

Working Group on Parameters for the
Application and Implementation of the
Reykjavík Principles of Democracy (GT-P)
CDDEM – Steering Committee on Democracy
Council of Europe

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CURE Input on Public Consultation on the Draft Reykjavík Principles Parameters

CURE – Campaign to Uphold Rights in Europe, a coalition of 18 national and international human rights NGOs advocating for a stronger and more effective Council of Europe¹, welcomes the holding of public consultations on drafts of Council of Europe standards and of other substantive documents. This may not just lead to improvements in the texts, but also stimulate continued interest in the implementation phase, once they have been agreed.

Timing of consultations would ideally not be in the middle of summer; in view of this, this reaction is based on limited discussion in the CURE community. We would also suggest to explore creating a questionnaire to stimulate and focus engagement. (There are many ways to do this. One option is e.g. by asking which one would consider the most important five sections or sub-sections and then continue by asking to focus specifically on the completeness of those (sub-)sections.)

The document provides a very comprehensive listing of points that are relevant when promoting and protecting democracy. We largely agree with them and are not going into detailed commenting, but only want to make a number of general remarks (see Section 1).

Also, in the follow-up to the introductory chapter of the document, which presents a compelling argument on the urgency of action to counter and prevent democratic backsliding, we want to call for optimal use of the Parameters, beyond being only an instrument for self-evaluation by states (Section 2).

1. General remarks on the parameters

The way existing Council of Europe standards are being referenced in the draft means they will have to be looked up separately by anybody who wants to consult them. We are afraid this will happen only rarely, and we feel that **legal standards, jointly formulated guidelines or policy guidance by expert bodies merit being directly referred to in the parameters themselves**. The document does this in a number of the parameters for the European Convention on Human Rights, but it can be done in many more cases. The Council of Europe should where possible point to the relevance of the standards it has developed and for which it has the responsibility to promote them.

¹ <https://cure-campaign.org>

Legal standards

The **European Social Charter system** is a case in point when it comes to legal standards. Clearly, it is of relevance for Section 12.4 (Social Protection). Civil society interest and participation in the system can be enhanced and will elevate its effectiveness, as noted in the recent DIO evaluation of the ESC. Recognition of the collective complaints procedure (for INGOs) and additionally allowing national NGOs to submit complaints are likely to strengthen the ESC process – these steps could be referred to either in Section 12.4 (Social Protection and Welfare) or in Section 13 (Civil Society Space).

Guidelines

Reference to already agreed Guidelines can be made in multiple places in the document. There are three fields where this is of particular interest. One is Chapter 4 “Democracy at All Levels”, where the **Principles of Good Democratic Governance** should be referred to, and the Good Democratic Governance Benchmark system for local governments that is linked to it². (Its history dates back to 2007, when the first version of principles for local governance was adopted.) Adherence to the Principles and fulfilling the criteria for excellence that lead to the attaining of the ELoGE label are important markers for the democratic quality of local governments. We suggest to add in the Parameters document the application in all member states of the ELoGE benchmarking system. All local governments should use their independent governance competence to set up and take part in the benchmarking. Striving for the ELoGE label should be normalised for all local and regional authorities; systematic failure to take part in the process should lead to offers of peer support but also peer pressure towards reforms.

A second set of guidelines and related processes are those relevant for the **climate in which civil society operates**. We suggest that the key standards on civil society³ are mentioned in the operational points of Section 13. Reacting to and in other ways following up appropriately to reports of the Expert Council on NGO Law of the Conference of INGOs, the main organ of the Council of Europe that follows the implementation of these standards, could also be included.

The third field where existing standards should be highlighted is **civic and human rights education** (Section 13)⁴. This is a subject of mounting importance. The introductory description (page 5) refers to ‘politicians that seem increasingly to question established democratic norms’ and ‘apparent shifts in public attitudes and a worrying loss of trust in democratic institutions,’ and these are trends that call for an urgent upgrading of citizens’ awareness and preparedness to uncover the instrumentalisation of divisiveness and the drive for strongmen rule by politicians, and to stimulate civic engagement. Beyond the curriculum, this requires a wider human rights – friendly and democracy-oriented environment in schools, as well as in the wider media and societal debate, which also influences people’s orientation to a high degree.

Expert guidance

The mandate of the **Venice Commission** is relevant for a sizeable portion of the Parameters from the perspective of constitutional law and other legislative building blocks of democracy and the rule of law. A number of its thematic reports merits being specifically referred to, for example the Rule of Law Checklist (Section 7). The **European Commission against Racism and Intolerance (ECRI)** should be specifically mentioned under Section 12.1.

² www.coe.int/en/web/congress/the-european-label-of-governance-excellence-elope

³ 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(2018)11 of the Committee of Ministers to member states on the need to strengthen the protection and promotion of civil society space in Europe; for links see www.coe.int/en/web/steering-committee-on-democracy/safe-and-enabling-civic-space

⁴ Relevant Guidelines: Charter on Education for Democratic Citizenship and Human Rights Education, www.coe.int/en/web/edc/charter-on-education-for-democratic-citizenship-and-human-rights-education, Reference Framework of Competences for Democratic Culture, www.coe.int/en/web/reference-framework-of-competences-for-democratic-culture

2. Beyond self-evaluation

As apparent already in Part 1 of this feedback, we feel that while achieving a certain level of comprehensiveness and relevance to current challenges is important, setting up and strengthening of mechanisms that support those who are truly in favour of democracy is of paramount importance. There is a certain vagueness in the descriptions on page 7 of the 'aim' of the parameters and on page 8 of their 'added value.' It is suggested they will mostly serve for member states to improve their own democracies while 'anyone who wishes' to assess democracy could also use it. This is, we are afraid, an insufficient reaction to the degree of backsliding that has already occurred or that is happening at this very moment. More explicit outsider involvement in evaluating progress or regress against agreed criteria needs to take place. Democracy is in need of a high-level independent assessment and states should be required to react in a non-dismissive fashion to these assessments.

Similar to the local governance evaluation system that was mentioned in section 1, and that should be strengthened itself, **the 'assessment framework' for the Parameters** that is foreseen (page 7) is of paramount importance. And the assessment process must be used in an impactful way; doubts about serious deviations from the Parameters should lead to discussion aimed at steps to remedy the shortcomings. Discussion should be led at national but also international level. Independent international review should be created. There is a role for the **Venice Commission** here, and processes to stimulate a fair follow-up of their reports merit more investment.

The Venice Commission, however, covers only part of the issues, it is of no direct relevance to many of the Parameters. Other systems will need to be considered. Creative thinking is needed, and daring steps should be considered. We recall the calls ahead of the Reykjavík Summit for a **Commissioner for Democracy** (by the PACE, also by The Hague Civil Society Summit), the creation of a **Democracy Index** (2022 High-Level Reflection Group), the creation of a **Platform on Democracy** (PACE 2022, also the High-Level Reflection Group). Perhaps, the **World Forum for Democracy** could be turned from a gathering to discuss best practices into a review of the state of democracy that also looks at problematic practices and feeds into one of abovementioned systems? Possibly, a **body similar to ECRI** could be created in that context, which would gather high-level expertise in reviewing the practice of each member state?

We realise that considering these ideas is probably not covered by the mandate of the current elaboration of Parameters. However, these issues need to be raised now, if the Council of Europe really wants to seriously contribute to tackling democratic backsliding.