

## STATUTORY FORUM

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## STATUTORY FORUM

### Fact-finding report on territorial reform in Latvia

Recommendation 447 (2020)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
  - a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, providing 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”;
  - b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, providing that “[t]he 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 the effective implementation of the principles of the European Charter of Local Self-Government”;
  - c. Chapter XVII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;
  - d. Recommendation Rec (2004) 12 of the Committee of Ministers to member States on the processes of reform of boundaries and/or structure of local and regional authorities, adopted by the Committee of Ministers on 20 October 2004;
  - e. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
  - f. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;
  - g. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;
  - h. Congress Recommendation 412 (2018) on local and regional democracy in Latvia;
  - i. the explanatory memorandum on the fact-finding visit to the Republic of Latvia.
2. The Congress notes that:
  - a. Latvia joined the Council of Europe on 10 February 1995. It signed and ratified the European Charter of Local Self-Government (ETS No.122, hereafter, “the Charter”) on 5 December 1996 and the Charter came into force in Latvia on 1 April 1997; in accordance with Article 12, paragraph 1, of the Charter, Latvia declared that it was not bound by Article 9, paragraph 8, of the Charter;

1. Debated and adopted by the Statutory Forum on 7 December 2020, (see Document [CG-FORUM\(2020\)02-02](#), explanatory memorandum), co-rapporteurs: Xavier CADORET (France, L, SOC/G/PD) and Marc COOLS (Belgium, L, ILDG).

b. On 10 October 2019, the Chair of the Latvian Association of Local and Regional Governments (*Latvijas Pasvaldību Savienība*, hereafter, “the LPS”), Gints KAMINSKIS, wrote to the Congress complaining of numerous alleged violations of the Charter in connection with the preparation and implementation of the country’s administrative territorial reform, in particular a problem regarding consultation. In the letter, the association also complained of a significant decline in the budgetary autonomy of local authorities and a risk of changes to legislation that had been declared to be in conformity with the Charter by the Congress. Further to a decision by the Bureau of the Congress to conduct a fact-finding visit to Latvia to clarify the association’s allegations, the Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereafter, “the Monitoring Committee”) entrusted the rapporteurs, Xavier CADORET (France, L, SOC/G/DP) and Marc COOLS (Belgium, L, ILDG), with the task of conducting the visit to the Republic of Latvia;

c. During the fact-finding visit, which took place on 4 December 2019, the Congress delegation met representatives of various institutions at all levels of government. The programme of the visit is appended to the explanatory memorandum;

d. The delegation wishes to thank the Permanent Delegation of Latvia to the Council of Europe and all the people it met during the visit, with whom it had open and constructive exchanges.

3. The Congress notes that the Latvian authorities are planning a wide-ranging administrative territorial reform, which involves a massive reduction in the number of local authorities and is to be passed by law, the bill for which was being debated in the *Saeima* at the time of the visit.

4. The Congress expresses its concern at the following points in particular:

a. the deterioration in the overall situation of local democracy in the Republic of Latvia since the last monitoring report by the Congress adopted in 2018;

b. the lack of proper consultation, in due time and in an appropriate way, within the meaning of Articles 4.6 and 5 of the Charter, of the local authorities concerned, the national association and the residents of the municipalities affected during the planning and implementation of the reform;

c. the reduction in the financial autonomy of local authorities as a result of certain financial and fiscal decisions by central government concerning the national budget for 2020, of which local government budgets form part. Municipalities’ “own” resources remain inadequate and their funding depends too much on central government priorities, which runs counter to Articles 3.1 and 9 of the Charter;

d. the repeated instances of interference by central government in the institutional life of the city of Riga, such as the suspension of the chair of the city council and the intended dissolution of the city council on the ground of its alleged failure to cope with the waste management crisis, infringe the local self-government of the capital with regard to Articles 7.1 and 8.3 of the Charter.

5. In the light of the above, the Congress recommends that the Latvian authorities:

a. defer the adoption of the bill on the local government reform until fair and effective consultation has been conducted in due time and in an appropriate way, in accordance with Articles 4.6 and 5 of the Charter, to enable local authorities and the association to express their views and make proposals on the content and timetable of the reform;

b. adopt legislative and regulatory measures to increase the budgetary autonomy of local authorities and give them greater responsibility in terms of financial management;

c. ensure that the transfer of responsibilities to the local level is accompanied by corresponding financial resources and that the adoption of any measures with an impact on local authorities’ financial capacity does not negatively affect their ability freely to perform their functions;

d. review the legal framework governing the suspension of the chair of a municipal or city council and the dissolution of such councils so as to reduce the discretionary power of the minister (as in the current case in Riga, see explanatory memorandum) to initiate these procedures by setting out more clearly in law the cases and circumstances in which they may be employed.

6. The Congress invites the Committee of Ministers to transmit this recommendation to the Latvian authorities and to take it into account, along with the accompanying memorandum, in its activities relating to this member State.



## STATUTORY FORUM

### Developing urban-rural interplay

Recommendation 448 (2020)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) refers to:

a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating 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”;

b. the terms of Reference of the Governance Committee of the Congress on Developing Urban-Rural Interplay adopted on 21 May 2019;

c. the European Urban Charter adopted by the Council of Europe’s Standing Conference of Local and Regional Authorities of Europe adopted on 18 March 1992 and the follow-up Resolution 269(2008) European Urban Charter II – Manifesto for a new urbanity;

d. the Priorities of the Congress 2017-2020, in particular paragraphs 119 and 120 on empowering rural areas;

e. Congress Recommendation 406(2017) of the Congress on A better future for Europe’s rural areas adopted 19 October 2017;

f. the thematic debate at the 36<sup>th</sup> Session of the Chamber of Local Authorities of the Congress on Addressing the Urban/Rural Divide: Solutions for Territorial Renewal in April 2019;

g. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goal 11 on sustainable cities and communities.

2. The Congress points out that:

a. In recent years, local and regional governments in Europe have been facing a number of issues resulting from the changing interplay between urban and rural areas, both having their own specific assets and challenges, particularly in areas like demographic transition as well as in environmental and social questions;

b. There is a need to pay more attention to the interdependence between urban and rural areas, to strengthen the relationships between them and to foster their linkage to ensure greater territorial cohesion and sustainable local development and prevent further fragmentation;

c. Suburban municipalities and rural areas that are close to urban areas have a specific role to play in developing urban-rural relationships;

1. Debated and adopted by the Statutory Forum on 7 December 2020 (see Document [CG-FORUM\(2020\)02-03](#), explanatory memorandum), co-rapporteurs: Wilma DELISSEN VAN TONGERLO, Netherlands (L, ILDG) and Matija KOVAC, Serbia (R, EPP/CCE).

*d.* Local and regional policymakers need effective strategies and instruments for better integrating rural and urban areas to bridge the gap between them and achieve economic, social and environmental benefits for both. They also need to be made aware of the assets of urban-rural cooperation for their societies and territories.

3. In light of the above, the Congress requests that the Committee of Ministers invite the respective national authorities of member States of the Council of Europe to:

*a.* ensure that interplay between the multiple levels of governments be guided by the principle of subsidiarity and to recognise that subsidiarity is crucial not only for national-subnational-local relations, but for relations at the local level as well;

*b.* facilitate formalised urban-rural collaboration by creating incentives for cooperation, for example through a favourable legal context (e.g. mandatory joint special planning) and framework for inclusion of private stakeholders from urban and rural levels;

*c.* strengthen infrastructure links to further develop the urban-rural interplay, for example by road and railway constructions and public transport systems, and guarantee that different kinds of transport infrastructure are established based on different needs on urban and rural levels;

*d.* prioritise initiatives towards “virtual proximity” in order to reduce the digital divide between urban and rural areas by improving connectivity to high-speed and next generation broadband Internet, through governmental incentives for telecommunication providers to invest in internet infrastructure also in areas with lower population density;

*e.* ensure equal access of urban and rural areas to basic public services by, for example, providing funding schemes for projects in areas like health care, spatial planning, local supply and the improvement of physical infrastructure;

*f.* promote urban-rural interconnectedness for development purposes by cooperation between peri-urban regions including, next to agriculture, the setting up of adequate urban-rural infrastructure links or the preservation of a green belt for recreation;

*g.* pursue economic development and employment strategies that rely on multiple strengths of territories, interconnecting urban and rural areas in sectors like food production, local gastronomy and tourism;

*h.* step up efforts in ensuring equivalent living conditions in urban and rural territories, for example, by gradually relocating a portion of government institutions to structurally weaker areas.

4. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation and the accompanying explanatory memorandum in their activities relating to Council of Europe member States.



## STATUTORY FORUM

# Fighting sexist violence against women in politics at local and regional level

Recommendation 449 (2020)<sup>1</sup>

1. Women have made considerable progress in entering politics but remain under-represented in political decision-making bodies. Key obstacles for women to achieve higher representation in political bodies are sexist perceptions of women's role in society, sexual harassment, and violence. These repeated challenges create obstacles to women when they aspire to exercise their right to political participation.

2. Recently, sexist attacks against women politicians, both candidates in elections and elected representatives, have become more visible. From gendered slurs to sexual harassment and sexist character assassinations, violence against women in politics is a widespread phenomenon in every country. This was clearly reflected by the various testimonies of women politicians who joined the #MeToo movement in 2017, providing a worrisome picture of the issue and its magnitude.

3. Because of this violence, which obstructs their right to fully and equally participate in political and public life and by extension compromises the foundations of democracy and the exercise of democratic institutions, inequalities and bias are rooted in the pre-conditions for an equal representation between women and men in politics. In fact, it has relevant implications for public political discussion, democratic decision-making, and people's willingness to stand for office. Women have admitted to self-censoring and to exiting the political arena as a result of this type of violence.

4. In 2011, the Council of Europe adopted the Convention on preventing and combating violence against women and domestic violence (CETS No. 210), also known as the Istanbul Convention. Even though the Convention does not explicitly mention violence against women in politics, its legal framework is wide enough to cover it as gender-based violence. In March 2019 the Committee of Ministers of the Council of Europe adopted Recommendation CM/Rec(2019)1 on "Preventing and Combating Sexism" which defines sexism as "any act, gesture, visual representation, spoken or written words, practice or behaviour based upon the idea that a person or a group of persons is inferior because of their sex, which occurs in the public or private sphere, whether online or offline" and links sexism to violence against women and girls, whereby acts of "everyday" sexism are part of a continuum of violence creating a climate of intimidation, fear, discrimination, exclusion and insecurity which limits opportunities and freedom.

5. In 2018, the Parliamentary Assembly of the Council of Europe (PACE) and the Inter-Parliamentary Union jointly conducted a study on "Sexism, harassment and violence against women in parliaments in Europe". Following its disconcerting results, PACE adopted a report on "Promoting parliaments free of sexism and sexual harassment" in 2019. The report acknowledges that despite its far-reaching consequences, violence against women in politics is often dismissed. In this regard, it recommended to raise awareness, strengthen measures, revise codes of conduct, and monitor progress by collecting data regularly.

6. The Congress of Local and Regional Authorities ("Congress") has several texts concerning women in the political arena and violence exercised against women, most notably its Resolution 404 and Recommendation 390(2016) on women's political participation and Resolution 303 and Recommendation 288(2010) on gender equality in politics.

1. Debated and adopted by the Statutory Forum on 7 December 2020 (see Document [CG-FORUM\(2020\)02-04](#), explanatory memorandum), rapporteur: Jelena DRENJANIN, Sweden (L, EPP/CCE).

7. In light of the above and with a view to contributing to the United Nations Sustainable Development Goals 5 (Achieve gender equality and empower all women and girls) and 16 (Peace, justice and strong institutions), and also building upon the PACE recommendations to member States on “Promoting parliaments free of sexism and sexual harassment”, the Congress invites the member States of the Council of Europe, to:

*a.* provide support and resources to local and regional level authorities, in line with the Gender Equality Strategy 2018-2023 of the Council of Europe which recognises local and regional authorities as natural partners and the Congress as a key actor in implementing the Strategy and contributing to its achievement, and encourage them to empower women candidates and elected officials, including women from marginalised groups, making best use of the Congress in the institutional framework of the CoE and its intergovernmental bodies in promoting, implementing and evaluating the Strategy;

*b.* assist local and regional authorities in raising awareness among elected representatives, council staff and citizens on violence against women in politics and its negative impact on the exercise of democratic rights;

*c.* introduce or revise codes of conduct in national assemblies, governmental bodies and institutions, explicitly prohibiting sexist speech and sexual harassment, introducing effective complaint and sanctions mechanisms and assist local and regional governments with the implementation of measures regarding sexist violence against women in politics;

*d.* support research, action, policy development and projects at national, regional and local levels of government with a view to achieve a better understanding of the phenomenon, monitor its development and adapt complaint and sanction mechanisms to the surveys and studies mentioned above;

*e.* encourage political parties and assemblies to aim for transparency regarding how they deal with gender bias in order to ensure accountability for sexist violence and behaviour;

*f.* conduct periodical surveys and studies and establish official statistics, at all levels of government, on the issue of violence against women in politics, including attacks perpetrated in the private sphere;

*g.* take appropriate action to fight prejudice on sexist gender roles, including informal norms, practices and attitudes, and fight against the atmosphere of immunity among perpetrators as well as the normalisation of sexual harassment and violence against women, developing concrete tools and guidelines both for candidates for elections and for those holding elected posts.

## STATUTORY FORUM

### Verification of new members' credentials

Resolution 456 (2020)<sup>1</sup>

1. In compliance with the Congress' Charter and *Rules and Procedures*, the countries listed hereafter have changed the composition of their delegation due to either the loss of mandate or the resignation of some members of their delegations: Albania, Andorra, Belgium, Denmark, Germany, Greece, Italy, Malta, Montenegro, North Macedonia, Norway, Portugal, Switzerland, United Kingdom.
2. At present there are 22 representative seats and 34 substitute seats vacant out of a total of 648 seats. In view of scheduled meetings of the committees in February 2021, the countries concerned – Bosnia and Herzegovina, Bulgaria, Denmark, France, Germany, Hungary, Ireland, Italy, Republic of Moldova, Netherlands, North Macedonia, Poland, Portugal, Romania, Russian Federation, Spain, Switzerland, United Kingdom – are invited to complete their delegations for the rest of the current mandate 2016 - March 2021.
3. The rapporteurs on the verification of credentials propose that the Congress approve the credentials of the members of the national delegations appended<sup>2</sup> to this resolution and the official nomination procedure of Switzerland.

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1. Discussion and adoption by the Statutory Forum on 7 December 2020 (see Document [CG-FORUM\(2020\)02-01](#) explanatory memorandum), co-rapporteurs: Barbara TOCE, Italy (L, SOC/G/PD) and Harald SONDEREGGER, Austria (R, EPP/CCE).

2. Due to its size, the appendix to this resolution is not reproduced here. It is available online.



## STATUTORY FORUM

# Fact-finding report on territorial reform in Latvia

Resolution 457 (2020)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe notes that:
  - a. Latvia joined the Council of Europe on 10 February 1995. It signed and ratified the European Charter of Local Self-Government (ETS No.122, hereafter, “the Charter”) on 5 December 1996 and the Charter came into force in Latvia on 1 April 1997; in accordance with Article 12, paragraph 1, of the Charter, Latvia declared that it was not bound by Article 9, paragraph 8, of the Charter;
  - b. On 10 October 2019, the Chair of the Latvian Association of Local and Regional Governments (*Latvijas Pasvaldību Savienība*, hereafter, “the LPS”), Gints KAMINSKIS, wrote to the Congress complaining of numerous alleged violations of the Charter in connection with the preparation and implementation of the country’s administrative territorial reform, in particular a problem regarding consultation. In the letter, the association also complained of a significant decline in the budgetary autonomy of local authorities and a risk of changes to legislation that had been declared to be in conformity with the Charter by the Congress;
  - c. Further to a decision by the Bureau of the Congress to conduct a fact-finding visit to Latvia to clarify the association’s allegations, the Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereafter, “the Monitoring Committee”) entrusted the rapporteurs, Xavier CADORET (France, L, SOC/G/DP) and Marc COOLS (Belgium, L, ILDG), with the task of conducting the visit to the Republic of Latvia;
  - d. During the fact-finding visit, which took place on 4 December 2019, the Congress delegation met representatives of various institutions at all levels of government. The programme of the visit is appended to the explanatory memorandum.
2. The Congress notes that the Latvian authorities are planning a wide-ranging administrative territorial reform, which involves a massive reduction in the number of local authorities and is to be passed by law, the bill for which was being debated in the *Saeima* at the time of the visit.
3. The Congress expresses its concern at the deterioration in the overall situation of local democracy in the Republic of Latvia since the last monitoring report by the Congress adopted in 2018 and, in particular, the lack of proper consultation, the reduction in the financial autonomy of local authorities and the repeated instances of interference by central government in the institutional life of the city of Riga.
4. In the light of the above, the Congress:
  - a. resolves to continue closely following the state of progress of the local government reform in Latvia;
  - b. undertakes to expand its political dialogue with the Latvian national authorities so that they comply with the provisions set out in the Charter, in particular when implementing the reform, so as to improve the situation of local and regional democracy in Latvia;
  - c. agrees to include monitoring of the situation in Latvia, in particular in the area of non-conformity with the Charter, on the agenda of its Monitoring Committee’s meetings;

1. Debated and adopted by the Statutory Forum on 7 December 2020, (see Document [CG-FORUM\(2020\)02-02](#), explanatory memorandum), co-rapporteurs . Xavier CADORET, France ( L, SOC/G/PD) and Marc COOLS, Belgium (L, ILDG).

*d.* invites its Bureau to consider the possibility of inviting the Latvian Minister for Environmental Protection and Regional Development to address the Congress at one of its forthcoming sessions and discuss the developments planned by the Latvian authorities.

## STATUTORY FORUM

### Developing urban-rural interplay

Resolution 458 (2020)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) refers to:

a. the European Urban Charter adopted by the Council of Europe’s Standing Conference of Local and Regional Authorities of Europe adopted on 18 March 1992 and the follow-up Resolution 269(2008) European Urban Charter II – Manifesto for a new urbanity;

b. the Priorities of the Congress 2017-2020, in particular paragraphs 119 and 120 on empowering rural areas;

c. Congress Resolution 128(2002) on The problems of Europe's countryside adopted on 21 March, 2002;

d. Congress Resolution 252(2008) on Services of general interest in rural areas, a key factor in territorial cohesion adopted on 14 March 2008;

e. Congress Resolution 422(2017) on A better future for Europe’s rural areas adopted on 19 October 2017;

f. the thematic debate at the 36th Session of the Congress’ Chamber of Local Authorities on Addressing the Urban/Rural Divide: Solutions for Territorial Renewal in April 2019;

g. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, in particular Goal 11 on sustainable cities and communities;

h. the Declaration of cooperation on A smart and sustainable digital future for European agriculture and rural areas signed by 24 EU States on 9 April 2019;

i. the Rural People’s Declaration of Candás Asturias adopted by the 4th European Rural Parliament on 9 November 2019.

2. The Congress points out that:

a. In recent years, local and regional governments in Europe have been facing a number of issues resulting from the changing interplay between urban and rural areas, both having their own specific assets and challenges, particularly in areas like demographic transition as well as in environmental and social questions;

b. there is a need to pay more attention to the interdependence between urban and rural areas, to strengthen the relationships between urban and rural areas and to foster their linkage to ensure greater territorial cohesion and sustainable local development and prevent further fragmentation;

c. suburban municipalities and rural areas that are close to urban areas have a specific role to play in developing urban-rural relationships;

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1. Debated and adopted by the Statutory Forum on 7 December 2020 (see Document [CG-FORUM\(2020\)02-03](#), explanatory memorandum), co-rapporteurs: Wilma DELISSEN VAN TONGERLO, Netherlands (L, ILDG) and Matija KOVAC, Serbia (R, EPP/CCE).

*d.* local and regional policy-makers need effective strategies and instruments for better integrating rural and urban areas to bridge the gap between them and achieve economic, social and environmental benefits for both. They also need to be made aware of the assets of urban-rural cooperation for their societies and territories.

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

*a.* ensure that interplay between the multiple levels of governance be guided by the principle of subsidiarity and to recognise that subsidiarity is crucial not only for national-subnational-local relations, but also for relations at the local level as well;

*b.* strengthen the mutual understanding of the very different realities of areas at different positions on the broad urban-rural continuum in order to further develop the urban-rural interplay;

*c.* ensure an equilibrium between more urban and more rural areas by demonstrating equal appreciation and equal consideration in policymaking, in particular, concerning spatial planning and economic development;

*d.* ensure an integrated strategy for coherent land use planning that duly considers the specific conditions of areas at different positions on the urban-rural continuum, taking into account, for example, the multifunctional character of areas in the fringe of cities.

4. The Congress calls on the local and regional authorities and their national associations to take account of this resolution and the accompanying explanatory memorandum.



## STATUTORY FORUM

# Fighting sexist violence against women in politics at local and regional level

Resolution 459 (2020)<sup>1</sup>

1. Women are increasingly present in political life at all levels of governance, due in part to the adoption of electoral gender quotas or parity systems. But despite considerable progress made on this path, women remain under-represented in political decision-making bodies. A key obstacle for women to achieve higher representation in political bodies is sexist attitudes and violence against women.

2. The UN report on violence against women in politics defines the phenomenon as “any act of gender-based violence, or threat of such acts, that results in, or is likely to result in, physical, sexual or psychological harm or suffering and is directed against a woman in politics because she is a woman, or affects women disproportionately.” The Council of Europe Recommendation CM/Rec(2019)1 on “Preventing and Combating Sexism” links sexism to violence against women and girls, whereby acts of “everyday” sexism are part of a continuum of violence creating a climate of intimidation, fear, discrimination, exclusion and insecurity which limits opportunities and freedom.

3. The perception of women’s role in society, sexual harassment and gender-based discrimination in all its forms, including violence against women are repeated challenges that women face when they aspire to exercise their right to political participation. Local and regional authorities are, in many countries, the levels of governance where many women begin their political careers. Therefore, they are particularly concerned because policies and measures at these levels can be determinant in changing the prevailing political culture.

4. The proliferation of communication platforms and social media has given rise to an escalation of the number of reports concerning attacks and harassment against women politicians, both candidates for elections and elected representatives. Various testimonies of women politicians who joined the #MeToo movement in 2017 provided a worrisome picture of the issue and of its magnitude.

5. Sexist violence against women in politics violates women’s right to fully and equally participate in political and public life. By extension, the foundations of democracy and the exercise of democratic institutions are compromised as well. Thus, all efforts to fight it contribute to the United Nations Sustainable Development Goal 5 (Achieve gender equality and empower all women and girls) and 16 (Peace, justice and strong institutions).

6. In 2011, the Council of Europe adopted the Convention on preventing and combating violence against women and domestic violence (CETS No. 210), also known as the Istanbul Convention. Even though the Convention does not explicitly mention violence against women in politics, its legal framework is wide enough to cover it as gender-based violence. The Council of Europe also adopted its Gender Equality Strategy (2018-2023) which recognises local and regional authorities as natural partners and the Congress as a key actor in implementing the Strategy and contributing to its achievement.

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1. Debated and adopted by the Statutory Forum on 7 December 2020 (see Document [CG-FORUM\(2020\)02-04](#), explanatory memorandum), rapporteur: Jelena DRENJANIN, Sweden (L, EPP/CCE).

7. In 2018, the Parliamentary Assembly of the Council of Europe (PACE) and the Inter-Parliamentary Union jointly conducted a study on “Sexism, harassment and violence against women in parliaments in Europe”. Following its disconcerting results, in November 2018, PACE launched the initiative #NotInMyParliament in order to end sexist behaviours in national parliaments and adopted a report on “Promoting parliaments free of sexism and sexual harassment” in 2019. The report acknowledges that despite its far-reaching consequences, violence against women in politics is often dismissed. In this regard, it recommended to raise awareness, strengthen measures, revise codes of conduct, and monitor progress by collecting data regularly.

8. The Congress of Local and Regional Authorities (hereinafter “the Congress”) has several texts concerning women in the political arena and violence exercised against women, most notably Resolution 404 and Recommendation 390(2016) on women’s political participation and Resolution 303 and Recommendation 288(2010) on gender equality in politics.

9. In light of the above, and with a view to preventing and combating sexist violence against women in politics at local and regional levels, the Congress invites local and regional authorities of the member States of the Council of Europe and their national associations to:

*a.* take a strong stand as political leaders against sexist attacks targeting women, and use all communication platforms including municipal and regional government websites and social media to defend these positions, sharing and disseminating good practices shown to be effective, and encourage political parties to do the same;

*b.* take appropriate action to fight sexism and prejudice on sexist gender roles, including their informal norms, practices and attitudes, and fight against the atmosphere of immunity among perpetrators as well as the normalisation of sexual harassment and violence against women, developing concrete tools and guidelines for political parties, candidates for elections and for elected councillors, including mentoring programmes for newcomers;

*c.* introduce or revise codes of conduct explicitly prohibiting sexist speech and sexual harassment in local and regional councils and assemblies, and organise compulsory civil training for elected representatives and local government staff, highlighting the power of by-stander interventions, and ensuring that women and men alike are involved in the efforts to fight gender-based violence;

*d.* introduce or revise complaint mechanisms that cover all the staff of local and regional authorities, which must be safe and confidential, and ensure that complaints are dealt with professionally;

*e.* establish effective sanction mechanisms, reviewing (when applicable) immunity rules that can afford council members immunity from prosecution for sexual harassment and violence against women;

*f.* introduce confidential counselling mechanisms for victims of sexism, sexual harassment and violence against women and misconduct;

*g.* introduce gender-sensitive security units that can protect women politicians from physical and psychological attacks, including those perpetrated in social media;

*h.* be vigilant during election periods regarding sexist language and hate speech and monitor candidate nomination procedures for inequalities, considering that violence commonly intensifies around elections carrying elevated risks for women candidates, and that candidate nomination periods provide an important focus for discerning inequalities and intimidation against female candidates;

*i.* conduct periodical surveys and studies on the issue of violence against women in politics, including attacks perpetrated in the private sphere, with a view to achieving a better understanding of the phenomenon, monitor its development and adapt complaint and sanction mechanisms to the surveys and studies mentioned above;

*j.* strive for transparency regarding how gender bias is dealt with within political parties and assemblies in order to ensure accountability for sexist behaviour;

*k.* co-operate with civil society organisations, academia and the private sector, in order to come up with innovative solutions to prevent and combat violence against women in politics;

*l.* hold public debates regularly to raise awareness among elected representatives and local government staff and undertake educational outreach programmes aimed at citizens illustrating the negative impact of sexist descriptions, language and attacks against women politicians on the exercise of democratic rights;

*m.* co-operate with other levels of governance in the organisation of initiatives, from the planning phase to implementation and evaluation;

*n.* take note of the Congress guide “Preventing and combatting sexism at local level in Ukraine” as a practical tool to address sexism in local government and adapt the guide for use in their particular context.

10. The Congress asks its secretariat to further develop toolkits, guidelines and campaigns to raise awareness and support women local elected representatives and candidates to stand up against sexism and other forms of gender-based discrimination and violence, as well as to counteract sexist behaviour and violence from other politicians and the media. The development and use of toolkits, guidelines and campaigns, coupled with the measures suggested above, will provide a systematic approach to fighting sexism against women in politics at local and regional levels.



## STATUTORY FORUM

# A contemporary commentary by the Congress on the explanatory report to the European Charter of Local Self-Government

Resolution 460 (2020)<sup>1</sup>

1. Referring to:

- a. The European Charter of Local Self-Government (ETS No. 122, 1985), hereafter “the Charter”, and in particular its explanatory report;
- b. Statutory Resolution CM/Res(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe, hereafter “the Congress”, and the revised Charter adopted by the Committee of Ministers on 15 January 2020, which instructs the Congress to ensure the effective implementation of the principles of the European Charter of Local Self-Government, as part of its monitoring activity;
- 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 relevant texts from other bodies and instances of the Council of Europe, in particular the recommendations of the Committee of Ministers, opinions of the European Commission for Democracy through Law (Venice Commission) and recommendations and resolutions of the Parliamentary Assembly;
- e. The case-law issued by domestic courts in member States when interpreting provisions of the Charter.

2. The Congress:

- a. welcomes the contemporary commentary on the explanatory report to the European Charter of Local Self-Government, as a reference text, which takes into consideration 30 years of application of this instrument by member States in Europe, and which is largely based on the normative and monitoring activity carried out by the Council of Europe;
- b. is convinced that this commentary will contribute to enhancing the knowledge on and ensuring higher respect for the Charter by making it easily accessible and understood in a contemporary manner;
- c. considers the contemporary commentary as a practical tool not only for the Council of Europe but also for national and other international stakeholders, be they national or local elected representatives or State institutions, administrations, jurisdictions, national associations of local and regional authorities, civil society or other international organisations as well as academia and researchers;
- d. invites its Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (Monitoring Committee) to:
  - i. take the contemporary commentary on the explanatory report to the Charter systematically into consideration, in its work, particularly in the preparation of monitoring reports when assessing the

1. Debated and adopted by the Statutory Forum on 7 December 2020, (see Document [CG-FORUM\(2020\)02-05](#), explanatory memorandum), rapporteur: Jakob WIENEN, Netherlands (L, EPP/CCE).

implementation of the provisions of the Charter and the additional Protocol on the right to participate in the affairs of a local authority, in the Council of Europe member States (CETS No. 207);

i. pursue a political dialogue with national, regional and local authorities in the framework of post-monitoring activities with all the member States concerned on the basis of that contemporary commentary on the explanatory report to the Charter;

e. invites other Congress bodies, in particular its Governance Committee, to take into account the contemporary interpretation during their respective activities, when it has to refer to the explanatory report to the Charter;

f. calls on its members to take ownership, use and disseminate the contemporary commentary as a relevant tool offering all levels of governance, and notably national authorities and jurisdictions, updated guidelines that can enable them to consolidate their political and legal culture in the field of local self-government. It also aims to prompt them to adopt mechanisms and procedures to ensure respect for the provisions of the Charter in their law-making and standard setting work reflecting 21st Century challenges and concerns;

g. asks its Bureau to make relevant bodies of the Council of Europe aware of this contemporary commentary and to invite them to take it into consideration in their work related to local self-government

STATUTORY FORUM

## Human Rights Handbook for local and regional authorities Volume II – Social Rights

Resolution 461 (2020)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
  - a. The Declaration by the Committee of Ministers on the occasion of the 70th anniversary of the Council of Europe, adopted on 17 May 2019, in Helsinki, reaffirming that the Committee of Ministers, the Parliamentary Assembly, and the Congress of Local and Regional Authorities carry out monitoring functions and act as guardians of human rights and democracy in their areas of competence;
  - b. Congress Resolution 427 (2018) “Promoting human rights at local and regional level”;
  - c. Congress Resolution 365 (2014) on the “Best practices of implementation of human rights at local and regional level in member States of the Council of Europe and other States”;
  - d. Congress Resolution 296 (2010) Revised and Recommendation 280 (2010) Revised on the “Role of local and regional authorities in the implementation of human rights”;
  - e. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, particularly Goal 3 for good health and well-being, Goal 4 for quality education, Goal 11 for sustainable cities and communities, Goal 16 for peace, justice and strong institutions and Goal 17 for partnership for the goals.
  - f. The second volume of the Human Rights Handbook for local and regional authorities.
2. The Congress, as part of its efforts to strengthen local and regional democracy in Europe and beyond through the promotion of a human-rights based approach to grass-roots’ policy making;
3. Emphasising the vital role played by grass-roots’ authorities in ensuring citizens’ access to social rights, delivering social services and contributing to social cohesion:
  - a. endorses the second volume of the Human Rights Handbook on social rights to offer guidance to assist local and regional authorities and their administrations in fulfilling social rights, including in the response to the COVID-19 pandemic;
  - b. invites local and regional authorities and their administrations in the Council of Europe member States and other States with which the Organisation carries out co-operation activities to disseminate, promote and use this Handbook in their local and regional policies;
  - c. asks its Monitoring Committee, in co-operation with other Congress bodies and relevant bodies of the Council of Europe, to prepare the third volume of the Human Rights Handbook for local and regional authorities.

1. Debated and adopted by the Statutory Forum on 7 December 2020, (see Document CG-FORUM(2020)02-07, explanatory memorandum), rapporteur: Harald BERGMANN, Netherlands (L, ILDG), Congress Spokesperson for human rights.