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## **Recommendation CM/Rec(2023)5 of the Committee of Ministers to member States on the principles of good democratic governance**

*(Adopted by the Committee of Ministers on 6 September 2023  
at the 1473<sup>rd</sup> meeting of the Ministers' Deputies)*

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The Committee of Ministers, under Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity between its member States for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress;

Convinced that good democratic governance is a key requirement for ensuring the protection of human rights, democracy and the rule of law, and thereby peace and security in Europe;

Convinced that a democratically secure society across Europe, which is resilient in the face of current and emerging challenges, requires governance which is “good” and “democratic” at all levels of government;

Concerned about the backsliding of democratic institutions in Europe, as highlighted in particular in the annual reports 2021 and 2023 of the Secretary General of the Council of Europe for the years 2021 and 2023 and in the Parliamentary Assembly reports on “Recent challenges to security in Europe: what role for the Council of Europe” (Doc. 15541, Recommendation 2235 (2022), Resolution 2444 (2022)) and on “Safeguarding and promoting genuine democracy in Europe” (Doc. 15486, Recommendation 2232 (2022), Resolution 2437 (2022));

Convinced that good democratic governance is crucial for building people’s confidence and trust in public institutions and their sense of ownership of these institutions;

Bearing in mind the work of other Council of Europe bodies, in particular the Congress of Local and Regional Authorities, the Conference of International Non-Governmental Organisations, the Commissioner for Human Rights, the various specialist bodies dealing in different ways with the functioning of public institutions in the three branches of power, as well as the conclusions of successive meetings of the World Forum for Democracy;

Having regard to the Strategy on Innovation and Good Governance at local level, including the 12 Principles of Good Democratic Governance at Local Level, appended to the Valencia Declaration, adopted on 15 and 16 October 2007 at the 15<sup>th</sup> session of the Conference of European Ministers responsible for local and regional government (Valencia, 15-16 October 2007), as well as Resolution A/RES/70/1 adopted by the General Assembly of the United Nations on 25 September 2015 “Transforming our world: the 2030 Agenda for Sustainable Development”, and its 17 Sustainable Development Goals, in particular Goal 16, “Peace, justice and strong institutions”;

Having regard to the outcomes of the 4<sup>th</sup> Summit of Heads of State and Government of the Council of Europe (Reykjavík, 16-17 May 2023), especially the Reykjavík Declaration “United around our values” and the Reykjavík Principles for Democracy appended to it;

Building on the *acquis* of the Council of Europe and earlier work of the European Committee on Democracy and Governance (CDDG), as well as on the practical experience gathered in the implementation of the 12 Principles of Good Democratic Governance at Local Level through the European Label of Governance Excellence since its creation in 2011;

Recognising that good democratic governance refers to all governance processes, institutions and practices through which accountable authority and responsibility are exercised in a manner which is both effective and centred on genuine democracy;

Considering that the time has come to establish, in a legal instrument, a set of standards to serve as a benchmark for good democratic governance at all levels and which update the above-mentioned 12 Principles;

Recognising that these standards will assist policy and decision makers at all levels of government to safeguard and continue to develop good democratic governance for all and, at the same time, make communities and individuals better aware of what to expect from those entrusted with the management of public affairs,

Recommends that the governments of member States:

- conduct governmental action in accordance with the fundamentals of good democratic governance and the principles described in the appendix to this recommendation, which together characterise any effective democracy; these are:
  - the respect for, and 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 provision of high-quality public services and economic, social and environmental well-being;
- put in place measures and undertake activities to require, enable, support or encourage, as appropriate and in accordance with 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 principles described in the appendix to this recommendation;
- translate this recommendation into the national language(s) and ensure its dissemination at national, regional and local levels;
- evaluate, as appropriate, the extent to which this recommendation is implemented.

#### *Appendix to Recommendation CM/Rec(2023)5*

### **Principles of good democratic governance**

#### **1. Definitions**

For the purpose of this recommendation and its appendix, terms are defined as follows.

“Governmental action” means any action taken by a member State's government and includes:

- the operation of the State's constitutional arrangements and any proposals to amend them;
- the introduction of legislation;
- the conduct of international relations and the implementation of binding international obligations;
- the formulation and adoption of public policies;
- the establishment and operation of regimes and regulations to promote and safeguard the economic, social and environmental well-being of all; and
- the introduction and provision of public services.

The term “public institutions” includes any body, organisation or office, other than a member State's government, which has public or governmental functions, such as regional governments, their executive branches and legislatures or assemblies; local governments, their executive branches and assemblies; and any agency, company or similar entity over which national, regional or local governments exert effective control or decisive influence.

The term “public official” includes:

- persons who are elected or given a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, members of local executive branches and local elected representatives, as well as holders of a judicial office;
- persons who are employed by a public institution as defined above;
- persons who act on behalf of a public institution without having been elected, given a public mandate or function, or employed by a public institution or a member State’s government.

## **2. Principles**

### **The respect for, and protection and promotion of, democracy, human rights and the rule of law**

#### *Principle 1 – Democratic participation*

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

#### *Principle 2 – Human rights*

The respect for human rights which protect everyone and which embody the values of fairness, dignity, equality and respect should be ensured, in accordance with European and international standards, including the Statute of the Council of Europe (ETS No. 1) and the European Convention on Human Rights (ETS No. 5).

#### *Principle 3 – Rule of law*

The rule of law should be respected, thus providing everyone with legal certainty, including foreseeable law, in which everyone is treated in a dignified, equal, rational and proportional manner, within a framework in which the separation of powers and the independence of the judiciary are guaranteed throughout the country.

### **The observance of the highest standards of public ethics and integrity in the exercise of power and public responsibilities**

#### *Principle 4 – Public ethics*

The highest standards of public ethics should be strictly observed, enabling everyone to have confidence that government, public institutions and public officials are serving the public good.

#### *Principle 5 – Accountability*

Accountability mechanisms should be in place to ensure that government, public institutions and public officials take responsibility for their actions and decisions and can be held to account, and that they accept any consequences or proportionate sanctions for inappropriate decisions or omissions.

#### *Principle 6 – Openness and transparency*

Openness and transparency should be ensured, by making the decision-making processes of government, public institutions and public officials publicly available and accessible – subject to the limitations set down in law, necessary in a democratic society and proportionate to the aims such limitations seek to protect – including by utilising, as appropriate, modern digital tools.

### **The practice of good administration**

#### *Principle 7 – Efficient, effective and sound administration*

There should be efficient, effective and sound administration throughout government and public institutions, involving all public officials, in order to promote the well-being of all those they serve, without discrimination, including through optimising the use of public resources.

*Principle 8 – Leadership, capability and capacity*

There should be consistent and sustainable efforts towards strengthening the organisational leadership of government and public institutions, and the capabilities and capacities of all public officials, so that the fundamentals of good democratic governance are effective.

*Principle 9 – Responsiveness*

Government, public institutions and public officials should be responsive to the legitimate expectations and needs of those whom they serve.

**The provision of high-quality public services and economic, social and environmental well-being***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, in order to ensure the optimal use of public resources and the implementation of policies that promote the well-being and prosperity of everyone.

*Principle 11 – Sustainability and long-term orientation*

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

*Principle 12 – Openness to change and innovation*

Government, public institutions and public officials should be ready 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 by engaging widely with others to draw on good practice and enhance knowledge.