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

**RECOMMENDATION OF THE COMMITTEE OF MINISTERS
TO MEMBER STATES
[ON PRINCIPLES OF GOOD DEMOCRATIC GOVERNANCE]**

First draft, following the GT-BG's first meeting of 24-25 February 2022, including
all feedback from members after the meeting

**For discussion by the CDDG,
with a view to providing further guidance and input in the perspective
of the GT-BG's next meeting of 9-10 June**

**Recommendation CM/Rec(2023)...
of the Committee of Ministers to member States
[on Principles of Good Democratic Governance]
[for all levels of government]**

The Committee of Ministers, under Article 15.b of the Statute of the Council of Europe,

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

Dismayed and shocked by the outbreak of war on our continent following the Russian attack against Ukraine and the blatant violation by the Russian Federation of its obligations under Article 3 of the Statute of the Council of Europe, and convinced that good democratic governance is a key condition to ensuring the preservation of human rights, democracy, and the rule of law, and thereby peace and security in Europe;

Concerned about the backsliding of democratic institutions in Europe, outlined in particular in the reports of the Secretary General of the Council of Europe on the state of state of Democracy, Human rights and the Rule of law, and in the reports of the Parliamentary Assembly of the Council of Europe;

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

Convinced that a democratically secure society requires, at all levels, a governance which is both "good" and "democratic";

Bearing in mind the work of the Council of Europe bodies, in particular the Congress of Local and Regional Authorities, the Conference of International Non-governmental Organisations, the European Commission on Democracy through Law (Venice Commission), the European Commission for the efficiency of justice (CEPEJ), the Consultative Council of European Judges (CCJE), the Consultative Council of European Prosecutors (CCPE) and the Group of States against Corruption (GRECO), as well as the conclusions of the successive editions of the World Forum for Democracy;

Having regard to the Valencia Declaration and the Strategy on Innovation and Good Governance at Local Level, including the 12 Principles of Good Democratic Governance, adopted at the 15th session of the Council of Europe Conference of European Ministers responsible for Local and Regional Government¹, as well as the United Nations Sustainable Development Goals, in particular Goal No. 16, "Peace, justice and strong institutions";

[Other Council of Europe reference documents and instruments to be added]

¹ 15-16 October 2007, document CM(2008)14

Building on the acquis of the Council of Europe and earlier work of the European Committee on Democracy and Governance as well as on the practical experience gathered in the implementation of the 12 Principles of Good Democratic Governance through the European Label of Governance Excellence (ELoGE);

Considering that time has come to establish in a legal instrument a set of standards which can assist policy- and decision-makers at all levels of government in the continuous delivery of good democratic governance, and at the same time make communities and individuals better aware of what to expect from those entrusted with the management of public affairs, whilst providing a hallmark of a well-functioning democracy based on effective governance;

Option 1, in the initial text examined by the GT-BG

Recommends that the governments of member states, [taking into account their respective constitutional and/or legislative provisions – *Proposal by Belgium*]:

- ensure that public institutions at all levels apply the following 12 Principles of Good Democratic Governance:
 1. Democratic Participation [*or Representative Democracy - Norwegian proposal*]
 2. Human Rights
 3. Rule of Law
 4. Accountability
 5. Public Ethics
 6. Openness and Transparency
 7. Responsiveness
 8. Efficiency and Effectiveness
 9. Sound Economic and Financial Management
 10. Sustainability and Long-Term orientation
 11. Innovation and openness to change
 12. Competence and capacity [*proposal CINGO: move P 12 after P6*]
- acknowledge that the 12 Principles of Good Democratic Governance are equally important and interdependent in establishing a reference framework for public organisations;
- entrust the competent public authorities to ensure compliance of relevant legislation and practices with these principles, and to evaluate periodically the progress made to implement them; [*the Norwegian member asks how such a process would be implemented, whether it would have to deal with all or just a selection of principles, and its likely comprehensiveness should many ministries be involved*]
- translate this recommendation into the national language(s) and ensure its dissemination at national, regional and local level.

Instructs the CDDG to review every [2] [4] years the implementation of this recommendation and to report to the Committee of Ministers about the results.

Option 2: Proposal by the United Kingdom

Recommends that the governments of member states, [taking into account their respective constitutional and/or legislative provisions – *Proposal by Belgium*]:

- conduct governmental action in accordance with the following principles of good democratic governance, which characterise any effectively operating democracy:

- (i) effective, inclusive, democratic participation
- (ii) respect for human rights and the rule of law
- (iii) recognition of the separation of powers within a state and the independence of the judiciary
- (iv) accountability, openness, transparency and responsiveness
- (v) public ethics, and
- (vi) adoption of effective and efficient processes, practices, and mechanisms, as set out in the annex to this recommendation;

- encourage their national legislature to act on the basis of the principles of good democratic governance,

- put in place measures, and undertake activities, to require, enable, facilitate, or encourage as appropriate given the state's constitutional arrangements, public institutions at the national, regional, and local level to act in accordance with the principles of good democratic governance,

- evaluate periodically the extent to which public institutions are acting in accordance with these principles, and

- translate this recommendation into the national language(s) and ensure its dissemination at national, regional and local level.

Appendix

Principles of Good Democratic Governance

Definitions

For the purpose of this recommendation: [*Other definitions to be included, as appropriate*]

“governmental action” means all actions of a member state’s government and includes the operation of, and seeking any amendment to, the state’s constitutional arrangements; the formulation and adoption of policies; the seeking of legislation; the establishment and operation regimes and regulations to promote and safeguard the economic, social, and environmental wellbeing of people, businesses and organisations within the state and beyond; and the delivery and commissioning of public services; [*definition proposed by the United Kingdom*];

“public institutions” includes any body, organisation, or office, other than a member state’s government or national legislature, which has public or governmental functions such as regional governments, their executives and legislatures or assemblies; local governments, their executives and assemblies; and any agency, company, or similar entity managed or financed by national, regional, or local governments; [*definition proposed by the United Kingdom*];

“public organisation” refers to a national, regional or local institution or administration; a company or similar entity managed or financed by such an institution or administration, or by the State; or a private-sector or non-profit entity providing public services.

“public official” includes:

- I. persons who are elected or appointed to a public mandate or function, such as members of national and regional governments, members of national and regional legislatures, local executives and local elected representatives, and holders of a judicial office;
- II. persons who are employed by a public organisation as defined above;
- III. persons who act on behalf of a public organisation without having been elected, appointed to a public mandate or function or being employed by a public organisation.

PRINCIPLE 1 – DEMOCRATIC PARTICIPATION

[Note: the Norwegian member has suggested to rename this Principle "Representative democracy" and to also deal in a first sub element with "Democratic institutions" including elected assemblies and bodies, before "Fair conduct of elections"; it seems that the underlying motives would be met with the suggestion of the UK to include new principles such as on the separation of powers and the independence of the judiciary]

There should be effective democratic participation, including regular, free and fair elections to legislatures, assemblies and to appropriate other public institutions, as well as governments and public institutions adopting practices and processes for meaningful engagement enabling those they serve to express their views on the decisions, policies, plans and actions of governments and those institutions, and to effectively hold governments and public institutions to account. *[wording proposed by the UK, in order for each Principle or section (composed of different principles) to have a more straightforward statement of what is expected]*

APPLICATION OF PRINCIPLE *[instead of "DESCRIPTION", following a UK proposal]*

Legitimate expectations and needs of the people should be the focus of policy and decision-making processes at all levels. *Participation, representation, and the fair conduct of elections* function simultaneously and interdependently, reinforcing each other and ensuring consistent relations, at all levels, between public organisations, public officials, and people, building on the freedoms of expression, assembly, and association.

Fair Conduct of Elections

Electoral laws are in accordance with international standards; in particular.

- elections are conducted freely and fairly, ~~according to international standards and~~ *[suggestion from the Slovak delegation]* without any fraud,
- administrative resources are used so to ensure free and fair elections, *[addition proposed by Belgium]* neutrality and impartiality in the electoral process, equality of treatment between different candidates and parties, level playing field between the candidates,
- the secrecy of the vote and *[proposal by Belgium]* the freedom of voters to form an opinion is guaranteed and fostered, especially through adequate and equal access to electoral information *[proposal by the Slovak delegation]*,
- relevant fundamental rights are guaranteed, especially freedom of expression, freedom of the press, freedom of circulation within the country, freedom of association and assembly for political purposes,
- the election is managed by an impartial body. *[proposals of additional sub-paragraphs and structure of this part, by the Venice Commission]*

Representation

- People have the 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.

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 more ~~most~~ vulnerable [*proposal by Belgium*].
- Policy and decision-making processes entail well-defined mechanisms allowing for different levels of participatory democracy.
- All voices are equally considered in all phases of the policy and decision-making processes.

PRINCIPLE 2 - HUMAN RIGHTS AND THE RULE OF LAW [*as an example of the consequences of option 2, following a UK proposal to merge Principles 2 and 3; previously: "Human rights"*]

There should be respect for human rights and the rule of law in accordance with European and international standards such as the Council of Europe Statute and the Convention on human Rights and Fundamental Freedoms. [*new approach proposed by the UK, with an example of straightforward statement of principle; all other principles would follow the same approach*]

DESCRIPTION [*to be adjusted if principles 2 and 3 are merged*]

- 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 [*proposal by the Slovak delegation*], 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 more ~~most~~ vulnerable [*proposal by Belgium*], are actively supported through dedicated strategies and plans, that specify objectives, targets, and monitoring mechanisms.

PRINCIPLE 3 - RULE OF LAW

[see above, UK proposal with reorganisation of principles and for a more straightforward statement of principles; this principle would be combined with Principle 2]

DESCRIPTION

Rule of Law refers to the legislation, institutions, procedures, practices, and norms of conduct governing the exercise of public power in general and through good administration. *[the Venice Commission expresses doubts about this first sentence and more generally, a definition of the Rule of Law, stressing that it has not managed to adopt one itself]* ~~It requires a system of certain and foreseeable laws, where everyone has the right to be treated by all decision makers with dignity, equality, and rationality and in accordance with the laws, and to have the opportunity to challenge decisions before independent and impartial courts through fair procedures. In turn, impartial enforcement of laws requires an independent judiciary. The concept of the rule of law is based on a secure and predictable law, in which everyone has the right to be treated by decision-makers in a dignified, equal and rational 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~~ *[proposal by the Venice Commission]*

KEY ELEMENTS/CRITERIA *[Belgium proposes to add further elements]*

- Legality, including a transparent, accountable, and democratic process for enacting law.
- Legal certainty.
- Prevention of abuse (misuse) of powers, including legal safeguards against arbitrariness and abuse of power by public authorities.
- The motivation for administrative acts / decisions *[proposal by Belgium]*
- Equality before the law and non-discrimination.
Access to justice before independent and impartial courts, including judicial review of administrative acts.

PRINCIPLE 4 – ACCOUNTABILITY

[see above, UK proposal with reorganisation of principles in 6 sections and for a more straightforward statement of principles]

DESCRIPTION

Accountability refers to the condition of being willing and able to take responsibility for one's decisions, 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.

KEY ELEMENTS/CRITERIA

- Public officials and organisations 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 officials and organisation 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, legal provisions, etc.

PRINCIPLE 5 – PUBLIC ETHICS

[see above, UK proposal with reorganisation of principles in 6 sections and for a more straightforward statement of principles]

DESCRIPTION

Public ethics refers to the practical implementation of ethical standards by public officials [*the Estonian member suggests to refer to the establishment and practical implementation...; Secretariat: alternatively, to keep consistency with the other principles as these do not refer to "adopting and implementing...", this paragraph could start with "Public ethics refers to those 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 organisations are maintained and strengthened. Public officials and organisations must comply with the principles of legality, integrity, objectivity, accountability, transparency, honesty, respect, and leadership.

KEY ELEMENTS/CRITERIA

- 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 organisations 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 of time after leaving office.

- Protective measures for whistle-blowers 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 6 - OPENNESS AND TRANSPARENCY

[see above, UK proposal with reorganisation of principles in six sections and for a more straightforward statement of principles]

DESCRIPTION

Openness and Transparency imply that the working of public organisations and processes concerning policy and decision-making are implemented in compliance with existing rules and regulations and that information regarding such processes is available and accessible to all, ensuring clarity of content and consistency regarding the rules that govern information access, classification and declassification.

KEY ELEMENTS/CRITERIA

Openness

- Information regarding the workings of public organisations and policy and decision-making processes is public, clear, and open to all, while the existence of classified information is clearly justified.
- Public organisations 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.

Transparency

- 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 authorities, 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. *[The Norwegian member recommends to check for possible updates as the above is taken from the early Recommendation Rec(2004)15 of the Committee of Ministers to member states on electronic governance]*

PRINCIPLE 7 – RESPONSIVENESS

[see above, UK proposal with reorganisation of principles in 6 sections and for a more straightforward statement of principles]

DESCRIPTION

Responsiveness refers to the capacity of a public organisation to respond to people legitimate expectations and needs. This implies 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.

KEY ELEMENTS/CRITERIA

- 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 *[suggestion by Belgium]*.
- Monitoring results and complaints are addressed in a timely manner-
- ~~Monitoring results and complaints are considered~~ and integrated in all phases of policy and decision-making. *[proposal from the Slovak delegation for more concise language]*

PRINCIPLE 8 - EFFICIENCY AND EFFECTIVENESS

[see above, UK proposal with reorganisation of principles in 6 sections and for a more straightforward statement of principles]

DESCRIPTION

Efficiency and effectiveness refer to the capacity of a public organisation to identify and implement functional processes to meet agreed objectives. This implies that public organisations are operationally efficient in achieving social effectiveness. 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.

KEY ELEMENTS/CRITERIAEfficiency

- 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, and coherently with those available at other levels of governance.

Effectiveness

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

PRINCIPLE 9 - SOUND ECONOMIC AND FINANCIAL MANAGEMENT

[see above, UK proposal with reorganisation of principles in six sections and for a more straightforward statement of principles]

DESCRIPTION

Sound economic and financial management refers to coherent and rigorous economic and financial policies, designed to support economic, social and institutional well-being of all, including the equitable distribution of financial resources across all levels. It implies that public organisations 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 is also about ensuring a sustainable economic and financial future for the services provided by the public organisation.

KEY ELEMENTS/CRITERIA

- An overall 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 well-being, 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 10 - SUSTAINABILITY AND LONG-TERM ORIENTATION

[see above, UK proposal with reorganisation of principles in six sections and for a more straightforward statement of principles]

DESCRIPTION

Sustainability and Long-term orientation refer to the need for a public organisation 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 organisations 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.

KEY ELEMENTS/CRITERIA

Sustainability

- 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.

Long-term orientation

- 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 11 - INNOVATION AND OPENNESS TO CHANGE

[see above, UK proposal with reorganisation of principles in 6 sections and for a more straightforward statement of principles]

DESCRIPTION

Innovation and Openness to Change refers to the capacity of a public organisation to respond to people legitimate expectations and needs in a dynamic way, which is able to reflect the evolving needs and structures of society in the scope and provision of public services. When adequate safeguards are in place, technology can play a vital role in strengthening the workings of public organisations.

KEY ELEMENTS/CRITERIA

Innovation

- Baseline studies and ~~needs~~ assessments are performed so to develop services which are based on and designed according to the needs of the population and to *[addition suggested by Estonia to give even more emphasis on needs-based approaches regarding the definition of public services]* identify potential areas of improvement for public services provision.
- Structured programmes and strategies for innovation are in place, supporting the identification of new and efficient solutions through cooperative relations between public and private organisations.
- Strategies and plans are in place to harness the potential of digital transformation, including artificial intelligence and automated decision-making, to strengthen democracy and good governance.
- Safeguards are in place to identify and address potential adverse effects of digitalisation to the enjoyment of individual rights and freedoms, for instance as regards privacy and data protection.

Openness to change

- A climate favourable to adaptions to changes of context and external environment and to the populations' needs and preferences, as well as to *[proposal by the Estonian member, as this emphasis is especially important for local governments and as change is not just dictated by internal working cultures]* cultural change, based on flexibility, self-evaluation, and continuous learning, is created within public organisations in the interest of achieving better results.
- Public organisations 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 organisations are capable to identify, adapt, and implement successful practices so to innovate in terms of knowledge, institutional settings, and management.
- There is a readiness to pilot and experiment new programmes and to monitor and evaluate their outputs and outcome, including adopting digital technologies inclusively, effectively, and to prevent potential negative consequences.

PRINCIPLE 12 - COMPETENCE AND CAPACITY

[see above, UK proposal with reorganisation of principles in six sections and for a more straightforward statement of principles]

DESCRIPTION

Competence and Capacity refers to the skills, behaviours, knowledge, and abilities of public officials and to the overall organisational capacity of a public organisation. 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 *[proposal CINGO]* strategic management methods, processes, and good practices.

KEY ELEMENTS/CRITERIA

Competence

- Human resource management policies ensure that competence management systems are in place so that available competences match the goals of the organisations and that a merit-based approach and the recruitment/development of talents are supported and encouraged *[proposal by the Estonian member to avoid a focus exclusively on training; some adjustments would be needed to avoid redundancies with the third element]*
- Training need assessments are performed regularly. They seek to identify needed and existing skills and assess the overall competence 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 competencies and capacities.

Capacity

- Public organisations review, with relevant stakeholders, the conditions of service of public officials to ensure that the recruitment of high-quality staff on the basis of merit and competence and that, to that end, adequate training opportunities, remuneration and career prospects are provided.
- Public organisations 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.