

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Strasbourg, 23 November 2018

CDDG(2018)2
Item 5 of the agenda

EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE (CDDG)

DECISIONS OF THE COMMITTEE OF MINISTERS OF RELEVANCE TO THE WORK OF THE CDDG

For information and action

Secretariat Memorandum
prepared by the
Directorate General of Democracy
Democratic Governance Department

*This document is public. It will not be distributed at the meeting. Please bring this copy.
Ce document est public. Il ne sera pas distribué en réunion. Prière de vous munir de cet exemplaire.*

Introduction

This document is presented to inform the CDDG on decisions taken by the Committee of Ministers of the Council of Europe which are of relevance to the work of the Committee since its last meeting of 4-5 December 2017.

Following the decision by the Ministers' Deputies at their 1306th meeting on 7 February 2018, concerning [Recommendation 2120 \(2018\)](#) of the Parliamentary Assembly – "Towards a framework for modern sports governance", the CDDG approved draft comments on the abovementioned recommendation by written procedure (closing date 19 March 2018). These were finalised by the Secretariat and transmitted to the Committee of Ministers. The reply by the Committee of Ministers to the Parliamentary Assembly is set out in Appendix I.

At their 1312th meeting on 4 April 2018, the Ministers' Deputies approved sustainable measures and adjustments to the Programme and Budget 2018-2019 of the Council of Europe as set out in [CM\(2018\)42](#).

In this context it was also decided to strengthen the transversal approach for the rights of people with disabilities. More specifically:

It was proposed "to further mainstream the work in the area of Rights of Persons with Disability across the Organisation which, through intergovernmental work and co-operation activities, can continue to provide support to member States in their efforts to comply with the provisions of the UN Convention on the Rights of Persons with Disabilities that are within the remit of the Council of Europe and, by doing this, implement the Council of Europe Disability Strategy 2017-2023.

The Rights of Persons with Disabilities are already mainstreamed in Council of Europe strategies (such as Children's Rights 2016-2021; Internet Governance Strategy 2016-2019; Gender Equality Strategy 2014-2017) and in the work of several institutional bodies and Partial Agreements (such as the Assembly; Congress; Commissioner of Human Rights; Conference of INGOs; Advisory Council on Youth; CEB; EPAS; EUR-OPA)."

It was also proposed that "the mainstreaming of work in this area be explicitly added to the terms of references of all relevant intergovernmental committees."

In accordance with this decision, the terms of reference of the European Committee on Democracy and Governance (CDDG) now include a reference to the transversal approach to the work in relation to the rights of people with disabilities. The existing text on gender equality, children's rights and social cohesion has been amended as set out in Appendix II.

All decisions and texts referred to herein can also be found on the website of the Committee of Ministers and of the Parliamentary Assembly of the Council of Europe.

At their 1330th meeting on 28 November 2018, the Ministers' Deputies will examine the texts adopted by the Congress of Local and Regional Authorities of the Council of Europe at its 35th Session.

It is expected that a number of recommendations will be transmitted to the CDDG for information and possible comments by early February. Those may include :

- Recommendation 419 (2018) on Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe's municipalities and regions;
- Recommendation 423 (2018) on Conflicts of interest at local and regional level;
- Recommendation 424 (2018) Transparency and open government;
- Recommendation 427 (2018) Coping with the debt burden: local authorities in financial difficulty;

A number of the texts above are brought to the attention of the CDDG also in the context of the information presented on "Activities of other Council of Europe bodies" - document CDDG(2018)8.

Following the decision by the Ministers' Deputies, the Secretariat will inform the CDDG accordingly and prepare elements for consideration by the CDDG. Members will be invited to submit their comments in relation to a draft reply by written procedure.

Action required

The CDDG is invited to take note of the information presented and to formulate possible comments and observations.

APPENDIX I

Reply to [Recommendation 2120 \(2018\)](#)

Adopted at the 1321st meeting of the Ministers' Deputies (4 July 2018). 2018 - Fourth part-session

1. The Committee of Ministers has carefully examined [Recommendation 2120 \(2018\)](#) of the Parliamentary Assembly of the Council of Europe on "Working towards a framework for modern sports governance" and has brought it to the attention of the member States. It has also forwarded it to the Enlarged Partial Agreement of Sport (EPAS), the Group of States against Corruption (GRECO) and the European Committee on Democracy and Governance (CDDG), for possible comments.

2. The Committee of Ministers recognises the importance of a consensus on the setting-up of a comprehensive framework for modern sports governance. The Council of Europe has broad expertise in the field of good governance, reflected in particular in the 12 Principles of Good Democratic Governance at local level, which could be taken into account in the codes and standards on good sports governance.

3. The Assembly refers to the work of EPAS whose agenda attaches paramount importance to the promotion of good governance in sport and the collection of data on corruption in sport, and to its contribution to the activities of the "International Partnership against Corruption in Sport" (IPACS), whose Task Force 3 it co-ordinates. It also co-ordinates an international working group tasked with drawing up guidelines for the defence of integrity in sport, as provided for in the "Kazan Action Plan", adopted in July 2017 by the International Conference of Ministers and Senior Officials Responsible for Physical Education and Sport. Lastly, EPAS is preparing the 15th Council of Europe Conference of Ministers responsible for sport, which will be taking place in Tbilisi on 16 October 2018 and will focus part of its debates on good governance.

4. The Committee of Ministers closely follows and welcomes the activities of EPAS. It encourages member States which are not yet members of this enlarged partial agreement to consider acceding to it. It invites EPAS to take account of the Assembly's recommendations when drawing up the draft recommendation on good governance in sport. On the other hand, it believes that it is too early at this stage to start work on a new Council of Europe convention on good governance in sport.

5. It underlines the importance of the Council of Europe's Criminal Law Convention on corruption which includes provisions relating to the criminalisation of corruption in the private sector, and of the work of GRECO, which monitors its implementation and also includes the governance of sport. GRECO shares its expertise within the IPACS working group and published a Summary Analysis of Selected Private Sector Bribery Cases in September 2017, highlighting some of the systemic shortfalls preventing an effective prosecution of private corruption, including in the field of sports.

6. The Committee of Ministers thanks the Assembly for its commitment to good governance in sport and encourages it to continue working to prevent corruption and to promote ethics in the governance of sport. It particularly welcomes the Parliamentary Assembly's work to compare 15 codes and standards of good governance, which could serve as a basis for IPACS to draw up universal benchmarks. The way in which these benchmarks should be enacted and implemented by the stakeholders concerned, including via a possible ISO standard, will be addressed in this context.

7. On this basis, and drawing on its standards and networks on sport, good governance and anti-corruption, and its special co-operation with the sports movement, the Council of Europe is in an excellent position to facilitate worldwide progress in the field of good sports governance.

APPENDIX II

CDDG: Revised terms of reference 2018-2019

EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE (CDDG)

Set up by the Committee of Ministers under Article 17 of the Statute of the Council of Europe and in accordance with Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Type of committee: Steering Committee

Terms of reference valid from: 1 January 2018 until 31 December 2019

PILLAR/SECTOR/PROGRAMME
Pillar: Democracy Sector: Strengthening Democratic Governance Programme: Democratic Governance
MAIN TASKS
<p>Under the authority of the Committee of Ministers, having regard to the Secretary General's reports on the State of Democracy, Human Rights and the Rule of Law, and building on the achievements in the area of local and regional democracy, the European Committee on Democracy and Governance (CDDG) will steer the Council of Europe's intergovernmental work in the field of democracy and democratic governance and advise the Committee of Ministers in its field of competence, taking due account of relevant transversal perspectives. The overall aim of the CDDG is to contribute to strengthening democratic institutions, public administration reform, decentralisation, good governance, in particular participation, public ethics, and e-governance, e-democracy and e-voting, at all levels. With this purpose, and taking due account of the gender and children's rights perspectives and the objective of building cohesive societies and to promoting and protecting rights of persons with disabilities in line with the Council of Europe Disability Strategy 2017-2023¹, the CDDG is instructed to:</p> <ul style="list-style-type: none"> (i) act as a forum where members, associating as appropriate participants and observers, exchange information, views and experience and disseminate good practice in the design and implementation of reforms, including through compilation of best practice and guidelines; (ii) provide responses based on domestic legislation, practice and experience to member States so requesting that envisage policy reviews and legislative reforms, including through peer reviews and the rapid response service; (iii) develop as appropriate standards relating to modernisation of democratic institutions, public administration, citizens' participation and democratic governance at all levels; (iv) promote the implementation of the Twelve Principles of Good Governance through targeted action and the use of the tools of the Centre of Expertise for Local Government Reform; (v) without prejudice to the mandates of intergovernmental committees of the Council of Europe that already follow the work of monitoring mechanisms, follow the activities of the relevant monitoring and other bodies or convention mechanisms; (vi) provide input and ensure follow-up to the sessions of the Council of Europe's World Forum for Democracy when the themes addressed fall within the mandate of the CDDG; (vii) promote and follow the implementation of the non-binding instruments that it has prepared; in accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, carry out, at regular intervals, within the limits of the available resources and bearing in mind its priorities, an examination of some or all of the conventions for which it has been given responsibility,² in co-operation, where appropriate, with other relevant bodies, and report back to the Committee of Ministers.
SPECIFIC TASKS
<ul style="list-style-type: none"> (i) Revise Committee of Ministers' Recommendation Rec(98)12 on the supervision of local authorities' action. (ii) Focus on promoting the implementation of the Council of Europe instruments on participation (Guidelines for civil participation in political decision-making, revised Recommendation on the participation of citizens in local public life once adopted by the Committee of Ministers, Additional Protocol to the European Charter on Local Self-government on the right to participation in the affairs of a local authority).

¹ Amended in accordance with the Committee of Ministers' decision to further mainstream the work in the area of Rights of Persons with Disability across the Organisation (Cf. CM/Del/Dec(2018)1312/11.1a).

² Cf. Relevant decision of the Committee of Ministers (CM/Del/Dec(2013)1168/10.2) and list of Conventions in CM(2017)132.

- (iii) As a follow-up to the findings of the good governance section of the Secretary General's Reports on the State of Democracy, Human Rights and Rule of Law with regard to public ethics:
- develop guidelines on public ethics at all levels of government, taking into account the findings of GRECO and Committee of Ministers' Recommendation Rec(2000)10 on Codes of Conduct for Public Officials;
 - update the 2004 Handbook of good practice on public ethics at local level, taking into account experience with the implementation of the revised Public Ethics Benchmark Toolkit of the Centre of expertise on local government reform, and extend it to cover all levels of government – local, regional and national;
 - carry out a feasibility study on the preparation of a Council of Europe indicator framework to identify trends with regard to public ethics and to allow member States to assess their performance.
- (iv) In the field of e-democracy,
- in accordance with Recommendation CM/Rec(2017)5 on standards for e-voting, hold a review meeting on its implementation in 2019;
 - develop guidelines on e-democracy as a toolkit;
 - oversee the implementation of the priority "building democracy online" of the Internet Governance – Council of Europe Strategy 2016-2019.
- (v) Contribute to the updating of toolkits of the Centre of expertise for local government reform reflecting the latest governance practices, for example in the field of e-governance.
- (vi) Report to the Committee of Ministers on a regular basis on the work and achievements of the European Stakeholders Platform which delivers the accreditation to the national platforms or bodies authorised to grant the European Label of Governance Excellence (ELoGE).

COMPOSITION

Members:

Governments of member States are invited to designate one or more representatives of the highest possible rank in the relevant field, with senior responsibility at national level for the implementation of democratic (constitutional) principles and/or the planning, development and implementation of policies in the field of democratic governance, including at local and regional level and the modernisation of public administration, and/or for co-ordinating government policy relevant to the work of the Committee.

The Council of Europe budget will bear the travel and subsistence expenses of one representative from each member State (two in the case of the State whose representative has been elected Chair).

Member States may send other representatives without defrayal of expenses.

Each member of the committee shall have one vote. Where a government designates more than one member, only one of them is entitled to take part in the voting.

In accordance with decisions CM/Del/Dec(2013)1168/10.2 of the Committee of Ministers, in cases where there is no convention-based body including all the Parties, non-member States are invited to take part, with a right to vote, in the committee meetings pertaining to the conventions to which they are Parties.

Participants:

The following may send representatives, without the right to vote and at the charge of their corresponding administrative budgets:

- Parliamentary Assembly of the Council of Europe;
- Congress of Local and Regional Authorities of the Council of Europe;
- European Court of Human Rights;
- the Council of Europe Commissioner for Human Rights;
- Conference of INGOs of the Council of Europe;
- European Commission for Democracy through Law (Venice Commission);
- Committees or other bodies of the Council of Europe engaged in related work, as appropriate.

The following may send representatives, without the right to vote and without defrayal of expenses:

- European Union;
- Observer States to the Council of Europe: Canada, Holy See, Japan, Mexico, United States of America;
- Organisation for Economic Co-operation and Development (OECD);
- Office for Democratic Institutions and Human Rights (ODIHR-OSCE).

Observers:

The following may send representatives, without the right to vote and without defrayal of expenses:

- Assembly of European Regions;
- Council of European Municipalities and Regions;
- European Council of Spatial Planners (ECTP-CEU).

Other non-governmental organisations may receive, upon request, observer status and have the right to send representatives without the right to vote and without defrayal of expenses.

WORKING METHODS**Meetings:**

48 members, 1 meeting in 2018, 3 days

48 members, 1 meeting in 2019, 3 days

Bureau:

7 members, 2 meetings in 2018, 2 days

7 members, 2 meetings in 2019, 2 days

The Committee will also appoint Rapporteurs on Gender Equality, on Children's Rights and on Roma³ Issues from amongst its members.

The rules of procedure of the Committee are governed by Resolution CM/Res(2011)24 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.

Without prejudice to Resolution CM/Res(2011)24, draft agendas for meetings will be prepared with a view to facilitating participation by representatives, with due regard to the areas of expertise of those representatives.