

32nd SESSION

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32nd SESSION**The budget and resources of the Congress for the next biennium (2018-2019)**

Recommendation 393 (2017)¹

The Congress of Local and Regional Authorities of the Council of Europe,

1. reaffirming its unique role and institutional position within the Council of Europe which confers to the Congress, as the voice of local and regional authorities from all 47 member States and the guardian of the European Charter of Local Self-Government, the responsibility of promoting and fostering the implementation of Council of Europe common standards for local autonomy and regional democracy in Europe and its neighbourhood;
2. bearing in mind that in many member States, in particular due to the need to strengthen efficiency and effectiveness at all levels of government as a consequence of the financial and economic crisis from 2008 on, intense national reform processes address the structure, finance and functioning of local and regional entities and that the role of the Congress to monitor these developments on the basis of the European Charter of Local Self-Government (ECLSG) and to give legal and practical advice or to examine and reply to numerous petitions has substantially increased over the last three years;
3. highlighting the fact that, with the ratification of the ECLSG by all 47 member States the Congress' monitoring activities, which provide that every member State shall be monitored approximately every five years, have substantially increased;
4. referring to its regular exchanges of views with the Committee of Ministers, and to the information on Congress priorities and their implementation given by the President and Secretary General of the Congress hem;
5. stressing the appreciation expressed on these occasions for the work achieved by the Congress as well as the acknowledgement and understanding of the risks that further budget cuts would incur not only for its statutory activities but also for its post-monitoring and co-operation activities, which are tailored to member States' specific needs and interests;
6. underlining the fact that, thanks to a substantial reform of its structures and working methods and despite its constant pursuit of efficiency savings, the Congress has been able to deliver quality work and achieve tangible results but regrettably has already been obliged to reduce some of its statutory activities and notably the number of its monitoring visits planned in 2015 and 2016 and those scheduled for 2017;
7. drawing attention, in particular to:
 - a. the decisions it has taken since 2010, in the framework of the reform of the Council of Europe, to refocus its priorities and activities on the core values of the Organisation;

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see Document [CG32\(2017\)06](#), explanatory memorandum), co-rapporteurs: Xavier CADORET, France (L, SOC), and Svetlana ORLOVA, Russian Federation (R, EPP/CCE).

b. the resulting amendments to the Congress Charter and Statutory Resolution, approved by the Committee of Ministers on 19 January 2011, and the subsequent changes it undertook, notably to improve the efficiency of its structures and working methods, as well as the additional work undertaken in this respect, in particular Congress Recommendation 367 (2014) adopted on 16 October 2014 on the Revision of the Congress Charter;

c. its continued contribution to the Organisation's efficiency savings and cuts in its operational budget as well as in its human resources since 2010 in a context of zero real growth followed by a zero nominal growth for the whole Organisation;

d. the priorities of the Congress adopted for 2017-2020 which are fully in line with those proposed by Secretary General Thorbjørn Jagland for the biennium 2018-2019;

8. strongly committed to contributing to the identification and implementation of the priorities and the programme for the 2018-2019 biennium to be adopted by the Committee of Ministers for the whole Organisation;

9. determined to pursue its reform and concentrate its activities around its core priorities for the next biennium and to continue implementing activities which contribute at local and regional levels to the Council of Europe's ongoing and new campaigns and specific programmes launched to address highly topical issues such as the promotion of intercultural and interreligious dialogue, integration and social cohesion, the fight against hate and discrimination speech, the prevention of and the fight against corruption and the promotion of Council of Europe core values in particular among young Europeans;

10. reaffirming, however, that, in order to successfully carry out its statutory mission and implement its core priorities in respect of the promotion and development of local and regional democracy, the Congress needs to be able to count on a sustainable basis for action, which includes an appropriate level of human and financial resources;

11. highlighting in particular the situation of the European Alliance of Towns and Regions for Roma Inclusion, which networks 124 participants from Council of Europe member States, and whose sustainability is at stake due to lack of resources;

12. consequently asks the Committee of Ministers to:

a. fully examine the risks and evaluate the consequences for the Council of Europe as a whole, and for the Congress in particular, of prolonging for the next biennium 2018-2019 and beyond, a budget based upon a zero nominal growth principle as compared to at least a zero real growth principle;

b. acknowledge the results achieved and the efforts made, in increasing the efficiency and effectiveness of the Congress in recent years despite a reduced budgetary allocation and restrictions in the human resources made available to it;

c. ensure, through its regular political dialogue with the Congress, consistency between the priorities identified by the Congress and its budgetary allocations in order to achieve critical mass and impact;

d. in light of the unique role and institutional position of the Congress within the Council of Europe, and taking due account of its past efforts, decide to allocate an operational budget and its human resources to the Congress for the next biennium 2018-2019 commensurate with and in acknowledgement of the requirements of its institutional functioning as well as of its statutory tasks and the work identified as a priority for the organisation notably in the fields of preventing radicalisation, addressing the impact and consequences of the refugee and migration challenges and supporting the Alliance of Cities and Regions for Roma inclusion;

e. encourage member States to consider funding for 2017 and the next biennium, by means of voluntary contributions and/or seconded officials, targeted co-operation activities based on the monitoring by the Congress of the implementation of the European Charter of Local Self-Government and on the other Congress statutory activities;

f. examine how the Congress could rightfully benefit from budgetary resources or extra-budgetary resources in order to continue its action for Roma inclusion at local and regional levels, taking due account of its concrete experience and investment in such activities over the last years and of the prime importance of this issue in Europe;

g. invite the Secretary General of the Council of Europe to include in the draft programme and budget for the next biennium (2018-2019) a budget envelope for the Congress which will fully recognise its contribution to the Council of Europe priorities, as the unique pan-European promoter of territorial democracy, encouraging devolution and promoting citizen's participation as well as debates and exchanges of good practices among local and regional elected peers on main topical issues in our European societies.

32nd SESSION**From reception to integration: the role of local and regional authorities facing migration**Recommendation 394 (2017)¹

1. The increasing number of migrants coming to Europe constitutes a critical challenge for all levels of government, calling for adapted and effective measures in Council of Europe member States.
2. Local and regional authorities who, as public authorities closest to the population, are the first port of call in any emergency situation, have the responsibility to provide newly arrived migrants with access to key public services (housing, healthcare, education) without any discrimination.
3. Clear definitions are important when talking about migration issues as different responses and investments may be needed to address the current situation although ensuring the respect of human rights for all migrants regardless of their status constitutes the baseline as far as public authorities are concerned.
4. According to the 1951 UN Geneva Convention relating to the Status of Refugees, a refugee is a person who has a “well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country.” Refugees have a legal status whereas asylum seekers do not.
5. Asylum seekers are persons who have applied for protection as refugees in a particular State and who are waiting for the determination of their status. States have put in place specific procedures for recognising refugee status. In this context, national asylum systems are in place to determine who qualifies for refugee or subsidiary protection status. Nonetheless, there is a uniform European Union system for the process of seeking asylum to ensure minimal standards such as freedom, security and justice. The Dublin Regulation, which is also the core principle of the Common European Asylum System, establishes the Member State’s responsibility for examining an asylum application.
6. Finally, according to the International Organisation of Migration (IOM), a migrant is any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of the person’s legal status; whether the movement is voluntary or involuntary, what the causes for the movement are or what the length of stay is.
7. The absence of a clear and coherent European response to the migratory situation has led to a crisis of policy at international and national level, leaving local and regional governments with limited means and guidance to respond to refugees’ and other migrants’ needs. The burden of managing the current situation has been put on a limited number of States whereas greater solidarity among European States should be the order of the day.

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see Document [CG32\(2017\)07](#), explanatory memorandum), rapporteurs: György ILLES, Hungary (L, ILDG), and Yoomi RENSTRÖM, Sweden (R, SOC).

8. Migration management goes hand in hand with integration policies put in place as early as possible. Barriers to access the job market or public life for newcomers can in turn undermine their integration into their host community in the long run. Ensuring the respect of human rights for every migrant should be a priority. This is especially relevant for women and children who are particularly at risk of becoming victims of violence and abuses such as sexual violence, human trafficking or disappearance.

9. To tackle these issues, the Committee of Ministers of the Council of Europe has adopted various resolutions to improve the validation of migrants' skills, their access to employment as well as their interaction with the receiving societies. The Parliamentary Assembly of the Council of Europe (PACE) has assessed the issues relating to the current migration situation as being the detention of children, the criminalisation of irregular migrants, the need to promote greater solidarity in the resettlement of refugees as well as the need to establish a real European asylum system. The Council of Europe Commissioner for Human Rights has regularly published opinions advising member States to improve the protection of human rights of migrants and to ensure that undocumented migrants and their children have access to basic rights, in particular the right to health care and education. The European Commission against Racism and Intolerance has adopted General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination. The Secretary General's Special Representative on Migration and Refugees was appointed to gather information on the situation of migrants and refugee rights through field missions, to develop effective partnerships with international organisations and ensure that member States respect their international commitments in this regard.

10. In light of the above, the Congress of Local and Regional authorities calls on the member States of the Council of Europe:

a. at the international level, to strive for more solidarity and effective co-ordination among member States and to speed up the registration and examination of application procedures for asylum seekers (to facilitate insertion in the host community) as well as resettlement and relocation (to overcome concentration of refugees under difficult conditions in one country) and removal proceedings in the case asylum is not granted;

b. at the national level, to clarify the responsibility areas and the distribution of competences between the national, regional and local levels aiming for complementarity between these levels when developing policies and to develop a common strategy and a mechanism for distributing migrants between the local and regional authorities of their countries, either on a voluntary basis or according to objective criteria to be determined;

c. to develop specific legal frameworks in order to facilitate local and regional authorities' missions and actions;

d. to ensure financial support through sufficient allocation of national or international resources;

e. to consult with local and regional levels of government when developing the above-mentioned legal and administrative framework and involve them with the measures taken with respect to their territories;

f. to ensure that refugee reception centres are not used for detention purposes, particularly as regards children and minors, as this is all the more essential if they are to be integrated into the host society;

g. to allow asylum seekers to work during the time their application is being processed in order for them to be able to start their integration process as early as possible;

h. to foster foreigners' participation in the affairs of local authorities once their resident status has been clarified, by signing and ratifying the Additional Protocol to the European Charter of Local Self-Government (CETS No. 207).

11. The Congress is convinced that the Council of Europe Development Bank (CEB) which supports integration projects can contribute to the efforts of local and regional authorities to provide assistance to refugees, ensuring respect for their human rights and dignity.

32nd SESSION**Recurring issues based on 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**

Recommendation 395 (2017)¹

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);

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, 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. Congress Resolution 395(2015) on the revision of its Rules of Procedure 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 the comparative analysis on the implementation of the European Charter of Local Self-Government in 47 member States.

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

3. The Congress regrets the tendency of 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 for local and regional authorities, the restricted definition, allocation and exercise of local competences and the lack of consultation with regard to central government.

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

4. The Congress stresses that the Charter, ratified by 47 member States of the Council of Europe, as an international treaty 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 accuracy and quality of voters lists, the misuse of administrative resources during electoral campaigns, the 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 members 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 identified recurring issues;
 - b. implement Congress recommendations² related to transversal electoral issues at local and regional level 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 roadmaps in order to comply with their commitments under the Charter and improve the situation of local and regional democracy.

² Recommendation 369 (2015) - Electoral lists and voters residing de facto abroad; Recommendation 375 (2015) - Criteria for standing in local and regional elections

32nd SESSION**Local and regional democracy in Finland**

Recommendation 396 (2017)¹

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

a. Article 2, paragraph 1.b, of Statutory Resolution (2015)9 relating to the Congress, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;

b. Article 2, paragraph 3, of Statutory Resolution (2015)9 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”;

c. Recommendation 66 (1999) on regional democracy in Finland;

d. Recommendation 311 (2011) on local and regional democracy in Finland;

e. Resolution 307 (2010) REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member States in respect of their ratification of the European Charter of Local Self-Government;

f. Congress Resolution 299 (2010), which provides that the Congress will use the Council of Europe Reference Framework for Regional Democracy [MCL-16(2009)11], in its monitoring activities, and the reply by the Committee of Ministers to Congress Recommendation 282 (2010) [CM/Cong(2011)Rec282 final], which encourages the governments of member States to take account of the above Reference Framework in connection with their policies and reforms;

g. the explanatory memorandum on local and regional democracy in Finland drawn up by Artur Torres Pereira (Portugal, L, EPP/CCE) and Karim Van Overmeire (Belgium, R, NI-NR), rapporteurs, following an official visit to the country from 17 May to 19 May 2016.

2. The Congress notes that:

a. the Republic of Finland acceded to the Council of Europe on 5 May 1989 and signed the European Charter of Local Self-Government (CETS No. 122, hereinafter “the Charter”) on 14 June 1990 before ratifying it without reservations on 3 June 1991. Since the entry into force of the Charter in respect of that country on 1 October 1991, Finland is bound by the Convention in its entirety;

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see document [CG32\(2017\)08](#), explanatory memorandum), co-rapporteurs: Artur TORRES PEREIRA, Portugal (L, EPP/CCE) and Karim VAN OVERMEIRE, Belgium (R, NR).

b. Finland ratified the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities (CETS No. 106) on 11 September 1990. The Outline Convention entered into force on 12 December 1990 in respect of Finland. The country ratified the Convention on the Participation of Foreigners in Public Life at Local Level on 12 January 2001 and the Convention entered consequently into force on 1 May 2001. On 1 February 2012, Finland also ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority. The Additional Protocol came into force in respect of that country on 1 June 2012;

c. the situation of local and regional democracy in Finland has already been the focus of Recommendation 311 (2011) adopted by the Congress on 18 October 2011;

d. the Monitoring Committee decided to review the situation with regard to local and regional self-government in Finland in the light of the Charter. It tasked Mr Artur Torres Pereira (Portugal, L, EPP/CCE) and Mr Karim Van Overmeire (Belgium, R, NI-NR), rapporteurs on Finland, with drawing up a report on local and regional democracy in that country and submitting it to the Congress;²

e. the monitoring visit took place from 17 to 19 May 2016. The Congress delegation met representatives of the associations of local and regional democracy in the country, mayors and municipal councillors, regional representatives, representatives of the government, ministries and other central institutions of Finland. The detailed programme of the visit is appended hereto;

f. the delegation wishes to thank the Permanent Representation of Finland to the Council of Europe and the secretariat of the Finnish delegation to the Congress, who assisted with the organisation and smooth running of the visit. They also express their gratitude to all the interlocutors met during the visit for their excellent welcome, their availability and the valuable information they provided.

3. The Congress notes with satisfaction:

a. the overall positive situation of local and regional democracy in the Republic of Finland;

b. the culture of consultation and close co-operation between central and local authorities as a good practice among the member States of the Council of Europe;

c. the apparent initiative taken by the Finnish authorities to foster decentralisation through the creation of a second tier of local government at regional level;

d. efforts to modernise the equalisation system as well as new rules and procedures introduced in order to help municipalities to balance their finances and avoid excessive indebtedness;

e. the strengthening of the role of the Parliamentary Ombudsman at local level, particularly through the use of new technologies;

f. Finland's ratification on 1 February 2012 of the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207), which shows a political will to strengthen local democracy.

4. The Congress notes that the following points call for particular attention:

a. the weak legal status of the Charter in the domestic legal system of Finland and, particularly, the absence of direct applicability of its provisions;

b. the lack of financial resources corresponding to the additional tasks transferred to municipalities;

² The rapporteurs were assisted by Pr. Nicolaos-Komninos CHLEPAS, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.

c. the fact that the nature of the regional entities that will be created in 2019, in the context of the ongoing reform of regional government, is still unclear, as well as the application of the Charter to these future regions;

d. the weakness of the constitutional basis for a new tier of local self-government at regional level, especially concerning the right to levy taxes and own resources of the new autonomous regions as well as the potential absence of available resources of a sufficiently diversified and buoyant nature;

e. the absence of exceptions for large cities, in accordance with the subsidiarity principle, to the transfer of competences such as tasks related to social and healthcare services to the regional level;

f. the lack of special status for the city of Helsinki and its metropolitan area as regards its specificities as capital city.

5. In the light of the above, the Congress recommends that the Committee of Ministers call on the Finnish authorities to:

a. ensure the direct applicability of the European Charter of Local Self-government within the domestic legal system and in particular, that the Charter be given due consideration in court proceedings;

b. ensure that municipalities are provided with commensurate financial resources in order to enable them to perform their competences in a proper way;

c. opt, in the framework of the regional government reform, for the creation of genuine self-governed regions to which the Charter will apply and provide the clear legal and, if necessary, constitutional basis for new self-governed regions, including their right to levy taxes;

d. give to new regional authorities freedom of action with regard to their own resources and the use of future state grants;

e. provide exceptions to the ongoing transfer of competences to the regional level so as to allow the largest cities to keep the tasks related to social welfare which they are most capable of coping with, based on the principle of subsidiarity;

f. grant Helsinki and its metropolitan area a special status, in order to ensure a more efficient and expedient decision-making system on the general problems and policies affecting the city as a whole.

6. The Congress calls on the Committee of Ministers to take account of this recommendation on local and regional democracy in Finland and the accompanying explanatory memorandum in its activities relating to this member State.

32nd SESSION**Fact-finding mission on the situation of local elected representatives in Turkey**Recommendation 397 (2017)¹

1. On 8 February 2016, the Congress Bureau asked its rapporteurs on Turkey to carry out a fact-finding mission to investigate the situation of local elected representatives in Southeast Turkey, in view of the increasing number of arrests, detentions and removal from office of elected mayors and municipal councillors.
2. The rapporteurs were particularly concerned to evaluate whether these developments affected Turkey's commitments under the European Charter of Local Self-Government (CETS No.122, hereafter "the Charter"), which it ratified on 9 December 1992, and which entered into force on 1 April 1993.
3. Due to events in Turkey, including the 15 July 2016 attempted coup, the rapporteurs did not complete their mission until December 2016, holding a series of meetings in Ankara, Istanbul and Diyarbakir. At all stages of the process they enjoyed excellent co-operation with and support from the Turkish authorities and they thank these authorities for this help and support and for their willingness to dialogue with the Congress.
4. The Congress is well aware of the difficulties that Turkey is facing, including threats to its stability, an increase in terror attacks, the attempted coup, several million refugees within its borders and war on its borders.
5. The Congress categorically condemns all forms of terrorism and violent extremism. Nobody can deny that Turkey needs to take adequate and proportionate measures to protect itself and its institutions.
6. The Congress has set the fight against violent extremism as a priority activity and is convinced that local authorities have a unique and key role to play in this respect and that the healthy functioning of local democracy is an essential tool to combating these threats.
7. The Congress:
 - a. is concerned that the arrest and removal from office of many local elected representatives seriously risk damaging pluralist democracy at the local level and gravely weakening political parties and civil society;
 - b. believes that the detentions and arrests of local elected representatives and the extensive resort to lengthy remand detention, within the framework of the fight against terrorism, are counter-productive and are weakening the capacity of Turkey to deal with the terrorist threats that it is facing;
 - c. observes that most of the arrests of local elected representatives have been made on the basis of accusations of terrorism, the definition of which has been criticised by Council of Europe bodies, the European Union and other international organisations, and is not in conformity with the practice of most Council of Europe member States;

¹ Debated and adopted by the Congress on 29 March 2017, 2nd sitting (see Document [CG32\(2017\)13](#), explanatory memorandum), co-rapporteurs: Anders KNAPE, Sweden (L, EPP/CCE) and Leendert VERBEEK, Netherlands (R, SOC)

d. notes that the use of the Turkish Anti-Terror Law No. 3713 of 12 April 1991, principally with regard to declarations and opinions expressed, is having a negative impact on political pluralism and the practical exercise of local democracy in Turkey;

e. considers that the practice in most European States, including Turkey prior to September 2016, whereby elected mayors who are legitimately removed from office are replaced by a new mayor elected by the municipal council, is a sufficient safeguard against unlawful activity and deserves to be retained;

f. believes that Emergency Decree no.674, introduced on 1 September 2016 within the framework of the State of Emergency under Article 121 para. 3 of the Turkish Constitution, to enable the central authorities to appoint “unelected mayors” and place elected mayors under investigation, is incompatible with Turkey’s commitments as a Party to the Charter, notably Article 3, according to which local government should be carried out under the authority of councils or assemblies elected freely by secret ballot;

g. notes that the detentions of elected mayors and their replacement by “mayors appointed by the central authorities” in 82 municipalities in Southeast Turkey has effectively suspended the practical exercise of local democracy in that region, with most municipal councils of those cities ceasing to function, and with almost six million Turkish citizens deprived of political representation at the local level, which constitutes a contravention of Article 7, para. 1 of the Charter (the free exercise of the functions of local elected representatives);

h. believes that the transfer of the powers and responsibilities of these municipal councils to “mayors appointed by the central authorities” amounts to a disproportionate form of administrative supervision, in abrogation of Article 8, para. 3 of the Charter;

i. is alarmed at reports that the co-mayor system has been declared illegal and that the designation of co-mayors is in itself considered to be a criminal act, by the letter of 11 November 2016 sent by the Interior Minister to Governors;

j. is concerned at the progressive reduction in local public services, and in particular the closure of women’s refuges and other services for women, children and families at risk. Such reductions in the services offered to citizens constitute an abrogation of Articles 4, para. 4 (full and exclusive powers for local authorities) and 9, para. 1 (local authorities to have adequate financial resources of which they may dispose freely) of the Charter.

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

a. rescind the legislative measures on “mayors appointed by the central authorities” and restore the capacity of municipal councils to choose a replacement mayor, if the mayor is removed from office;

b. ensure that the arrest of a local elected representative is a decision duly substantiated in domestic law, taken in conformity with the standards of the Council of Europe;

c. examine, with a view to their release, the situation of local elected representatives currently in pre-trial detention in order to ensure that it is in conformity with the European Convention on Human Rights and, where appropriate, proceed with their immediate release;

d. revise the ministerial instructions of 11 November 2016 with a view to decriminalising the appointment of co-mayors;

e. revise the Turkish legislation to align its definition of terrorism with European standards, notably the case law of the European Court of Human Rights;

f. take appropriate measures to ensure that Congress members and Turkish members of the Group of Independent Experts on the European Charter of Local Self-Government are free to carry out their work and can circulate freely for this purpose.

32nd SESSION

Open data for better public services

Recommendation 398 (2017)¹

1. The Council of Europe Internet Governance Strategy 2016-2019 underlines the importance of public access to information and data for strengthening democracy and improving governance at all levels.
2. An increasing number of European cities are demonstrating that the release of local authority datasets into the public domain can empower citizens to develop new tools and applications for improving governance and the quality of life in towns and cities and can stimulate a variety of social, cultural, democratic and environmental initiatives.
3. Local authority data also has economic potential. The release of local authority datasets can be useful for local businesses and can serve to stimulate economic innovation and growth.
4. Democracy at local level can be enhanced by open data increasing transparency in the decision-making process and contributing to better accountability of local governments, as well serving as a preventive tool in the fight against corruption by providing data on governmental expenditures and performances.
5. The Congress therefore,
 - a. convinced that open data has the power to transform Europe's cities into more open, democratic, transparent institutions;
 - b. aware that a 'digital divide' remains between those who have access to and are able to use such data and those who do not;
 - c. Bearing in mind:
 - i. Congress Resolution 290 and Recommendation 274 (2009) on E-democracy: opportunities and risks for local authorities;
 - ii. Congress Resolution 389 (2015) on New forms of local governance;
 - iii. the Convention on Access to Official Documents (CETS No. 205);
 - iv. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);
 - v. The Council of Europe Internet Governance Strategy 2016-2019;
 - d. Calls on the Committee of Ministers to:
 - i. recognise the importance of open data for improving local democracy by increasing transparency, accountability and citizen participation;
 - ii. provide guidelines to the member States on adopting open data standards and strategies and introducing forms of data licensing such as the Creative Commons licenses;
 - iii. address the risk of a digital gap in open data participation caused by a divide between those who have access and benefit from open data initiatives and those who do not;

¹ Debated and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CG32\(2017\)15](#), rapporteur: Manuela BORA, Italy (R, SOC))

- e. Recommends that the Committee of Ministers call upon the governments of its member States to:
- i. create more awareness of the use of open data and highlight the advantages of sharing open data with citizens and civil society and other organisations, by organising public events, conferences and workshops on the use of open data;
 - ii. support local open data initiatives, through the provision of necessary information and government data, and by ensuring that open data initiatives by local authorities are supported through legislative or regulatory frameworks;
 - iii. provide guidelines and formulate policies for the re-use of public sector information and introduce national standards for licensing data sets;
 - iv. sign and ratify the Council of Europe Convention on Access to Official Documents (CETS No. 205) and the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No.207), if they have not yet done so.

32nd SESSION

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

Recommendation 399 (2017)¹

1. Following the invitation by the President of the Central Election Commission of Bosnia and Herzegovina to observe the local elections held in the country on 2 October 2016, the Congress of Local and Regional Authorities refers to:

a. Article 2, paragraph 4 of the Committee of Ministers' Statutory Resolution (2000)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Bosnia and Herzegovina on 4 April 2000;

c. Congress Resolution 395(2015) on its Rules and Procedures.²

2. It reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and observation of political participation at territorial level is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress notes with satisfaction that the local elections on 2 October 2016 were held – with the exception of a few violent incidents – in a calm and orderly manner by and large, despite widespread political discourse focusing on ethnic issues including nationalistic attitudes.

4. It recognises that the electoral management was well-organised overall and – with some exception - transparent and efficient at all levels of administration. In particular, the implementation of the so-called “correct counting” procedure by municipal election commissions contributed to progress with regard to the reliability of the tabulation process.

5. It acknowledges that the revision of the system of so-called “tendered ballots” – both in terms of limitation of the categories of voters with access to this system and practical management – enabled the election administration to handle these ballots in a more transparent manner than in previous elections.

¹ Debated and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CG32\(2017\)16](#), explanatory memorandum), rapporteur: Stewart DICKSON, United Kingdom (R, ILDG).

² See, in particular, Chapters XVIII and XIX on the practical organization of election observation missions and on the implementation of the post-electoral dialogue.

6. It welcomes the amendment to the Election Law with respect to a 40 per cent quota of the underrepresented gender on candidates' lists for Municipal Councils since this marks a significant progress for female participation in the elections at grassroots level.

7. However, it is concerned about the situation of local democracy in the City of Mostar where again no elections were held on 2 October, and calls upon all political stakeholders to find a suitable and sustainable solution to the current deadlock.

8. It also points to the remaining politicisation of the election administration and the alleged unlawful practices with regard to the composition of election commissions as matters of concern.

9. In light of the above, the Congress suggests further improvements be made in respect of the electoral legislation and the practical side of electoral management and therefore invites the authorities of Bosnia and Herzegovina to:

a. revise the conditions of appointment and dismissal of members of polling stations commissions in order to avoid trading of positions on these commissions and achieve de-politicisation of the election administration;

b. improve the quality and accuracy of voters lists by systematically verifying the actual permanent residence of voters and removing deceased voters from the lists;

c. ensure that female participation is de facto guaranteed and female mayors and councillors are given the opportunity to remain in office for the duration of the term they have been elected for;

d. improve the implementation of existing legislation on electoral fraud and violations of regulations related to campaign and party financing as well as to misuse of administrative resources in order to ensure that effective and appropriate sanctions are applied;

e. enhance the level playing field for all candidates, in particular by ensuring that all candidates can fairly access the media during the election campaign.

10. Furthermore, the Congress invites the Bosnian authorities to address the issue of voters residing de facto abroad but still registered on voters lists. In this respect, the Congress highlights the importance of a "genuine link" that should exist between the voters and the municipality where he/she cast his/her ballot as stated in Resolution 378(2015).

11. With regard to the lack of clear-cut responsibilities for and financial difficulties of local self-government units, the Congress reaffirms the need for concrete measures to strengthen democracy at grassroots level and to empower accountable and competent local elected representatives in all entities of Bosnia and Herzegovina.

32nd SESSION**Local democracy in the Republic of Malta**Recommendation 400 (2017)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. Article 2, paragraph 1.b of Statutory Resolution CM/Res(2015)9 relating to the Congress, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy;”
 - b. Article 2, paragraph 3 of Statutory Resolution CM/Res(2015)9 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented;”
 - c. Congress Resolution 395(2015) on the Rules and Procedures of the Congress and in particular, Chapter XVII on the organisation of the monitoring procedures;
 - d. Congress Recommendation 305 (2011) on local democracy in Malta;
 - e. Congress Recommendation 219 (2007) on the status of capital cities;
 - f. The appended explanatory memorandum on local democracy in Malta.
2. The Congress notes that:
 - a. Malta became a member of the Council of Europe on 29 April 1965 and ratified the European Charter of Local Self-Government on 6 September 1993. It did not ratify Article 9.3 of the Charter;
 - b. the Monitoring Committee of the Congress of Local and Regional Authorities of the Council of Europe appointed the co-rapporteurs on local democracy Mr Stewart Dickson (United Kingdom, ILDG) and Mr Risto Rautava (Finland, EPP/CCE) to prepare and submit to the Congress a report on local democracy in the Republic of Malta²;
 - c. the monitoring visit took place from 22 to 24 November 2016. During the visit, the Congress delegation met with representatives of State institutions (Parliament, Parliamentary Secretariat for Local Government, National Audit Office), Constitutional Court of Malta, Ombudsman, local authorities (Valletta City, Żebbug and Mosta local councils, Gozo Regional Committee, Gharb and Senglea local councils). The delegation met as well with representatives from the Congress delegation and the associations. The detailed programme of the visit is appended to the report;

¹ Discussed and approved by the Chamber of Local Authorities on 29 March 2017, and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CPL32\(2017\)02](#), explanatory memorandum), co-rapporteurs: Risto RAUTAVA, Finland (L, EPP/CCE) and Stewart DICKSON, United Kingdom (R, ILDG).

² The co-rapporteurs were assisted by Mr George COUCOUNIS, Member of the Group of Independent Experts on the European Charter of Local Self-Government and by the Congress Secretariat.

d. the delegation wishes to thank the Permanent Representation of Malta to the Council of Europe and the Maltese authorities at national and local levels, the Maltese Local Councils Association and the experts who met with the delegation for their open and constructive discussions.

3. The Congress notes with satisfaction that since the last official monitoring visit to Malta in 2010, the Republic of Malta adopted 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 Malta.

4. The Congress expresses its concern with regard to:

a. the absence of the explicit or direct recognition of the principle of local self-government either in the applicable domestic legislation or in the Constitution of Malta (Article 2);

b. the inadequate and undiversified financial resources of local councils to execute their functions fully and effectively (Article 9.1, 9.4), their limited own income in the framework of their competences (Article 9.2) and overwhelming financial dependency on the allocation of the annual government grants;

c. the fact that the local councils are still not responsible for a “substantial share of public affairs” as required by Article 3.1) of the Charter. The list of functions permitted or available to local councils under the Local Councils Act remains excessively limited contrary to the principle of subsidiarity (Article 4.3);

d. the absence of full discretion of local councils to exercise their initiatives with regard to matters included in their competence (Article 4.2) due, *inter alia*, to their lack of financial autonomy, excessive involvement of the central government in the local affairs in practice (Article 4.4) and disproportional supervision powers of the central authorities (Article 8.3);

e. the lack of formal consultation mechanisms between the central government and the local authorities (Article 4.6);

f. the inappropriate financial compensation of local elected representatives for the proper exercise of their duties (Article 7.2);

g. the excessive power of central government as regards the procedure of appointment, removal and transfer of executive secretaries of local councils (Article 3.2);

h. the absence of special status for the city of Valetta as capital city;

i. the conditionality of the access to the national capital market on the approval of the central government (Article 9.8).

5. The Congress asks the Committee of Ministers to invite the Maltese authorities to:

a. amend Article 115A of the Maltese Constitution to clearly define the principle of local self-government and provide for a clear recognition of this principle;

b. provide for greater freedom and flexibility to local councils to manage their own financial affairs and set their own expenditure priorities as well as increase the annual grant allocated to local councils for the execution of their functions;

c. extend the list of functions of local councils under the Local Councils Act to increase the share of public affairs under their own responsibility on the basis of the principle of subsidiarity;

d. review the current tight system of financial monitoring, supervision and control, and limit it to ensuring the legality of the operations of the local councils in order to decrease the involvement of the central government in local affairs;

e. set up a formal consultation mechanism to ensure that in practice local authorities are effectively consulted, in due time and in an appropriate way, on all matters that concern them directly in conformity with Article 4.6 of the Charter;

- f.* increase the allowance payable to councillors and provide for adequate compensation for loss of earnings, remuneration for work done, reimbursement for reasonable expenses incurred in the execution of their duties and corresponding welfare protection;
 - g.* revise legal provisions concerning executive secretaries so as to ensure the freedom of local councils to select or remove their executive secretary without the approval by the central government;
 - h.* to confer a special status for Valetta as capital city in the light of Congress Recommendation 219 (2007) on the status of capital cities;
 - i.* abolish the system of requirement of the approval of the central government prior to obtaining any loan;
 - j.* consider the ratification of Article 9, paragraph 3 of the Charter;
 - k.* consider signing and ratifying the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);
 - l.* introduce measures in co-ordination with local authorities to encourage and enable women's access to local political office according to the principle of gender equality.
6. The Congress invites the Committee of Ministers of the Council of Europe to take into consideration the present recommendation on local democracy in Malta, as well as the explanatory memorandum, in its activities related to this member State.

32nd SESSION**Local democracy in Estonia**Recommendation 401 (2017)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. Article 2, paragraph 1.b of Statutory Resolution (2015)9 relating to the Congress, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy;”
 - b. Article 2, paragraph 3 of Statutory Resolution (2015)9 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented;”
 - c. Resolution 307(2010)REV2 on procedures for monitoring the obligations and commitments entered into by the Council of Europe member States in respect of their ratification of the European Charter of Local Self-Government;
 - d. the appended explanatory memorandum on local democracy in Estonia.
2. The Congress notes that:
 - a. Estonia became a member of the Council of Europe on 14 May 1993. It signed the European Charter of Local Self-Government (ETS No. 122, hereafter “the Charter”) on 4 November 1993 and then ratified it on 16 December 1994. The Charter entered into force with respect to Estonia on 1 April 1995. Estonia made no reservations or declarations with respect to the Charter;
 - b. Estonia signed and ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) on 20 April 2011 with entry into force on 1 June 2012;
 - c. the Monitoring Committee decided to review the situation of local democracy in Estonia in the light of the Charter. It appointed Mr Henrik Hammar, Sweden (L, EPP/CCE) and Mr Leendert Verbeek, Netherlands (R, SOC) as co-rapporteurs. They were instructed by the Monitoring Committee to prepare and submit to the Congress a report on local democracy in Estonia;
 - d. the monitoring visit took place from 6 to 8 September 2016. During the visit, the Congress delegation met with representatives of various political institutions such as the Parliament, the Minister of Public Administration, Tallinn City and Ida Viru as well as Järva County, the Western Islands, Chancellor of Justice, National Audit Office and the Supreme Court. The delegation met as well with representatives from the Congress delegation and the associations. The detailed programme of the visit is appended to the explanatory memorandum;

¹ Discussed and approved by the Chamber of Local Authorities on 29 March 2017, and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CPL32\(2017\)04](#), explanatory memorandum), co-rapporteurs: Henrik HAMMAR, Sweden (L, EPP/CCE) and Leendert VERBEEK, Netherlands (R, SOC).

e. the delegation wishes to thank the Estonian authorities at central and local level, the Estonian delegation to the Congress, the national associations of local authorities as well as all the interlocutors met during the visit for their readiness to assist and the information they provided. The delegation also thanks the Ambassador of Estonia to the Council of Europe who contributed to the organisation and smooth running of the visit.

3. The Congress notes with satisfaction:

a. the ratification by Estonia in 2011 of the “Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority” which illustrate a political commitment toward the participation of citizens in local public affairs;

b. the revision of the State Budget Law (section 46 (2)-(4)) in order to strengthen the interaction between the state and local authorities and their associations on budgetary items;

c. the initiatives of the Estonian institutions to start a far reaching reform process of the territorial architecture of the country on local and state level.

4. The Congress expresses its concern at:

a. the lack of clear division of competences between local and state authorities (Article 4.2 and 4.4);

b. the absence of adequate concomitant financial resources for the transfer of competences to local authorities and their overwhelming dependence on state grants and transfers (Article 9.2 -4);

c. the small potential of own resources of local authorities to execute their tasks, especially in rural areas, the weakness of own tax revenues of local authorities (Article 9.3) and the fact that the system of financing of local authorities is neither diversified nor evolutionary (Article 9.4);

d. the fact that in practice the consultations on issues of interest to local authorities are not systematic and their deadlines are too short to allow for the appropriate and effective consultation in the sense of Article 4.6;

e. the lack of clarity of distribution procedures, including the equalisation and the special support schemes, as well as insufficiency of the equalisation fund to cover the needs of local authorities (Article 9.5).

5. The Congress recommends that the Committee of Ministers invite the Estonian authorities to:

a. clarify their legislation concerning the distribution of mandatory tasks and functions between local government and State and transfer a maximum of competences together with concomitant finances to the local level. Such measures could complete the government’s approach to strengthening local democracy through merged greater territorial units;

b. combine as far as possible the functional responsibility of the State for a given competence with the financial responsibility to cover the costs of its implementation and refrain from using the state reform on agency level as a hidden transfer of responsibilities to local authorities;

c. change the domestic legislation in line with the accomplishment of the territorial reform in order to give to local authorities more financial autonomy and diversify the financial system of sources of their revenue by improving the local tax system and enlarging the local share in state taxes;

d. ensure in practice reasonable deadlines and regularity of consultations with local authorities on matters concerning them directly in the sense of Article 4.6 of the Charter. The practice of consultation should be adapted to the need of local authorities to follow closely deliberations especially in the field of reform process and local finance matters;

e. increase the dotation to the equalisation fund, review the criteria of its distribution and develop new vertical and horizontal instruments to improve the Estonian fiscal equalisation system and strengthen local fiscal autonomy.

6. The Congress invites the Committee of Ministers of the Council of Europe to take into consideration the present recommendation on local democracy in Estonia, as well as the explanatory memorandum, in its activities related to this member State.

32nd SESSION**Local democracy in Iceland**

Recommendation 402 (2017)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. Article 2, paragraph 1.*b* of Statutory Resolution CM/Res(2015)9 relating to the Congress, which provides that one of the aims of the Congress shall be “to submit proposals to the Committee of Ministers in order to promote local and regional democracy”;
 - b. Article 2, paragraph 3 of Statutory Resolution CM/Res(2015)9 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in states which have applied to join the Council of Europe, and shall ensure, in particular, that the principles of the European Charter of Local Self-Government are implemented”;
 - c. the present explanatory memorandum on local democracy in Iceland, drawn up by the rapporteurs, Mr Jakob Wielen (Netherlands L, EPP/CCE) and Mr Zdenek Broz (Czech Republic L, ECR) following a visit to Iceland from 21 to 23 June 2016;
 - d. Recommendation 283 (2010) on local democracy in Iceland.
2. The Congress recalls that:
 - a. Iceland signed the European Charter of Local Self-Government (CETS No. 122) on 20 November 1985 and ratified it on 25 March 1991, without any declaration or reservation; the Charter came into force for Iceland on 1 July 1991;
 - b. Iceland signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207) on 18 November 2009; since then, it has not been ratified;
 - c. the Monitoring Committee instructed Mr Jakob Wielen (Netherlands L, EPP/CCE) and Mr Zdenek Broz (Czech Republic L, ECR) to prepare and submit to the Congress, as rapporteurs, the report on local democracy in Iceland;²
 - d. The Congress delegation carried out a monitoring visit to Iceland from 21 to 23 June 2016, visiting Reykjavik, Garðabær, Reykjanesbær and Dalabyggð.
3. The Congress wishes to thank the Permanent Representation of Iceland to the Council of Europe and the Icelandic authorities at central and local levels, the Icelandic Association of Local Authorities, experts as well as other interlocutors for their valuable co-operation.

¹ Discussed and approved by the Chamber of Local Authorities on 29 March 2017, and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CPL32\(2017\)06](#), explanatory memorandum), co-rapporteurs: Zdenek BROZ, Czech Republic (L, ECR) and Jakob WIENEN, Netherlands (L, EPP/CCE).

² In their work, the rapporteurs were assisted by Ms Tania Groppi, expert, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress secretariat.

4. The Congress notes with satisfaction that:
 - a. the level of local democracy is globally satisfactory in Iceland, as demonstrated by the low level of conflicts between State and local authorities and by the good level of social services provided by the municipalities;
 - b. 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;
 - c. the new Local Government Act 138/2011 contains important provisions on State supervision and on the involvement of local authorities in national decision making;
 - d. the central government actively promotes and largely consults local authorities and recognises the role of the Icelandic Association of Local Authorities;
 - e. a wide range of instruments of inter-municipal collaboration does exist, which can contribute to the possibility for small municipalities to provide modern services;
 - f. participatory democracy has been improved at local level by the introduction of citizens' meetings and consultative referenda.
5. The Congress notes that the following points call for particular attention:
 - a. the division of responsibilities between central government and local authorities has not been clarified and several "grey zones" do persist;
 - b. no legislation has been passed giving the European Charter of Local Self-Government legal force as a directly applicable source of law in the domestic legal system;
 - c. local authorities dispose of limited resources, which means that they are unable to undertake tasks other than those stated by the law;
 - d. local authorities have mentioned the risk of an increase in transferred competences without adequate financial resources;
 - e. the equalisation fund is a static mechanism, unable to adjust to changing needs, in order to fulfil its purpose to protect financially weaker local authorities and to correct the unequal distribution of potential sources of finance;
 - f. the city of Reykjavik has not been granted a special status establishing different legal arrangements to take account of the particular situation of the capital city compared to other municipalities.
6. In light of the above, the Congress recommends that the Committee of Ministers call upon the Icelandic authorities to:
 - a. clarify the division of responsibilities between central government and local authorities on the basis of the subsidiarity principle;
 - b. pass legislation to give the European Charter of Local Self-Government legal force as a directly applicable source of law in the domestic legal system;
 - c. ensure that local authorities dispose of financial resources that are commensurate with their competences and sufficient to allow them to undertake optional tasks for the sake of their communities;
 - d. modernise the equalisation mechanism, in order to enable it to respond to current needs of local authorities;
 - e. grant the city of Reykjavik a special status, on the basis of Congress Recommendation 219 (2007), establishing different legal arrangements to take into account the particular situation of the capital city compared to other municipalities;

f. ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207).

32nd SESSION**Verification of new members' credentials and new appointment procedures**Resolution 410 (2017)¹

1. All delegations were renewed in October 2016 for a four year mandate. In compliance with Article 2.1 of the Congress Charter, only those members who have lost their mandate or wish to resign may be withdrawn from the delegation before the end of this term of office, even if local or regional elections take place during those four years.
2. On the basis of the criteria of Article 2.1 of the Congress Charter, some delegations have, since October 2016, appointed delegates to fill the seats left vacant upon renewal.
3. There are 17 vacant seats out of a total of 648 seats in Congress delegations. The delegations concerned are invited to appoint delegates so that their delegation may participate fully in the work of the Congress.
4. The rapporteurs on the verification of credentials propose that the Congress approve:
 - a. the new official appointment procedure for the national delegation of the United Kingdom appended to this resolution;
 - b. the credentials of the members of the national delegations also appended to this resolution.

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see document [CG32\(2017\)02](#), rapporteurs: Michail ANGELOPOULOS, Greece (L, EPP/CCE) and Eunice CAMPBELL-CLARK, United Kingdom (R, SOC))

32nd SESSION**From reception to integration: the role of local and regional authorities facing migration**Resolution 411 (2017)¹

1. The increasing number of migrants coming to Europe constitutes a critical challenge for all levels of government, calling for adapted and effective measures in Council of Europe member States. Local and regional authorities who, as the public authority closest to the population, are the first port of call in any emergency situation, have the responsibility to provide newly arrived migrants with access to key public services (housing, healthcare, education) without any discrimination.
2. The burden of managing the current situation has been put on a limited number of States whereas greater solidarity among European States should be the order of the day. The absence of a clear and coherent European response to the situation has led to a crisis of policy at international and national level, leaving local and regional governments with limited means and guidance to respond to asylum seekers' needs.
3. Clear definitions are important when talking about migration issues as different responses and investments may be needed to address the current situation although ensuring the respect of human rights for all migrants regardless of their status constitutes the baseline as far as public authorities are concerned.
4. According to the 1951 UN Geneva Convention relating to the Status of Refugees, a refugee is a person who has a "well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality, and is unable to, or owing to such fear, is unwilling to avail himself of the protection of that country." Refugees have a legal status whereas asylum seekers do not.
5. Asylum seekers are persons who have applied for protection as refugees in a particular State and who are waiting for the determination of their status. States have put in place specific procedures for recognising refugee status. In this context, national asylum systems are in place to determine who qualifies for refugee or subsidiary protection status. Nonetheless, there is a uniform European Union system for the process of seeking asylum to ensure minimal standards such as freedom, security and justice. The Dublin Regulation, which is also the core principle of the Common European Asylum System, establishes the member State's responsibility for examining an asylum application.
6. Finally, according to the International Organisation of Migration (IOM), a migrant is any person who is moving or has moved across an international border or within a State away from his/her habitual place of residence, regardless of the person's legal status; whether the movement is voluntary or involuntary, what the causes for the movement are or what the length of stay is.

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see Document [CG32\(2017\)07](#), explanatory memorandum), rapporteurs: György ILLES, Hungary (L, ILDG), and Yoomi RENSTRÖM, Sweden (R, SOC).

7. Reception and integration of refugees necessitates well-defined integration policies to be put in place as early as possible. Ensuring respect for human rights for migrants regardless of their status, gender, country of origin or nationality should be a priority in this endeavour. However, the question of the integration of all newly arrived migrants remains a matter of concern for various reasons, as each State has a sovereign right to determine whom to admit to its territory, subject to that State's international obligations. Unfortunately, the negative perception of newcomers, fostered by discourses based on fear and xenophobic resentment is a regrettable situation that risks impeding future integration processes. This is especially relevant for women and children who are particularly at risk of becoming victims of violence and abuses such as sexual violence, human trafficking or disappearance. Other obstacles such as the barriers to accessing the job market or to taking part in local public life can in turn undermine integration of newcomers into the host community in the long run.

8. To tackle these issues, the Committee of Ministers of the Council of Europe has adopted various recommendations to improve the interaction of refugees and migrants with the receiving societies as well as validation of migrants' skills and their access to employment. The Parliamentary Assembly of the Council of Europe (PACE) has assessed the issues relating to the current refugee situation from different perspectives, including the detention of children, the criminalisation of irregular migrants, the need to promote greater solidarity in the resettlement of refugees as well as the need to establish a real European asylum system. The Council of Europe Commissioner for Human Rights has regularly published opinions advising member States to improve the protection of human rights of migrants and to ensure that undocumented migrants and their children have access to basic rights, in particular the right to health care and education. The European Commission against Racism and Intolerance has adopted General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination.

9. The Congress of Local and Regional Authorities of the Council of Europe is committed to drawing attention to the fact that local and regional authorities are key actors in the organisation of migrants' reception and their integration into the host communities. The Congress has, in this regard, emphasised in its previously adopted resolutions the need to promote migrant entrepreneurship, their effective access to social rights, participation of foreign residents in public life at local level and intercultural and interreligious dialogue. It has also adopted a declaration on the reception of refugees inviting the member States of the Council of Europe to show greater solidarity and to work closely with the European Union and local and regional authorities to establish a network to share experience as well as best practice examples.

10. In light of the above and convinced that local and regional authorities are the cornerstone of efforts to effectively tackle the current challenges linked to migration, the Congress, while recognising that each State has a sovereign right to determine whom to admit its territory, subject to that State's international obligations, calls on the local and regional authorities of the member States,

a. with regard to all migrants whatever their status, to:

i. approach local government from an inclusion and early integration perspective that emphasises provision of key services to all residents without discrimination, addressing their needs regardless of their status, nationality or country of origin;

ii. engage with the existing negative narratives and representations of all migrants, whatever their status, through awareness raising campaigns, based on an approach that promotes human rights and dignity of the person, with particular attention to the No Hate Speech campaign of the Council of Europe among young people in their constituencies;

iii. take measures to promote intercultural education in order to encourage host communities' knowledge and awareness about migrants' rich backgrounds and the positive impact they can have (for example by facilitating their inclusion in cultural and sports initiatives in co-operation with voluntary sector bodies and private partnerships) and promote education for democratic citizenship to develop migrants' understanding of the host community's social and civic values and functioning;

iv. initiate capacity building at political and administrative level for elected representatives and municipal staff by means of training, exposure, exchanges and support for “learning by doing” and establish targeted reception, information and support services, cultural mediation and health services for migrants, adapting the training of health professionals to a growing intercultural society, keeping in mind the need for a balanced approach that takes into account the interests of the citizens of the host society as well as those of migrants;

v. promote the recently developed Congress toolkit on the organisation of intercultural and interreligious dialogue among local authorities to facilitate information and practice exchange;

b. concerning more specifically the reception of refugees, to:

i. co-operate both with other levels of government (local, regional and national) to ensure a co-ordinated response to the issues related to reception of refugees and with cities in other countries to exchange good practice examples and to develop innovative initiatives involving refugees as well as all citizens;

ii. bring together local partners (institutional or citizen initiatives) who can contribute to the work on the different aspects of refugee reception, including NGOs that have privileged experience of working with refugees and/ or with the local population;

iii. ensure that refugee reception centres are not used for detention purposes, particularly as regards children and minors (as this is essential if they are to be integrated into the host society) and provide clear information about national procedures granting refugee status;

iv. develop assistance programmes for refugees, taking into account their personal identities, individual skills and abilities and providing counselling and support for the development of their individual life projects, including language and vocational training, with particular attention to women, young people and groups with special needs such as elderly people and persons with disabilities;

v. urge local authorities to be aware of the extreme suffering refugees are subjected to while travelling to Europe (including physical and psychological violence as well as inhuman or degrading treatment) aggravated by bureaucracy and poor reception conditions, and to put in place measures to also provide psychological assistance to those who have been ill-treated;

vi. remove practical barriers encountered by refugees when trying to access the labour market, by providing them with integration programmes facilitating access to the local employment market, education, vocational training, work transition measures and establishment of own businesses, with a particular focus on measures that foster access to regular work and combat exploitation, in line with the New York Declaration for Refugees and Migrants adopted in September 2016 by the United Nations;

vii. promote volunteer community work as a way for newly arrived asylum seekers who may be in a transit situation (for example waiting for their resettlement to another country) to contribute to their host community, including in rural areas, by taking part in socially-beneficial activities in order to familiarise them with the work environment and to make them visible to the citizens as contributors to the welfare of the local community;

viii. prioritise action for children in precarious situations, including children in refugee reception centres (whether they are unaccompanied or accompanied by families), children living and begging in the streets and co-ordinate efforts between local and national authorities to integrate all children into the education system as soon as possible;

ix. support housing solutions and initiatives that encourage mixing and positive interaction between refugees and host communities and take active measures to avoid any process of ghettoisation;

- x. adopt planning and monitoring instruments to keep track of policies and services initiated within their territories, including through the promotion of agreements, memoranda of understanding and other actions likely to promote synergies between the various public and private sector and economic and social players involved;
- xi. set up networks in order to exchange information on solutions that can be implemented irrespective of national legislative or political choices (the Gateway Cities project of the Council of Europe, could, if launched, function as a framework for exchange and co-operation between frontline reception territories, which face similar challenges with regard to irregular migration).
- xii. consider applying for eligibility for funding to the Council of Europe Development Bank (CEB) which supports integration projects.

32nd SESSION

Recurring issues based on 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

Resolution 412 (2017)¹

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);
 - b. Congress Resolution 395(2015) on the revision of its Rules of Procedures 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;
 - c. The monitoring reports and recommendations adopted by the Congress with respect to the situation of local and regional democracy in member States of the Council of Europe;
 - d. 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;
 - e. Congress' Resolution 413 (2017) on the comparative analysis on the implementation of the European Charter of Local Self-Government in 47 member States.
2. The Congress identified the absence of direct applicability of the Charter as 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 for local and regional authorities, the restricted definition, allocation and exercise of local competences and the lack of consultation with regard to central government.
3. The Congress highlighted that recurring issues in electoral matters included the accuracy and quality of voters lists, the misuse of administrative resources during electoral campaigns, the professionalism and politicisation of the electoral administration at all levels and, overall, the trust of voters in electoral processes.

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

4. The Congress of Local and Regional Authorities of the Council of Europe:

a. requests that Monitoring Committee provide – every three years – an updated analysis of the recurring issues based on recent assessments resulting from Congress monitoring and election observation missions;

b. invites its Monitoring Committee to systematically refer to recurring issues in future assessments of the situation of local and regional democracy in the framework of the monitoring of the European Charter of Local Self-Government and election observation;

c. calls on all relevant instances of the Congress to participate in awareness-raising efforts and design appropriate policies and tools with regard to the recurring issues and ways of addressing them.

32nd SESSION**Comparative analysis on the implementation of the European Charter of Local Self-Government in 47 member States**

on the basis of the recommendations on local and regional democracy in member States adopted by the Congress

Resolution 413 (2017)¹

1. Referring to:

- a. the European Charter of Local Self-Government (ETS No. 122, 1985);
- b. the monitoring reports and recommendations adopted by the Congress with respect to the situation of local and regional democracy in member States of the Council of Europe;
- c. the recurring issues based on assessments resulting from Congress monitoring and election observation missions ([CG32\(2017\)19](#));
- d. the comparative analysis on the implementation of the European Charter of Local Self-Government in 47 member States contained in the explanatory memorandum to this resolution,

2. The Congress of Local and Regional Authorities of the Council of Europe requests its Monitoring Committee:

- a. to focus, in the framework of its monitoring visits, in particular on the provisions of the Charter which give rise to recurring problems in member States of the Council of Europe as well as on the non-ratified provisions of the Charter;
- b. to pursue a political dialogue in the framework of post-monitoring activities with all the member States concerned on the basis of the findings of the appended explanatory memorandum.

3. The Congress requests that its Monitoring Committee provide – every three years – an analysis of the appended report on the basis of the adopted monitoring recommendations.

4. It also asks the other Congress bodies to take into account the findings drawn from the comparative analysis during their respective activities

¹ Debated and adopted by the Congress on 28 March 2017, 1st sitting (see document [CG32\(2017\)22](#), explanatory memorandum), co-rapporteurs: Xavier CADORET, France (L, SOC) and Karim VAN OVERMEIRE, Belgium (R, NR).

32nd SESSION**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**

Resolution 414 (2017)¹

1. Young Europeans are facing many challenges in their transition to autonomy and working life because of the ongoing economic and financial crisis which has hit young people hard, the youth unemployment rate, and a human rights crisis with young people finding it increasingly difficult to access and exercise their human, social and economic rights. Some young people who are vulnerable or have special needs, such as disadvantaged or marginalised young people, Roma youth, refugees and those with disabilities may face additional challenges.

2. Young people can be seen as indicators of the well-being of a society. They need to be considered as fully-fledged, legitimate citizens who contribute to shaping European societies. Effort must be made to accompany their transitions by the development and implementation of innovative youth policies, as well as new ideas for youth work adaptable to individual needs and to local contexts.

3. The Congress, for its part, is committed to promoting youth participation within its own institution. Indeed, it invites one youth delegate per country, between the ages of 16 to 30, from each of the 47 member States to attend each session alongside delegation members and to take part in all discussions and meetings.

4. The 27th Session of the Congress was held in October 2014 under the theme "Empowering youth: a shared responsibility for cities and regions" and had the aim of creating a forum for dialogue between the youth delegates and local and regional elected representatives and fostering youth participation in policy framing and decision-making processes at local and regional level.

5. The Congress is determined to pursue its dialogue with young people and to involve them in its work, in particular through projects that they are invited to develop in their countries in co-operation with local authorities and to present at the sessions.

6. In addition, the Congress reiterates the invitation previously made to member States of the Council of Europe in its Resolutions 346(2012) and 386(2015) to include young people in their national delegations to the Congress, both as full and substitute members, so that the composition of the Congress reflects that of European societies.

7. The Congress welcomes the fact that the 2014 edition of the European Local Democracy Week was consecrated to the theme "Participatory democracy: sharing, proposing, deciding", with a special focus on youth.

¹ Debated and adopted by the Congress on 29 March 2017, 2nd sitting (see Document [CG32\(2017\)11](#), explanatory memorandum), rapporteur: Eunice CAMPBELL-CLARK, United Kingdom (R, SOC).

8. In view of the above, the Congress of Local and Regional Authorities of the Council of Europe strongly encourages local and regional authorities of its members States to:

a. implement the recommendations contained in its Resolutions 386(2015), 346(2012), 319(2010) and 259(2008),²

b. raise awareness of the Revised European Charter on the Participation of Young People in Local and Regional Life and take it into consideration in all aspects of their youth policy making.

9. The Congress is convinced that a successful transition to autonomy for young people requires some investment both in creating municipal youth departments, launching youth projects, supporting youth NGOs and youth clubs and in developing their programmes and activities as well as training youth councillors.

10. Support given to youth in transition needs to be complete, catered by various actors at local and regional level and to be the outcome of co-operation between youth work, youth policy and youth research actors, involving at the same time young people themselves, who need to be seen as partners in constructing their career paths.

11. For this purpose, the Congress invites local and regional authorities, depending on their competences, to assist young people in their transition to autonomy and adulthood by taking the following actions:

a. As regards information:

i. set up online and face-to-face youth counselling and information centres, which provide individual coaching, specific training sessions;

ii. provide counselling on mobility and information in these centres on existing opportunities in other European countries;

b. As regards education:

i. offer to all young people from an early age onwards human rights education at school and in non-formal and informal settings;

ii. ensure close co-operation between formal, non-formal and informal education and intensify the links between formal education institutions on the one hand and youth clubs or youth NGOs on the other;

iii. ensure access to quality education for youth who are disadvantaged or have special needs (refugee youth, early school leavers) and propose alternatives to classical secondary education for those who are school drop-outs or foreign to the system;

iv. encourage access to apprenticeship and provide support to those pursuing their education beyond the age of 18;

c. As regards employment:

i. facilitate access to "first employment" contracts with stable conditions through co-operation with the public and private sectors and accompany young entrepreneurs in the set up and development of their new companies;

ii. establish a local government programme for official recognition as professional experience of competences developed in the context of traineeships and volunteer work;

d. As regards housing:

i. develop low budget housing opportunities for young people, with loan opportunities and municipal financial support;

² [Resolution 386 \(2015\)](#) on "Bringing down barriers to youth participation: adopting a lingua franca for local and regional authorities and young people", [Resolution 346 \(2012\)](#) on "Youth and democracy: the changing face of youth political engagement"; [Resolution 319 \(2010\)](#) on "Integration of young people from disadvantaged neighbourhoods", [Resolution 259 \(2008\)](#) on "Integration and participation of young people at local and regional level".

ii. set up transition shared homes in which young people would live together (two or three people) and share tasks, accompanied (if need be) by social workers or youth workers;

iii. provide a mechanism that allows local and regional authorities to stand as guarantors to isolated young people for rental homes;

iv. offer young people training opportunities through youth information centres on autonomous living as well as visits from municipal youth councillors in their new homes upon request to mentor them on particular challenges;

e. As regards health:

i. set up free physical and mental health centres for young people, if possible as part of youth information centres and provide regular medical counselling;

ii. provide in the framework of these structures (disadvantaged neighbourhoods and rural areas included) regular information sessions or trainings on sexual and reproductive rights, depression, violence and harassment or other health-related issues;

f. As regards international and trans-frontier co-operation:

i. cooperate with European information centres for youth in order to transmit news on training, education or job opportunities abroad;

ii. establish trans-frontier youth information centres in regions situated on the borders between Member States in order to encourage young people's mobility across the region and to share information on youth-related opportunities.

12. Moreover, further attention should be given to isolated or disadvantaged youth. The Congress encourages local authorities to invest in reaching out to all young people and thus inform and motivate them to get involved in local government led projects.

13. Finally, the Congress reaffirms its intention to pursue its co-operation with the Council of Europe's Directorate General of Democracy, in particular the Youth Department, on promoting youth participation and access to social rights for youth.

32nd SESSION**Charter of European Political Parties for a Non-Racist Society
(Revised)**Resolution 415 (2017)¹

1. The Charter of European Political Parties for a Non-Racist Society is a document drawn up under the auspices of the European Union Consultative Commission on Racism and Xenophobia opened for signature on 28 February in Utrecht 1998. Taking inspiration from the United Nations Convention on the Elimination of All Forms of Racial Discrimination opened for signature in 1965, it rejects all forms of racist violence, incitement to racial hatred and harassment and any form of racial discrimination.
2. Endorsed by the Parliamentary Assembly of the Council of Europe (PACE) in September 2003 and the European Commission against Racism and Intolerance (ECRI) in March 2004, this Charter, which was originally applicable in the European Union has, since then, become one of the reference texts that different Council of Europe bodies have relied on when discussing Roma issues.
3. In October 2016, the Congress adopted Resolution 403 and Recommendation 388 on ‘The situation of Roma and Travellers in the context of rising extremism, xenophobia and the refugee crisis in Europe’, whereby the Congress encouraged local and regional authorities to fight anti-Gypsyism, be it social or institutional, by publicly denouncing hate speech, violence and discrimination against Roma and Travellers.
4. In January 2017, the Special Representative of the Secretary General of the Council of Europe for Roma Issues, Valeriu Nicolae, addressed a revised version of the Charter to the Congress, for adoption, together with a declaration to be signed by mayors individually committing themselves to its implementation. This request was triggered by his concerns regarding the need to bring the Charter up to date, on the one hand because some Eastern European countries had not been targeted for signature as they became members after 2003 and, on the other hand, because political developments related to increased migration and concepts such as anti-Gypsyism as well as other manifestations of racism were not reflected therein.

¹ Debated and adopted by the Congress on 29 March 2017, 2nd sitting (see Document [CG32\(2017\)17](#), explanatory memorandum), Congress Spokesperson on Roma issues: John WARMISHAM, United Kingdom (L, SOC).

5. The Congress and the SRSG for Roma Issues have been involved in joint projects previously, particularly in the context of the “European Alliance of Cities and Regions for the Inclusion of Roma and Travellers”, which was set up in 2014 to promote action for Roma and Travellers² at the local level. The Congress Spokesperson on Roma Issues is persuaded that an updated version of the Charter can assist local authorities in their fight against anti-Gypsyism and that the signature of a declaration of commitment would give a much needed new impetus to their action.

6. In the light of the above, the Congress invites the local authorities of Council of Europe member States to:

- a. endorse the Charter of European Political Parties for a Non-Racist Society in its revised version ;
- b. circulate the Charter as widely as possible and promote it as a text of principles that can guide the action of local authorities in their campaigns and activities;
- c. tasks its Current Affairs Committee to follow up with appropriate action supporting the Charter’s promotion.

² The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies.

32nd SESSION

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

Resolution 416 (2017)¹

1. At the meeting of 8 February 2016, the Congress Bureau asked its rapporteurs on Turkey to conduct a fact-finding mission to investigate the detention and removal from office of an increasing number of elected mayors and municipal councillors in Southeast Turkey, in the light of Turkey's commitments under the European Charter of Local Self-Government.

2. The Congress is aware of the threats that Turkey is facing, including an increase in terror attacks, the attempted coup of 15 July 2016, several million refugees within its borders and war on its borders. It categorically condemns all forms of terrorism and violent extremism. Nobody can deny that Turkey needs to take adequate and proportionate measures to protect itself and its institutions.

3. The Congress has set the fight against violent extremism as a priority activity and is convinced that local authorities have a unique and key role to play in this respect and that the healthy functioning of local democracy is an essential tool for facing these threats.

4. It believes, however, that the detentions and arrests of local elected representatives and the extensive resort to lengthy remand detention, within the framework of the fight against terrorism, are counter-productive and are weakening the capacity of Turkey to deal with the terrorist threats that it is facing.

5. The Congress is concerned that the replacement of elected mayors by "mayors appointed by the central authorities" is being accompanied by a reduction in local public services, and in particular the closure of women's refuges and other services for women, children and families at risk.

6. The Congress therefore,

a. reaffirms its commitment to working with the Turkish authorities to strengthen local democracy and to combat all forms of terrorism and violent extremism;

b. proposes that the Human Rights Commissioner, in the framework of his visits to Turkey, pays particular attention to the situation of elected mayors, notably in Southeast Turkey, including those former mayors who are now in prison;

c. suggests that the Venice Commission prepare an opinion on the constitutionality of the measures in Decree Law No. 674 which concern the exercise of local democracy in Turkey;

d. calls on the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) to pay particular attention to reports of closures of women's shelters by "mayors appointed by the central authorities";

¹ Debated and adopted by the Congress on 29 March 2017, 2nd sitting (see document [CG32\(2017\)13](#), explanatory memorandum), co-rapporteurs: Anders KNAPE, Sweden (L, EPP/CCE) and Leendert VERBEEK, Netherlands (R, SOC)

- e.* asks the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) to examine reports of inhumane treatment of detained local elected representatives in Turkey, notably their solitary confinement and systematic transfer to prisons far from their homes;
- f.* agrees to put the review of the situation of Nurhayat Altun, member of the Turkish delegation of the Congress, on the agenda of its Bureau meetings until the end of legal proceedings.

32nd SESSION**Open data for better public services**Resolution 417 (2017)¹

1. The rapid and ongoing rise in the quality and quantity of digital data and information managed and generated by local authorities is providing valuable new opportunities for them to improve the quality of local life by sharing the data and releasing it into the public domain. An increasing number of cities are demonstrating that there is huge untapped potential in this data for NGOs and interest groups, when it is released into the public domain in a reusable format.
2. In many sectors, including transport, public health, use of cultural facilities, environment quality and energy use, public authority data sets are beginning to be used by civil society groups, often working in partnership with the local authority, to develop new tools and applications for promoting good governance in towns and cities. The benefits can be improved governance, improved quality of life and cities that are ecological and smart.
3. Open data offers greater transparency and not only provides citizens with the information to understand what their local governments do but also empowers them to contribute to the decisions-making process of their local governments. It can lead to more participation in policy making, to achieve more intelligent and tailored and responsive policies and more accountability.
4. The reuse of public sector information can also stimulate social and economic growth by enabling third parties to create innovative products and services. Recent estimates have put the potential benefits of open data at more than 1% of global GDP.
5. In the light of the above, the Congress:
 - a. Bearing in mind:
 - i. Congress Resolution 290 and Recommendation 274 (2009) on E-democracy: opportunities and risks for local authorities;
 - ii. Congress Resolution 389 (2015) on New forms of local governance;
 - iii. the Convention on Access to Official Documents (CETS No. 205);
 - iv. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No.207);
 - b. Convinced that open data is and will be a strong engine for improving local governance, with the power to transform cities into more open, democratic, transparent spaces;
 - c. Convinced that the use of open data by cities in the future is necessary in order to keep up with the new generation of computer literate young;

¹ Debated and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CG32\(2017\)15](#), rapporteur: Manuela BORA, Italy (R, SOC))

- d.* Aware of the challenges that remain in providing access to open data in easy to use formats;
 - e.* Conscious of the need to respect privacy and data protection laws and policies.
6. Calls upon local authorities in the Council of Europe member States to:
- a.* Develop strategies to make local authority information datasets open to citizens in machine readable formats for their citizens to reuse, including on mobile devices;
 - b.* Take measures to ensure that the entire population in a city have access to open data, benefit from and actively participate in open data initiatives, dialogues between government and citizens, and public facilities delivered by open data;
 - c.* Encourage citizens to make use of open data by publishing information, organising public meetings and programmes to stimulate the use of open data to provide societal value;
 - d.* Create partnerships with civil society groups and other organisations that can help to provide training and capacity building in the re-use of open data and the organisation of open data activities;
 - e.* Consult citizens and civil society for input about how to make the data more responsive to their interests and concerns through public events, workshops and consultations, in order to understand which data should be provided and generated;
 - f.* Ensure that data protection and privacy laws and policies are strictly adhered to when data is made available to the public.
7. Commits itself to:
- a.* Supporting and encouraging local authorities to re-use public information and make datasets available to the public in order to improve their public service delivery, strengthen local democracy and stimulate social, cultural and environmental initiatives;
 - b.* Encouraging cities to go beyond the release of open data sets towards making local data infrastructures more responsive to the interests, needs and concerns of their citizens;
 - c.* Assisting cities to gather feedback from citizens, civil society groups and other stakeholders through organising public events, workshops and consultation to understand the interests of the different user groups and to inform data publication priorities;
8. Asks national associations of local and regional authorities to encourage their national governments to sign and ratify the Council of Europe Convention on Access to Official Documents (CETS No. 205) and the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No.207) if they have not yet done so.

32nd SESSION

Revision of the *Rules and Procedures of the Congress*

Resolution 418 (2017)¹

1. In 2014, the Congress adopted the Partner for Local Democracy Status (incorporated into its Rules and Procedures in 2015) in order to formalise relations between the Congress and the political authorities in the Council of Europe's neighbouring countries, which included the local and regional authorities and their representative associations.
2. This status is intended to supplement other forms of participation in the work of the Congress already provided for in the Congress' Rules.
3. The rapporteurs, hoping to give new impetus to this co-operation, have examined Rule 64 and consider that certain provisions could be clarified or made more flexible, notably the criteria for admissibility of requests. The proposed changes are reflected in the text attached.
4. The Congress adopts the proposed changes to the *Rules and Procedures of the Congress*, as appended, which will be incorporated into the *Rules and Procedures of the Congress* and enter into effect immediately after the 32nd Session.

¹ Debated and adopted by the Congress on 30 March 2017, 3rd sitting (see Document [CG32\(2017\)21](#)), co-rapporteurs: Xavier CADORET, France (L, SOC), and Marc COOLS, Belgium (L, ILDG).

[...]

Rule 64 – Partner for Local Democracy status

1. The Congress may grant Partner for Local Democracy status to delegations from non-member States of the Council of Europe in neighbouring regions² which meet the conditions set out in the present rule.
2. Only one such status may be attributed per state.
3. A formal request to be granted Partner for Local Democracy status must be addressed to the President of the Congress and must be drawn up jointly by the government of the requesting state and one or more associations of local and/or regional elected representatives in that state.
4. The formal request shall contain an explicit reference to the aspiration of the applicants to uphold, respect and promote at all levels of government the values and principles of the Council of Europe, and a commitment to:
 - a. initiate a process of devolution and/or regionalisation, based on the principles of the European Charter of Local Self-Government and/or the Council of Europe Reference Framework for Regional Democracy;
 - b. hold regular free and fair elections at local and/or regional level in accordance with the relevant international standards and, as far as possible, observed by a delegation of elected members of the Congress;
 - c. base the activity of their delegation on the principles of the European Code of Conduct for the political integrity of local and regional elected representatives;
 - d. inform the Congress Secretary General, on a regular basis, of the progress made in the field of decentralisation.
5. Each request must be accompanied by details of the procedure specific to each country, stipulating the arrangements for consulting associations of local and/or regional associations in the process of appointing members of the delegation.
6. The Bureau of the Congress will examine the request. It may consult with any of the committees that it considers pertinent and decide whether to attribute the status. During this examination, the Bureau may take several elements into consideration:
 - a. participation in the Council of Europe's neighbourhood policy;
 - b. implementation of joint action or of a co-operation programme with the Council of Europe;
 - c. ratification of the Council of Europe's open conventions or enlarged partial agreements (in particular the Venice Commission and the North-South Centre);
 - d. holding of the Partner for Democracy status with the Parliamentary Assembly.
7. If the Bureau decides to grant the status, it will submit its decision, in the form of a draft resolution, with an accompanying explanatory memorandum, to the Congress for vote.
8. With regard to the composition of each Partner for Local Democracy delegation:
 - a. this shall respect, as far as possible, the principles laid down in the Charter and the Congress's Rules and Procedures, in particular with regard to Article 2. Delegations should, therefore, reflect, as far as possible an equitable geographic and political representation and all attempts should be made to fulfil the gender provisions of Article 2, ensuring that at least one representative of the under-represented sex is included in the delegation;

² The southern coast of the Mediterranean, the Middle-East and Central Asia.

- b. the number of members will be laid down by the Congress on a case by case basis, the practice in place in the Parliamentary Assembly of the Council of Europe shall act as a guide;
 - c. it shall consist of representatives holding a local or regional electoral mandate in accordance with the provisions of Article 2 of the Charter. There shall be no substitutes in the delegation;
 - d. it shall elect a head of delegation and must ensure the support of a secretary or secretaries who are independent from all national government or agency authority for the purposes of this work and who preferably have ties with one of the associations of local and/or regional authorities entitled to be consulted with regard to the composition of national delegations. The appointment of the secretary or secretaries of delegation must be notified, in writing, to the Secretary General of the Congress by the head of delegation;
 - e. information on its composition and nomination shall be updated as required in accordance with the relevant procedures, and at the latest 15 days prior to each renewal session of national delegations to the Congress.
9. The forms and conditions of participation in the work of the Congress and of its chambers and committees of delegations with Partner for Local Democracy status are as follows:
- a. members may sit in all sessions of the Congress or its chambers and in meetings of the Statutory Forum, without the right to vote. They may speak subject to the president's consent. They may not table amendments but may table proposals as well as memoranda, though their names shall not be taken into account when counting the number of signatures required. They may, at their own expense, submit documents relating to the different items on the Congress agenda;
 - b. members may participate in all committee meetings without the right to vote. They may speak with the authorisation of the committee chair and may make proposals concerning the draft agenda;
 - c. travel and subsistence costs arising from the participation of the delegation will not be charged to the Congress's ordinary budget.
10. Members of these delegations may participate in meetings of political groups at the discretion of the groups themselves and according to the conditions established by the groups.
11. The decision to grant, suspend or withdraw Partner for Local Democracy status shall be taken by the Congress, on the basis of a draft resolution submitted by the Bureau of the Congress together with, if appropriate, the opinion of one or more committees to which the Bureau may wish to refer the matter.

[...]