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**EUROPEAN COMMITTEE ON DEMOCRACY AND GOVERNANCE
(CDDG)**

ACTIVITIES OF OTHER COUNCIL OF EUROPE BODIES

(from 4 March to 10 July 2020)

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

1. Introduction

This document aims to update the CDDG on recent Council of Europe work in the field of democracy and governance, as well as in areas currently covered by the CDDG or the Centre of Expertise for Good Governance, since the Bureau meeting in March 2020.

2. Secretary General of the Council of Europe

The SG has issued in April a [toolkit for governments across Europe on respecting human rights, democracy and the rule of law during the COVID-19 crisis](#) (as a guidance document). It aims at helping to ensure that measures taken during the current crisis remain proportional to the threat posed by the spread of the virus and are limited in time. It covers four key areas:

- Derogation from the European Convention on Human Rights in times of emergency
- Respect for the rule of law and democratic principles in times of emergency, including limits on the scope and duration of emergency measures
- Fundamental human rights standards including freedom of expression, privacy and data protection, protection of vulnerable groups from discrimination and the right to education
- Protection from crime and the protection of victims of crime, in particular regarding gender-based violence.

In June, [the SG's annual report](#) entitled "Multilateralism 2020" was published, covering the Council of Europe's actions since the Helsinki Ministerial Meeting in May 2019 and the organisation's response to the Covid-19 pandemic in 2020. It also points out that the practice of the DG's report on the state of human rights, democracy and the rule of law will be renewed as of 2021. The first part – Democratic institutions – of future reports will comprise a new chapter focusing on the integrity of institutions.

3. Committee of Ministers

On 11 March 2020 (1370th meeting), the Ministers' Deputies adopted the [guidelines on public ethics](#) (complemented by a [practical guide](#)) which had been drafted by the CDDG. Member States are invited to make the widest possible use of them, and to ensure their translation into the official languages and dissemination to public organisations in their respective countries, and/or to entrust these tasks to the competent public authorities, in compliance with the applicable constitutional and other legislative provisions.

On 22 April 2020, the Committee of Ministers adopted (1374th meeting) a [Declaration on the COVID-19 pandemic](#) in which, i.a., it "recalls its deep and constant attachment to its core values of human rights, democracy and the rule of law, as expressed in the Statute of the Council of Europe and the European Convention on Human Rights. It also recalls that measures to combat the disease and its wider consequences must be taken in accordance with the Organisation's principles and the commitments entered into by member States."

The [Priorities of the Greek Chairmanship](#) of the Committee of Ministers (May – November 2020) were presented on 12 May 2020, together with a list of events. The main theme

of the Greek presidency is "Protection of human life and public health in the context of a pandemic – Effectively responding to a sanitary crisis in full respect for human rights and the principles of democracy and the rule of law" and sub-thematic priorities include "Education and Democratic Culture in a digital era". Several events will be devoted to the 70th Anniversary of the European Convention on Human Rights, including the Ministerial session to be held in Athens on 4 November. The latter is expected to give an opportunity to countries to reiterate their commitment to the principles and values that the Council of Europe stands for.

4. Parliamentary Assembly of the Council of Europe

Due to the Covid-19 related lockdown, the Assembly did not hold its June part-session.

The Committee on Political Affairs and Democracy organised a [hearing by video-conference on "The role of national parliaments and the holding of elections in emergency situations"](#) on 28 May. Experts pointed out i.a. that "the crisis must not be an opportunity to strengthen governments against parliaments", while "parliaments could do more to ensure that they are ready to face a future crisis". There are definitely red lines, for instance "parliaments must never lose control over the executive power"; parliaments "should never delegate all of their powers to governments, not even during a pandemic"; they must continue "to function one way or another" and use their power "to set up committees of inquiry to look at special measures and assess their necessity and proportionality". Reference was also made to the Venice Commission's recent report on the respect for democracy, human rights and the rule of law during states of emergency (see below). This hearing will serve as a basis for the preparation of a report on "Democracies facing the COVID-19 pandemic".

On 23 June, the Committee on Political Affairs and Democracy held an [exchange of views on "Democracies facing the COVID-19 pandemic"](#). It was pointed out that effective action to prevent a recurrence of such a crisis depends on governments "and, in the multilateral sphere, it is their job to shape relevant institutions to be most effective. Blaming the institutions they themselves have created misses the point". All Council of Europe member States, and their elected representatives in particular, "have a crucial role to play in seeking and maintaining a united global focus on pandemic preparedness and response, and in reaching out to other States to build consensus", underlined Ian Liddell-Grainger (UK, EC), who is preparing a report on the subject on behalf of the Committee.

On 29 June, the Committee on Legal Affairs and Human Rights adopted a [report on "The impact of the COVID-19 pandemic on human rights and rule of law"](#). In a wide-ranging draft resolution, the committee described COVID-19-related concerns relating to data protection, judicial systems, detention conditions and anti-corruption measures, endorsing the specific guidance given by relevant Council of Europe bodies. It calls for the conduct of a prompt, thorough, independent review of the national response to the COVID-19 pandemic, including its effectiveness and respect for human rights and the rule of law, with a view to ensuring that if there is another pandemic, "the authorities can respond quickly and effectively in accordance with Council of Europe standards".

5. European Commission for Democracy through Law (Venice Commission)

In the COVID-19 context, the Venice Commission has released a [compilation of earlier opinions and reports on states of emergency](#) (16 April 2020), as well as a [report on Respect for Democracy, Human Rights and Rule of Law during States of Emergency](#) (26 May 2020). The Commission has addressed in particular the substantive requirements of a declaration of state of emergency, the competences to make such declaration, the oversight of the declaration and the prolongation of the state of emergency, both by parliament and by the judiciary; the limits on the scope and on the duration of emergency measures; the possibility for constitutional amendment and the possibility of holding elections and constitutional referendums during states of emergency.

It has also adopted through a written procedure a number of opinions (see [full list of opinions](#) for further information):

- on 20-21 March, including two joint opinions with the OSCE/ODIHR on draft amendments to the legislation concerning political parties (Armenia) and on amendments to some legislative acts related to sanctions for violation of electoral legislation (Kyrgyzstan);
- on 18-19 June, including on the replacement of elected candidates and mayors (Turkey), and on proposed legislative changes [concerning the relations between branches of power] (Malta) and on draft constitutional amendments relating to the execution of the judgments of the European Court of Human Rights (Russian Federation).

The European Parliament [decided on 11 June](#) to request a report from the Venice Commission on measures taken in the EU member states since the Covid-19 crisis and their impact on democracy, the rule of law and fundamental rights.

In cooperation with the Permanent Electoral Authority of Romania, an online conference entitled "Using new technologies in the electoral process" ([agenda of the conference](#)) was held on 21 June.

In July, the Commission launched its [Observatory on the emergency situations](#) to collect and make publicly available country-specific information on constitutional and extra-constitutional emergency powers, on relevant mechanisms of parliamentary and judicial oversight and on electoral experiences.

6. Group of States against Corruption (GRECO)

In April, GRECO published [guidelines](#) addressed to its 50 member states aimed at preventing corruption in the context of the health emergency caused by the Covid-19 pandemic and, subsequently, it organised webinars (link to the [webinar held on 14 May](#)).

GRECO co-authored with France's central anti-corruption authority, the OECD and the Network of Corruption Prevention Authorities (NCPA) a comprehensive "[analysis report of the global mapping of anti-corruption authorities](#)" (released in May 2020).

GRECO's [annual report](#) of activity, published on 2 June, reviews the measures to prevent corruption taken by its member states in 2019 in respect of parliamentarians, judges

and prosecutors, as well as in central governments – including top executive functions - and law enforcement agencies. In the report, GRECO's President expressed concern about widespread corruption allegations in many countries concerning persons in charge of public institutions in recent years. In 2019, the recommendations with the lowest level of compliance continued to be those issued in respect of MPs (27%), whilst it was higher in respect of judges (37%) and prosecutors (46%).

In the reference period, GRECO published the following evaluation reports and compliance reports (which assess follow-up action in response to the evaluation):

Evaluation topic	Evaluation reports	Compliance reports
Integrity / corruption concerning members of parliament, judges and prosecutors		Czech Republic (5 March 2020), Ukraine (26 March 2020)
Integrity / corruption concerning central governments (top executive functions) and law enforcement authorities	Croatia (24 March 2020)	

7. Congress of Local and Regional Authorities (Congress)

The Congress President issued a series of calls/statements:

- on 19 May, he issued a [statement concerning the continued suspensions of mayors in south-east Turkey](#), expressing his concern regarding the ongoing undermining of local self-government in the country.
- on 28 May, he made a [call for the suspension of territorial reforms in Latvia](#) to allow for proper consultation, following information received by the Latvian Association of local and regional governments regarding worrying developments since the last Congress monitoring report of 2018 and after a fact-finding mission and the corresponding report adopted in February 2020;
- on the occasion of the World Environment Day (5 June), he [called for mobilisation of local and regional authorities](#): "Good governance at the local and regional level means protecting the environment and combating global warming", "Municipalities and regions are key partners for national authorities in this regard (...)".

On 9 June 2020 the Bureau of the Congress adopted a [Declaration on the impact of central government COVID-measures on local and regional authorities](#) expressing i.a. concern about the democratic self-governance and financial autonomy of local and regional authorities in Council of Europe member States, in particular in view of recovery plans in the aftermath of the crisis. It highlights the fact that some governments have imposed, within or outside the context of states of emergency, measures with far-reaching consequences for fundamental rights and freedoms and the democratic functioning which have also impacted the sub-national level - be it through relocation of powers, increase of central states' surveillance or postponement of local and regional elections.

8. Conference of International Non-Governmental Organisations

The Georgian Presidency and the Council of Europe convened an [International Conference on Civil Participation in Decision-Making](#) on 6 and 7 May 2020 to identify innovative and successful experiences of civil engagement at local, regional and national level and to highlight and promote the Council of Europe's work in the area.

Following the cancellation of the April Session of the Conference of INGOs due to COVID-19, a special short session was held in June with four COVID-19 related thematic webinars, including on "Let's build a better future together! Strengthening Participative Democracy and Civil Society when building the Post-Corona World" (22 June) - [link to the Concept Note and Draft Programme](#) of the latter.

9. Elections and civil participation

A compendium of all relevant Council of Europe standards regarding elections entitled "[Elections, Digital technologies, Human rights](#)" and a report on "[Digital technologies in elections - Questions, lessons learned, perspectives](#)" were released in March and May 2020 and started to be used for cooperation project activities on e-voting and new technologies organised during the reference period with programme countries.

The Elecdata database, which collects electoral data of the 47 Member States of the Council of Europe, was updated with [information on the impact of Covid-19 on elections and referenda in Europe](#).

10. World Forum for Democracy (WFD)

On 27 May, DG II – Democracy announced the holding of the 2020 edition of the World Forum for Democracy "[Can Democracy save the environment](#)" (Strasbourg, 16-18 November).