

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

## Recommendation 453 (2021)<sup>1</sup> Ensuring respect for the European Charter of Local Self-Government in major crisis situations

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

*a.* the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5);

*b.* Statutory Resolution CM/Res(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers;

*c.* the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207);

*d.* the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, in particular goal number 11 “Sustainable cities and communities” and goal number 16 “Peace, justice and strong institutions”;

*e.* the Information Document of the Council of Europe Secretary General “Respecting democracy, rule of law and human rights in the framework of the Covid-19 sanitary crisis: A toolkit for member states” (2020);

*f.* the Venice Commission report “Respect for Democracy, Human Rights and the Rule of Law during States of Emergency” (2020);

*g.* Congress Recommendation 444 (2020) on local and regional elections in major crisis situations;

*h.* Congress Recommendation 455 (2021) on recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2017-2020).

2. The Congress considers the Covid-19 pandemic as a major crisis situation which has put the exercise of local democracy under many more constraints and much more pressure than in normal times. Although the pandemic’s effects differ across regions and municipalities, globally, it has brought about significant and diverse challenges to local authorities in Council of Europe member States, in particular in the areas of public health, delivery of social services and economic activities, while accelerating, in some cases, the pre-existing trend towards centralisation.

1. Debated and adopted by the Congress on 24 March 2021, 2nd sitting (see Document [CG\(2021\)40-07final](#), explanatory memorandum), co-reporteurs: Leendert VERBEEK, Netherlands (R, SOC/G/PD) and Robert-Csongor GRÜMAN, Romania (R, EPP/CCE).

3. The Congress acknowledges that the situations of severe crisis may, in some cases, require the introduction of uniform measures throughout a country. However, this should be enacted within the limits of the constitutional distribution of powers and in a manner that preserves the valuable role of local authorities. Therefore, crisis-related centralisation should only be temporary and should not undermine, even during times of emergency, local autonomy which has made an important contribution to the fight against Covid-19.

4. The Congress therefore reiterates that the principles and standards of local democracy enshrined in the European Charter of Local Self-Government ratified by all 47 Council of Europe member States shall be upheld at all times of crisis to safeguard local democracy and ensure local self-government resilience and sustainability.

5. In light of the foregoing, the Congress invites the Committee of Ministers to encourage the respective authorities of Council of Europe member States to:

*a.* consider in their crisis-management and recovery policies the differential impact of the Covid-19 pandemic on local governments by placing a particular focus on those hit hardest by the crisis. Recovery and crisis prevention plans should be (re)designed in effective consultation with local authorities. This will ensure local ownership of policies needed for their successful implementation at grass-roots level in the common interest of all levels of government and citizens;

*b.* make sure that the short-term centralisation which was applied in some cases to speed up and simplify decision making, is only a temporary measure, and avoid the long-term centralisation of competences and the related financial resources. The decisions on continuation or discontinuation of crisis-related centralisation should be measured against the principles of necessity, proportionality and temporariness;

*c.* continue to support local authorities in their efforts to tackle the public health, societal and economic challenges posed by Covid-19. This can be achieved through allocating to local authorities adequate financial resources to fulfil their new functions, refraining from excessive supervision, ensuring co-ordination and provision of systematic information on national and regional measures, exchanging good and bad practices in crisis management both within and across national borders, and supporting intermunicipal co-operation;

*d.* seek to increase local authorities’ own revenues and diversify local revenue sources to make municipalities crisis-proof and make sure that the conditions of financial transfers give local authorities leeway to determine their own spending priorities;

*e.* promote public participation online to complement more traditional forms of citizen participation in local affairs while respecting the principle of equality regarding internet access;

*f.* pursue their co-operation and strengthen the political dialogue with the Congress to improve local and regional democracy through the application of the Charter, and make use of the Congress hub on Covid-19 to share good practice examples of responses at local and regional levels in times of major crisis.