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

**ACTIVITIES OF THE COMMITTEE OF MINISTERS AND
OTHER COUNCIL OF EUROPE BODIES**

(from November 2021 to April 2022)

The CDDG is invited to take note of the information contained herein, which can support discussions concerning other specific agenda items

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 of particular relevance for activities of the Committee or the Centre of Expertise for Good Governance, since the 14th meeting in November 2021.

2. Secretary General of the Council of Europe

- November and December 2021: the Secretary General expressed concerns regarding various national developments, including [a judgment of the Polish Constitutional Court](#) (which found that Article 6, paragraph 1, of the Convention, safeguarding the right to a fair trial, was not compliant with the Polish Constitution in certain circumstances), [plans to liquidate International Memorial](#) in the Russian Federation, [tensions between Armenia and Azerbaijan](#), and she met with a Belarusian opposition leader [to discuss the situation in Belarus](#) in the light of recent developments in the area of human rights, democracy, and the rule of law;
- February-April 2022: various statements were made regarding the attack of the Russian Federation on Ukraine ([together with the chairs of the Assembly and the Committee of Ministers](#)), the [recognition of territories](#) in the Eastern part of Ukraine, the [attack by the Russian Federation](#), the consequences of the war (see [here](#) and [here](#)).

3. Committee of Ministers

- In November 2021, Italy took over – until May 2022 - the presidency of the Committee of Ministers: link to the [dedicated webpage](#) and [priorities](#), which refer i.a. to the preservation of democracy in the context of artificial intelligence, strengthening democracy through science, and “the importance of the rule of law and of the independence of the judiciary as the basis for an effective democracy and for the protection of human rights and fundamental freedoms”.
- On 3 November, the Committee of Ministers adopted a [recommendation aiming to respond to the radical changes in profiling techniques](#) in the last decade (involving any form of automated processing of personal data, including use of machine learning systems). The recommendation provides that respect for fundamental rights and freedoms, notably human dignity, privacy, freedom of expression, non-discrimination, social justice, cultural diversity and democracy should be guaranteed in both the public and private sectors during all profiling operations.

- On 2 February 2022, the Committee decided for the second time in the history of the machinery of the European Convention on Human Rights, to [refer a case to the European Court of Human Rights \(Kavala v. Turkey case\)](#) to determine whether a country has failed to fulfil its obligation to implement the Court's judgment. Prior to that, infringement proceedings have been used by the Committee in only one case (Ilgar Mammadov v. Azerbaijan).
- On 10 February, the Committee of Ministers adopted the [Recommendation on democratic accountability](#) of elected officials and elected bodies at local and regional level, and the [Guidelines on the use of information and communication technologies in elections](#), which had been prepared by the CDDG.
- On 16 March, the Committee of Ministers decided to [exclude the Russian Federation](#) from the Council of Europe, and on 17 March it [suspended relations](#) with the Belarusian authorities.
- On 17 March 2022, the Ministers' Deputies adopted [Recommendation CM/Rec\(2022\)4 calling on its 46 member States to create a favourable environment for quality journalism](#) to thrive and to play its essential role in democracy.
- On 6 April, they adopted [Recommendation CM/Rec\(2022\)12 on electoral communication and media coverage of election campaigns](#), to address the challenges to the fairness and legitimacy of electoral processes created by new digital political communication techniques. These challenges include the possible abusive use of microtargeting, personal data, bots and algorithms, as well as disinformation campaigns.

Requests for CDDG comments to recommendations of the Assembly and Congress, and follow-up given with references to the CDDG

On 23 February, The Committee of Ministers adopted a [reply to PACE Recommendation 2214 \(2021\) "The climate crisis and the rule of law"](#).

On 17 March, the Committee of Ministers adopted [a reply to Recommendation 455 \(2021\) of the Congress of Local and Regional Authorities](#) "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)"

4. Parliamentary Assembly of the Council of Europe (PACE)

In November 2021, the Assembly adopted

- Resolution 2406 (2021) ["Fighting corruption – General principles of political responsibility"](#) (Report Doc. 15403), which calls for more effective measures to preserve the transparency of assets and interests and integrity of elected officials

- [amendments to the code of conduct for PACE members](#), introducing the explicit prohibition of sexism, sexual harassment and sexual violence and misconduct

In January 2022, it adopted:

- an updated [state of progress for January-December 2021 under the monitoring procedures](#), regarding Albania, Armenia, Azerbaijan, Bosnia and Herzegovina, Georgia, the Republic of Moldova, Poland, the Russian Federation, Serbia, Turkey and Ukraine; Bulgaria, Montenegro and North Macedonia; France, Hungary, Malta, the Netherlands, Romania and San Marino.
- Recommendation 2218(2022) ["The right to be heard: child participation, a foundation for democratic societies"](#) (report Doc. 15435, Resolution 2414(2022))
- Resolution 2419(2022) ["The role of the media in times of crisis"](#) (Report Doc. 15437)
- Recommendation 2223(2022) and Resolution 2425(2022) ["Ending enforced disappearances on the territory of the Council of Europe"](#) (Report Doc. 15431)
- Recommendation 2222(2022) and Resolution 2424 (2022) ["Beating Covid-19 with public health measures"](#) (Report Doc. 15444); it recommends i.a. that the Committee of Ministers support the necessary paradigm shift to beating Covid-19 with public health measures in a human-rights compliant way, and begin to prepare for future threats such as the climate crisis, including by recommending that member States, and to implement the recommendations set out in Resolution 2424 (2022), and Resolution 2329 (2020) on "Lessons for the future from an effective and rights-based response to the Covid-19 pandemic";

On 15 March 2022, in relation to the attack on Ukraine and in response to a request of the Committee of Ministers as part of the procedure which eventually led to the exclusion of the Russian Federation, the Assembly adopted [a detailed opinion](#), which calls for measures to be taken by the Russian Federation, the member States, other Council of Europe bodies and PACE itself. It also contains the following calls:

- *In the event that the Russian Federation ceases to be a member of the Organisation, the Council of Europe should envisage initiatives to be able to continue to support and engage with human rights defenders, democratic forces, free media and independent civil society in the Russian Federation.*

- *In light of the broader impact of the Russian Federation's aggression against Ukraine on European co-operation and security, the Assembly invites the Committee of Ministers to open an in-depth reflection on the means to strengthen the indispensable role of the Council of Europe in the European institutional architecture (...). [It] reiterates its support for the organisation of a 4th Summit of Heads of State and Government of Council of Europe member States, which would chart the way forward for the Organisation, in order to better equip it to promote democratic security and tackle the challenges ahead.*

Reports currently under preparation ([link to full list](#)) include:

- Committee on political affairs and democracy: "Fostering healthy democracies in Europe"; "Relationship between the parliamentary majority and the opposition in a democracy"; "Protecting the pillars of democracy during health crises"; "The challenge of far-right ideology to democracy and human rights in Europe"
- Committee on Legal Affairs and human Rights: "Misuse of the Schengen system by Council of Europe member States as a politically-motivated sanction"; "Emergence of lethal autonomous weapons systems (LAWS) and their necessary apprehension through European human rights law"; "Implementation of judgments of the European Court of Human Rights"; "The impact of the Covid-19 restrictions for civil society space and activities"; "Pegasus and similar spyware and secret state surveillance"
- Committee on Social Affairs, Health and Sustainable Development: "Safeguarding democratic values in international trade"; "Political strategies to face the consequences of natural disasters"
- Committee on Culture, Science, Education and Media: "The control of online communication: a threat to media pluralism, freedom of information and human dignity"; "Countering SLAPPs^[1]: an imperative for the democratic society"
- Committee on Equality and Non-Discrimination: "Promoting inclusive participation in parliamentary and political life"; "The role of political parties in fostering diversity and inclusion: a new Charter for a non-racist society".

¹ https://en.wikipedia.org/wiki/Strategic_lawsuit_against_public_participation

5. Congress of Local and Regional Authorities (Congress)

In February and March 2022, the Congress and its President issued declarations and statements condemning the [recognition of the so-called 'people's republics' of Donetsk and Luhansk](#) by the Russian Federation, the ensuing [war against Ukraine](#) and voicing particular concerns about the abduction of Ukrainian mayors and elected representatives (see for instance [here](#)). Under the umbrella of the Congress, a new matchmaking online platform, [Cities4Cities](#) was established to help Ukrainian cities; it allows local authorities in Ukraine and in the rest of Europe to share their needs and offers related to local infrastructure and get in direct contact to receive practical help ([more information](#)).

At its 42nd session (March 2022), the Congress adopted a series of reports, recommendations and other texts (see [link](#) for the full list), including those mentioned hereinafter.

- "Beyond elections - the use of deliberative methods in European municipalities and regions": Report CG(2022)42-12, Resolution 480, Recommendation 472. In the latter, the Congress i.a. calls on the Committee of Ministers to invite the respective national authorities of the member States of the Council of Europe to: a) protect the right of citizens to participate in the affairs of a local authority and facilitate the exercise of this right; b) promote policies of deliberative democracy at national, local and regional level; c) assist in strengthening the deliberative process by making it permanent or institutionalised; d) to this end, underpin local and regional capacities, including their financial capacities, and provide logistical and administrative assistance to devise and implement deliberative democracy mechanisms.
- "The future of youth in rural areas - responsibilities of local and regional authorities": Report CG(2022)42-15final, Resolution 481, Recommendation 473
- "The situation of independent candidates and the opposition in local and regional elections": Report CG(2022)42-13
- Monitoring reports, in relation to the Charter of Local Self-Government (Germany, Luxembourg, Turkey and the United Kingdom), and to local and/or regional elections (Armenia, Denmark, Georgia).

It also held thematic debates on ["Are our cities and regions equipped to respond to the multiple crises they face?"](#) (10 March), ["Fake news, threats and violence - pressure on mayors in the current crises in Europe"](#) (23 March 2022).

6. European Court of Human Rights

- New or updated factsheets on case-law were released in the reporting period, including on [Political parties and associations](#) (December 2021) [Derogation in time of emergency](#) and [Right to vote](#) (both in February 2022), the [COVID-19 health crisis](#), the [Independence of the justice system](#) and [New technologies](#) (all in March 2022) – see [full list](#) of factsheets
- On [1 March](#) and [4 March](#) 2022, the Court ordered urgent interim measures in relation to the Russian Federation’s military action in Ukraine. These were expanded on [1 April](#).

[Case law guides](#) were updated in the reporting period, including those on data protection, environment, mass protests, right to a fair trial (civil and criminal limb), freedom of assembly and association, right to free elections, derogation in time of emergency. No new periodic compendia of selected court cases were released ([link](#) to all compendia).

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

Apart from the release of a number of legal opinions on specific issues in individual requesting countries ([link](#) to all opinions) and various cooperation activity events, the following relevant developments can be highlighted:

- following the 18th European Conference of Electoral Management Bodies "Lessons learned from the impact of the COVID-19 health crisis on electoral processes" (29 October 2021), the [conclusions and further material](#) were published
- on 1-2/12/2021, the Venice Commission organised the 14th UniDem Med [Seminar entitled "Good governance and quality of public administration"](#), in co-operation with the Ministry of Digital Transition and Administrative Reform of the Kingdom of Morocco.
- on 10/12/2021, the Venice Commission elected a new President: Ms Claire Bazy Malaurie, member of France’s Constitutional Council since 2010
- 30/12/2021: on the occasion of the dissolution of Memorial International in the Russian Federation, the Venice Commission [issued a statement](#) reminding that the legislation of the Russian Federation on “Foreign Agents” had been found in breach of international standards on various occasions.
- in March 2022, a [Compilation of Venice Commission opinions and reports concerning Legal Certainty](#) was released

8. Group of States against Corruption (GRECO)

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

- Criminalisation of corruption; transparency of political financing: see [table](#)
- Integrity / corruption concerning members of parliament, judges and prosecutors: see [table](#)
- Integrity / corruption concerning central governments (top executive functions) and law enforcement authorities: see [table](#)
- Ad hoc reports concerning areas of particular concern: see [here](#)

9. Conference of International Non-Governmental Organisations (CINGO)

- On 15 November, the President of the Conference of INGOs and the members of the Standing Committee [released a statement](#) expressing deep concerns with the news that a lawsuit has been filed under the Russian Federation's legislation on "foreign agents" to dissolve the International Memorial Society, an INGO with participatory status with the Council of Europe.
- In December 2021, the Expert Council on NGO Law organised a [presentation and discussion of the study on the legal status of NGOs](#) and on the implementation of the Recommendation (2007)14 of CoE Committee of Ministers to member states on the legal status of non-governmental organisations in Europe.
- In March 2022, it also published a [study on challenges associated with the execution of judgments of the European Court of Human Rights](#) involving freedom of association.

10. Elections and civil participation

- In December 2021, the Division of Elections and Participatory Democracy, responsible for cooperation activities in those fields, launched a [new website dedicated to participatory democracy](#) where information on all projects and events organised in those fields with Bosnia and Herzegovina, Georgia and other countries, as well as more general information, pertinent working tools and documents are available.

- activities held and organised by the above Division in the area of elections, sometimes in cooperation with partners, are listed on the other [dedicated website](#); in the reporting period, these concerned for instance training for young women leaders and gender mainstreaming in electoral matters more generally, increasing skills of members of election management bodies, countering hate speech and disinformation in elections, misuse of administrative resources in elections, political financing oversight, internet voting and digitisation of electoral processes more generally (Bosnia and Herzegovina, Georgia, Republic of Moldova, Ukraine).

11. World Forum for Democracy (WFD)

In November 2021, the conclusions and recommendations from the [9th edition of the WFD "Can democracy save the environment"](#) were published. The title for the 10th edition of the World Forum for Democracy (7-9 November 2022) was announced in early April 2022: ["Democracy: A New Hope ?"](#) It will look for the key contributing factors to democratic decline, consider how these might be addressed, and explore what kind of democratic future is desirable and possible in the interests of people across the world. The deadline for submitting possible initiatives is 15 June 2022.

12. Other developments

Artificial Intelligence: The Ad Hoc Committee on Artificial Intelligence completed preliminary work on possible rules in this field and held its last meeting in December 2021. The Committee on Artificial Intelligence, tasked with the drafting of a legal instrument on the subject, on the basis of CAHAI's report ["Possible elements of a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law"](#), held its first meeting in April 2022.

In the period under review, besides the reports and statements issued on a variety of developments in member States, the Council of Europe **Commissioner for Human Rights** has issued a number of statements in relation to the war in Ukraine and its consequences, including in the Russian Federation and for third countries, for instance ["Russian authorities should stop the unprecedented crackdown on freedoms of expression, assembly and association in the country"](#); ["Russian civil society needs support of Council of Europe member states"](#),. In November 2021, an opinion article was published ["Op-ed: De-escalate Bosnia and Herzegovina - before it is too late"](#)