

THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

Recommendation 395 (2017)¹ Recurring issues identified in assessments resulting from Congress monitoring and election observation missions (reference period 2010-2016)

1. Monitoring of the European Charter of Local Self-Government

2. Observation of local and regional elections

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:

a. the European Charter of Local Self-Government (ETS No. 122, 1985, hereinafter “the Charter”);

b. Article 2, paragraph 1*b.*, of Statutory Resolution CM/Res(2015)9 of the Committee of Ministers relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, which stipulates that one of the aims of the Congress is “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

c. Resolution 395 (2015) on the revision of the Rules of Procedure of the Congress and in particular Chapters XVII, XVIII and XIX on the organisation of the monitoring procedures, the practical organisation of election observation missions and the implementation of the post-monitoring/post-electoral political dialogue;

d. the monitoring reports, resolutions and recommendations adopted by the Congress with respect to the situation of local and regional democracy in member States of the Council of Europe;

e. the reports, resolutions and recommendations adopted by the Congress further to the observation of local and regional elections, as well as reports, resolutions and recommendations on transversal issues in electoral matters;

f. Congress Resolution 413 (2017) on comparative analysis of the implementation of the European Charter of Local Self-Government in the 47 Council of Europe member States.

2. The Congress believes that these recurrent issues point to a broader trend towards (re)centralisation in the member States.

3. The Congress regrets the tendency towards the absence of direct applicability of the Charter, which constitutes one of the root causes of the recurring problems in member States

of the Council of Europe in the field of local and regional democracy, and notably as regards the inadequacy of financial resources of local and regional authorities, the restricted definition, allocation and exercise of local competences and the lack of consultation on the part of central government.

4. The Congress stresses that the Charter, as an international treaty ratified by 47 member States of the Council of Europe, has legal force and should be directly applied in member States, each according to its legal tradition.

5. The Congress highlights that recurring issues in electoral matters include the inaccuracy and lack of quality of voters’ lists, the misuse of administrative resources during electoral campaigns, the lack of professionalism and politicisation of the electoral administration at all levels and, overall, the trust of voters in electoral processes.

6. It specifies the appropriate soft law instruments applicable in this respect, including the relevant Congress recommendations and the Code of Good Practice in Electoral Matters issued by the European Commission for Democracy through Law (Venice Commission).

7. The Congress points out that it has committed itself to engaging in post-monitoring and post-electoral dialogue with national authorities in order to follow up on the above-mentioned issues and, more generally, on recommendations and resolutions related to country-specific monitoring and election observation reports as well as transversal reports on electoral matters.

8. In the light of the above, the Congress asks the Committee of Ministers to invite the authorities of the member States to:

a. take all necessary measures to ensure direct applicability of the European Charter of Local Self-Government within their domestic legal systems and hence to ensure the full implementation of the ratified provisions of the Charter, in particular as regards the recurring issues identified;

b. implement Congress recommendations² related to transversal electoral issues at local and regional levels, as well as soft law instruments issued by other Council of Europe bodies, notably the European Commission for Democracy through Law, in order to ensure that local and regional elections are in compliance with European standards in electoral matters;

c. strengthen their political dialogue with the Congress in the framework of post-monitoring and post-electoral procedures, with a view to setting up road maps in order to comply with their commitments under the Charter and improve the situation of local and regional democracy.

1. Debated and adopted by the Congress on 28 March 2017, 1st sitting (see Document [CG32\(2017\)19](#), explanatory memorandum), rapporteurs: Stewart DICKSON, United Kingdom (R, ILDG), and Leendert VERBEEK, Netherlands (R, SOC).

2. Recommendation 369 (2015) on electoral lists and voters residing *de facto* abroad and Recommendation 375 (2015) on the criteria for standing in local and regional elections.