



## Resolution 2437 (2022)<sup>1</sup>

# Safeguarding and promoting genuine democracy in Europe

Parliamentary Assembly

1. The Parliamentary Assembly is deeply concerned about a clear democratic backsliding across the world. Europe has not been spared by this phenomenon, which has resulted in, *inter alia*, a weakening of checks and balances and the role of the opposition, obstacles and limitations to the exercise of civil and political rights and freedoms as guaranteed by the European Convention on Human Rights (ETS No. 5), particularly freedom of expression, assembly and association, and an erosion of the rule of law. This backsliding has also been marked by citizens' decreasing faith in democratic institutions.
2. In view of this alarming situation, there is an urgent need for Council of Europe member States to renew their commitment to safeguarding and promoting genuine democracy, based on the principles of individual freedom, political liberty, other human rights and the rule of law, as enshrined in the Statute of the Council of Europe (ETS No. 1), while addressing the root causes of democratic backsliding.
3. In the face of the Russian Federation's aggression against Ukraine, the Assembly recalls that realising genuine democracy is not only a commitment of each member State towards their citizens but also a responsibility to other member States since only genuine democracies can guarantee democratic security and achieve this common goal of "the pursuit of peace based upon justice and international co-operation", as outlined in the Statute of the Council of Europe.
4. The Assembly reiterates that, in order to safeguard and maintain democratic security, respect the rule of law and guarantee fundamental rights and freedoms for each and every human being living within the territory of the Council of Europe, member States should refrain from threatening to use or using force to resolve international and internal disputes.
5. The Assembly underlines that democracy is not the dictatorship of the majority and that democratic legitimacy does not derive solely from winning elections but encompasses the daily practice of democratic governance in the exercise of power and the functioning of institutions. Moreover, any theory attempting to justify the existence of non-pluralistic democracies is doomed to failure owing to its inconsistency: genuine democracy must guarantee, among other things, fundamental rights and freedoms, including those of civil society, political pluralism and the independence of the judiciary and the media, and be based on the rule of law.
6. In this respect, the Assembly reiterates the relevance of the work carried out by the European Commission for Democracy through Law (Venice Commission) on the functioning of democratic institutions, fundamental rights and electoral law, including the Code of Good Practice in Electoral Matters, the Rule of Law Checklist and the Parameters on the Relationship between the Parliamentary Majority and the Opposition in a Democracy: a checklist.

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1. *Assembly debate* on 28 April 2022 (16th sitting) (see [Doc. 15486](#), report of the Committee on Political Affairs and Democracy, rapporteur: Ms Marie-Christine Dalloz; and [Doc. 15501](#), opinion of the Committee on Legal Affairs and Human Rights, rapporteur: Mr Vladimir Vardanyan). *Text adopted by the Assembly* on 28 April 2022 (16th sitting).

See also [Recommendation 2232 \(2022\)](#).



7. The Assembly notes that the European Court of Human Rights has reiterated that democracy constitutes a fundamental element of the “European public order” and is indeed the only political model compatible with the European Convention on Human Rights. The Court has repeatedly held that democracy must be based on pluralism, tolerance, dialogue and a spirit of compromise.

8. The Assembly is heedful of the criticism that traditional democratic institutions and political forces have failed to meet citizens’ expectations in response to major challenges in recent decades such as globalisation, migratory movements, the digital revolution and its impact on all aspects of society, climate change, economic stagnation and growing inequality, which are said to have contributed to a general feeling of dissatisfaction with democracy.

9. The Covid-19 pandemic has only added to this crisis of confidence and to the erosion of democratic safeguards, as reflected in a series of Assembly resolutions and recommendations on various aspects of the health crisis and its effects. Referring to [Resolution 2337 \(2020\)](#) “Democracies facing the Covid-19 pandemic”, the Assembly reiterates that “democracy, human rights and the rule of law cannot be allowed to become ‘collateral damage’ of the pandemic”. Recalling [Resolution 2338 \(2020\)](#) “The impact of the Covid-19 pandemic on human rights and the rule of law”, the Assembly also reiterates that the obligation to take measures to protect the life and health of populations cannot give States a free hand to trample on rights, suppress freedoms, dismantle democracy or violate the rule of law.

10. In the light of the considerations set out above, recalling that the pursuit of peace based upon justice and international co-operation is vital for the preservation of human society and civilisation as noted in the Statute of the Council of Europe, the Assembly urges the Council of Europe member States to renew the commitments they have undertaken when joining the Organisation and to honour them in the spirit in which they were first formulated. It invites them in particular to:

10.1. guarantee the right to freedom of thought and expression, while combating the disinformation which undermines society’s faith in the media and more broadly in democratic institutions;

10.2. guarantee freedom of assembly and association and create an environment conducive to civil society activities, including those of non-governmental organisations;

10.3. guarantee the safety of human rights defenders, especially journalists, lawyers and members of non-governmental organisations, in accordance with [Resolution 2225 \(2018\)](#) “Protecting human rights defenders in Council of Europe member States”, and to support them, including financially;

10.4. guarantee the independence and pluralism of the media by taking the necessary measures to prevent, in particular, a high concentration of media ownership and to ensure transparency as to their sources of funding and ownership;

10.5. guarantee the right to free and fair elections and, in that context, to:

10.5.1. ensure that the electoral process is organised and supervised by an independent and impartial authority;

10.5.2. establish effective and fair procedures, including judicial procedures, for the resolution of electoral disputes;

10.5.3. ensure that election campaigns are covered in a balanced way by the media;

10.5.4. initiate a discussion on the decline in electoral turnout and, where appropriate, adjust electoral practices and systems so as to restore faith in the electoral process;

10.6. guarantee an effective, impartial and independent judicial system, which is key to the very existence of the rule of law, and to that end:

10.6.1. abolish the ability of the executive or the legislature to arbitrarily appoint judges;

10.6.2. abolish the power of the executive or the legislature to transfer or dismiss judges;

10.6.3. ensure the administrative and financial independence of the judiciary;

10.7. ensure full respect by the executive, the legislature and any other State authority for the rule of law, including the principles of legality, legal certainty and the obligation to abide by the judgments and decisions of the courts, especially those of constitutional courts, even when they do not agree with them;

10.8. ensure that the legislative process is as inclusive as possible and that the parliamentary opposition has sufficient resources to scrutinise government activity;

10.9. promote equality and provide effective protection against discrimination and hatred;

10.10. guarantee good democratic governance, by ensuring, in particular, that local and regional authorities have the necessary powers, adequate financial resources and skilled staff to provide the best possible services to the entire population;

10.11. include education for democratic citizenship in the curriculum from the earliest age so that citizens – and young people in particular – can acquire the skills to develop a culture of democracy;

10.12. involve citizens, especially young people, in political decision making, including through consultation and other inclusive forms of participation and deliberation.

11. The Assembly invites international organisations which share the Council of Europe's values, starting with the European Union and the Organization for Security and Co-operation in Europe, to increase their co-operation with the Council of Europe in order to find common solutions to the shared problem of democratic backsliding.