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(CDDG)**

**DRAFT EXPLANATORY MEMORANDUM
TO RECOMMENDATION (2023)... ON THE PRINCIPLES OF GOOD
DEMOCRATIC GOVERNANCE**

Draft report prepared by the GT-BG in cooperation
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Introduction

1. As stated in its Statute, the Council of Europe was founded with the overall objective of ensuring lasting peace in Europe and a “devotion to the spiritual and moral values which are the common heritage of [the founding member States’] peoples and the true source of individual freedom, political liberty and the rule of law, principles which form the basis of all genuine democracy”. Democratic governance is therefore instrumental to achieving this goal. The Council of Europe has, since then, been continuously focusing on this objective whilst striving to effectively address the evolving needs of European societies, as reiterated on the occasion of its three summits of Heads of State and Government. The third summit, in 2005, adopted a declaration and an action plan aimed at strengthening the Council of Europe key mandate which is to safeguard and promote Human rights, Democracy and the Rule of law. A series of financial, political and health crises across Europe have challenged the democratic resilience in many member States and led to a backsliding of democracy.
2. The Committee of Ministers therefore entrusted the European Committee on Democracy and Governance (CDDG) to prepare a draft recommendation carrying a set of principles of good democratic governance of general application to all levels of government, building on the 12 Principles of Good Democratic Governance at local level¹.
3. Following the work of the CDDG, the Ministers’ Deputies adopted at their [XXX]th meeting on [date], Recommendation Rec(2023)X of the Committee of Ministers to member States on the Principles of Good Democratic Governance. This new legal instrument sets the standards for good democratic governance which should be respected by all member States and their public institutions at all levels (national, regional, local). The Recommendation makes clear the standards which civil society and citizens should expect of their governments which serve them. These standards provide the basis of tools to be developed to assess the quality of governance in member States.
4. This Explanatory Memorandum facilitates the understanding of those standards and lists criteria to assist in their implementation.

¹ The drafting of such a recommendation was the first specific task of the CDDG’s terms of reference for the period 2022-2025: [to prepare a] “Draft Recommendation on Principles of good democratic governance of general application to all levels of government, building on the 12 Principles of Good Democratic Governance at local level” (deadline: 31/12/2023).

Preparatory work

5. To elaborate a draft of the Recommendation, the CDDG appointed the Working Group on Good Democratic Governance (GT-BG). It provided the group with terms of reference (see annex 2), setting a time frame for the work and compiling an indicative list of the relevant acquis and documents. The task of the GT-BG was thus to build on this acquis.
6. Throughout the work of the GT-BG and CDDG in 2022, representatives of the Parliamentary Assembly and its Secretariat, the Congress of Local and Regional Authorities and its Secretariat, the Conference of International Non-Governmental Organisations (CINGO), the European Commission for Democracy through Law ("Venice Commission"), the Economist Intelligence Unit, the International Institute for Democracy and Electoral Assistance ("International IDEA"), and the Organisation for Economic Co-operation and Development (OECD) made contributions to the drafting process.

Recommendation CM/Rec(2023)X

on the Principles of Good Democratic Governance

General context and preamble of the Recommendation

7. The Preamble of the Recommendation provides the rationale and a list of underlying considerations which have led to the elaboration of this legal instrument. These include concerns at the decline of the practice of democratic values in Europe and the need to update and upgrade earlier sets of principles and benchmarks on governance issues.
8. As highlighted in the 2021 Annual report of the Secretary General of the Council of Europe on the "State of Democracy, Human Rights and the Rule of Law: A democratic renewal for Europe", Europe is currently facing a "clear and worrying degree of democratic backsliding", which is the result of a mutually reinforcing crisis of both the democratic environment and democratic institutions. Regressions were thus observed in various countries in respect of the impartial and independent judiciaries, freedom of expression, freedom of assembly and association, free speech, media freedom, free and fair elections, and the promotion and protection of women's rights, mirroring findings from international polls and indexes.
9. A series of crises and contextual changes have also put democratic institutions under a stress test, especially over the last 15 years and since the financial crisis of 2008 which many analysts see as a starting point, in several countries, for a more or less pronounced decline of public trust in democratic institutions.

10. More recently, as pointed out by the Parliamentary Assembly of the Council of Europe, for instance in Resolution 2337(2020) "Democracies facing the Covid-19 pandemic", all institutions were caught in an effort to prevent democracy, human rights and the rule of law becoming "a 'collateral damage' of the pandemic²". Such issues questioned the capability of institutions to "shift from rivalry among powers to strong and effective multilateral co-operation beyond partisan divisions³" at all tiers of government. Subsequently, in its Resolution 2437(2022) "Safeguarding and promoting genuine democracy in Europe", the Assembly stressed that it was "heedful of the criticism that traditional democratic institutions and political forces have failed to meet citizens' expectations in response to major challenges in recent decades such as globalisation, migratory movements, the digital revolution and its impact on all aspects of society, climate change, economic stagnation and growing inequality, which are said to have contributed to a general feeling of dissatisfaction with democracy". The invasion of Ukraine in February 2022, which resulted in a major war on the European continent and the exclusion of the Russian Federation from the Council of Europe, has also highlighted how much democracy is not only a commitment of each member State towards its citizens, but also a responsibility to be shared and mutually guaranteed among member States, as it was underlined in the [2022 Annual report](#) of the Secretary General of the Council of Europe.
11. As a result, calls for the holding of a fourth Council of Europe summit of heads of State and government and to review the Council of Europe's working methods multiplied. In the beginning of October 2022, a High-Level Reflection Group chaired by Ireland's former President Mary Robinson, completed a report on the future of the Council of Europe which called for the holding of such a summit and the institutionalisation of these summits. As regards desirable substantive developments, the Group recommended inter alia the elaboration of Council of Europe benchmarks for principles of good democratic governance and to consider the creation of a Council of Europe democracy index (recommendations 6 and 7 of the report).
12. The terms of reference of the CDDG referred to the need for the Committee, when drafting principles of good democratic governance, to build on the 12 Principles of Good Democratic Governance at local level. In 2008, the 12 Principles of Good Democratic

²<https://pace.coe.int/pdf/367bb0a44b31efb84446937d0381c147f37409da5177cfb6089633cb78877dcb/resolution%202337.pdf>

³<https://pace.coe.int/pdf/bd7645992c207ca236dc0e202206b31d73c80992a1549d75dc98841a7c6d2881/recommendation%202179.pdf>

Governance were adopted in the context of the Strategy on Innovation and Good Governance at local level and endorsed by a decision of the Committee of Ministers of the Council of Europe. Since then, these 12 Principles have been serving as a basis for the award of the European Label of Governance' Excellence (ELOGE), to local authorities which have demonstrated compliance with the 12 Principles measured against the relevant benchmarks⁴.

13. Guidance documents were produced to assist in the implementation of ELOGE, in particular benchmarks to facilitate evaluation against the 12 Principles, and experience was gathered with regard to the implementation at the local level. However, the text carrying these 12 Principles has two limitations. First, it was designed specifically having in mind the work, policies and institutional set-ups of local and regional public institutions. Secondly although the Strategy on Innovation and Good Governance at local level and the Principles it carries had been endorsed by the Committee of Ministers, the text of the 12 Principles never had the authority of a legal instrument (a Convention or a Recommendation of the Committee of Ministers to member States.
14. The Preamble of Recommendation **CM/Rec(2023)X** points out that Good Democratic Governance relates "to all governing processes, institutions, and practices through which accountable authority and responsibility are exercised in a manner which is centred on genuine democracy". In this context, the expression "governing processes, institutions and practices" refers to:
 - rules and regulations: as these would normally define the processes applicable in relation to decision-making, reporting, accountability, auditing, and supervision;
 - the functioning of institutions: which is determined by organisational modalities; internal policies; the way staff and decision-makers are designated; reporting lines; routines and procedures; and possible working cultures; interactions with the public and citizens;
 - practices: conformity of practices with the rules and organisational logics is important.

⁴ The label is awarded following a process based on the self-assessment by a local authority and the collection of data from public officials and citizens. The results of this process are then evaluated and validated by a national stakeholders' platform accredited for that purpose by the Council of Europe's ELOGE Accreditation Platform. ELOGE has been successfully implemented in over twenty member States by 2022 and the many merits of this exercise have been quickly recognised by public officials and citizens involved in the programme. ELOGE proved itself to be an effective programme to raise awareness, disseminate, promote and progressively implement, in an easy, cost-effective, and potentially rewarding manner the values of the Council of Europe, and its principles of Good Democratic Governance, compiled in a single benchmark.

15. Finally, the preamble mentions that “time has come to establish (...) a set of standards which are a hallmark of (...) Good Democratic Governance at all levels.” The Recommendation is thus meant to become an important reference text for the member States, offering a common vision of Good Democratic Governance. It is addressed primarily to the policy- and decision-makers - governments, public institutions, and public officials responsible for the design and operation of public institutions. But it also aims at making communities and individuals better aware of what and how much they can expect in terms of the quality of management of public affairs, establishing the basis for a dialogue, interaction, accountability, and trust.
16. Recommendation **CM/Rec(2023)X** sets the standards of Good Democratic Governance at all levels of government in the form of four Fundamentals and related twelve principles and their key elements. They, in turn, pave the way for practical implementation of concrete improvement programmes, and the upgrading of existing tools and benchmarks, including the ELoGE Programme.

Operative part of the Recommendation

17. Recommendation **CM/Rec(2023)X** invites the Member States to undertake action in the following four areas:
 - conducting governmental action in accordance with the Fundamentals of Good Democratic Governance and the related Principles;
 - putting in place measures and undertaking activities to require, enable, facilitate, or encourage as appropriate, given the state’s constitutional or legislative arrangements, public institutions at the national, regional and local levels to act in accordance with the Fundamentals of Good Democratic Governance and the related Principles;
 - translating the recommendation into the national language(s) and ensure its dissemination at national, regional, and local level;
 - evaluating, as appropriate, the extent to which public institutions implement this recommendation.
18. The first action to be taken by the governments of member States is to observe the Fundamentals of Good Democratic Governance in the conduct of all governmental action, including in times of crises. The Fundamentals of Good Democratic Governance represent the hallmark of a well-functioning democracy and, together with the principles listed in the appendix of the Recommendation, they provide for standards to be followed to

exercise a governance which responds to the people's legitimate needs and expectations in a manner which is both effective and genuinely compliant with the democratic values indispensable for peace, prosperity, and economic and social progress.

19. The second action to be taken by the government of the member States is to effectively promote the observance of the Fundamentals of Good Democratic Governance, and related Principles by all public institutions and public officials at all levels, within their functions and areas of competence. The effective promotion of Good Democratic Governance at all levels includes adopting a multi-level governance perspective engaging all levels of government, non-state and non-governmental actors. The exercise of Good Democratic Governance at all levels must stand as a daily effort and practice. Enabling and encouraging public institutions to act in accordance with the principles would mean for instance disseminating information and raising awareness on the existence and importance of these principles and/or on the values they convey; organising workshops and trainings; developing benchmarking exercises; including the principles into existing regulations, curricula, strategic planning; and informing and engaging civil society.
20. The third action is to translate the Recommendation into the national language(s) and to ensure dissemination of the translation in all public institutions and to all public officials, at all levels. The availability in the national language(s) is indeed important to facilitate the promotion, implementation and use of such texts, as Council of Europe instruments are released in English and French only, which are the two official languages.
21. The fourth action concerns the assessment of the extent to which public institutions implement the recommendation. This is not a firm call for formal evaluation. Various methods can provide useful feedbacks, for instance by means of the audit and evaluation function of public institutions; by ad hoc reports commissioned by a government body at central, regional or local level; by a programme such as those run under the European Label of Governance Excellence (ELoGE). According to experience gained with the ELoGE Programme, self-assessments of public institutions at all levels, as well as citizen surveys, provide indeed useful feedback opportunities, and the aggregate analysis of such assessments can also serve to prepare improvement plans and adjust any promotional policies on the Recommendation pursued by governments of member States.
22. Recommendations of the Committee of Ministers to member States are normally addressed to central governments. The responsibility to disseminate and promote the implementation of such a recommendation thus lies with them. In some instances,

depending on the constitutional set-up of the State, the responsibility may be incumbent on a sub-national tier of government.⁵

23. The last paragraph of the operative part of the Recommendation instructs the CDDG to promote and follow the implementation of this legal instrument and to report to the Committee of Ministers about the results. Whilst mirroring a general task contained in all terms of reference of Council of Europe steering committees⁶, it also provides the opportunity for a steering committee to continue supporting member States and their public institutions by providing a global picture and horizontal overview of challenges, factors of success and good practices identified in various countries. This kind of feedback is also traditionally used to identify possible needs for updating of the existing legal instruments.

Appendix to the Recommendation

24. The Appendix starts with definitions related to the actors concerned by the Recommendation. The definitions of “governmental action”, “public institutions” and “public official” are provided in broad terms, to cover the widest range of categories of public actors and bodies in the three branches of power and the action conducted.

25. The Appendix details the four Fundamentals of Good Democratic Governance:
- the respect, protection and promotion of Democracy, Human Rights, and the Rule of Law;
 - the observance of the highest standards of public ethics and integrity in the exercise of power and public responsibilities;
 - the practice of good administration;
 - the delivery of high-quality public services, and economic, social, and environmental wellbeing.

26. For each fundamental, the inherent guiding principles are listed and defined, thus composing the 12 Principles of Good Democratic Governance: a coherent set of interdependent, complementary, and mutually reinforcing keystones for the conduct of governmental action, the action of public institutions, and that of public officials, and the respect of which is equally vital in the achievement of Good Democratic Governance at all levels.

⁵ For instance, as is the case in Belgium.

⁶ Task ix of the CDDG reads as follows: “to promote and follow the implementation of the non-binding instruments that it has prepared or fall under its areas of expertise”

27. The text below aims to present each Fundamental, to describe the Principles grouped under it, and to provide an exploratory list of key elements embodying the considerations which should be made both when applying the principle and when assessing actions and circumstance in complying with the principle.

Fundamental 1 – THE RESPECT, PROTECTION AND PROMOTION OF DEMOCRACY, HUMAN RIGHTS AND THE RULE OF LAW

28. The first Fundamental epitomises the three pillars of the Council of Europe: Democracy, Human rights and the Rule of law. Grouped under this fundamental, there are the following Principles of Good Democratic Governance:

- 1 – Democratic Participation
- 2 – Human Rights
- 3 – Rule of Law

Principle 1 – Democratic Participation

There should be effective and inclusive democratic participation, including regular, free, and fair elections to legislatures, assemblies and other public institutions, and meaningful engagement by government and public institutions with those whom they serve.

29. The principle provides a statement of the standard which needs to be followed if there is to be democratic participation of a quality which will support Good Democratic Governance. It highlights the subjects of participation, of representation, and the fair conduct of elections. Underpinning these essentials is the view that people, their legitimate expectations, and needs should be the focus of policy and decision-making by government at all levels. At the core of the principle rests the focus that Good Democratic Governance will be delivered not only through elections – at various levels – but also by wider forms of participation, comprising participatory democracy which may also include deliberative democracy. Therefore, the requisites of participation, representation, and the fair conduct of elections are understood as functioning simultaneously and interdependently, reinforcing each other and ensuring consistent relations, at all levels, between public institutions, public officials, and people, building on the freedoms of expression, assembly, and association.

Principle 1

Compliance with this principle would mean that:

On Participation:

- People are at the centre of policy and decision-making processes.
- Policy and decision-making processes foster the broad participation of all people, including the less privileged and the vulnerable.
- There is a balanced participation of all genders in political and public decision-making.
- A repertoire of participatory and deliberative forms of democracy including public consultations, citizens' assemblies, townhall meetings, participatory budgets, referenda, is available to public bodies, within a representative democracy, augmenting and expanding opportunities to input to the policy and legislative process.
- All voices, including those of the vulnerable and less privileged, are heard and taken into account in all phases of the policy and decision-making processes.

On Representation

- People have an opportunity to access and engage in policy and decision-making processes directly or through legitimate intermediate bodies that represent their interests.
- Policy and decision-making processes acknowledge and mediate between various legitimate interests.
- Policy and decision-making processes strive to reach decisions, which meet the concerns of all people, as much as possible.
- Decisions are taken according to the will of the many, while the rights and legitimate interests of the few are respected.
- Local democracy, local autonomy and subsidiarity are respected, and multilevel governance is encouraged

On Fair Conduct of Elections

- Electoral laws are in accordance with European standards and electoral heritage, as summarised for instance in the Code of good practice in electoral matters of the European Commission for Democracy through Law (the Venice Commission).
- Elections are conducted freely and fairly, without any fraud.
- The secrecy of the vote and the freedom of voters to form an opinion is guaranteed and fostered, especially through adequate and equal access to electoral information.
- Relevant fundamental rights are guaranteed, especially freedom of expression, freedom of the press, freedom of circulation within the country, freedom of association and peaceful assembly for political purposes.
- The election is managed by a body able to carry out its tasks without interference
- Administrative resources are used so to ensure free and fair elections, neutrality and impartiality in the electoral process, the equality of treatment between different candidates and parties and a level playing field between the candidates.
- The funding of political parties and electoral campaigns is regulated according to the principle of equality of opportunity, transparency and independent monitoring.

Principle 2 – Human rights

There should be respect for human rights protecting all and embodying values of fairness, dignity, equality, and respect, in accordance with European and international standards, including the Council of Europe Statute and the European Convention on Human Rights and Fundamental Freedoms.

30. The principle makes it clear that respect of human rights is a cornerstone of Good Democratic Governance. Human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated and should be enjoyed by everyone without discrimination. Civil, political, social, and economic rights must be promoted, protected, monitored, and developed at all levels ensuring that no individual is discriminated nor excluded, and that diversity and inclusion are mainstreamed through all policy and decision-making processes as prerequisites of a well-functioning democracy and effective governance.

Principle 2

Compliance with this principle would mean that:

- Appropriate legislation, institutions, procedures, practices, and norms of conduct are in place so to ensure the development, promotion, protection, and effective enjoyment of human rights.
- Clearly defined monitoring and reporting mechanisms, including Ombuds Institutions, are in place to address any infringement of human rights.
- Preventive and sanctioning measures are in place for combatting discrimination on any grounds, including “race”, colour, language, religion, national/ethnic origin, nationality, disability status, sexual orientation, and gender identity.
- Equality for all is actively promoted to build more inclusive societies that offer adequate protection from discrimination and hate and where diversity is respected.
- Diversity and inclusion in society of all people, including the vulnerable, are actively supported through dedicated strategies and plans, that specify objectives, targets, and monitoring mechanisms.

Principle 3 – Rule of law

There should be an acceptance of the rule of law, providing all with a secure and predictable law, in which everyone is treated in a dignified, equal, rational, and proportional manner, within a framework where the separation of powers and the independence of the judiciary are guaranteed throughout the state.

31. The principle makes clear that the Rule of Law, stated in the Preamble to the Statute of Council of Europe as one of the three principles that form the basis of genuine democracy, is an essential component of Good Democratic Governance. The Rule of Law provides for

a secure and predictable law, in which everyone has the right to be treated in a dignified, equal, rational, and proportional manner, in accordance with existing law, and to have the right to challenge decisions before independent and impartial courts, in accordance with a fair procedure.

Principle 3

Compliance with this principle would mean that:

- Legality prevails, including a transparent, accountable, and democratic process for enacting law.
- Legal certainty is guaranteed.
- Measures are in place to prevent any misuse of powers, including legal safeguards against arbitrariness and abuse of power by public authorities.
- Administrative acts/decisions need to be motivated.
- Equality before the law and non-discrimination is guaranteed.
- Access to justice before independent and impartial courts, including judicial review of administrative acts, is guaranteed.

Fundamental 2 – THE OBSERVANCE OF THE HIGHEST STANDARDS OF PUBLIC ETHICS AND INTEGRITY IN THE EXERCISE OF POWER AND PUBLIC RESPONSIBILITIES

32. The second Fundamental sets public ethics and integrity at the heart of good democratic governance, at all levels of government, acknowledging the requirements and expectations of citizens in relation to public ethics and integrity as legitimate, increasingly pronounced, and relevant to governments, public institutions and all officials holding public responsibilities. Grouped under this fundamental there are the following Principles of Good Democratic Governance:

- 4 – Public Ethics
- 5 – Accountability
- 6 – Openness and transparency

Principle 4 – Public ethics

There should be strict observance of the highest standards of public ethics enabling all to have confidence that government, public institutions, and public officials are serving the public good.

33. The principle affirms the standards that public officials are expected to comply with, whereby the public good is placed before private interests in accordance with the law so that confidence and the trust of citizens in the action and decisions of public officials and public institutions are maintained and strengthened. Government, public institutions and

officials must comply with the values of legality, integrity, objectivity, accountability, transparency, honesty, respect, and leadership.

34. These standards would result from a combination of employment statutes and regulations, rules of conduct and a variety of laws, dealing typically with the general behaviour; recruitments and career evolutions (clean criminal record and background checks, merit-based progression etc); the proper use of public resources; the response to gifts and other benefits; the management of conflicts of interest; the protection of whistleblowers; the exercise of ancillary activities and professional moves between public and other functions (revolving doors, cooling-off periods); mechanisms for the declaration of assets and interests, and other measures to prevent corruption. The criminal legislation would address office-related offences including embezzlement, bribery, trading in influence, abuse of functions, breach of trust, depending on the countries' legal tradition and international conventions which they have ratified and implemented. Pertinent Council of Europe legal instruments include the Criminal Law Convention on Corruption (ETS 173) and Recommendation No. R(2000) 10 of the Committee of Ministers to Member States on codes of conducts for public officials. The Guidelines of the Committee of Ministers of the Council of Europe on public ethics (March 2020), which was elaborated by the CDDG, also represent an important reference text.

Principle 4

Compliance with this principle would mean that:

- Policy and decision-making processes aim to pursue the public good before any individual interests.
- There is a public ethics framework, comprising, as appropriate, strategies, legislation, regulations, codes of conduct and guidance which work together to enable and embed ethical practice throughout the activities of public institutions and in the decision making and actions of public officials.
- Effective measures for the prevention and combatting of all forms of corruption are in place, including its criminalisation, promoting public awareness and ethical behaviour.
- Clear procedures are in place for handling complaints and grievances from the people and from public officials where a breach of ethical standards is suspected.
- Clear strategies, plans and measures identifying and resolving or managing conflicts of interest are in place, also considering the period after leaving office.
- Protective measures for whistle-blowers are in place to prevent direct or indirect retaliation by the public organisation to which they belong or belonged and by public officials of that public organisation.

Principle 5 – Accountability

There should be accountability arrangements providing for government, public institutions, and public officials to take responsibility for their actions and decisions and to be held to account, as well as to accept any consequence or proportionate sanction against inappropriate decision or omissions.

35. The principle establishes the need for accountability arrangements, at all levels, of a quality which will support Good Democratic Governance. Such arrangements should provide for the condition of being, willing and able to take responsibility for one's decisions and actions, to report on and explain those decisions and to be prepared to be examined on those decisions, as well as to accept any consequence or proportionate sanction against inappropriate decisions or omissions.
36. As pointed out in Recommendation CM/Rec(2022)2 of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level, a developed system and culture of accountability brings many benefits, especially regarding the promotion of good governance, democracy, high standards of public ethics, trust in public institutions, and a healthy economic and social environment.

Principle 5

Compliance with this principle would mean that:

- Public institutions and their officials take responsibility for their decisions within an accountability framework that, wherever possible, is presented as consolidated legislation and that clearly identifies and documents the matters for which they are accountable and the extent to which they are legally and financially responsible.
- An obligation exists for public institutions and their officials to make available information about their actions and decisions.
- Information provided for the purpose of scrutiny should be made available in a format that is accessible and relevant to those it is intended for, including attention to the existing technological divide.
- The process of reporting and holding to account, through scrutiny and other mechanisms should incentivise accountable behaviour and build an accountable culture focused on learning and developing better public services for the future.
- The scrutiny process should be governed by adequate rules and regulations.
- There are designated authorities with the power to sanction and to effectively and proportionately remedy the actions that infringe standards, norms, or legal provisions.

Principle 6 – Openness and transparency

There should be openness and transparency, ensuring that decision making of government, public institutions and public officials is publicly available and accessible subject to limitations set down in law, necessary in a democratic society and proportionate to the aims they seek to protect, including utilising, as appropriate, modern digital tools.

37. The principle makes it clear that the work of public institutions and processes concerning policy and decision-making is taking place in an open manner, on the basis of rules regulating the statute of information held by public institutions. Webpages, Internet-platforms, social media, e-mail correspondence and newsletters, public broadcasting of elected council deliberations via Internet channels are just some examples of how technologies can be used to ensure a culture of openness and active communication, both for the delivery of public information and services, and to support a culture of democratic participation. As pointed out in the CDDG’s Study on the impact of digital transformation on democracy and good governance (July 2021), “individuals are willing to engage in the public sphere. Digital technologies provide additional opportunities to express this engagement: citizens participate in online conversations, consultations and deliberations; contribute online to causes they support, including financially; and share their input through digital platforms that help hold public institutions to account.”
38. Access to information held by public institutions would need to be regulated by adequate and consistent laws and regulations dealing with the management of information and requests for information, criteria for which access to information and documents held by public authorities can be denied, classification and declassification procedures etc. The Council of Europe Convention on Access to Official Documents (CETS No. 205) is a major reference instrument in this context.

Principle 6

Compliance with this principle would mean that:

- Public institutions actively communicate information in an inclusive and effective manner, providing for: clarity of what information is available and how and where it can be located; designing of information and services according to users’ needs; ensuring that information is correct, authentic, and up to date; and that such services are secure.
- Freedom of information legislation is in place, providing for clear and effective procedures to enable the public to solicit information and documents held by public institutions, including a limited number of circumstances where access can be denied.

- Information on decisions, implementation of policies and results is made available to the public in such a way as to enable people to effectively follow and contribute to the work of public institutions, either directly or through representative bodies.
- E-governance services are made available via a range of Information and Communication Technologies (ICTs) channels, where practicable and cost-effective, provided that they ensure ease of use, as well as better quality, availability and accessibility of information and services and consider potential risks related, in particular, to the abuse of personal data, and inadequate e-literacy skills among certain sectors of society.

Fundamental 3 – THE PRACTICE OF GOOD ADMINISTRATION

39. The third Fundamental focuses on good administration as a key component of Good Democratic Governance, and as such it is not just concerned with legal arrangements, but also with the organisational and operational standards necessary to meet the requirements of effectiveness, efficiency, and relevance to the needs of society in governmental action at all levels. Grouped under this fundamental there are the following Principles of Good Democratic Governance:

- 7 – Efficient, effective, and sound administration
- 8 – Leadership, capability, and capacity
- 9 – Responsiveness

Principle 7 – Efficient, effective and sound administration

There should be efficient, effective, and sound administration throughout government and public institutions, and including all public officials, promoting the wellbeing of all those they serve without discrimination, including through optimising the use of public resources.

The principle means that public institutions at all levels are operationally efficient; public interventions are designed and implemented to effectively meet clearly set objectives, efficiently allocating and using available resources. Performance management and auditing are fundamental in ensuring efficiency and effectiveness in governance.

This principle also relates to good multi-level governance, meaning that there is an adequate distribution of power, responsibilities, and resources across all levels of government, based on the principle of subsidiarity and respect for local democracy, as stipulated in the European Charter for Local Self-Government. There should also be efficient inter-institutional co-ordination with effective oversight mechanisms.

Principle 7

Compliance with this principle would mean that:

On Efficiency

- Strategic and operational plans clearly define objectives and targets within a set timeframe.
- Available resources are used in the best way possible both in technical and allocative terms.
- Efficient coordination across governmental levels takes into account the principles of local democracy and subsidiarity, and ensures provision of quality services at every level.

On Effectiveness

- Performance management systems are designed and implemented in accordance with set objectives and targets.
- Internal and external audits are carried out at regular intervals at all levels.
- Audit assessment results recommend corrective actions and are duly reflected in policy and decision-making processes.

On Sound administration

- Good administration must be ensured at all levels by the quality of legislation, which must be appropriate and consistent, clear, easily understood, and accessible.
- The administrative frameworks and processes should be organised so as to comply with the following principles: lawfulness, equality, impartiality, proportionality, fairness, taking action within a reasonable time, legal certainty, proportionality, and non-discrimination, right to be heard and participation, respect for privacy, transparency.
- The right to good administration should be specified in a set of rights and obligations that are enforceable.
- Proximity and accessibility of administrative offices should be fostered.
- Training of civil servants is indispensable so to ensure that they perform their tasks both in the general interest and in the interests of the persons with whom they are dealing.

Principle 8 – Leadership, capability and capacity

There should be consistent and sustainable efforts for strengthening organisational leadership of government and public institutions, and the capability and capacities of all public officials, so that the Fundamentals of Good Democratic Governance are met.

40. The principle makes clear that organisational leadership in public institutions is a key factor contributing to the delivery of Good Democratic Governance at all levels. Such leadership should seek to develop and/or consolidate a public service which fosters an organisational culture that acknowledges and acts according to values that are results-oriented and citizen-focused; has the ability to identify needed skills and competencies so to improve processes and outcomes to the benefit of people; and that is empowered and capable of addressing fast evolving needs in society. Therefore, an extensive effort should be made to foster the skills, behaviours, knowledge, and abilities of public officials and to constantly improve the overall organisational capacity of a public institution. It concerns both the necessary organisational leadership and qualified human resources, also to effectively involve stakeholders in policy and decision-making processes and devising and applying appropriate recruitment and strategic management methods, processes, and good practices.

Principle 8

Compliance with this principle would mean that:

On Leadership

- The public service operates on the basis of a clear vision inspired by the principles of Good Democratic Governance.
- In its approach, the public service is proactive, innovative, learning, inclusive, safe, and representative of the diversity of the society it serves.
- Individual leadership is inspiring, collaborative, and empowering; it is recognised and promoted; people in leadership positions should be able to demonstrate compliance with the principles of good democratic governance, in addition to high standards of performance and integrity.

On Capability

- Human resource management policies ensure that organisational capability management systems are in place so that available competences match the goals of the institutions and that a merit-based approach and the recruitment/development of talents are supported and encouraged.

- Training needs assessments are performed regularly. They seek to identify needed and existing skills and assess the overall capability of a public organisation and its capacity to address its strategic goals.
- Training strategies and plans are in place to maintain and strengthen personal and organisational capability and capacities.

On Capacity

- Public institutions review, with relevant stakeholders, the conditions of service of public officials to ensure that the recruitment of high-quality staff is based on merit and competence and that, to that end, adequate training opportunities, remuneration and career prospects are provided.
- Public institutions establish the necessary structures, processes and capacities to research, plan, fund, implement and evaluate capacity-building programmes.
- Performance appraisal and performance management measures and procedures are in place to appraise, reward or improve and strengthen people performance as well as their professional and personal development.

Principle 9 – Responsiveness

There should be responsiveness providing for government, public institutions, and public officials to be able to respond to the legitimate expectations and needs of those whom they serve.

41. The principle affirms that an effective and well-functioning democratic governance relies, as well, on the capacity of a public organisation to respond to people’s legitimate expectations and needs. This indicates that such expectations and needs are timely identified and consistently addressed through a structured, coherent, fair, and transparent approach both at political and administrative levels. Consequentially, such expectations and needs become the core focus of the design, communication, monitoring, and delivery of public services.

Principle 9

Compliance with this principle would mean that:

- People’s legitimate expectations and needs are identified within structured, coherent, and transparent approaches both at political and administrative levels.
- People’s legitimate expectations and needs, once identified, are reflected in the design, communication, and delivery of public services.
- Clear procedures are in place to monitor public service delivery, including citizens’ complaints mechanisms and involving Ombuds institutions.

- Monitoring results and complaints are addressed in a timely manner and integrated in all phases of policy and decision-making.

Fundamental 4 – DELIVERY OF HIGH-QUALITY PUBLIC SERVICES, ECONOMIC, SOCIAL, AND ENVIRONMENTAL WELLBEING.

42. The fourth Fundamental establishes the pursuit of policies and the provision of public services fostering the wellbeing and prosperity for all, including that of future generations, as a cornerstone of good democratic governance. Grouped under this fundamental there are the following Principles of Good Democratic Governance:

- 10 – Sound financial and economic management
- 11 – Sustainability and long-term orientation
- 12 – Openness to change and innovation

Principle 10 – Sound financial and economic management

There should be sound financial and economic management throughout government and public institutions, and by all public officials ensuring the optimal use of public resources and the pursuit of policies fostering the wellbeing and prosperity for all.

43. The principle highlights the necessity for coherent and rigorous economic and financial policies, including the equitable distribution of financial resources across all levels so to support the economic and social wellbeing of all. It implies that public institutions adopt strategies and methods in the use of available resources so to ensure their timely and proportionate use, both in quantitative and qualitative terms, and their affordability. Resources are used to achieve the best possible results, with reference to set objectives. It also affirms the need for ensuring a sustainable economic and financial future for the services provided by the public organisation.

44. The main reference texts on sound financial management include the European Charter of Local Self-Government (ETS 122), Recommendation CM/Rec(2011)11 on the funding by higher-level authorities of new competences for local authorities; Recommendation CM/Rec(2005)1 on the financial resources of local and regional authorities and Recommendation CM/Rec(2004)1 on financial and budgetary management at local and regional levels.

Principle 10

Compliance with this principle would mean that:

- A general strategy, publicly coproduced with relevant stakeholders, sets out the overall economic and financial position of the public organisation and is clearly linked to other plans and strategies.
- Economic and financial policies clearly entail objectives and measures supporting long-term economic growth without negatively impacting on the societal and environmental wellbeing, including intergenerational equity.
- Audits, both internal and external, are understood as important to monitor and provide assurance on the soundness and coherence of financial management.
- Risks are properly estimated and managed.
- Cooperation and partnership mechanisms are sought after to identify economies of scales, fair sharing of burdens and benefits and reduction of risks.

Principle 11 – Sustainability and long-term orientation

There should be an effort to maximise the sustainability of decisions and actions of government, public institutions and public officials and take into account their potential impact on future generations and the ability of those generations to address their own needs.

45. The principle establishes, as a standard of Good Democratic Governance, taking into consideration and acting upon the potential impact on future generations of the decisions and actions of government, public institutions, and public officials. It highlights the need to consider environmental, social, human as well as economic impact in their policy and decision-making processes and to focus on the long-term sustainable goals and impacts of their actions rather than on short-term values, including current and future intergenerational equity. Public institutions should cooperate, across all levels and with relevant stakeholders, to adopt a sustainable and long-term approach, when all strategies, policies and delivery plans are developed and monitored, against their impact on long-term parameters, including financial, environmental, and societal outcomes.
46. It should be recalled that the 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. The 17 Sustainable Development Goals (SDGs) which the Agenda promotes, are an urgent call for action by all countries - developed and developing - in a global partnership. They recognise that ending poverty and other deprivations must go hand-in-hand with strategies that improve

health and education, reduce inequality, and spur economic growth – all while tackling climate change and working to preserve the environment and natural resources.

Principle 11

Compliance with this principle would mean that:

- Current policy and decision-making processes have a clear reference to resilience, sustainability, and intergenerational equity – including financial, environmental, and societal impacts.
- Current policy and decision-making processes acknowledge the impacts on the administration, the community, and the environment currently and in the future.
- Current policy and decision-making processes focus on monitoring, delivering, and demonstrating progress made.
- Policy and decision-making processes acknowledge and strive to preserve the historical, cultural, and societal aspects of the context they are targeting.
- Policy and decision-making processes understand the future requirements of people and the communities and consider strategic planning to address the gaps.
- Strategic planning processes are in place, include key stakeholders and develop beyond electoral cycles.

Principle 12 – Openness to change and innovation

There should be a readiness for government, public institutions, and public officials to proactively embrace change and innovation, where this would improve the resilience and quality of public services, taking into account evolving expectations and realities, and engaging widely with others to draw on good practice and to enhance knowledge.

47. The principle provides that government, public institutions, and public officials should be ready and able to adapt to contextual changes such as people’s evolving legitimate expectations and needs, new emerging challenges and trends, new working methods for the management of public institutions or the provision of public services including the use of information technologies (for instance for data management, decision support, trend analysis and forecasting etc), when adequate safeguards are in place.

Principle 12

Compliance with this principle would mean that:

- A climate favourable to adaptations to changes of context and external environment and to the peoples’ needs and preferences, as well as to cultural change, based on flexibility,

self-evaluation, and continuous learning, is created within public institutions in the interest of achieving better results.

- Public institutions are ready to engage in knowledge-sharing with other public and private actors as well as with the civil society, at all levels, including internationally.
- Public institutions are capable to identify, adapt, and implement successful practices so to innovate in terms of knowledge, institutional settings, and management, whenever needed.
- There is a readiness to pilot new programmes, tools, and methodologies, and to monitor and evaluate their outputs and outcome, including adopting digital technologies safely, inclusively, and effectively.

ANNEXES

ANNEX 1 - Selected legal instruments and other reference material

Note: as much as possible, texts are mentioned only once to avoid redundancies, although some of them may be relevant for various principles

General Council of Europe sources

- Special report on the future of the Council of Europe by the High-Level Reflection Group established under the Irish presidency of the Committee of Ministers (2022)
- Annual reports of the Secretary General of the Council of Europe: "Moving forward" (2022), "State of Democracy, Human Rights and the Rule of Law: A democratic renewal for Europe" (2021), "Multilateralism" (2020).
- 12 Principles of Good Democratic Governance (2008) and European Label of Governance Excellence - Benchmarking good governance (2018)
- Reports of the Committee on the Honouring of Obligations and Commitments by Member States of the Council of Europe (Monitoring Committee) of the Parliamentary Assembly
- Council of Europe Gender Equality Strategy 2018-2023
- Assembly Resolution 2437(2022) and Recommendation 2232 (2022) "Safeguarding and promoting genuine democracy in Europe"
- Congress Report CG(2021)40-10, Recommendation 455 (2021) and Resolution 467 (2021) "Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2017-2020)"
- Assembly Resolution 2242 (2018) "The role of national parliaments in successful decentralisation processes"
- Assembly Resolution 2003 (2014) "Towards a better European democracy: facing the challenges of a federal Europe"
- Assembly Resolution 1888 (2012) "The crisis of democracy and the role of the State in today's Europe"
- Venice Commission report CDL-AD(2011)009-e "Stocktaking on the notions of *good governance* and *good administration*"
- Recommendation CM/Rec(2007)7 of the Committee of Ministers to member states on good administration

Other general sources

- United Nations' 2030 Agenda for Sustainable Development (2015) and the 17 Sustainable Development Goals (SDGs)
- Economist Intelligence Unit: periodic democracy index and reports (e.g. "the China Challenge"(2021)
- Freedom House: Nations in Transit reports ("The Antidemocratic Turn" - 2021); democratic governance scores and civil liberty scores
- International IDEA: Global state of democracy indices
- OECD-SIGMA "Principles of Public Administration" (2014)
- World Bank: Worldwide Governance Indicators project
- Democratic Perception Index (Latana)

Principle 1: Democratic Participation

- Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS 207)
- Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144)
- First Protocol to the Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 009)
- Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life
- Recommendation CM/Rec(2007)14 of the Committee of Ministers to member States on the Legal Status of Non-governmental Organisations in Europe
- Recommendation CM/Rec(2004)13 of the Committee of Ministers to member states on the participation of young people in local and regional life (based on the Congress' revised European Charter on the participation of young people in local and regional life)
- Recommendation CM/Rec(2003) 4 on common rules against corruption in the funding of political parties and electoral campaigns
- Recommendation CM/Rec(2003)3 of the Committee of Ministers to member States on balanced participation of women and men in political and public decision-making

- Assembly Resolution 482 and Recommendation 476 (2022) on "The situation of independent candidates and the opposition in local and regional elections"
- Assembly Resolution 2390 and Recommendation 2208 (2021) "Transparency and regulation of donations to political parties and electoral campaigns from foreign donors"
- Assembly Resolution 2362 and Recommendation 2194 (2021) "Restrictions on NGO activities in Council of Europe member States"
- Joint Guidelines on Political Party Regulation (2020), by the Venice Commission and OSCE/ODIHR
- Assembly Resolution 2222 (2018) "Promoting diversity and equality in politics"
- Assembly Resolution 2226 and Recommendation 2134 (2018) "New restrictions on NGO activities in Council of Europe member States"
- Committee of Ministers: Guidelines for civil participation in political decision making (2017)
- Assembly Resolution 2111 (2016) "Assessing the impact of measures to improve women's political representation"
- World Forum for Democracy 2014 edition: "From participation to influence: can youth revitalise democracy?" (3-5 November 2014): final report
- Assembly Resolution 1970 and Recommendation 2033 (2014) "Internet and politics: the impact of new information and communication technology on democracy"
- Assembly Resolution 2024 and Recommendation 2058 (2014) "Social exclusion: a danger for Europe's democracies"
- Code of good practice in electoral matters of the European Commission for Democracy through Law (the Venice Commission) (2002)
- International Foundation for Electoral Systems (IFES): election materials, research and analysis reports
- Congress platform "be-Open" (to facilitate access of local authorities and citizens to relevant European documentation)
- BePart - an online platform to promote civil participation
- CLEAR- model for Citizen participation in local government

Principle 2: Human Rights

- Convention on preventing and combating violence against women and domestic violence (CETS 210)

- Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS 201)
 - Convention on Action against Trafficking in Human Beings (CETS 197)
 - Framework Convention for the Protection of National Minorities (ETS 157)
 - European Charter for Regional or Minority Languages (ETS 148)
 - European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (ETS 126)
 - Convention for the Protection of Human Rights and Fundamental Freedoms (ETS 5), its eighteen additional protocols and the case law of the European Court of Human Rights, as presented in the documentation produced by the Court
 - European Social Charter (ETS 35), Protocol amending the European Social Charter (ETS 142), Additional Protocol to the European Social Charter Providing for a System of Collective Complaints (ETS 158) and the revised European Social Charter (ETS 163)
 - European Code of Social Security (ETS 48) and the revised European Code of Social Security (ETS 139) and Protocol to the European Convention on Social Security (154)
 - Recommendation CM/Rec(2019)1 of the Committee of Ministers to member States on preventing and combating sexism
- ***
- Gender Equality Strategy 2018-2023 of the Council of Europe and the legal instruments and other texts adopted under the Strategy
 - Commissioner for Human Rights: visit reports, issue papers, opinions and recommendations
 - European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT): country reports, standards and tools and other publications
 - European Commission against Racism and Intolerance (ECRI): country reports
 - Safety of Journalists platform of the Council of Europe: annual reports

Principle 3: Rule of Law

- Convention for the Protection of Human Rights and Fundamental Freedoms (ETS 5), and the case law of the Court in particular on article 5 (right to liberty and Security), article 6 (right to a fair trial), article 7 (no punishment without law) and article 13 (right to an effective remedy)
- Venice Commission: Rule of Law Checklist and Assembly Resolution 2187(2017) endorsing it
- European Commission for the efficiency of justice (CEPEJ): biennial reports on the evaluation of European judicial systems
- Consultative Council of European Judges (CCJE): Magna Carta of judges (2010), Opinion n°18 (2015) on the position of the judiciary and its relation with the other powers of state in a modern democracy as well as other opinions; reports on judicial independence and impartiality in the Council of Europe member States (2016, 2017 and 2019)
- Consultative Council of European Prosecutors (CCPE): Opinion No. 13 (2018): Independence, accountability and ethics of prosecutors; Opinion No. 9 (2014) on "European norms and principles concerning prosecutors"; Opinion No. 4 (2009) on the relations between Judges and Prosecutors in a democratic society"; reports on the independence and impartiality of the prosecution services in the Council of Europe member States (2016, 2017 and 2019).
- European Union: Rule of law framework and country reports adopted in that context; EU Justice scoreboard

Principle 4: Public ethics

- Council of Europe's Criminal Law Convention on Corruption (ETS 173) and its Additional Protocol (ETS No. 191), as well as the Civil Law Convention on Corruption (ETS 174)
- Council of Europe Convention on Insider Trading (ETS 130)

- Recommendation CM/Rec(2017) 2 of the Committee of ministers to member States on the legal regulation of lobbying activities in the context of public decision making
- Recommendation CM/Rec(2014)7 of the Committee of ministers to member States on the Protection of Whistleblowers, and explanatory memorandum thereto
- Recommendation CM/Rec (2000)10 of the Committee of ministers to member States on codes of conduct for public officials, including a Model code of conduct for public officials (in appendix), and its explanatory Memorandum
- Resolution (97) 24 on the twenty Guiding Principles for the fight against corruption

- Group of States against Corruption (GRECO): Country evaluation and compliance reports and general (annual) activity reports: Round 3 on transparency of political financing and on incriminations of corruption; Round 4 on the prevention of corruption regarding judges and prosecutors, and regarding parliamentarians; Round 5 on the prevention of corruption regarding top executive (government) functions and regarding law enforcement.
- Guidelines of the Committee of Ministers on public ethics (2020) and the CDDG's Guide on Public Ethics (2019)
- Assembly Resolution 2274 and Recommendation 2152 (2019) "Promoting parliaments free of sexism and sexual harassment"
- Congress: European Code of Conduct for all Persons Involved in Local and Regional Governance (2018)
- Assembly Resolution 2170 and Recommendation 2105 (2017) "Promoting integrity in governance to tackle political corruption"
- Assembly Resolution 1943 and Recommendation 2019 (2013) "Corruption as a threat to the rule of law"
- Congress Resolution 105(2000) and Recommendation 86(2000) "on the financial transparency of political parties and their democratic functioning at regional level"
- Congress Resolution 79(1999) and Recommendation 60 (1999) "on political integrity of local and regional elected representatives"
- Resolution (97) 24 on the twenty Guiding Principles for the fight against corruption
- Council of Europe "Toolkits on public ethics benchmarking" for central authorities (2020) and local authorities (2017), by the Centre of Expertise for Good Governance

Principle 5: Accountability

- Recommendation CM/Rec(2022)2 of the Committee of Ministers to member States on democratic accountability of elected representatives and elected bodies at local and regional level
- Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities

- Assembly Resolution 2169 (2017) "Recognition and implementation of the principle of accountability in the Parliamentary Assembly"
- Assembly Resolution 2182 (2017) "Follow-up to Resolution 1903 (2012): promoting and strengthening transparency, accountability and integrity of Parliamentary Assembly members"
- Assembly Resolution 1871 (2012) "Self-evaluation by Europe's national parliaments: procedural guidelines to improve the quality of parliamentary work"

Principle 6: Openness and Transparency

- Council of Europe Convention on Access to Official Documents (CETS No. 205)

- Congress of Local and Regional Authorities: "Transparency and open government: Report CG35(2018)14 ; Recommendation 424 (2018); Resolution 435 (2018)"; "Making public procurement transparent at local and regional levels": Report CG33(2017)13 ; Recommendation 405 (2017) ; Resolution 421 (2017); "Open data for better public services": Report CG32(2017)15 ; Recommendation 398 (2017) ; Resolution 417 (2017)
- OECD: Recommendation of the Council on Environmental Information (2022) and on Reporting on Open Government (2017)
- Assembly Resolution 2125 and Recommendation 2094 (2016) "Transparency and openness in European institutions"
- OECD Recommendation on Public Sector Information (2008)

Principle 7 – Efficient, Effective, and Sound Administration

- Recommendation CM/Rec(2007)4 of the Committee of Ministers to member states on local and regional public services

- "Toolkit for performance management, risk management and internal audit" (2021), and "Toolkit on strategical municipal planning" (2022), Council of Europe / Centre of Expertise for Good Governance
- OECD's series of Public Governance Reviews
- Periodic indexes and the underlying methodology on the functioning of public institutions including on government effectiveness, for instance the World Bank 360 government data, TheGlobalEconomy.com,
- Congress of Local and Regional Authorities: "Good governance in metropolitan areas": Report CG31(2016)17 ; Recommendation 392(2016); Resolution 407(2016)
- Working paper on "Determinants of Government Efficiency" (2016), International Monetary Fund (IMF)
- Several recommendations of the Council of the OECD are to be mentioned, in particular among those released in 2015, for instance the Recommendation on Good Statistical Practice, the Recommendation on Budgetary Governance, the Recommendation on Public Procurement, the Recommendation on Guidelines on Corporate Governance of State-Owned Enterprises.
- Congress of Local and Regional Authorities: "The governance of macro-regions in Europe"; Recommendation 331 (2012); Resolution 349 (2012)

Principle 8 – Leadership, Capability and Capacity

- Recommendation CM/Rec(2007)12E of the Committee of Ministers to member states on capacity building at local and regional level

- OECD Recommendation of the Council on Public Service Leadership and Capability (2019)
- European Committee of the Regions: "Capacity building of local and regional public administration in Eastern Partnership countries" (2019)
- OECD publication "Skills for a High Performing Civil Service" (2017)
- Congress of Local and Regional Authorities: "Equality and diversity in local authority employment and service provision"; Recommendation 262 (2009)
- European Committee on Local and Regional Democracy (CDLR): "Study on Local authority competences in Europe" (2007)

Principle 9 – Responsiveness

(see also references mentioned in respect of principles 2, 3, 5 and 7)

- Recommendation CM/Rec(2021)1 of the Committee of Ministers to member States on the development and strengthening of effective, pluralist and independent national human rights institutions
- Recommendation CM/Rec(2010)3 of the Committee of Ministers to member states on effective remedies for excessive length of proceedings
- Recommendation CM/Rec(2004)06 of the Committee of Ministers to member states on the improvement of domestic remedies

Principle 10 – Sound Financial and economic Management

- Recommendation CM/Rec(2011)11 of the Committee of Ministers to member States on the funding by higher-level authorities of new competences for local authorities
- Recommendation CM/Rec(2004)1 of the Committee of Ministers to member States on financial and budgetary management at local and regional levels
- Recommendation Rec(2000)14 of the Committee of Ministers to member States on local taxation, financial equalisation and grants to local authorities
- Recommendation Rec(2001)2 of the Committee of Ministers to member States concerning the design and re-design of court systems and legal information systems in a cost-effective manner

- Congress of Local and Regional Authorities: "Fair distribution of taxes in transfrontier areas: Potential conflicts and possibilities for compromise" - Recommendation 438 (2019); "Coping with the debt burden: local authorities in financial difficulty" - Recommendation 427 (2018); "Making public procurement transparent at local and regional levels" - Report CG33(2017)13, Recommendation 405 (2017), Resolution 421 (2017); "Gender budgeting" - Report CG31(2016)10 ; Resolution 405 (2016); "Adequate financial resources for local authorities" - Recommendation 362; Resolution 372 (2014); "Local and regional authorities responding to the economic crisis; Resolution 357 (2013)"
- Centre of Expertise: "Local Finance Benchmarking – Introduction and Methodology" (2020) and "Local Finance Benchmarking Toolkit" (2013)
- "Local Government in critical times: policies for crisis, recovery and a sustainable future" (compilation of Council of Europe texts, 2011)
- Congress of Local and Regional Authorities: "Regional public finance policies" - Resolution 265 (2008); "On environmental accounting for responsible local action"; Recommendation 220 (2007); Resolution 240 (2007)

Principle 11 – Sustainability and Long-Term Orientation

- Council of Europe Landscape Convention (ETS No. 176) and the various recommendations of the Committee of Ministers to member States to support its implementation, e.g. Recommendation CM/Rec(2008)3 of the Committee of Ministers to member States on the guidelines for the implementation of the European Landscape Convention; Recommendation CM/Rec(2013)4 on the Information System of the Council of Europe Landscape Convention and its glossary; Recommendation CM/Rec(2017)7 of the Committee of Ministers to member States on the contribution of the European Landscape

Convention to the exercise of human rights and democracy with a view to sustainable development

- Convention on the Protection of the Environment through Criminal Law (ETS No. 172)
- Recommendation Rec(2002)1 of the Committee of Ministers to member states on the Guiding principles for sustainable spatial development of the European Continent

- Word Forum for Democracy, edition 2021: "Can Democracy Save the Environment?" (8-10 November 2021): conclusions and recommendations
- OECD Declaration on Policies for Building Better Futures for Regions, Cities and Rural Areas (2019)
- United Nations' 2030 Agenda for Sustainable Development (2015), and the 17 Sustainable Development Goals (SDGs)
- Publications of the United Nations in relation to the 17 SDGs, for instance "SDG Good Practices-A compilation of success stories and lessons learned in SDG implementation (First Edition, 2020)
- Congress of Local and Regional Authorities: "Ensuring the respect of the European Charter of Local Self-Government in major crisis situations" - Report CG(2021)40-07; Recommendation 453; Resolution 453; "Making cities resilient"; Resolution 339 (2012); "Energy supply and energy efficiency at local and regional level": promoting energy transition; Resolution 335 (2011); "Global challenge of climate change: local responses"; Recommendation 271; (2009) Resolution 288 (2009); "After Copenhagen, cities and regions take up the challenge"; Recommendation 281 (2010); Resolution 298 (2010); "Intra-regional transport: a challenge for sustainable development and territorial cohesion"; Recommendation 287 (2010); Resolution 302 (2010); "Coastal towns and cities tackling threats from the sea"; Recommendation 298 (2010); Resolution 317 (2010); "Good governance: a key factor for the sustainable economic development of regions"; Recommendation 265 (2009); Resolution 283 (2009); "Local and regional authorities committed to sustainable consumption"; Recommendation 230 (2008); Resolution 247 (2008)

Principle 12 – Openness to change and innovation

- Recommendation Rec(2004)15 of the Committee of Ministers to member states on electronic governance ("e-governance")

- Guidelines of the Committee of Ministers on the use of information and communication technology (ICT) in electoral processes in Council of Europe member States (2022)
- Assembly Resolution 2341 and Recommendation 2181 (2021) "Need for democratic governance of artificial intelligence"
- Congress of Local and Regional Authorities: "Home sharing platforms: challenges and opportunities for municipalities"; Recommendation 463 (2021); Resolution 475 (2021)
- Study "The impact of digital transformation on democracy and good governance" (2020), by the European Committee on Democracy and Governance
- Toolkit "Teleworking in public administration" (2020), by the Council of Europe's Centre of Expertise for Good Governance
- World Forum for Democracy, edition 2019: "Is democracy in danger in the information age?" (6-8 November 2019): conclusions
- Assembly Recommendation 2102 (2017) "Technological convergence, artificial intelligence and human rights"

- Congress of Local and Regional Authorities: Report on "New forms of local governance" (Report CPL/2015(29)4);
- Congress of Local and Regional Authorities: "E-democracy: opportunities and risks for local authorities"; Recommendation 274 (2009); Resolution 290 (2009); "The digital divide and e-inclusion in the regions"; Recommendation 263 (2009); Resolution 282 (2009); "Creative cities – managing the cultural activity of cities Recommendation 275 (2009); Resolution 291 (2009)"; "Electronic democracy and deliberative consultation on urban projects", Recommendation 249 (2008); Resolution 267 (2008).

ANNEX 2 – Terms of reference of the Working Group on Principles of good democratic governance (GT-BG)⁷

Task

Carry out preliminary work for the CDDG with a view to elaborate a *recommendation* [of the Committee of Ministers to member States] *on Principles of good democratic governance of general application to all levels of government, building on the 12 Principles of Good Democratic Governance at local level*. (specific task (i) of the terms of reference 2022-2025).

The working group is invited to use the acquis and documents produced so far in relation to the 12 Principles (including ELoGE, the benchmarks, the final country reports), and to complement it with considerations which are specific and particularly relevant for the national level, e.g. separation of powers, independence of the judiciary, national elections, taking into account the work of other Council of Europe bodies and standards already recognised.

Timeline: January 2022 to December 2022 (draft available for approval ideally at the 16th meeting of the CDDG). The working group may hold a meeting in March 2022 and in September 2022 (with the possibility of an extra meeting in the first half of 2023, if necessary). Written consultations are encouraged, and an additional on-line meeting may be organised in June 2022, as necessary.

Composition

All member States can nominate representatives and/or independent experts and participate in any of the working groups at their own expense. Institutions and bodies with the status of CDDG participant are also invited to nominate representatives in the working groups.

The Council of Europe will bear the costs for the participation of one expert from each of the following 10 member States: **Austria, Belgium, Estonia, Greece, Italy, Malta, Norway, Poland, Slovak Republic, United-Kingdom.**

Experts nominated should have adequate specialisation in the following areas: the functioning of central State institutions and of local and regional administrations including their cooperation; public administration reforms; Council of Europe standards in the field of democracy, human rights and the rule of law; constitutional jurisprudence; elections.

Background documents

The working group should take into account pertinent reports and documents produced under the aegis of the Council of Europe and other organisations, including:

- Those related to the 12 Principles of Good Democratic Governance at local level ([ELoGE benchmark](#) and [country reports](#))
- the Secretary General's periodic reports on the state of democracy, human rights, and the rule of law (see [here](#) and [here](#))
- the [Human Rights Commissioner](#),

⁷ As approved by the CDDG at its 14th meeting and complemented by written procedure on 3 February 2022

- the Parliamentary Assembly (especially findings from the monitoring activities, the observance of elections, specific reports and recommendations of particular significance from the viewpoint of Democracy)
- the Congress of Local and Regional Authorities (especially findings from [monitoring activities](#)),
- the Venice Commission, especially documents in the [Democratic Institutions](#) and [Studies](#) series
- [Commission for the Efficiency of Justice - CEPEJ](#) ; [Consultative Council of European Judges - CCJE](#); [Consultative Council of European Prosecutors - CCPE](#)
- the Group of States against Corruption: especially its work concerning the 3rd evaluation round (political financing), the 4th evaluation round (parliaments, the courts and public prosecution services) and the 5th evaluation round (central governments, law enforcement), summarised in the [annual reports](#)

Working methods

The working group may use on-line meetings and written consultations as necessary. It is encouraged to hold consultations with other bodies within and outside the Council of Europe (e.g. EU, OECD, OSCE) including non-governmental organisations. It may rely on contributions from expert consultants. See also Resolution CM/Res(2021)3 on intergovernmental committees and subordinate bodies, their terms of reference and working methods.