EU, 2021; Europe's civil society: still under pressure – 2022 update, 2022. See also the CIVICUS monitoring <https://monitor.civicus.org/>.

- (22) Member States have to ensure that civil society organisations have access to financial resources and are free to use them <sup>(39)</sup>, including by building on Union funds. Only adequately resourced civil society organisations can effectively participate in the public policy-making processes.
- (23) The Union already provides ample funding opportunities for civil society organisations to implement projects that help foster the values of the Union. To facilitate the navigation through different programmes the Commission has put in place an easily accessible portal which acts as a single gateway for Union funds and allows to find democracy related funding opportunities among others <sup>(40)</sup>. The Commission provides dedicated financial support for civil society organisations in the Member States under the Citizens, Equality, Rights and Values Programme. That Programme aims to protect and promote rights and values as enshrined in the Treaties, the Charter and the applicable international human rights conventions, in particular by supporting civil society organisations and other stakeholders active at local, regional, national and transnational level, and by encouraging civic and democratic participation, in order to sustain and further develop open, rights-based, democratic, equal and inclusive societies which are based on the rule of law. Furthermore, the Erasmus+, European Solidarity Corps and Creative Europe programmes offer funding opportunities for civil society cooperation, civic engagement and democratic participation. The Union framework programme for research and innovation Horizon Europe also supports civil society organisations and rights defenders in a number of thematic areas of research <sup>(41)</sup>. Technical assistance for administrative reform in the Member States under the Technical Support Instrument has also been deployed and presents options for financing capacity building in public administrations and public authorities for participatory practices. Beneficiaries of Union funding are obliged to respect Union values when implementing such funding, and the Commission has implemented measures to support compliance and address possible violations.
- (24) The Union's commitment to contribute to protecting and promoting a safe and enabling civic space is also reflected in its external action, including in the Union Action Plan on Human Rights and Democracy (2020-2024) <sup>(42)</sup>. It is also outlined in the EU guidelines on human rights defenders <sup>(43)</sup> and reaffirmed in the 2012 Communication 'The Roots of Democracy and Sustainable Development: Europe's Engagement with Civil Society in External Relations' <sup>(44)</sup>, in the Guidelines for EU support to civil society in the Enlargement Region 2021-2027 and in the Youth Action Plan in EU External Action <sup>(45)</sup>. The strength and the credibility of the Union's action to uphold human rights globally is based on the way the Union nurtures and bolsters its democratic and fundamental rights foundations within the Union.
- (25) This Recommendation is part of the Defence of Democracy Package which also comprises a proposal for a Directive of the European Parliament and of the Council establishing harmonised requirements in the internal market on transparency of interest representation carried out on behalf of third countries and a Commission Recommendation on inclusive and resilient electoral processes in the Union and enhancing the European nature and efficient conduct of the elections to the European Parliament.
- (26) This Recommendation builds on the findings of the 2022 Report on the application of the Charter and of the annual Rule of law reports, analysing the rule of law situation in the Union and its Member States, in particular with regard to the framework for civil society. This Recommendation complements the European Democracy Action Plan, which

<sup>(39)</sup> Article 13 of the UN Declaration on Human Rights Defenders. OSCE-ODIHR Venice Commission Guidelines on freedom of associations, principle 7, p. 42, <https://www.osce.org/odihr/132371>

<sup>(40)</sup> Funding & tenders (europa.eu)

<sup>(41)</sup> For instance, Horizon Europe will support the testing and implementation of research results, including for experimenting with democratic innovations in the field of civic participation (see HORIZON-CL2-2024-DEMOCRACY-01-12). A recent report compiled the results of EU research on participatory and deliberative democracy. It will also support a new network for innovative solutions for the future of democracy bringing together across Europe researchers in democracy with practitioners of civic participation and deliberation and of citizenship education to develop recommendations for policy-makers, drawing on the results of research (see HORIZON-CL2-2022-DEMOCRACY-02-01).

<sup>(42)</sup> [https://www.eeas.europa.eu/sites/default/files/eu\\_action\\_plan\\_on\\_human\\_rights\\_and\\_democracy\\_2020-2024.pdf](https://www.eeas.europa.eu/sites/default/files/eu_action_plan_on_human_rights_and_democracy_2020-2024.pdf)

<sup>(43)</sup> [https://www.eeas.europa.eu/sites/default/files/02\\_hr\\_guidelines\\_defenders\\_en\\_0.pdf](https://www.eeas.europa.eu/sites/default/files/02_hr_guidelines_defenders_en_0.pdf)

<sup>(44)</sup> See footnote 1.

<sup>(45)</sup> Youth Action Plan (Joint communication by the Commission and the High Representative) | International Partnerships (europa.eu)

is designed to empower citizens and build more resilient democracies across the Union by promoting free and fair elections, strengthening media freedom and countering information manipulation and disinformation, the Commission Recommendation (EU) 2021/1534 <sup>(46)</sup> and the Commission 2022 initiative against strategic lawsuits against public participation (anti-SLAPP) <sup>(47)</sup>. It builds on the priority actions announced in the 'EU Citizenship Report 2020' Communication <sup>(48)</sup> and complements the Citizenship Package presented at the end of 2023.

- (27) This Recommendation is addressed to the Member States. Candidate countries and potential candidates for accession to the Union as well as Union neighbourhood policy countries are also encouraged to follow this Recommendation,

HAS ADOPTED THIS RECOMMENDATION:

### **Subject matter**

1. This Recommendation aims to promote the participation of citizens and civil society organisations in public policy-making to help building democratic resilience within the Union. It encourages Member States to provide more opportunities for citizens and civil society organisations to effectively participate in public policy-making processes carried out by public authorities at the local, regional and national levels, in line with established standards and good practices.
2. Member States are recommended to create and maintain a safe and enabling environment for civil society organisations, allowing them to effectively engage in public policy-making processes. Member States should take effective, appropriate and proportionate measures to protect, support and empower civil society organisations to ensure a thriving civic space.

### **General framework for the effective participation of citizens and civil society organisations**

3. Member States should promote and facilitate a framework allowing citizens and civil society organisations to participate in public policy-making processes ('framework for participation') and ensure that the framework for participation is implemented in accordance with the guidance in this Recommendation.
4. The framework for participation should ensure the respectful treatment of all participants, who should be able to participate freely and without undue interference.
5. The framework for participation should be clear and accessible, including by ensuring the dissemination of timely and adequate information, providing genuine opportunities and appropriate means of participation based on predefined parameters. In particular, Member States should:
  - (a) ensure participation on topics of public interest in a continuous and regular manner and not only during electoral periods;

<sup>(46)</sup> Commission Recommendation (EU) 2021/1534 of 16 September 2021 on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union (OJ L 331, 20.9.2021, p. 8, ELI: <http://data.europa.eu/eli/reco/2021/1534/oj>).

<sup>(47)</sup> Proposal for a Directive of the European Parliament and of the Council on protecting persons who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') COM(2022) 177 final, 2022/0117(COD) and Commission Recommendation (EU) 2022/758 of 27 April 2022 on protecting journalists and human rights defenders who engage in public participation from manifestly unfounded or abusive court proceedings ('Strategic lawsuits against public participation') (OJ L 138, 17.5.2022, p. 30, ELI: <http://data.europa.eu/eli/reco/2022/758/oj>).

<sup>(48)</sup> Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: EU Citizenship Report 2020 – Empowering citizens and protecting their rights, COM(2020)730 final.

- (b) have in place a clearly defined policy or regulatory framework for both citizens and civil society organisations participation, including the objectives, the procedures and the relevant actors involved;
  - (c) apply only proportionate and clearly communicated limitations to the framework referred to in point (b) and ensure citizens' and civil society organisations' access to redress mechanism, where relevant;
  - (d) enable participation in the early stages of the policy-making processes, in the identification of the needs, priorities and the definition of possible policy options;
  - (e) provide appropriate and necessary information regarding a specific participation exercise in a timely manner and in easily accessible formats, including the context and the type of measures envisaged, the procedures, the timeline for participation, the authority responsible for the exercise and its contact details;
  - (f) provide the widest possible access to information and to key documents both offline and online, including through the websites of the relevant public authorities, and proactively and widely disseminate such information to the public, in an accessible language, free of charge and without undue administrative obstacles;
  - (g) take measures to ensure that information is specifically provided to citizens and civil society organisations that are likely to be affected, with a particular attention to the most marginalised, underrepresented and vulnerable individuals and groups;
  - (h) envisage sufficient resources and time to ensure meaningful impact and take into account the holiday seasons in national contexts to allow appropriate participation;
  - (i) provide for ways to participate in a non-discriminatory and accessible manner, including for persons with disabilities, without excessive formalities and free of charge.
6. The framework for participation should be transparent and Member States should ensure scrutiny of the processes itself. In particular, Member States should:
- (a) inform those who participated about the outcome of the public policy-making process and the follow-up to the conducted participation exercises;
  - (b) regularly invite citizens and civil society organisations to participate at different stages of the policy-making processes, including at the stage of reviewing policies;
  - (c) periodically evaluate their framework for participation with a view to improving and adjusting it, for example to embrace more user-friendly, effective and innovative methods.
7. The framework for participation should be inclusive and ensure that citizens and civil society organisations have an equal opportunity to participate and that there is a plurality of opinions taken into account, including those of the underrepresented, most vulnerable and marginalised persons. In particular:
- (a) Member States should strive to use tools and methods that lead to the widest possible participation of citizens, groups and civil society organisations and should promote the choice of easily accessible and non-discriminatory processes of participation;
  - (b) Member States should prevent and remove obstacles to participation of underrepresented groups, by taking into account special needs, including of persons with disabilities, the youth, older persons, citizens with migrant background and mobile Union citizens;
  - (c) participation processes and exercises should be facilitated with best available expertise to ensure an inclusive approach allowing all participants to be equally heard as well as an accurate presentation of the plurality of opinions on the issues discussed.
8. Member States should develop, support and carry out awareness-raising initiatives aimed at increasing the knowledge about participation opportunities at national, regional and local levels, and the available methods and the tools to support and foster effective engagement in public policy-making processes.
9. Member States should enhance the capacity of citizens, civil society organisations and public authorities to ensure effective and meaningful participation in the public policy-making processes through training and information sessions.



10. Member States should dedicate specific funding to support the implementation of their framework for participation at all levels of government, including by making best use of available Union funds.

### **Specific measures to support and encourage citizen participation in public policy- making**

11. Member States should introduce citizen-led participatory and deliberative exercises on specific decisions and policies, and support and promote individual and collective ways of participation, such as citizens panels, citizens assemblies, and other dialogue and co-creation formats. When doing so, Member States could draw inspiration from the experience, expertise and good practice gathered in the context of the Conference on the Future of Europe, and the subsequent European Citizens' Panels, as well as international standards such as the OECD Guidelines for Public Participation<sup>(49)</sup>. Member States should ensure that such exercises are facilitated by a robust methodology and core principles supporting their quality, inclusiveness and integrity.
12. When inviting citizens to participatory and deliberative citizen engagement exercises, Member States should ensure inclusiveness to the best possible extent. In order to do so, they should use the best available statistical random sampling and sortition techniques. Where possible and as necessary Member States should identify and address differences in participation of different groups by making use of statistics and attitudinal studies. The selection of citizens should be based on demographic criteria, to ensure that the participants reflect the demographic configuration of the Member State including by relying on census or other similar relevant data and any other attitudinal criteria that ensure diversity. Member States should ensure conducive conditions for participation without burden<sup>(50)</sup> and, where appropriate, the reimbursement of participation costs, including to support economically excluded citizens.
13. Member States should undertake specific efforts to strengthen the participation of children and young people in political and democratic life at local, regional and national level including in rural and remote areas. Measures should be taken by public authorities, especially in education and training settings and in other contexts where children and young people are active, to promote children's and young people's meaningful, inclusive and safe participation without discrimination of any kind.
14. To enhance participatory and deliberative exercises in the digital public space, Member States should explore the use of new technologies that are easily accessible to citizens. In this perspective, Member States should develop media literacy and critical thinking from an early age and onwards, relying, among other things, on information education courses. Use of new technologies should be in full compliance with fundamental rights including the right to data protection and non-discrimination, and with principles such as inclusiveness, accessibility, and technological and net neutrality.

### **Specific measures to support and protect the civic space to enable the effective participation of civil society organisations**

15. In order to ensure their effective participation in public policy-making processes, Member States should create and maintain a safe and enabling environment for civil society organisations.
16. Member States should encourage the creation of strategic partnerships between public authorities at the local, regional and national levels and civil society organisations, with a view to fostering their participation in public policy-making processes.
17. Member States should establish structured dialogues with civil society organisations on specific topics related to public policy-making processes. Member States should ensure that such dialogues go beyond consultations for specific policy or legislative proposals, and are regular, long-lasting and result-oriented.

<sup>(49)</sup> <https://www.oecd.org/publications/oecd-guidelines-for-citizen-participation-processes-f765caf6-en.htm>

<sup>(50)</sup> Comparable to jury duty, allowing for example, time off from work, practiced in some Member States.

18. Member States should take the necessary steps to protect civil society organisations from threats, criminalisation, intimidation, harassment as well as attacks and other forms of criminal acts, both offline and online. In particular, Member States should:
- (a) ensure that:
    - (i) timely and effective protection is available to civil society organisations, their staff and volunteers, as well as persons close to them, whose safety is under a credible actual or potential risk due to their work, including by raising the awareness of law enforcement authorities and judicial authorities on the risks civil society organisations face; in particularly serious cases, immediate protection should be ensured through emergency barring and protection orders;
    - (ii) illegal acts are immediately condemned, including by Member States' representatives, and promptly investigated and prosecuted, where needed;
  - (b) monitor the developments in the civic space through clear indicators and reporting frameworks, including by referring to existing international standards; create and maintain contacts and continuous dialogue with civil society organisations to support such monitoring; relevant information could be gathered through national human rights institutions and other human rights defenders; specific attention should also be paid to reports of physical and online attacks, defamation and smear campaign, instances of hate speech, and strategic lawsuits against public participation (SLAPP); particular attention needs to be paid to the situation of human rights defenders, civil society organisations, and their members belonging to or advocating for women's rights and sexual and reproductive health rights and rights of minority groups, such as LGBTIQ persons, migrants and asylum seekers', and for public integrity and anti-corruption, and environmental protection;
  - (c) encourage and facilitate cooperation and coordination between all actors involved in the monitoring of the developments in the civic space and in the protection of civil society organisations facing threats and attacks related to their work, including by developing protocols for cooperation and sharing best practices between law enforcement authorities, the judiciary, authorities at local, regional and national levels, civil society organisations, national human rights institutions, equality bodies, ombudsman institutions and likewise facilitate cooperation between all relevant authorities and services within their territory;
  - (d) facilitate access to special procedures or channels to report threats and attacks, and document and analyse the environment in which civil society organisations work;
  - (e) inform civil society organisations of the available protection and support services, including through dedicated websites presenting this information in a simple, accessible and user-friendly manner; clear information should be proactively disseminated to civil society organisations, regarding in particular the law enforcement authorities, judicial authorities and support service providers to reach out to in case of threats and attacks;
  - (f) ensure that existing victim support services and emergency helplines are available and tailored for individuals working for civil society organisations, as well as for persons close to them, when their safety is under a credible actual or potential risk due to their work; where applicable, the support services should provide information, legal and practical advice, psychological support, and shelters as well as support to enhance digital security; legal advice to civil society organisations facing SLAPPs should be provided; all support services should be easily accessible and be provided in a confidential and non-discriminatory manner, including specifically for persons with disabilities;
  - (g) cooperate and share information, expertise and best practices with other Member States, and, where relevant, with international organisations, on cases related to the safety of civil society organisations and human rights defenders and tools in place to ensure their protection.
19. Member States should dedicate specific funding to build the capacity of civil society organisations to strengthen their resilience when facing threats and attacks, and to increase their knowledge about the support services and redress mechanisms available to them.
20. Member States are encouraged to adopt dedicated action plans, or equivalent initiatives to set up frameworks at national level to foster a safe and enabling civic space and an effective participation of civil society organisations.

Done at Brussels, 12 December 2023.

*For the Commission*  
Didier REYNDERS  
*Member of the Commission*

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