

'The Rule of Law and European Values in the modern ages: Toolkit for citizen empowerment' Across and Beyond EU Studies Series

Work Package 2 – Deliverable 4

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Summary

This present toolkit presents the results, findings and conclusions of three *Citizen empowerment: Sustainable Rule of Law and European Values in Europe'* training workshops and focus groups, organised in 2022, 2023 and 2025 under the the Jean Monnet Centre of Excellence for the Rule of Law and European Values (CRoLEV) at UCLan Cyprus, in collaboration with the Interdisciplinary Centre for Law, Alternative and Innovative Methods (ICLAIM). The second workshop in the series, in 2023, was organised with the generous participation of the Council of Europe's *Academy on Participatory Democracy*.

The overall objective of the workshop series was to bring together practising lawyers, civil society professionals and members of the public to discuss alternative tools and methods to foster citizen empowerment, democracy and the rule of law in the European Union and beyond.

The authors would like to acknowledge the contribution of the following colleagues to the toolkit:

Dr. Alex M. Uibariu, CRoLEV Postdoctoral Researcher – For analysing the data and drafting section 3.3.

Dr. Haris Shekeris, Independent Expert, Philosopher – For his expert contribution and participation in Workshop 3, and for drafting section 4.2.

A supplement with additional materials from the workshops is available at: https://tinyurl.com/76v68je8

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1 Introduction

The present toolkit is the result of a three-year-long workshop series under the Jean Monnet Centre of Excellence for the Rule of Law and European Values (CRoLEV), funded for the period 2022-2025. The objectives of CRoLEV have been to evaluate the mechanisms available at European Union (EU) level to secure European values and Rule of Law protections, in the course of exploring the state of the rule of law within the EU and its neighbouring countries through empirical research. Among these objectives, the Centre has also undertaken to investigate the deterioration of the rule of law and EU values in times of crisis.

Using previous experience and informed by CRoLEV research findings, all workshops aimed at bringing together members of the public, civil society professionals and activists, civil servants, practising lawyers and higher education students to discuss how various innovative formal and informal tools can strengthen democratic principles and dialogue, and the rule of law during social disputes.

List of contributors

Workshop I

2 & 3 December 2022

- Dr. Nadia Kornioti, Resident Expert, ICLAIM & Associate Lecturer in International and Comparative Public Law, UCLan Cyprus
- Dr. Katerina Antoniou, Resident Expert, ICLAIM & Assistant Professor in Tourism and International Relations, School of Business and Management, UCLan Cyprus
- Prof. Stéphanie Laulhé Shaelou, CRoLEV Director and Head of School of Law, UCLan Cyprus & Founding Director, ICLAIM

Workshop II

28 November 1 & 2 December 2023

- Dako (Darejan) Muradashvili, Council of Europe Expert, Head of the Branch Office of Civil Society Institute in Georgia
- Anna Ditta, Council fo Europe Expert, Head of the Programs Development Department, European Association for Local Democracy (ALDA)
- Dr. Nadia Kornioti, Resident Expert, ICLAIM
- Dr. Katerina Antoniou, Resident Expert, ICLAIM
- Prof. Stéphanie Laulhé Shaelou, CRoLEV Director

Workshop III

7 & 8 March 2025

- Dr. Nadia Kornioti, Resident Expert, ICLAIM
- Dr. Katerina Antoniou, Resident Expert, ICLAIM
- Dr. Haris Shekeris, Indpendent Expert, Philosopher
- Prof. Stéphanie Laulhé Shaelou, CRoLEV Director

The workshops built on previous collaborative work between the School of Law, University of Central Lancashire – Cyprus (UCLan Cyprus) and the Interdisciplinary Centre for Law, Alternative and Innovative Methods (ICLAIM), with the latter contributing through its rich civil society network. The second workshop in November/December 2023 was jointly organised with the Council of Europe (CoE) Academy on Participatory Democracy.

ICLAIM¹ was established in February 2017 as an interdisciplinary not-for-profit Civil Society Organisation in Cyprus, aiming to do research and undertake activities which bring together questions of law with real-world experiences, addressing socio-legal issues and disputes through a transnational and interdisciplinary lens, at all levels of the legal order and governance (international, European and national), utilising alternative and innovative methods. ICLAIM's collaboration with CRoLEV derives from the former's long-term engagement with social issues and dispute resolution through alternative methods, including Social Mediation.² Its project 'Social Mediation in Practice' has been recognised for its contribution to society by receiving the 2020 EU Citizen Prize.

CRoLEV, the School of Law at UCLan Cyprus and ICLAIM form a partnership guided under UN Sustainable Development Goals 16 and 17:





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¹ www.iclaimcentre.org

² www.social-mediation.org



2 Workshop I: Social Mediation

The first workshop³ in the series was inspired and built upon the successful implementation of a series of grass-roots Social Mediation projects by UCLan Cyprus, ICLAIM and other occasional from spring 2018 onwards.⁴ Conceptualised as an intercommunal project for civil society and professionals of various backgrounds in Cyprus, the Social Mediation project aims at facilitating the promotion of Social Mediation as a conflict resolution tool, through peer-to-peer accessible, free of charge, and open-to-the-public trainings on how to implement social mediation interventions in one's community, and in early workshops was quickly embraced as a citizen empowerment tool in defending the Rule of Law in the EU and beyond.

From the first weeks within its launch in 2018, the 'Social Mediation in Practice' project attracted the interest of a diverse group of Cyprus-based individuals of varying backgrounds. During the COVID19 lockdowns, the hybrid and online-only events held

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³ Nadia Kornioti, Katerina Antoniou and Stéphanie Laulhé Shaelou, 'Citizen empowerment: Sustainable Rule of Law and European Values in Europe' Series, Training and Focus Group https://crolev.eu/wp-content/uploads/2023/02/Report_CRoLEV_ICLAIM_CSO-Training-and-Focus-Group_December-2022.pdf (CRoLEV 2023); CRoLEV Press Release, https://crolev.eu/citizen-empowerment-sustainable-rule-of-law-and-european-values-in-europe-press-release/ (January 2023)
⁴ For more information on the project see: https://social-mediation.org/; The project is based on the Handbook on Social Mediation in the Community (ICLAIM, 2018) accessible here: https://social-mediation.org/; Automatical Project is based on the Handbook on Social Mediation in the Community (ICLAIM, 2018) accessible here: https://social-mediation.org/; Automatical Project is based on the Handbook on Social Mediation in the Community (ICLAIM, 2018) accessible here: https://social-mediation.org/; Automatical Project is based on the Handbook on Social Mediation in the Community (ICLAIM, 2018) accessible here: https://social-mediation.org/; Automatical Project is based on the Pr

attracted participants from three continents. In 2020 participants of the earliest Social Mediation in Practice training series, joined a newly-established Social Mediators' *Network*, and in the same year the project received the 2020 European Citizen Prize from the European Parliament; a symbolic annual award given to initiatives across the European Union, in recognition of their capacity to promote cross-border cooperation, mutual understanding and European values. Since then, the project has expanded with the thematically-focused projects on Social Mediation for Social Transitions and Identity, Culture & Social Mediation for Cyprus, which led to two thematicallyspecialised Manuals on Social Transitions⁶ and Divided Societies,⁷ respectively. Furthermore, in 2021 and 2022, the project scaled up globally with support by the United Nations Sustainable Development Solutions Network (SDSN) and the German Agency for International Cooperation (GIZ). In this context the project was selected globally to participate at the 2022 Global Solution Forum in Dubai, part of the UN Sustainable Week and the 2022 10th World Forum for Democracy of the Council of Europe, in Strasbourg, France. To date, the workshops have trained some 100 social mediators, from across three continents over a total of 7 training workshops (online, in-person and hybrid events). One workshop also took place in the context of the Fundamental Rights Forum 2021 of the EU Fundamental Rights Agency (FRA). The project also ventured more closely to the Rule of Law and Deep Democracy across the dividing line in Cyprus with the SOMEROL project also funded by the British High Commission.8

2.1 Focus Group & Findings

The notion of the Rule of Law principle is the element which distinguishes this one from previous editions of the Social Mediation workshops. As such, whereas the training did not deviate from the theoretical framework and the hands-on empirical exercises included in previous workshops,⁹ this training and focus group contained an

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⁵ Social Mediation Conference and Social Mediation Network Launch (ICLAIM 2020), available to download here: https://social-mediation.org/resources/

⁶ Manual on Social mediation for Social Transitions (ICLAIM, 2021), available at https://social-mediation.org/resources/

⁷ Social Mediation Manual on Culture in Divided Societies (ICLAIM, 2022), available at https://social-mediation.org/resources/

⁸ https://social-mediation.org/wp-content/uploads/2023/10/SOMEROL-Project-summary-versions-ENG.pdf

⁹ These derived from the *Handbook on Social Mediation in the Community* (ICLAIM, 2018), available at https://social-mediation.org/wp-content/uploads/2022/08/handbook_Print_FINAL.pdf

extensive Rule of Law component introduced to participants during the first day. In line with CROLEV, the training was open for participation to practicing lawyers registered as Advocates under the Cyprus Bar Association, accredited for Continued Professional Development, as well as the general public, as per usual practice. But the main target group was CSOs from across divided societies. Among the rest, there were students and recent university graduates, educators and researchers, and law enforcement officers. The event was held in a hybrid format allowing for overseas participants, primarily from Ukraine and India, including from the Social Mediators' and CROLEV networks.

2.1.1 Day One

Day 1 started off with the introduction of CROLEV, ICLAIM and the concept of Social Mediation as a dispute resolution tool in a social context. Then, participants were introduced to the most relevant CROLEV findings to date, with an emphasis on philosophical origins of the Rule of Law as a concept, and its theoretical and conceptual framework within the EU. This was complemented with further information on European values more broadly, such as 'respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities'. Based on existing materials developed by CROLEV, participants were introduced to the 'thin' and 'thick' conceptions of Rule of Law, its formal, procedural and substantive requirements needed for its satisfactory implementation by EU member state authorities, and research on the democratic 'backsliding' observed in the EU from the 2008 financial crisis onwards, along the themes of corruption, accountability, judicial review/ administrative recourse, and freedom of speech.

The discussion among participants then turned towards the abovementioned issues, with regard to Cyprus and its region of the world, with an emphasis on how Social Mediation can facilitate dialogue and communication in society, allowing for constructive dialogue and reflection on the decision-making power of institutions responsible for the perseverance of the Rule of Law, with participants agreeing that knowledge of the Rule of Law principle is fundamental in assessing the quality of

¹⁰ Treaty on the European Union (TEU), Art 2.

¹¹ Andreas Marcou and Katerina Kalaitzaki, 'Rule of Law and European Values: Beyond the state-of-the-art analysis' (CROLEV 2022) available at: https://crolev.eu/publications/

procedures and new legislation. Social Mediation was seen as a method standing in between the Rule of Law and the formal procedures of the State, and developments in society as a whole. Further, formal procedures are appreciated for their certainty and coherence in terms of what the public expects out of them, recognising that the lack of formal procedures can essentially disturb cohesion within society. One participant raised the question of whether there should be formal frameworks within which informal procedures – like Social Mediation – should take place, since even in informal setting consistency and certainty are necessary. Knowing the limits to informal procedure and being able to assess their fairness are legitimate expectations of due process, in addition to transparency and accountability, which are all intrinsically connected to the Rule of Law principle, as well, regardless of the approach [thin or thick] one takes regarding the Rule of Law. These are points that most people can agree.

Despite the general agreement on the above issues, it remains challenging to assess at which point 'the informal gives way to [the] formal'. One suggestion was that informal mechanisms can be used in the beginning of resolving an issue, but at the point which formal measures exist, then the latter may take precedence in resolving the issue at hand. In other cases, the utility of the informal process may be eclipsed, and that point too, it is fundamental as there are formal safeguards, procedures or mechanism towards which one can turn. Conversely, another suggestion was that Social Mediation could be used in cases where all formal remedies are exhausted, whereas one of the participants – with a background in psychology – alerted all present of the importance of how public perception of formal and informal procedures can impact their behaviour, affected also by question of trust in 'the system'; public administration and formal procedures. In that regard, the timing of new initiatives can be fundamental for their success or failure.

One of the participants with a background in commercial law touched on issues of lack of trust in the legislative procedure as a whole, and how new inventions, like cryptocurrency, were used to essentially bypass dissatisfaction with formal procedures (here, in the banking sector) and were eventually formalised when their use spread among the public. Lobbying was mentioned as another example of such an informal-to-formalised process. This point raised questions on the role of civil society, considering that fact that lobbyists have managed to gain access to high-level

institutions, that may not always be willing to engage in dialogue with grass-roots civil society organisations. At the same time, the lack of engagement with civil society organisations, was also recognised as a sign of weak democratic institutions.

In the last part of the discussion, issues of the length of formal procedures, the technical language, lack of knowledge and understanding by the general public, and high costs were also identified as issues indicating a need for parallel informal structures that can support dispute resolution, certainty and trust in society. Moreover, the increased use of alternative dispute resolution (ADR) in advance of formal civil proceedings in court, was identified as one way through which the relationship among formal, informal and formalised procedures could work over time. Even then, one is bound to ask whether one should seek for the 'formalisation' of informal procedures, or rather the formal recognition of the added value of such informal procedures in democratic society, as a means towards the strengthening of the Rule of Law. Comparative considerations between legal systems and legal cultures regarding one's disposition to court proceedings could be another indicator of the success or not of informal dispute resolution systems.

Participants were then introduced to the Copenhagen School's theory of Securitization, which suggests that existential threats can be effectively constructed when articulated by an authority figure – the securitizing agent – and address an audience that is directly impacted by that threat (Buzan *et al.*, 1998¹²). Buzan, Waever and de Wilde identify five sectors of existential threats that can be articulated through processes of securitization: military, political, economic, societal, and environmental. Securitization and socially constructed threats on a collective level have direct relevance to identity-related tension in society. Securitization is one of the themes that has persistently been discussed also in past editions of the workshops, essentially discussing how competition between different identities is often the cause of tension in interpersonal, group, or intergroup dynamics. Thus, in order to resolve a conflict, one needs to de-securitize the issues that lead to animosity and, subsequently, conflict. It is at time of high securitization that societies become most vulnerable to extremes, leading to populist politics and the weakening of democratic institutions.

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¹² Buzan, B., Wæver, O., Wæver, O., & De Wilde, J. (1998). *Security: A new framework for analysis*. Lynne Rienner Publishers.

Social Mediation can help alleviate these tensions, by offering a framework which allows and empowers the parties to an existing or potential conflict (preventive Social Mediation) to explain their point of view and how they feel threatened by another. In the context of current affairs, from the 'war on terror' in the early 2000s to the financial crisis and, more recently, the armed conflict of Ukraine, participants discussed how these events contributed to identity securitization.

Following the above theoretical discussions, participants had the opportunity to apply their newly acquired knowledge to scenarios designed to practise Social Mediation in a preventive context; i.e. situations where social tensions arise without a social conflict arising yet, between groups or individuals. In addition to the usual approach taken in previous workshops, here participants were required to identify human rights issues arising from the scenarios, specifically, as well as formal legal and administrative framework that could be of relevance if such a scenario were to apply in real time. The instructions given were:

Steps that need to be taken, in the context of Preventive Social Mediation:

- i. Identify the problem
- ii. Assess the situation
- iii. Try to predict problems which may arise
- iv. Make a list of potential actions, using the Social Mediator's 'toolbox'
- v. Choose & design the most appropriate action
- → Are there formal elements we need to consider in each scenario?

For instance, one of the scenarios concerned homophobia and bullying at a local school, for which participants had to consider whether in their capacity as social mediation in that school they would need to take into account any anti-bullying and/or LGBT+ policies and protocols introduced by the Ministry of Education, and/or the Director of the school. Another scenario on gender-based discrimination at the

workplace, the discussion centred around the relevance of formal legislation concerning sexual harassment and discrimination based on gender. In both instances participants also identified and critically reflected on the delimitation between social mediation interventions (informal mechanism) and the enforcement of criminal law (formal mechanism), as well as the role and accountability of public administrative bodies (formal mechanism).

Like in other workshops, the principles of confidentiality and neutrality, both of which are mandatory for the social mediator, raised numerous questions among participants. It was generally agreed that in context where formal normative frameworks are in place, the social mediator needs to be well-aware of what formal mechanisms are already in place. Some legislations, for instance in criminal law, give clear instructions on the responsibility carried by different actors (eg responsibility of parents, guardians and teachers in a school context). The lack of information that exists, however, evidently causes unclarity and lack of confidence in one's judgement and mediatory skills. The scenarios—in consistency with previous workshops—reiterated the difficulty in drawing a satisfactory line between formal and informal procedures. The Rule of Law principle, and the criteria on how the Rule of Law can be measured in each context, served as a strong framework within which to guide the discussion. A framework that the trainers had not used in earlier workshops.

The regional and international measurements on Rule of Law compliance also entered the discussion, as guidance for Social Mediation interventions. The indicators relating to social phenomena like domestic violence, harassment, and bullying, since such international standards can also offer broadly accepted definitions of key terms, thusly, reducing the arbitrariness in the social mediator's approach in their effort to resolve a potential conflicting situation.

Overall, the first day proved valuable in examining the scope of relevant issues that arise in any effort to delimitate the boundaries between formal and informal mechanisms, used for the strengthening of the Rule of Law. These can be used as guidance for further academic research under the CROLEV project, and for the upgrading of the existing activities under the Social Mediation trainings. Based on further research, it was suggested that during the trainings of December 2024 and in 2025, the preventive Social Mediation scenarios can be enriched with relevant information on available international, regional and Cyprus-based normative

standards, as well as research and monitoring by international bodies and organisations. These will serve as suggestions towards pre-empting the challenges already identified this year, leading participants to test empirically whether the suggestions made this year would in fact be useful tools towards strengthening the ability of Social Mediation interventions to support and promote the Rule of Law.

2.1.2 Day Two

The training's focus group discussion took place on Day 2 of the training and developed around the topic of Social Mediation and the Rule of Law. The objective was to establish the connection between the two concepts, both in theory and in practice, and then use this correlation to inform the sustainability of the Rule of Law through citizen empowerment.

The focus group discussion kicked off with the question: "Where does informal intervention end and formal legislation begin"? To clarify the connection between Social Mediation and the Rule of Law, the trainers proceeded to introduce a second question: "How can Social Mediation strengthen the Rule of Law"?

The group engaged in a vibrant discussion and exchanged various perspectives and positions on the topic and the questions raised. Key remarks from the focus group discussion are listed below:

- There are layers of legislation and guidelines between formal and informal intervention: international law, conventions/non-binding charters, internal code of conduct for companies, these are all examples of what can be considered a grey area between formal and informal intervention.
- A culture of informal intervention should be cultivated at a young age to make
 it an effective tool that will support formal intervention. For example, training
 children in peer mediation can be an effective step (education at an early age
 will act as an effective tool for preventing conflict)
- Informal intervention cannot hinder processes of criminal law or hide a criminal offence
- Social mediation can be used as a rehabilitative tool after a legal process has been completed. For example, a rapist has been found guilty, the victim and rapist can engage in social mediation and jointly consider a way forward.
- Informal intervention can be used for reporting and monitoring.

 Effectively applying informal intervention through peer training and peer engagement can take place through a network of active citizens engaged in informal intervention. An example of such a network is the Social Mediators' Network launched in Cyprus in September 2020.

A position accepted broadly by the participants following the rigorous exchange of ideas shared above was that Social Mediation is a tool that allows security threats to be re-evaluated and deconstructed, leading to more resilient societies and increased democratisation. Undoubtedly, Social Mediation is a tool that can only be effective through active citizenship, and therefore it has the capacity to reinforce citizen engagement in the societies it is applied.

Following the discussion on how Social Mediation and the Rule of Law are connected, the group proceeded to see in what ways Social Mediation can become a tool that helps strengthen the Rule of Law, particularly in times of crisis and transition. More specifically, the training participants enhanced their focus group discussion with the follow-up question: "What are some concrete steps and actions to be taken in order for Social Mediation to strengthen the Rule of Law"? This question was provided both verbally and in writing for the remote participants, and the trainers assumed a facilitative role for taking the discussion forward and recording the participants' input.

One of the remote participants noted: "I think Social Mediation should result in the formulation of some draft proposals for various stakeholders in the forms of formal and informal rules to be adopted by the state institutions for effective changes for the larger community, likewise, implementing more public participatory norms for better changes".

Other participants also saw concrete steps that could be taken to enable Social Mediation to strengthen the Rule of Law, with a recommendation shared by a few participants being the delivery of public consultations and institutional consultations on pressing social and political issues. Through this step, a country's level of democratisation and the resilience of its Rule of Law would significantly strengthen, as it would have a strong citizen participatory element through the facilitative dialogue process these consultations would enable.

The focus group discussion was then further complemented by the input of Monique Janmaat, a guest speaker who presented on the concept of deep democracy and how this applies to the context of Cyprus. Janmaat introduced the initiative of "Cyprus Futures: A Transformative Scenarios Process" as another example of informal intervention. The initiative incorporates dialogue and idea exchange on the possible futures of the partitioned island of Cyprus by asking the question "What if?". The deep democracy model that this initiative is based on suggests going deep into feelings, values, assumptions, and behaviours, and identify both conscious and unconscious ones through neutrality. The guest speaker, trainers, and participants agreed that this model directly incorporates Social Mediation principles of neutrality and facilitative dialogue to identify underlying issues able to lead to conflict.

Overall, the discussion from Day Two evaluated the role of informal intervention for achieving sustainability in the Rule of Law – with Social Mediation examined as a prominent informal intervention tool – and concluded that tools and methods of informal intervention have a key role to play for ensuring the resilience of the Rule of Law in periods of crisis and transition, and thus ensuring its sustainability.

More specifically, Social Mediation was praised for its ability to strengthen the Rule of Law by assuming a variety of complementary roles in protecting the applicability and effectiveness of the Rule of Law. A tool that incorporates citizen engagement, Social Mediation can directly contribute to achieving greater civic participation in political processes and accordingly make the Rule of Law more effective and resilient. It is therefore a tool that can increase democratisation for transitional societies and this was considered and data stemming from the CSO focus groups relied upon, when drafting the CRoLEV Scoping Paper at the origin of the creation of the CRoLEV Pillars of interest in the Rule of Law and European Values.¹³

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¹³ Stéphanie Laulhé Shaelou, Alexandra M. Uibariu, Andreas Marcou and Katerina Kalaitzaki, CRoLEV Scoping Paper (CRoLEV, 2023) https://crolev.eu/wp-content/uploads/2023/03/CRoLEV_Scoping-Paper_D4.2.pdf



3 Workshop II: Academy of Participatory Democracy in Cyprus

On 28th November 2023, 1st and 2nd December 2023, the Jean Monnet Centre of Excellence for the Rule of Law and European Values (CRoLEV) delivered the *Academy on Participatory Democracy in Cyprus* in partnership with the <u>Council of Europe</u>, <u>Directorate General II – Division of Elections and Participatory Democracy</u>. ¹⁴ The Academy took place under the framework of the "CRoLEV Sustainable Rule of

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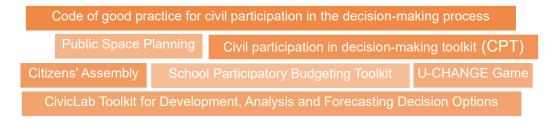
¹⁴ Katerina Antoniou, Nadia Kornioti, Alexandra M. Uibariu and Stéphanie Laulhé Shaelou, Report on 'Citizen Participation: CRoLEV Sustainable Rule of Law and European Values in Europe Series', Academy on Participatory Democracy in Cyprus (CRoLEV, 2024) https://crolev.eu/wpcontent/uploads/2024/04/CRoLEV-CoE-Report-2024_1804-Final.pdf; Nadia Kornioti and Katerina Antoniou, 'Overview of the 2023 Training and Focus Group under "Citizen participation: CRoLEV Sustainable Rule of Law and European Vlaues in Europe" Series' (CRoLEV Blog, January 2024) https://crolev.eu/wp-content/uploads/2024/02/FINAL CROLEV-blog KA-NK SLS.pdf; Council of Europe Press Release: https://www.coe.int/en/web/participatory-democracy/newsroom/-/asset publisher/uN9zCjAlcUJE/content/council-of-europe-academy-on-participatory-democracybuilding-bridges-between-public-authorities-and-civil-society-incyprus? com liferay asset publisher web portlet AssetPublisherPortlet INSTANCE uN9zCjAlcUJ E_assetEntryId=265047146&_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INST ANCE_uN9zCjAlcUJE_redirect=https%3A%2F%2Fwww.coe.int%2Fen%2Fweb%2Fparticipatorydemocracy%2Fnewsroom%3Fp_p_id%3Dcom_liferay_asset_publisher_web_portlet_AssetPublisherP ortlet INSTANCE uN9zCjAlcUJE%26p p lifecycle%3D0%26p p state%3Dnormal%26p p mode% 3Dview%26_com_liferay_asset_publisher_web_portlet_AssetPublisherPortlet_INSTANCE_uN9zCjAI cUJE_cur%3D0%26p_r_p_resetCur%3Dfalse%26_com_liferay_asset_publisher_web_portlet_AssetP ublisherPortlet_INSTANCE_uN9zCjAlcUJE_assetEntryId%3D265047146%23p_com_liferay_asset_p ublisher_web_portlet_AssetPublisherPortlet_INSTANCE_uN9zCjAlcUJE#p_com_liferay_asset_publis her_web_portlet_AssetPublisherPortlet_INSTANCE_uN9zCjAlcUJE (1-2 December 2023); CRoLEV Press Release: https://crolev.eu/the-first-council-of-europe-academy-on-participatory-democracy-incyprus/ (January 2024).

Law and European Values in Europe Series" and was designed to introduce participants – policymakers, legal and paralegal professionals, academics, and civil society experts – to inclusive processes of civic engagement and public dialogue with the use of a Participatory Democracy (PD) toolkit.

Participatory Democracy (PD) is the process of civil participation in political decision making, including various forms of public dialogue and by utilising technology and digital tools in recording the public's responses. According to Della Porta (2019: 605), Participatory Democracy is enabled through the creation of "multiple opportunities for participation by involving citizens beyond elections". In other words:

Participatory democracy is the participation of citizens in the democratic process, in a way that is representative of societal diversity, on multiple occasions and through a range of methods.

With the aim of introducing participants to the variety of available approaches for applying Participatory Democracy (PD) across diverse audiences and scenarios, the *Academy on Participatory Democracy in Cyprus* provided an introduction and overview of the following tools:



The Academy introduced each tool by explaining their applicability and recommended context for each tool, with the use of case studies in which the tools were used. Participants had the opportunity to implement some of the tools in groups and apply the steps for topic selection, discussion, and response recording. In addition to the theoretical overview and practical application of the tools, the Academy participants had the opportunity to discuss and reflect on the tools' usability within their own contexts through a facilitated focus group discussion. The latter enabled the group to identify possible risks and challenges to be considered when applying PD and

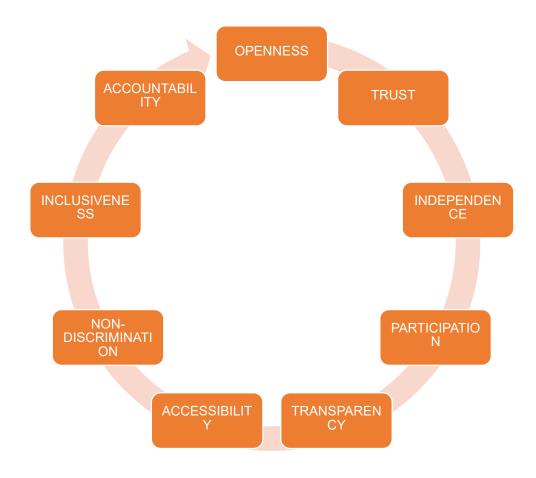
identified an insightful connection between the PD toolkit and the tool of Social Mediation.

This part presents an overview of the PD toolkit delivered under the Academy, highlights the focus group discussion's findings, and provides recommendations for incorporating the Social Mediation tool in future PD work.

The Academy commenced with a training of all partners (CRoLEV) and facilitators (ICLAIM) in advance of the PD toolkit training that would take place with invited participants over the two days of 1 and 2 of December 2023. This allowed partners and facilitators to familiarise with the Council of Europe Participatory Democracy toolkit that was central to the Academy's agenda and training.

3.1 Introductory Session: 28 November 2023

The Academy kicked off with a half-day online introductory session, in which Council of Europe PD trainers, Anna Ditta and Dako Muradashvili introduced the <u>Code of Good Practice in Civil Participation in the Decision-making Process</u> and the nine principles of Participatory Democracy. Interestingly, the nine principles were presented interactively with the participants forming a circle, a symbolism to specify that the principles are not applied consecutively in a linear way but coexist and are interconnected.



3.2 Training Session: 1 & 2 December 2023

Over the two-day in-person training session, held at UCLan Cyprus, trainers, facilitators and participants engaged in a series of interactive activities introducing each of the training tools mentioned above. The discussion culminated in a Focus Group session facilitated by CRoLEV and ICLAIM, where participants had the opportunity to share their views, ideas and concerns over the practical application of the tools presented. Brief summaries of each tool and insights from the Focus Group session are presented below.

TOOL 1: Civil Participation in Decision-Making Toolkit (CPT)

CPT was introduced as a guidebook for community and municipality representatives: it is recommended for smaller community cohorts, but it may not be as easy to apply on a national level.

To apply CPT, a first step is to see what we want to "participate" about, so the community identifies a topic to be discussed. The Academy participants raised the following topics:

- Animal Welfare
- Women's Empowerment
- Transportation
- Well-being
- Youth Engagement

A key purpose of CPT is to engage individuals to increase trust. As one participant noted, "many individuals don't want to participate, but they criticize decision-makers; the key goal is to convince them to choose participation". For this to be achieved, CPT should be applied circularly (accountability): we cannot ask citizens to participate and then give up, offering no follow-up and transparency.

Who gets to participate in CPT? Participants should represent the separate social groups within the community implementing the tool (ie. The local municipality). Additionally, as another participant highlighted, "it is important to identify direct stakeholders to any topic/challenge and engage them, otherwise the same group of people will be providing feedback to the discussion".

CPT identifies four levels of participation:

- Social Capital
- Economic Capital
- Human Capital
- Political Capital

These four categories provide the structure for the community evaluation process. By following the evaluation factsheet of CPT, each of the four forms of capital receives a separate score when the evaluation is completed. When applying CTP, there are no true or false assumptions. CPT enables different groups to complete their separate community evaluation through the template provided.

Academy participants had the opportunity to put the tool in practice in groups. Three groups were formed, each examining one of the topics of (1) Women's empowerment, (2) Animal Welfare, and (3) Youth Engagement. Trainers clarified that community

evaluations can take up to a month to complete, so the Academy's practice activity was "just a teaser".

A key outcome from the exercise was that some stakeholders may have a conflict of interest, for example a desire to contribute to animal welfare may clash with economic factors.

When Community Evaluation is completed, the next step in CPT is Stakeholder Identification and Evaluation. For example, on the topic of Women's empowerment, I cannot call all women to a meeting, but I can identify representation of three key groups: (1) Institutional Actors, (2) Civil Society, and (3) Private Actors.

Insights on representation and PD culture: it is often easy to engage someone you know personally, but what happens when you show an open invitation to an institution? What if the institution sends an employee and they don't have the capacity to make political decisions? Coming across such challenges is an indication of the lack of participatory democracy culture, in other words institution representatives and decision-makers don't see its value to truly commit to it.

<u>Insights on accountability</u>: there have been cases when the CPT process was concluded, but the input and positions were never transferred back to the institution, and the institution could not hold an official stance on the completed report in the end. This is why stakeholder identification is important for the process to be effectively completed. We choose very concrete stakeholders on each topic and identify individuals within each of the three categories: Institutional Actors - Civil Society - Private Actors.

Using CPT for a specific topic the community wishes to examine:

Step 1: Community Evaluation on four categories of capital for the specific topic examined. This is completed through CPT template on community evaluation.

Step 2: Stakeholder Identification under three types of stakeholders for the specific topic examined. This is followed by the stakeholders' evaluation of capacity (relevance) and willingness to engage (interest). A CPT template (separate from the community evaluation one) is available for stakeholder evaluation and one template is completed for each stakeholder.

Step 3: Stakeholders evaluated are automatically categorized on a table that identifies their potential (Stakeholders Plotting)

<u>Usability of the CPT process:</u> to decide in which Phase of Policy Making and on what Level of Participation we can effectively engage each community stakeholder.

TOOL 2: Citizen's' Assemblies

This method is based on deliberative democracy and has been identified as particularly useful to both activists and civil servants. Whereas like other approaches the method is a form of citizen's engagement, assemblies differ from public meetings, by always concluding in a vote, following extensive deliberation on a given topic by those attending the assembly.

Training materials on how to organise a Citizen's Assembly have been already developed by the Center for Blue Democracy, in Poland, who have developed the following guiding principles:

- 1. Democracy is for everyone.
- 2. In a democracy, the people are the sovereign.
- 3. Each person is worthy by the virtue of their innate dignity.
- 4. The aim of democracy is to contribute to a good quality of life.
- 5. The process is conducted in a fair and credible way
- 6. The purpose of a Citizens' Assembly is to achieve high quality, well thoughtout decisions.
- 7. Joy is the measuring stick of success. 15

¹⁵ https://bluedemocracy.pl/what-is-a-citizens-assembly/

A useful four-step guide was presented during the training, based on the Deliberative Café approach:

Step 1: Formation of a coordination team

This team will be guiding the process and the discussion.

Step 2: Topic Selection

This needs to be accurate enough to clearly guide the discussion. If a topic is unclear, then one or more workshops can be organised in advance of the final deliberation, in order to clarify the scope of the topic or the problem to be discussed.

Step 3: Determination of ideal composition of the assembly

Depending on the topic, the coordination team has the responsibility to determine the selection criteria, on who and how will be invited to join the assembly. The primary aim is to ensure that all stakeholders with an interest in the particular topic are represented. An easy way to achieve this, is through carefully selecting representative demographic criteria.

Step 4: Invitations and random selection (Two rounds selection)

Once the criteria for participation are determined, the coordination team shall proceed with inviting participants. Ideally, invitations should be personalised, and an effort should be made into making the invitation attractive visually and in substance. Some form of remuneration (monetary, vouchers, coupons etc) may be allocated to participants, to ensure broad participation. Whereas targeted invitations are appropriate, random selection is also desirable, by instance, by sending out invitations on the basis of the electoral register or a list of households with a specific characteristic.

This presentation triggered several comments by participants, regarding the funding for logistical purposes and the remuneration of participants. Concerns were raised on the basis that specific funders may have specific interests in the outcome of a deliberative process. Another concern was the fact authorities or other interest group may not always have access to enough data to benefit from a broad pool of data that will allow representative or random selection. These are all factors that need to be considered in the process of designing the Citizens' Assembly.

Lastly, equally important to the selection of participants, is the selection of Facilitators, Stakeholders and Experts who will give their own input during the discussion. These need to be speakers with a talent to engage participants in the conversation, and if needed, to also design and facilitate activities which will result in optimum results.

TOOL 3: CivicLab Toolkit

The CivicLab Toolkit, is a **public consultation** tool for developing, analysing and forecasting options in the decision-making process, developed and promoted by the Council of Europe. It has a broad applicability, since it can be easily adapted to an online or offline context, and can cover a broad geographical scope, locally, regionally and even, internationally.

The Council of Europe has developed a detailed booklet on this methodology, ¹⁶ and a spreadsheet-based **digital matrix tool**, where participants can gather and disseminate concrete ideas in an organised manner. Ahead of the event, the organisers of the public consultation need to build a **Digital Passport**. This is the source of all information for the event, for both participants and facilitators. It needs to contain all relevant information, and it will form the basis for the administrator, who is in charge of amending the template in a manner that would make it most useful for the topic in question.

Once this preparatory phase is complete, participants in the public consultation shall be distributed into groups, under the **Traffic Light Method**. To achieve this, the administrator and the facilitators need to be familiar with the background of the participants, in order to ensure that an equal number of representatives from each stakeholder group participate in each of the traffic-light groups. If this is an in-person meeting, then participants will be separated into different rooms, with access to a computer where they will be able to add their input on the matrix. The aim of the process is to reach consensus on concrete proposals for the resolution of the problems discussed.

¹⁶ https://rm.coe.int/civiclab-a4-web/1680a729a1

Each of the groups need to participate in the following phases and fill in the digital matrix. Each phase is timed, to achieve efficiency. The data and ideas collected are then discussed in plenary. The whole process can be described in 5 Phases as follows:

Phase 1: Identify problems and challenges on the consultation topic

Phase 2: Brainstorm on ideas that could potentially solve the problems identified

Phase 3: Develop concrete proposals, based on the ideas suggested

Phase 4: Evaluate the proposals against realistic implementation

Factors to consider include: Time, Power/Authority, Resources available

Phase 5: Develop a time-scale for implementation

The above process through the digital template was tested with enthusiasm by the participants. The structured approach was helpful to ensure efficiency, but at the same time the strict time constraints proved a challenge. Each group participant had 1 minute to express their idea during the brainstorming, and the fact that no direct discussion on that idea was allowed required considerable discipline on behalf of the participants to not drift into lengthy discussions and waste time. Evaluation was only possible once participants reached Phase 4. This proved the significance of the role of the facilitator who was ultimately tasked with adding information on the digital matrix and ensuring that participants followed the timer.

TOOL 4: Public Space Planning

This was an online presentation by Ms. Natalya Chernogub, concerning an urban planning consultation process which have been implemented in Ukraine. It was presented as a case study for the facilitation of consultations concerning public spaces.

The following step-by-step process was suggested:

Step 1: (Preparation) Identify the appropriate people, questions, methods, time and feedback one needs to receive input from the public. Methods include input in written, through workshops, or roundtable discussions, among others.

Step 2: Identify stakeholders. Useful questions include who is directly/ indirectly/ potentially impacted by the decision to be taken. Whose help will be needed in bringing the project through.

Step 3: Hold a public consultation, based on the points identified above, for at least 45 days.

Step 4: Analyse all input received by organising a workshop guided by SWOT Analysis.

- → Strengths
- → Weaknesses
- Opportunities
- → Threats

Step 5: Produce a Consultation Report. This needs to be as short as possible, in a format and language that is accessible to citizens. A visual interpretation of results is usually most helpful.

TOOL 5: U-CHANGE Game

This tool, developed by the Council of Europe, envisages to teach the fundamentals of public participation through a game format, following the "learning through action" principle, and it serves as the education component of **CivicLab**, already mentioned above. The game is modelled across three interactive fields: (i) City, (ii) Country and (iii) the Dream School, and it is therefore, adaptable to the specific audience. It is available both in a classic gameboard format, and in a digital format. Like other tools, the game too consists of a *preparatory – deliberation – publication of results* phases.¹⁷ More concretely:

¹⁷ https://rm.coe.int/prems-005722-gbr-2541-uchange-web-bat-a4/1680a86b61 p. 37-39

Stage 1: Preparation of the game

Define the topic, aims and tasks for the game, including the selection of the appropriate playing field. A stakeholder assessment and mapping, as per the CPT tool, already mentioned above, is desirable, whereas participants shall be selected according to the CivicLab methodology.

Stage 2: Playing the game

Separate groups of players shall play on a different playing field. The game gives the opportunity to prepare a full project and advocacy plan, according to the consultation topic at hand.

Stage 3: Identifying results of the game

Results of the game are presented and discussed by all players, giving them the opportunity to negotiate and analyse their results, as well as predicting potential consequences.

Stage 4: Preparation and publication of analytical report on the results

This requires the preparation of individual group reports, and a final consolidated analytical report with concrete recommendations.

TOOL 6: School Participatory Budgeting Toolkit

This is a tool also developed by the Council of Europe, with the purpose to engage schoolchildren and students in decision-making process, as a means to cultivate the significance of a culture of citizen-based decision-making from an early age and encourage dialogue with society's youngest members. The Council of Europe toolkit contains case studies from Portugal, Poland, France, Lithuania, Italy and Ukraine. Contrary to the previous tools presented, School Participatory Budgeting does not only recommend a sequence of steps for effective public consultation. It is generally seen as a 'comprehensive and continuous process of learning and building' a series of practical skills and competencies through teaching students to build and implement projects and learn the significance of direct democracy.¹⁸

¹⁸ https://rm.coe.int/school-participatory-budgeting-toolkit/1680a09535 p. 25

These skills and competencies include:

- The ability to create and discuss new ideas, draft documents, communicate and work in teams
- ii. To critically reflect on and assess one's own position within a project
- iii. The ability to study and draft budgets
- iv. To build a sense of belonging and empowerment as a child with a voice
- v. To develop arguments and responses for a public presentation
- vi. To build skills related to participation in debates, voting, direct democracy and self-confidence.

Due to time constrains, training participants did not have the opportunity to engage in depth and test the last two tools. However, it was clear from the presentations that there is a plethora of possibilities to undertake effective consultations, which are tailored to the needs of the problem at hand, the participants of the consultation, and the stakeholders involved.

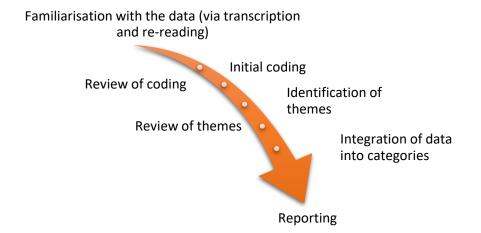
3.3 Focus Group & Findings

3.3.1 Methodology

The focus group took place as an open, unstructured conversation between participants and moderators, over a one-hour period. The focus group was audio and video recorded via MS Teams. The recording of the focus group was transcribed, anonymised, and analysed in a process depicted in Figure 1 below.

Figure 1

The Data Analysis Process



In performing the initial coding of the data, the researcher used a combination of *in vivo*, process, and concept coding for the purposes of capturing the meanings inherent to participants' opinions and experiences. Descriptive coding was also employed for the purposes of categorising the data in larger themes and for aiding the mapping of the ways in which categories are related. After the initial stage of coding, codes were reviewed as to ensure that:

- i. the language used by the researcher best described participants' opinions and experiences;
- ii. all the data contained in a code was indeed pertinent to the respective code (rather than better fit elsewhere); and
- iii. there was no overlap between any two (or more) codes.

Once the use of language and categorisation of data into codes were reviewed, the researcher commenced the identification of themes – or categories of "connected" codes. The themes were then reviewed, as shown in Figure 1 above, ensuring the precision of the language used and that no two themes intersected or overlaid to a significant extent. The resulting themes were then inductively organised in abstract categories, based on the relationships between them.

Two distinctive categories emerged from the data: i. obstacles to participatory democracy and ii. solutions for encouraging participatory democracy. The two categories, their associated themes, and codes, are depicted in Figures 2 and 3 (below) respectively. For the purposes of this analysis, it should be noted that:

- citizenry is conceptualised as a group comprising of all the citizens of a place, where the place could be an area or the whole of a country, district, municipality, or village;
- b. political class is conceptualised as a group of individuals who:
 - i. can be elected or appointed;
 - ii. hold political functions;
 - iii. have formal participation in authority;
 - iv. make decisions; and
 - v. manage authority resources 19.

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¹⁹ See Manolov (2013).

3.3.2 Obstacles to Participatory Democracy

The first category encompasses what participants in the focus group identified as obstacles to participatory democracy. These include hindrances present within:

- i. the citizenry;
- ii. the political class; and
- iii. the state apparatus.

Figure 2

An Overview of Category 1: Obstacles to Public Participation (and Associated Themes and Codes)

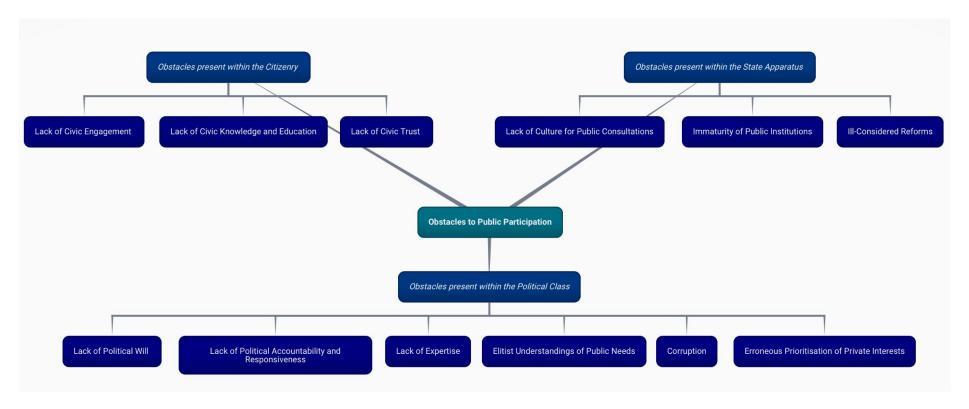
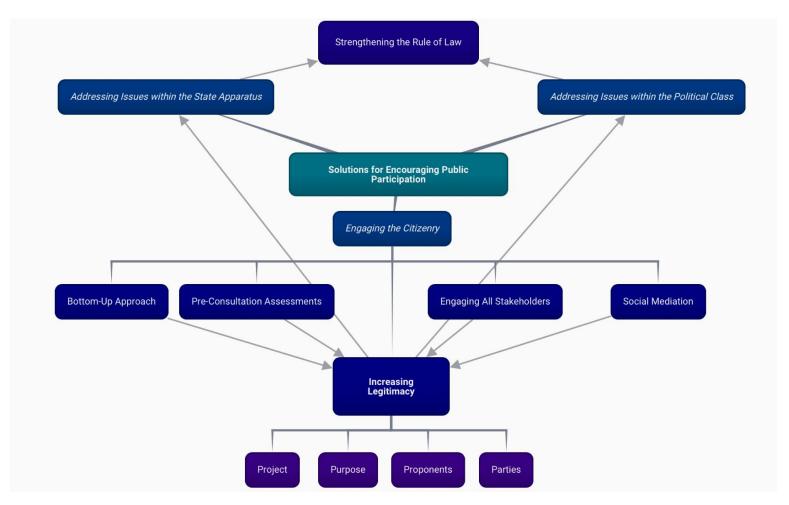


Figure 3

An Overview of Category 2: Solutions for Encouraging Public Participation (and Associated Themes and Codes)



3.3.2.1 Obstacles Present within the Citizenry

Participants noted that oftentimes, one of the main impediments to public engagement is proponents' perception that there is a lack of civic interest in such actions. Nevertheless, respondents agreed that this is oftentimes a mere stereotype, which stems from a combination of lack of civic knowledge and education, lack of civic trust, and miscommunication between the proponents of a participatory democracy project and its intended beneficiaries.

Participants noted that individuals may be interested in matters of participatory democracy, but relevant information may either be unavailable or inaccessible to them, thus often deterring citizens from engaging in participatory democratic processes and actions. This also has an additional effect of rendering individuals to react disparagingly when presented with prospects for participatory democracy, as a result of the lack of (or mis-)understanding of such processes. In a participant's words, "[c]itizens, they need education. I mean, they don't have information about participation. That's why they don't participate". As such, "[when] somebody does not know anything about civil participation, they criticise you".

Nevertheless, participants noted that mere exposure or access to information may be necessary for encouraging participatory democracy – but they are not sufficient. Rather, individuals must also be educated in basic notions of civics. In the absence of adequate civic education, individuals are less likely to grasp the importance of, or understand the appropriate means for individual and collective action.

Participants also noted a general lack of civic trust, which permeates relationships between members of the community; between members of the community and proponents of participatory democratic projects; and between members of the community and political representatives and leaders (the latter of which will be explored in section 2.1.2). The lack of civic trust leads citizens to act suspiciously, be less open to engage in dialogue with each other, and be less likely to show willingness in both identifying a common goal and in cooperating towards its achievement.

3.3.2.2 Obstacles Present within the Political Class

Participants agreed that the political class often has an elitist (and erroneous) view of the needs of the community, which often crosses the line between mere "lack of awareness" and "malice". Indeed, research shows that since legislatures are comprised of individuals who share socio-economic characteristics that are positioned towards the higher end of income distribution, then citizens who share similar characteristics are — at least descriptively — better represented. In a participant's words, "politicians...do things according to their own agreements, not to what the citizens want". Even in those circumstances where the elected are committed to representing the least affluent (which would generally make up for the majority in a given community), they often lack an accurate understanding of the needs and interests of those whom they represent.

Yet the skewed perception of needs also emerges from "a culture of...relying on the feedback that lobbyists provide", since those who engage in lobbying rarely "represent the community". Since lobbyists are oftentimes economic elites who have little in common with the members of the community due to their material advantage, their priorities are likely to reflect "private interests" centred on "gain[ing] money, gain[ing] square meters of investment", rather than matters of public interest. Participants appreciate that "private interests" also extend beyond lobbying and often "have an impact on voting among local authorities". Indeed, research undertaken by Giger et al. (2012), Peters and Ensink (2015), and Bartels (2017) in European democracies found that governments exhibited a differential responsiveness to their citizens' preferences depending on their economic class. They found that governments' responsiveness to citizen preferences was observed only on those occasions when the requests were made by the economic elites – irrespective of the type of political culture, electoral institutions, national wealth, and the extent of democratic consolidation and economic (in)equality in a nation state.

Participants in the focus group further noted their concern vis-à-vis political corruption, which they regarded as a symptom of an overarching "failure of the rule of law and [political] culture" and as a primary threat to participatory democracy.

Participants noted that oftentimes, attempts at participatory democracy are squashed by a "lack of political will for action", which stems from an avoidance of "the responsibility to decide" and of accepting "accountability" for one's actions. In a participant's words: "we see decision-makers not willing to act upon specific phenomena that require action". This becomes even more likely when issues at play are perceived as "controversial". The result is a "failure of implementation of plans", which reinforces civic distrust in the political class, making citizens less likely to be open to cooperation and active engagement. Even when, at the local level, representatives are both willing and committed to action, the "expertise at the local authority level" may be "lacking". Further, participants acknowledged that the relationships between the central and the local authority are oftentimes asymmetrical, leaving very little "under control of local communities".

3.3.2.3 Obstacles Present within the State Apparatus

Participants noted that Cyprus lacks a democratic culture which facilitates public consultations. In particular, they highlighted the "immaturity of public institutions" which "can also have a fundamental [negative] impact" on the success of participatory democracy. Additionally, participants noted that ill-considered reforms (such as the upcoming municipal reform, which "appears complicated with multifaceted election phases and various levels of local governance") pose practical challenges for the implementation of participatory democracy tools, since they are ridden with "uncertainties and questions nobody answers".

3.3.3 Solutions for Encouraging Participatory Democracy

The second category encompasses what participants in the focus group identified as means of addressing the obstacles explored above (at all levels) and encourage participatory democracy.

3.3.3.1 Engaging the Citizenry

A first step in engaging the citizenry in tools of participatory democracy is, in participants' opinions, addressing the lack of civic knowledge. One participant noted that "many citizens are interested in how each of these matters is approached, but without necessarily having the answers right away, [and thus] providing information and clarification is important".

Participants also agree that attempts to address the lack of civic knowledge (and to cement civic education) should start "from a very early age".

In this sense, it was noted that children should, as part of their primary education, "learn about the whole process [of participatory democracy], how to achieve the goal [of the community], [and] how to solve the problems [in the community]" through play. Over time, such civic learning would further help establish a culture of public participation, which had been identified by participants as lacking in Cyprus. Encouraging children to engage in participatory democracy collectively would also foster civic trust. In the long term, research shows that social trust improves the performance of democratic institutions and, as a result, overall satisfaction with democracy (see Putnam et al., 1994). Mere engagement in democratic dialogue with peers would also have a beneficial effect – in a participant's words, "feeling you are heard is another important aspect of building trust and civic engagement".

As a means of addressing the effects of civic distrust which is directed towards the political class, participants noted that a "bottom-up approach" should be adopted, whereby the proponents of a participatory democracy action prioritise the voices, experiences, and needs of those in the community. This should start with a concentrated effort to "understand the community, who is living there, what people do", what their priorities are in both the long- and short-term, and "what their needs are; what their needs can be". Such efforts should be underpinned by a commitment to inclusiveness, accounting for ways "to include all the people living there". In particular, the engagement of individuals deemed vulnerable (because of their old age, precarious economic position, or disability) and individuals who may otherwise be discriminated against was deemed as especially important.

Participants proposed that this can be done through a pre-consultation assessment, via a survey aimed at grasping diverse needs, priorities, and goals. This would not only legitimise the outcomes of the public consultation – given that it is intrinsically founded upon voices from the community – but will also provide the proponents of the participatory

democratic action with an increase in public involvement and support. Participants note that such efforts should also extend in the engagement with stakeholders and experts.

With an acknowledgement that individuals in any one community will have diverse identities, yet be equally entitled to benefit from participatory democracy, participants noted that disagreements in the process of consultation should be dealt with via social mediation. Social mediation would allow (groups of) individuals "on opposite sides to explore options of common ground" when "public consultations with divergent opinions...reach a deadlock". The engagement in social mediation would also contribute positively to further building social trust by encouraging collective empathy, compromise, and a common search for mutually-beneficial solutions.

3.3.3.2 Addressing Issues within the Political Class

Participants noted that, in addressing the issues extant in the political class, one should focus on mapping out "the weaknesses and challenges in Cyprus in terms of rule of law and political culture" and engage in a concerted effort to address them in the long term. In the short term, participants agreed that public consultations should be binding as a means of removing the potential for private interference, political corruption, and political indecisiveness and lack of responsiveness to citizen demands.

3.3.3.3 Addressing Issues within the State Apparatus

Participants denoted that an overall strengthening of the rule of law is crucial in addressing the existing liabilities of democratic institution, encouraging a beneficial democratic relationship between citizens and representatives, and addressing the imbalance in the prioritisation of private interests in lieu of the public good.

3.4 Concluding Remarks – Workshop II

All in all, the presentation and the interactive exchanges over the collection of tools within a very short period was especially beneficial to help identify significant factors across all tools presented, upon which the success of a consultation process is dependent:

- (i) **Preparation** is of significance to both traditional methods of consultation and more modern game-based approaches.
- (ii) **Methodology** or methodologies followed have a direct impact on the success of any consultation process. All alternatives need to be considered carefully in the preparatory stage, during designing the process.
- (iii) **Knowing your crowd** is fundamental for ensuring a successful process. Both targeted and random selection depending on the topic and the objectives of the process are fundamental to ensure that a representative sample of citizens are genuinely interested in the topic, and are eager, willing and able to provide their input. The same applies in the selection of stakeholders, facilitators and/or experts invited to join the process.
- (iv) Topic selection is not to be taken lightly. On the contrary, regardless of the nature of the problem a consultation process seeks to address, the exact topic needs to be in a format that makes it accessible and understood by all participants. It is of vital important to dedicate enough time and resources, through a workshop or otherwise, to deconstruct highly controversial and complicated topics.
- (v) Recourses, in terms of logistics, funds and human participation are a fundamental issue and potentially a major challenge, if they are not readily available. A friendly environment (or use-friendly digital platform), enough funding, and engaged facilitators and participants all contribute positively to lively, informative and constructive discussions.
- (vi) Reporting that is both accurate and informative is significant, both in terms of organising follow up actions, but also in order to ensure that the dialogue continues after the consultation. In rule of law terms, responsible and transparent reporting is also fundamental for accountability purposes, if the need to allocate responsibility arises.
- (vii) Culture of Participatory Democracy is potentially the fundamental ingredient for the successful implementation of any process that seeks to engage citizens.

These factors were taken into consideration when preparing the CROLEV recommendations under Pillar 1, on civic participation and civil space protection, as can be found in the CRoLEV Impact Assessment and Recommendations newly published.²⁰

²⁰ https://crolev.eu/impact-assessment-and-recommendations/



4 Workshop III: Public Assemblies and Deliberative Democracy

The third and final workshop²¹ of the Citizen Empowerment: Sustainable Rule of Law and European Values Series at CRoLEV, was a continuation of the theoretical work conducted under the second workshop and the participatory democracy toolkit offered by the Council of Europe.

Three main objectives to be accomplished through the third workshop were:

- a. To expand the participants' knowledge of participatory democracy tools
- b. To examine participatory democracy tools in practice, in order to evaluate the theoretical frameworks examined during Workshop II
- c. To conduct a comparative analysis of two tools in practice and consider the advantages and disadvantages of each tool.

²¹ CRoLEV Press Release: https://crolev.eu/press-release-third-and-concluding-workshop-for-crolevs-citizen-empowerment/

The first tool was identified and selected by the trainers to reflect the Council of Europe's Participatory Democracy Toolkit, while the second tool used was an independent and intentionally less structurally strict setup. The two tools were introduced and explained to the participants to achieve familiarity with both before setting them in practice, first Tool A and then Tool B. The workshop was setup to leave room at the end for the participants to discuss their preference over the two tools.

4.1 TOOL A: The Council of Europe's CivicLab

The Council of Europe issued a Code of Good Practice to acknowledge the work of NGOs and civil society on processes of participatory democracy and secure the transparency and accountability of public authorities. Effective civic participation can be achieved when nine principles are adhered, which are included in the Code of Good Practice, elaborated upon above, under Workshop II:

- ✓ Openness
- ✓ Trust
- ✓ Independence
- ✓ Participation
- ✓ Transparency
- ✓ Accessibility
- ✓ Non-discrimination
- ✓ Inclusiveness
- √ Accountability

The Council of Europe tool selected for this workshop is the Civic Lab, which is a dialogue process of five phases:

Phase 1: Problem identification

Phase 2: Ideas and Brainstorming

Phase 3: Proposal development

Phase 4: Realisation

Phase 5: Planning

As stated by the Council of Europe's Civic Lab guide: "Participatory decision-making processes are increasingly relevant in the local context. They strengthen the trust of citizens in politics and elected representatives, and increase their acceptance of decisions, as these are decided jointly. The specific format of the participatory process determines the outcome. Are the participants representatives of the problem at hand? Do all affected persons, including those from disadvantaged groups, have the opportunity to participate? Is the process understandable and clear? Can the effects of possible decision options be considered in the process?

This tool is developed by the **Division of Elections and Participatory Democracy of the Council of Europe** (Directorate General of Democracy) to provide advice and technical assistance to central and local authorities and non-governmental organisations on various aspects of promoting civil participation in the democratic process of participatory decision making. It offers an innovative methodology for representative selection of participants, as well as a digital component for developing, analysing and predicting the impact of decision options.

The CivicLab methodology can be used in both on-site and online formats and can be adapted to the needs of specific audiences and to the issue at hand. It incorporates the Council of Europe's standards for citizen participation in decision making and demonstrates their implementation through successful examples in the development of

national strategies, proposals for action plans, regulations, local programmes, draft laws, and so forth.

The document contains many references to the Ukrainian context, as well as best practice examples from Ukraine, as it was initially developed in the context of the Council of Europe co-operation project, "Promoting civil participation in democratic decision making in Ukraine". But the tool can also be applied and adjusted to every local and national context and used in all Council of Europe member states.

The **CivicLab methodology** is best explained and introduced by Council of Europe experts in the framework of training and workshops, and the division provides capacity building and training of trainers on request to interested stakeholders in Council of Europe member states".

The CivicLab Methodology*

Excerpts from the CivicLab Guide available at: https://rm.coe.int/civiclab-a4-web/1680a729a1

Purpose, tasks and general description of the methodology

Involving public actors in effective decision-making processes is an integral part of public policy in different areas and at different levels, when designing or developing amendments to policies, regulations, and so forth. Given the need to develop strategic decisions adapted to today's challenges (globalisation, quarantine restrictions related to the global pandemic, digitisation, distance working and learning, and so on), there is a need for tools which allow citizens to participate and the authorities to involve them in effective decision making according to the stage of the political decision-making cycle and the existing level of participation (information, consultation, dialogue, partnership).

Thus, the CivicLab methodology ensures real adherence to and practical implementation of the guidelines for the participation of citizens9 (of all ages and genders, people with disabilities, socially disadvantaged, vulnerable and marginalised groups, and so on) in developing and making effective policy decisions by the legislature, local self-government bodies, central and local executive authorities to ensure that their opinions are taken into account and that their voice is heard in accordance with the principles of gender equality and non-discrimination.

The purpose of implementing the CivicLab methodology is to protect the rights and freedoms of citizens to participate in the process of effective political decision making so that their opinion is taken into account, and their voices are heard.

The priorities of the general and digital components of the CivicLab methodology are to:

- 1. establish a constructive and effective dialogue and interaction between the authorities (of a certain level) and the public, in order to take into account jointly developed proposals in decisions in a democratic way and to formulate a relevant and prioritised agenda, which together facilitates solving immediate community problems, implementing socially significant ideas and projects, and influences decisions in a public, transparent and direct way;
- 2. involve in a different format (online and offline) all stakeholders in developing proposals (during consultations) on the principles of gender equality and non-discrimination: schoolchildren, young people, people with disabilities, the socially disadvantaged, vulnerable and marginalised groups of the population;
- 3. ensure impartiality, independence, transparency and efficiency in the proposal development process and representative consideration of the opinions of all stakeholders in an innovative way, in compliance with the principles and standards of the Council of Europe in the field of public participation and the 12 principles of good democratic governance (see page 9);

- 4. ensure prompt processing, analysis of and the possibility to forecast the results of several options, the proposals for which have been developed during consultations;
- 5. provide central government, local authorities and NGOs with tools to strengthen public participation in effective modern decision making, at local, regional and national levels.

Thus, thanks to the introduction of the CivicLab methodology, formal decisions (in their classical sense) are replaced by effective strategic decisions that allow achievement of a clear, specific and measurable result. This ensures the effective implementation of public policy at national, regional and local levels for the sustainable development of the self-governing community, especially in the context of quarantine restrictions for Covid-19.

Indirectly, the use of the CivicLab methodology will help reduce conflicts in society that arise as a result of individual decision making and formal implementation of decisions by the authorities without taking into account the opinions of the community. This, in turn, permits an increase in the level of trust of civil society in authorities and forming a self-governing, active, conscious community responsible for jointly developed decisions. Thanks to this approach, the CivicLab methodology introduces practical adherence to and implementation of the principles and standards of the Council of Europe, including the 12 principles of good democratic governance.

[...]

To achieve the purpose and accomplish the tasks, the CivicLab methodology offers four application components:

- 1. a general component is used to increase the efficiency of the consultation process and obtain a reliable result through the quality, targeted selection of participants and it includes the following elements: qualitative assessment of audience needs and expectations, methods of selecting participants in the consultation process according to criteria; traffic light method the division of participants in the consultation process into groups based on their affiliation to one of the target audiences;
- 2. an educational component a new methodological approach to education through the use of the "learning through action" principle, by which participants master the theory with real examples of best practices and consolidate it with practical exercises;

- 3. a digital component a tool for developing quality proposals, analysis and forecasting the results of decisions during consultations;
- 4. a game component (UChange game) allows for gamification of any educational and consulting process by supplementing it with a practical element on the development of proposals, thus making it userfriendly and adapted to the needs of participants regardless of their age, level of knowledge, practical skills and competencies.

The CivicLab methodology allows you to combine the digital component with the educational and gaming components in different ways in order to increase the efficiency and effectiveness of both the decision-making process and public participation within it. This allows the development of better decisions in different formats (online, offline and mixed format (some work online, others offline)) and work options (individual or group) while maintaining the activity and motivation of participants throughout the work period.

In order to ensure a thorough definition of stakeholder positions, in accordance with the purpose of the decision-making process under consideration, its topics, the resources and interests of each stakeholder, the CivicLab methodology provides for the mandatory use of the general component, which allows transparent selection of participants who will use digital, educational or gaming components in their work when making decisions or adopting policies.

4.2 TOOL B: A Deliberative Democracy Tool by Dr Haris Shekeris

For the last workshop, CRoLEV invited Dr. Haris Shekeris to design a tool, considering his expertise, his in-depth knowledge of Cypriot society, and previous experience in experimenting with Deliberative Democracy in Cyprus. The proposed tool aimed to return to the bare bones of deliberation and offer a structure which would give the participants a fair chance to deliberate, both in breakout rooms and in plenary, and to reach concrete conclusions through the structure of the questions. Upon describing the methodology of the tool, we then expose the philosophy behind it and highlight how it differs from other deliberation tools.

4.2.1 Methodology

The methodology of the proposed deliberation tool is quite simple to describe. The deliberation process begins when a commissioning authority, be it a local authority or

government agency or another body – including a private one, contacts the project team and assigns them the task of a deliberation on a given topic. As proposed later, it is clarified to the authority that the deliberation aims not at taking a decision regarding a given topic, but **rather to provide the framework in which decisions may be taken**, perhaps through a second consultation. This is due to the nature of the questions posed which are exploratory in nature. The theme of the deliberation could either be a broad topic or a more specific one. However, the form of the three questions is quite specific:

Question 1: "What principles and values would you like to see reflected in the solution to problem X"

Question 2: "What facts do you think should inform the solution to problem X"

Question 3: "What would make you change your mind about the solution to problem X"

If the deliberation is to be of a high profile and to be widely accepted in terms of its external validity, for instance if it is to prepare the ground for a binding citizens' assembly, then the preparations should start well in advance, with the first contact with the commissioning authority taking place around six months before the deliberation, in order to give ample time for the selection of the deliberators, which in such a case should take place via sortition (selection by lot). Participant selection by sortition would take time, as an initial pool of potential participants is selected randomly after an initial pooling in order to satisfy demographic representation, and then, depending on the responses of the participants, a final (randomised again) sample of 12-20 participants should be selected.

When the deliberators are selected, a letter is sent to them notifying them of the general topic of the deliberation and of the deliberation date. The deliberation may last a minimum of four hours, and the deliberators receive a small compensation for their time. In preparation, the project team obtains stationery or electronic means for notes to be taken, and it is ensured that the room the deliberation will take place in is equipped with a big monitor connected to a computer. The deliberators are free to inform themselves as much as they want about the topic, however this is not a pre-requisite, and they are allowed to use their phones during the deliberation for information. Once the deliberators arrive on the day, they are split into groups of either 3 or 4, with attention paid to the demographic makeup of each group. They then engage in three 40-minute rounds of small-group

deliberation, in which they discuss the three questions in turn and for each question they note down three suggestions, with it being up to the group how they will arrive at the questions – for example through majority voting or through consensus. At the end of each 40-minute discussion round, a 30-minute plenary discussion will take place in which the groups will present their suggestions, clear out duplicate ones, discuss the options and then select or vote upon the three top ones, as the result representing the whole group's deliberation on each question.

At the beginning of each small-group deliberation round, a note-taker and a facilitator/time-keeper is selected among the group participants. The note-taker takes notes about the three suggestions and presents them to the plenary to start the discussion, whilst the facilitator/time-keeper tracks the time allocated for each question and also ensures that all participants participate fairly in the discussion. Participants alternate in undertaking these roles in each small-group discussion session.

4.2.2 Philosophy of the tool

As mentioned, the proposed deliberation tool aimed to get to the bare bones of deliberation. The design has three key features:

- a) the structure of the questions to be discussed,
- b) the format of deliberation alternating between the smaller group and the plenary, and
- the freedom to the deliberators to choose whatever decision rule they want to decide on their selected options.

The structure of the questions to be discussed is quite general, since the tool aims to be exploratory in nature rather than purely political (in the sense of deciding a collective course of action). As such, it may be said to instantiate the pragmatist model of democracy as social inquiry, and as such, an inquiry through which knowledge is also produced. The deliberators are asked to in effect separate between principles and values on the one hand, and facts on the other, which must be embedded in the solution to a certain social problem, rather than directly attempt to identify a solution to the perceived problem. Furthermore, they are asked to anticipate what may change their mind about the solution to the problem. This enables them to think both abstractly, concretely and

counterfactually, and furthermore to be conscious which mode of thinking they are using during their deliberation. What emerges is a well-defined solution-space for the perceived social problem, which may then be handed to experts as a mandate to find the specific solution.

The format of the deliberation alternates between small-group and plenary, with the suggestions identified in the small-group deliberation being discussed in the plenary. This is a common feature of deliberative tools such as citizen assemblies. Such an alternating format enables both in-depth exploratory discussion among the smaller group and more general discussion on set options in the plenary. Moreover, the fact that the small-group composition is stable enables the cultivation of a certain kind of intimacy and informality between the participants, allowing them to be more comfortable in speaking out. At the same time, the plenary discussion instils a kind of collective responsibility for the results of the deliberation.

Finally, a certain element of self-organization is built in to the process, in the sense that there are no strict rules imposed on the groups as to how they will nominate their three preferred answers at the end of each deliberation round. Whilst during the explanation of the process to the participants, the rules of consensus and majority by vote are mentioned, the groups are encouraged to select their own option – although they are encouraged to not spend much time deliberating on this issue. Furthermore, self-organization is encouraged also during the small-group deliberation, with the minimum rules being, first to ensure that every person feels comfortable to voice their opinion and participate in the discussion and dominance by one person is prevented, second that the time allocated for the discussion each time is managed well and third that the notes taken represent well the group's suggestions. Hence the two roles of the note-taker and the facilitator, which as mentioned, would ideally rotate between the group members.

4.2.3 Differences with other approaches

As a bare bones approach, the proposed deliberation tool does not radically depart from other more well-known approaches. The key differences draw primarily from its philosophical approach. A first key difference is to be found in its exploratory character:

its questions aim at inquiry rather than solution or decision and furthermore are set in form rather than to be decided each time.

A second difference concerns the presence of self-organization: deliberators are assumed to be naturally capable of high-quality deliberation hence they are largely left to their own devices throughout the deliberation.

A third difference is the absence of a learning phase. The learning phase is a key feature of many tools, and its supporters point to the need of the deliberators to 'be on the same page' or 'know the facts' before they deliberate. Behind this concern, there lies the assumption that a deliberation which is ignorant of key facts is somehow of a lower quality. This concern is addressed by the tool in three ways: first, it is assumed that the notion of deliberation quality based on external criteria is incoherent, in that it assumes the existence of right or wrong answers irrespective of deliberation, something which defeats the point of pragmatist epistemic democratic inquiry; second, the deliberators are free to inform themselves in advance about the topic, and it is possible that even the questions may be forwarded to them in advance; third, it is assumed that humans are by nature good deliberators and that the best argument will come out eventually in a well-designed deliberation given enough time.

A related difference to other tools is the absence of any evaluation procedure. The reason for this is, as explained above, that, philosophically, the notion of deliberation evaluation based on its output and on criteria external to the deliberation process is considered as incoherent. What is left is a very rudimentary form of evaluation based on whether each participant felt satisfied that they had been heard and that they had voiced their opinion freely and fairly.

A final difference with other tools is related to the ease of the production of the output of the deliberation: the deliberation set-up is such that the report consists of the three suggestions on each question agreed by the plenary. These may either be in a narrative form, or even in a bullet-points form.

4.3 Workshop Findings

The following points summarise the participants' feedback and the trainers' findings on the comparative analysis of Tools A and B and examined in practice under Workshop III:

- The CivicLab structure was quite elaborate and the methodological approaches of four different approaches to its implementation were not all applicable for the small cohort of participants available at Workshop III.
- The CivicLab advised for an amalgamation of stakeholders, under which civil society stakeholders would hold public authority stakeholders accountable. In practice, we realised that it was hard to secure the participation of both civil society and public authority representatives.
- On the one hand, some participants appreciated the structure and detailed methodology of the CivicLab, but some participants appreciated the flexibility and adaptability of the deliberative democracy tool.
- In practice, it was concluded that Tool B was easier to be applied in the context of pilot workshops for educational purposes on participatory and deliberative democracy.

Participants had the opportunity to discuss the appropriateness and applicability of both tools in other sociopolitical settings. Despite some initial misgivings about the utility of such tools, participants eventually admitted that the workshop increased their understanding of participatory and deliberative democracy, and of the tools A and B used in this Workshop.

Tool B offered new insights to the practice of deliberative democracy by applying a values-based approach to deliberative democracy that was easy to apply in small cohorts and was adaptable across contexts, without deviating from the principles highlighted in Tool A, the principles of participatory democracy offered by the Council of Europe.

5 Conclusions: Crisis, Democracy and Citizen Empowerment

CRoLEV was conceptualised through a series of projects dealing with the Rule of Law and crisis, going back to the 2008 financial crisis, the rise of populism and and the democratic backsliding that followed in many societies. Other phenomena that draw our tensions in first Citizen Empowerment workshop and further fed our discussions were the further weakening of democratic institutions and principles during the COVID-19 pandemic and increased corruption in Cyprus and beyond, as well as close observations concerning the environment and a looming energy crisis, and the war in Ukraine, which in 2022 was still in its first year. Since then, the erosion of erosion of democratic institutions, the rule of law and the protection of human rights around the globe and within specific jurisdictions has been further exacerbated.

Therefore, the time to identify, design and implement initiatives that will promote the respect for democratic values and the rule of law, and will encourage, support and empower members of the public to take a position and recommend solutions for the many challenges they face in their respective communities, has been more crucial than ever before in the last few decades. The Citizen Empowerment workshop series, was a unique opportunity to put to the test tools that could be utilised to facilitate the above process at a smaller scale.

The first workshop, showed that Social Mediation is a tool that encourages and enables citizen engagement and empowerment, contributing towards respect and trust for democratic values. When implemented in partnership with governmental institutions and civil society organisations, it holds the potential to provide a solid framework of informal intervention where needed.

To achieve sustainable respect for the Rule of Law is of utmost significance for societies undergoing domestic or international crises, transition, and uncertainty, since a sustainable and resilient Rule of Law implies that citizens are able to adapt to external changes and overcome a crisis as a collective. Social mediation can achieve this through public and institutional consultations, awareness initiatives and trainings, channels for monitoring and reporting, dialogue forums, as well as rehabilitative processes complementing criminal and other legal procedures.

Then the follow up workshops on Participatory Democracy and Deliberative Democracy, respectively, were an eye-opening experience for everyone involved, regarding the plethora of tools that have already been developed to encourage democratic participation and empower citizens to participate in decision-making processes. In that regard, the flexibility of deliberative democracy to engage with themes of broader concern opened new horizons for public consultation processes.

Nevertheless, across all workshops participants had an evident concern over the need to invest in the **building of the relevant civic culture**, towards implementing any of the above initiatives. **Transparency** on behalf of public institutions, needs to be **reciprocated by trust** on behalf of the public.

Overall, useful toolkits which include a step-by-step guidance make consultation processes accessible across all levels of society and governance. Furthermore, new and innovative tools, which aim to promote citizen consultation through gamification or digital matrixes make the process more structured and enjoyable, as well as more efficient. At the heart of all this stands the need for **inclusivity, openness and adaptability**.

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