



## 32nd SESSION

CG32(2017)10

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## Summary of reports

Presented at the 32nd Congress Session

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## I. REPORTS SUBMITTED TO THE PLENARY SITTINGS OF THE CONGRESS

### **Verification of new members' credentials and official procedures for appointing national delegations to the Congress**

Co-rapporteurs:<sup>1</sup>

Michail ANGELOPOULOS, Greece (L, EPP/CE), and Eunice CAMPBELL-CLARK, United Kingdom (R, SOC)

Congress Bureau

**CG32(2017)02prov**  
Resolution

The rapporteurs will review the credentials of the new members and any new procedures for the appointment of national delegations in the light of the current criteria of the Congress Charter and Rules and Procedures.

### **The budget and resources of the Congress for the next biennium (2018-2019)**

Co-rapporteurs:

Xavier CADORET, France (L, SOC), and Svetlana ORLOVA, Russian Federation (R, EPP/CCE)

Congress Bureau

**CG32(2017)06prov**  
Recommendation

Since 2008 the Congress has held regular debates on its budgetary resources, its development prospects, the resources needed and the choices to be made to achieve the objectives identified by the priorities.

As regards the operational budget, from 2011 onwards the Congress has borne the burden of savings to a greater extent than other Council of Europe entities and the proportional part of the Council of Europe budget dedicated to the Congress has diminished significantly.

The new draft recommendation on "the budget and resources of the Congress for the next biennium 2018-2019" to be adopted at the 32nd session aims at taking stock of the evolution of the budgetary needs of the Congress and identifying in this respect risks for the year(s) ahead and draws the attention of the Committee of Ministers to a number of issues in this respect

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<sup>1</sup> L: Chamber of Local Authorities / R: Chamber of Regions  
EPP/CCE: European People's Party Group in the Congress  
SOC: Socialist Group  
ILDG: Independent Liberal and Democratic Group  
ECR: European Conservatives and Reformists Group  
NR: Members not belonging to a political group of the Congress

## **From reception to integration: the role of local and regional authorities facing migration**

Co-rapporteurs:

György ILLES, Hungary (L, ILDG), and Yoomi RENSTRÖM, Sweden (R, SOC)  
Current Affairs Committee

**CG32(2017)07prov**  
Resolution  
Recommendation

The report assesses the situation of local and regional authorities in Council of Europe member States who are facing specific challenges due to an increase in the number of refugees and migrants coming to Europe in recent years. It underlines that, in the absence of a clear and coherent European response, the crisis of policy surrounding the refugee situation has left local and regional governments (which are the first port of call in emergency situations) with limited means and guidance to fulfill their responsibility to provide newly arrived migrants with protection, support and access to key public services such as housing, healthcare and education without any discrimination.

The Congress invites all levels of government to better co-operate and co-ordinate their response in order to put in place reception policies ensuring respect of human rights for all refugees and migrants whatever their status, as well as facilitating their long term inclusion into the host communities through an early integration approach. Convinced that local and regional authorities are the cornerstone of efforts to effectively tackle the current refugee situation, the Congress calls on member States to remove administrative and practical barriers encountered by asylum seekers during their application process as well as to develop clear legal frameworks and ensure financial support for local and regional governments.

## **Recurring issues based on assessments resulting from Congress monitoring and election observation missions (reference period 2010-2016)**

Co-rapporteurs:

Stewart DICKSON, United Kingdom (R, ILDG), and Leendert VERBEEK, Netherlands (R, SOC)  
Monitoring Committee

**CG32(2017)19prov**  
Resolution  
Recommendation

Since 2010, the Congress has undertaken to assess, on a regular basis, the situation of recommendations addressed through the Committee of Ministers to the States adhering to the Charter. This enables the Congress to identify, in the form of a horizontal study, those areas of the Charter that member States find most challenging and to assist them in fully complying with their commitments in relation to local and regional democracy. The current reference period for identifying these recurring issues spans from 2010 to 2016 and includes both monitoring and post-monitoring reports adopted during that time. This analysis also concerns the observation of local and regional elections for which resolutions and recommendations were adopted, including through country-specific as well as transversal reports related to electoral matters which are of specific relevance at the grassroots' level.

The present report highlights recurring issues identified by the Congress over this six-year period and contains a draft resolution and a draft recommendation which include proposals to address them.

## **Comparative analysis on the implementation of the European Charter of Local Self-government in the 47 member States**

Co-rapporteurs:

Xavier CADORET, France (L, SOC), and Karim VAN OVERMEIRE, Belgium (R, NR)

Monitoring Committee

**CG32(2017)22prov**

Resolution

This report aims at providing an overview of the implementation of the Charter, based on monitoring reports and recommendations in all member States (with a few exceptions: Andorra, Monaco and San Marino have not been monitored since they ratified the Charter after 2011). Nearly all reports that have been used were drafted after 2010, when the common structure of the reports was developed. The influence of the Charter is obvious in many cases, especially in the so-called young democracies where this is visible, but also in some older member States where constitutional amendments, new institutions and several reforms reflect the attempts to reach higher standards of local democracy, in full accordance with the spirit of the Charter. Decentralisation is an ongoing process in most countries, sometimes also experiencing setbacks and frequently facing a danger of overlapping and confusion, due to imprecise legislation, complex structures and power struggles with State authorities and different pressure groups. One of the core issues identified in many countries is the persistent failure of State authorities to effectively include local governments in decision making that directly affects them. Furthermore, intensified problems related to local government finance is no surprise, since reports and recommendations are drawn up in a particularly difficult economic context marked by the international economic crisis in which local governments have been among the primary targets for budget cutbacks and controls.

### **Congress South-Med Partnership**

Statements by:

Guest speakers from Morocco and Tunisia

**CG32(2017)26**

This document presents the Congress's South-Med Partnership, which has been developed as part of the Council of Europe's policy towards neighbouring regions. Approved by the Bureau of the Congress at its meeting in Cyprus on 10 February 2017, this programme seeks to put in place a special co-operation framework for strengthening relations with the beneficiary countries and their local and regional authorities. This document provides details of the Partnership programmes currently planned for Morocco and Tunisia, along with the prospects for future co-operation with other neighbouring countries.

### **Local and regional democracy in Finland**

Co-rapporteurs:

Artur TORRES PEREIRA (Portugal, L, EPP/CCE), and Karim VAN OVERMEIRE (Belgium, R, NR)

Monitoring Committee

**CG32(2017)08prov**

Recommendation

This report was prepared following the third monitoring visit to the Finland since the ratification of the European Charter of Local Self-Government in 1991.

The authors of this report note with satisfaction the continuous efforts that have been undertaken in Finland in favour of self-government, including the clear initiative taken by the Finnish authorities to favour decentralisation by creating a second level of territorial authority at the regional level. The rapporteurs notably acknowledge the adoption of laws aiming at modernising the administration and the funding of local democracy. However, they express their concern about uncertainties regarding the absence of a real status of the Charter in the internal legal order, the fact that the nature of the

regional entities that will be created on 1 January 2019 in the framework of the current reform of regional authorities is still unclear, as well as the question of the implementation of the Charter in respect of the future regions, the redistribution of competences among these regions and local authorities and the diversity of the sources of their funding.

The Congress recommends that Finland consider the possibility of amending Article 74 of the Constitution in order to anchor the Charter in the Finnish legal order and to make its invocation before the courts possible. Concerning the on-going reforms, it encourages Finland to continue to promote the autonomy and good functioning of local authorities by considering extending the scope of responsibilities of new regions and guaranteeing them diversified resources while respecting the subsidiarity principle. Also, it invites the Finnish authorities to opt, in the framework of the reform of the regional authorities, for the creation of regions effectively autonomous for which the Charter will be implemented and to grant these new regions a legislative foundation and, if necessary, a clear constitutional foundation, including their rights to levy taxes. Finally, the rapporteurs invite Finland to consider the creation of a special status for the capital city Helsinki and its metropolitan area and to promote participative democracy within local authorities in order to avoid technocratic and bureaucratic abuses.

## **Forever young? The role of youth policies and youth work at local and regional levels in supporting young people's transition to autonomy and working life**

Rapporteur:

Eunice CAMPBELL-CLARK, United Kingdom (R, SOC)  
Current Affairs Committee

**CG32(2017)11prov**  
Resolution

This report analyses the current situation of young people in Europe in their transition to adulthood and reviews the main challenges to this period, with examples of good practice on how it should be accompanied at the local and regional level. Young people should be considered to be equal citizens and legitimate partners for public authorities, contributing to the construction of European societies. The report stresses the importance of investing in youth who can be viewed as a welfare indicator for the society and offers to search for new forms of local participation encouraging young people to get involved in public life.

Recommendations are addressed to local and regional authorities concerning the design and implementation of innovative youth policies and as regards co-operation around youth work, youth policy, youth research and with the young people themselves. A variety of actions are recommended at local and regional levels to enable youth, including the most vulnerable among them, to achieve autonomy and to access professional life, particularly in terms of information, employment, education, housing and health.

## **Checklist for compliance with international standards and good practices preventing misuse of administrative resources during electoral processes at local and regional levels**

Rapporteur: Stewart DICKSON, United Kingdom (R, ILDG)  
Monitoring Committee

**CG32(2016)12**

The checklist for compliance with international standards and best practices preventing misuse of administrative resources during electoral processes at local and regional level aims to complement general guidelines, in particular Congress Resolution 402(2016) and explanatory memorandum on "The Misuse of administrative resources during electoral processes: the role of local and regional elected representatives and public officials".

It provides for concrete guidance and tools to better understand the phenomenon of misuse of administrative resources during electoral processes and assess different kinds of situations related to it.

More specifically, the checklist identifies risk areas of potential misuse of administrative resources during electoral processes, aims at assessing the implementation of the legal framework as well as legal remedies and sanctions, provides guidelines for identifying and qualifying specific instances of misuse, including on the local and regional level and deals with concrete preventive action focussing on the grassroots level with the adoption of voluntary declarations, codes of conduct and awareness-raising activities.

## **Fact-finding mission on the situation of local elected representatives in Turkey**

Co-rapporteurs:  
Anders KNAPE, Sweden (L, EPP/CCE), and Leendert VERBEEK, Netherlands (R, SOC)  
Monitoring Committee

**CG32(2017)13prov**  
Resolution  
Recommendation

In February 2016 the Congress Bureau asked its rapporteurs on Turkey to conduct a fact-finding mission on the detention and removal from office of an increasing number of elected mayors and municipal councillors. Following the attempted coup of 15 July 2016, the new measures introduced in the framework of the State of Emergency resulted in dozens more local elected representatives being placed in pre-trial detention and replaced with persons appointed by the central authorities.

This report refers to the two fact-finding visits carried out by the rapporteurs in Turkey in October and December 2016. In particular, the report highlights the fact that most of the arrests of local elected representatives were made on the basis of accusations of terrorism, the definition of which is not in line with the practice of most Council of Europe member States. It also highlights the fact that the detention of elected mayors and their replacement by "mayors appointed by the central authorities" in more than fifty towns in south-east Turkey has had the effect of interrupting the practical exercise of local democracy in these municipalities. The report also stresses the subsequent reduction of local public services, including the closure of women's shelters and other services for women, children and families in need.

The draft recommendation asks the Committee of Ministers to invite the Turkish authorities, in particular, to ensure that the arrest of a local elected official is a measure duly substantiated in domestic law in conformity with Council of Europe standards, to examine the situation of local elected officials in pre-trial detention in the light of the European Convention on Human Rights and where appropriate with a view to their release, and to revise Turkish legislation in order to bring its definition of terrorism into line with European standards.

## Open data for better public services

Rapporteur:  
Manuela BORA, Italy (R, SOC)  
Governance Committee

**CG32(2017)15prov**  
Resolution  
Recommendation

The past decade has seen a growing tendency towards the release and the re-use of public data. More and more cities are recognising the potential that technology and open public data can bring. The release and the re-use of public data give local governments the opportunity to transform themselves into more transparent, democratic and effective authorities.

This report shows how the release of open data can foster the participation of citizens in political and social life, improve the provision of public services and make possible a whole range of social, cultural, democratic and environmental initiatives.

The Congress calls upon local and regional authorities to develop strategies to make local authority information datasets open to the entire population and to ensure that data protection and privacy laws and policies are strictly adhered to when data is made available to the public. The Congress also asks the Committee of Ministers to recognise the importance of open data for improving local democracy, to provide guidelines for member States on open data standards and strategies and to address the risk of a digital gap in open data participation.

## Observation of local elections in Bosnia and Herzegovina (2 October 2016)

Rapporteur:  
Stewart DICKSON, United Kingdom (R, ILDG)  
Monitoring Committee

**CG32(2017)16prov**  
Recommendation

Upon invitation by the Central Election Commission of Bosnia and Herzegovina, the Congress deployed a 32-member delegation – including twenty Congress members, two members of national associations and five members of the EU Committee of the Regions – to observe the local elections held on 2 October 2016. A pre-electoral visit was organised in Sarajevo from 7 to 9 September 2016. On Election Day, twelve Congress teams visited some 250 polling stations throughout the country.

The local elections on 2 October 2016 took place against a background of ethnic tensions following the 25 September 2016 referendum in Republika Srpska on the national day of the entity. Widespread political discourse focusing on ethnic issues including nationalistic attitudes was promoted during the electoral campaign.

Voting was held – with the exception of a few violent incidents – in a calm and orderly manner overall. The Congress notes improvements with regard to the system of “tendered ballots” that had been reformed prior to the elections as well as to the amendment to the Election Law that provides for a 40 per cent quota of the underrepresented gender on candidates’ lists for Municipal Councils.

The Congress recommendations include the recurring issue of quality of voters’ lists as the process of updating the lists needs to be improved and the situation of voters living de facto abroad should be clarified as out-of-the-country voting involves a higher risk of electoral fraud. Moreover, the lack of professionalism and the politicisation of the election administration remains a matter of concern and there is a clear need to reduce the influence of political parties, avoid trading in positions and overhaul the conditions of appointment and dismissal of members of commissions at all levels. More generally, transparency and integrity of the process should be reinforced by implementing existing legislation on electoral fraud and violations as well as misuse of administrative resources.

The Congress reaffirms the need for concrete measures to strengthen democracy at grassroots' level in all entities of Bosnia and Herzegovina. In this respect, the situation in the city of Mostar remains a major concern as no local elections could be held on 2 October 2016. It is critical to find a suitable and sustainable solution to the current deadlock affecting local democracy in Mostar.

## **Revision of the *Rules and Procedures of the Congress***

Co-rapporteurs:

Xavier CADORET, France (L, SOC), and Marc COOLS, Belgium (L, ILDG)  
Congress Bureau

**CG32(2017)21prov**  
Resolution

In this document the co-rapporteurs present some proposals for modifications to the *Rules and Procedures of the Congress* adopted by the Congress on 21 October 2016 at its 31st Session.

Modifications are intended to increase the flexibility of the provisions relating to the Partner for Local Democracy Status (Rule 64) in particular those referring to the admissibility of requests.



## II. REPORTS SUBMITTED TO THE CHAMBER OF LOCAL AUTHORITIES

### Local democracy in Malta

Co-rapporteurs:

Risto RAUTAVA, Finland (L, EPP/CCE), and Stewart DICKSON, United Kingdom (R, ILDG)  
Monitoring Committee

**CPL32(2017)02prov**  
Recommendation

This report is prepared following the third monitoring visit to the Republic of Malta since the ratification of the European Charter of Local Self-Government in 1993.

The report expresses satisfaction with the implementation of certain amendments to primary and secondary legislation, as well as the issuance of regulations, all of which improved the status of local self-government in the Republic of Malta. It notes however that there are areas of concern which need to be addressed by the Republic of Malta, notably the inability of the local councils to regulate and manage a substantial share of the public affairs, the unavailability of adequate financial resources to local councils, the lack of formal consultation mechanisms with the local authorities and the financial dependency of local councils on the central government. Simultaneously, the report notes the maintenance of the non-ratification of Article 9, paragraph 3 of the Charter to the Republic of Malta.

The Congress recommends a series of measures to the Republic of Malta, the most important of which is the need to increase the local government grants and the share of public affairs received and regulated by local councils respectively. It also draws attention to the importance of ensuring the freedom of local councils to select or remove their executive secretary without the need for approval by the central government. Furthermore, the report recommends the extension of the list of functions permitted or available to local councils under the Local Councils Act and the provision of greater freedom and flexibility to local councils to manage their own financial affairs, set their own expenditure priorities, allow them greater access to additional funding by way of loans and enable them to impose and collect taxes.

### Local democracy in Estonia

Co-rapporteurs:

Henrik HAMMAR, Sweden (L, EPP/CCE)  
Leendert VERBEEK, Netherlands (R, SOC)  
Monitoring Committee

**CPL32(2017)04prov**  
Recommendation

This report is the outcome of the third monitoring visit to Estonia since it ratified the European Charter of Local Self-government in 1994. The situation of local democracy in Estonia is generally positive. The rapporteurs took note of the recent initiatives endorsed by the national authorities enhancing relations between central government and local authorities with regard to financial matters and the structure of local authorities as a result of the current local and regional government reform. The rapporteurs welcome the fact that in 2011 Estonia ratified the Additional Protocol on the right to participate in the affairs of a local authority. However, the report highlights the lack of clarity in the distribution of powers and responsibilities between local and national authorities, the fact that local authorities do not have sufficient funding to meet their responsibilities, and the absence of arrangements for consulting local authorities at regular intervals and within reasonable time-limits.

The Congress therefore recommends that the Estonian authorities clarify their legislation on the distribution of powers between local and central authorities and ensure that a large number of such powers are delegated to local authorities. It also invites the government to ensure that local authorities have adequate and sufficient funding to enable them to perform their duties in an independent manner. In this connection, the rapporteurs also encourage the Estonian authorities to improve their financial equalisation system. With regard to consultation arrangements, they advocate the introduction of measures to ensure that consultations are held regularly and within reasonable time-limits.

## Local democracy in Iceland

Co-rapporteurs:

Zdenek BROZ, Czech Republic (L, ECR), and Jakob WIENEN, Netherlands (L, EPP/CCE)

Monitoring Committee

**CPL32(2017)06prov**

Recommendation

This report follows the second monitoring visit to Iceland since it ratified the European Charter of Local Self-Government in 1991. It shows that the country has a satisfactory level of local democracy. The report praises recent developments fostering local self-government, including the promotion of the involvement of local authorities in national decision-making and increased inter-municipal co-operation and citizen participation in local authorities. In particular, it underlines that the national and local authorities were able to deal with a major financial crisis and its economic and social consequences without undermining local self-government. Nevertheless, the rapporteurs draw the authorities' attention to the absence of a clear division of responsibilities between central government and local authorities, the lack of direct applicability of the Charter in the domestic legal system and the fact that the capital, Reykjavik, has not been granted a special status in accordance with Recommendation 219 (2007). Lastly, local authorities still do not have adequate resources for performing all their functions.

The Congress recommends that the Icelandic authorities clarify the division of responsibilities between central government and local authorities and pass legislation to give the Charter legal force in Iceland's domestic legal system. It also urges them to provide local authorities with adequate and sufficient financial resources and grant the city of Reykjavik a special status to take account of its particular needs compared to other municipalities.

**III. REPORTS SUBMITTED TO THE CHAMBER OF REGIONS****Information report on elections in the Popular Assembly of the Autonomous Territorial Unit of Gagauzia, Republic of Moldova (20 November 2016)**

Rapporteur:  
Sevdia UGREKHELIDZE, Georgia (R, EPP/CCE)  
Monitoring Committee

**CPR32(2017)02**

Following the invitation of the President of the Central Election Commission of the Republic of Moldova, a Congress delegation carried out an electoral assessment mission of limited scope in the Autonomous Territorial Unit (ATU) of Gagauzia. Elections for the Popular Assembly of the Regions were held on 20 November 2016.

The 2016 elections for the Popular Assembly was the first vote to be held under the new Electoral Code of ATU Gagauzia adopted in 2015. The new legal framework was generally well implemented on Election Day, which was held in an overall calm and orderly manner. The Congress delegation was able to visit some twenty polling stations in the three electoral districts and observed voting and parts of the counting process.

The improved quality of voters lists, the level of preparation of the election administration as well as investigations into violations of the legislation constitute important elements of progress with regard to electoral processes in the Autonomous Territorial Unit of Gagauzia. The Congress also welcomes the ban on foreign funds for campaign purposes as well as the establishment of the Central Election Commission of ATU Gagauzia as a permanent body.

However, the Congress delegation heard allegations concerning recurring issues related to vote buying, the misuse of administrative resources and the lack of a real level playing field for all candidates, in particular in the media. Moreover, even though the new Electoral Code brought substantial improvements, there is still a need for further amendments in order to reconcile the respective legislation of ATU Gagauzia and the Republic of Moldova