

43rd SESSION

Adopted texts

Recommendations

- Recommendation 478* Hate speech and fake news: the impact on working conditions of local and regional elected representatives
- Recommendation 479* Monitoring of the European Charter of Local Self-government in Denmark
- Recommendation 480* Smart cities and regions - prospects for a human rights-based governance approach
- Recommendation 481* Reception of women and children refugees in Europe's cities and regions
- Recommendation 482* Partial local elections in Belgrade and several other municipalities in Serbia (3 April 2022)
- Recommendation 483* Regional identities: promoting dialogue and diversity in unity
- Recommendation 484* A fundamental right to the environment: a matter for local and regional authorities - *towards a green reading of the European Charter of Local Self-government*
- Recommendation 485* Monitoring of the European Charter of Local Self-government in Sweden
- Recommendation 486* Monitoring of the European Charter of Local Self-government in the Czech Republic
- Recommendation 487* Monitoring of the European Charter of Local Self-government in Belgium
- Recommendation 488* Municipal elections in the Netherlands (16 March 2022)

Resolutions

- Resolution 483* Verification of new members' credentials
- Resolution 484* Revised Code of Good Practice on Referendums (adopted by the Council for Democratic Elections and the Venice Commission)
- Resolution 485* Hate speech and fake news: the impact on working conditions of local and regional elected representatives
- Resolution 486* Smart cities and regions - prospects for a human rights-based governance approach
- Resolution 487* Reception of women and children refugees in Europe's cities and regions
- Resolution 488* Regional identities: promoting dialogue and diversity in unity
- Resolution 489* A fundamental right to the environment: a matter for local and regional authorities – *towards a green reading of the European Charter of Local Self-government*
- Resolution 490* Human rights handbook for local and regional authorities
Environment and sustainable development

43rd SESSION**Hate speech and fake news: the impact on working conditions of local and regional elected representatives**

Recommendation 478 (2022) ¹

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

a. the priorities of the Congress 2021-2026, in particular Priority a: Effective local and regional responses to public health crises, Priority b: Democratic societies: quality of representative democracy and citizen participation, and Priority e: Digitalisation and artificial intelligence in the local context ;

b. the European Charter of Local Self-Government (hereinafter “the Charter”);

c. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority;

d. Congress Resolution 394 (2015) on “E-media: game changer for local and regional politicians”;

e. Parliamentary Assembly of the Council of Europe Resolutions 2326 (2020) “Democracy hacked? How to respond?” and 2255 (2019) “Public service media in the context of disinformation and propaganda”;

f. the European Convention on Human Rights and related case-law of the European Court of Human Rights ;

g. the United Nations Sustainable Development Goals (SDG) in particular SDG 11: Sustainable Cities and Communities and SDG 16: Peace, Justice and Strong Institutions;

h. the European Commission versus Racism and Intolerance General Policy Recommendation No.15 (2015) on Combating Hate Speech;

i. Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech.

2. The Congress points out that:

a. Online hate speech and fake news are negative phenomena that are on the rise in the context of Covid-19 and the ongoing war of the Russian Federation against Ukraine, impacting all levels of government. Notwithstanding the fact that there are many opportunities offered by social media to elected representatives, allowing for easily accessible and low-threshold communication with citizens – in recent years, local and regional politicians, throughout Europe, have increasingly been exposed to virulent online hate campaigns and disinformation, especially during elections.

¹ Debated and adopted by the Congress on 25 October 2022, 1st Sitting (see Document CG(2022)43-11, explanatory memorandum), co-rapporteurs: Wilma DELISSEN VAN TONGERLO, Netherlands (L, ILDG) and Kristoffer TAMSONS, Sweden (R, EPP/CCE).

b. Freedom of expression is a fundamental right in democratic societies, as enshrined in Article 10 of the European Charter of Fundamental Rights. Member States are ultimately responsible for taking measures to navigate the grey area between respecting freedom of expression and curbing hate speech and fake news and to protect victims, in particular elected representatives from vulnerable groups. Challenges for member States to curb hate speech and fake news and protect the rights of citizens are even more acute in the online sphere, where dissemination is amplified.

c. Hate speech and fake news faced by local and regional politicians can take diverse forms, such as threats, harassment, abuse and defamation and have various impacts on the working conditions of targeted individuals. Online threats by disgruntled citizens can easily turn into physical attacks. As a result, hate speech and fake news have a paralysing effect on European democracies and political life at all levels of government. This negative trend creates toxic working conditions for local and regional politicians, marred by fear and confusion, eventually disturbing societal cohesion.

3. In light of the foregoing, the Congress requests that the Committee of Ministers invite the member States of the Council of Europe to:

a. pursue a comprehensive strategy at national level to deal with hate speech and fake news as employed against local and regional politicians, which relies on legal remedies and preventive measures in the light of relevant European standards, in particular requirements of Article 10 of the ECHR and the relevant case law of the European Court of Human Rights;

b. adopt and revise the efficiency of relevant administrative, civil and criminal law measures to counter online and offline threats and attacks against local and regional elected representatives; toughen the penalties for physical violence, abduction and the murder of local and regional elected representatives;

c. ensure effective investigations into cases of criminal attacks and violence against local and regional elected representatives, promoting adequate specialisation and multistakeholder cooperation;

d. ensure that national strategies and measures against cybercrime and with regards to internet intermediaries take into due account the problems and challenges related to local and regional authorities and their representatives;

e. support the strategies and measures deployed by local and regional authorities against hate speech and fake news targeting local and regional elected representatives, promoting multilevel and multi-stakeholder dialogue and cooperation and providing the necessary means;

f. take measures to prevent hate speech and fake news by raising awareness among media, internet intermediaries and the general public and promote inclusive and respectful debate;

g. support sharing best practices and cooperation in countering hate speech and fake news;

h. work on further technical measures to fight against the abusive use of artificial intelligence for disinformation purposes, such as bots and trolls, taking into consideration the work and related activities of the European Union on this specific matter.

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 (Document CG(2022)43-11) in their activities relating to Council of Europe member States.

Monitoring of the application of the European Charter of Local Self-Government in Denmark

Recommendation 479 (2022)¹

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 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. Article 1, paragraph 3, 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 “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 the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government [[CG-FORUM\(2020\)02-05](#)] adopted by the Congress Statutory Forum on 7 December 2020;

e. the Congress priorities set up for 2021-2026, in particular priority 6b that concerns the quality of representative democracy and citizen participation;

f. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;

g. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

h. 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;

i. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities, adopted on 4 April 2019;

j. previous Congress Recommendation 350 (2013) on the monitoring of the European Charter of Local Self-Government in Denmark [[Recommendation 350\(2013\)](#)];

¹. Debated and adopted by the Congress on 25 October 2022, 1st sitting (see Document [CG\(2022\)43-18](#), explanatory memorandum), co-rapporteurs: Xavier CADORET, France (L, SOC/G/PD) and Carla DEJONGHE, Belgium (R, ILDG).

k. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Denmark [CG(2022)43-18].

2. The Congress points out that:

a. Denmark joined the Council of Europe on 5 May 1949, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter "the Charter") on 15 October 1985 and ratified it on 3 February 1988. Denmark has not 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 N° 207).

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local democracy in Denmark in the light of the Charter. It instructed Xavier CADORET, France (L, SOC/G/PD) and Carla DEJONGHE, Belgium (R, ILDG), with the task of preparing and submitting to the Congress a report on the implementation of the Charter in Denmark. The delegation was assisted by Prof. Tania GROPPi, member of the Group of Independent Experts on the European Charter of Local Self-Government, and the Congress Secretariat.

c. The monitoring visit took place from 3-5 May 2022. The Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the monitoring visit is appended to the explanatory memorandum [CG(2022)43-18].

d. The co-rapporteurs wish to thank the Permanent Representation of Denmark to the Council of Europe and all those who they had exchanges with during these meetings.

3. The Congress notes with satisfaction:

a. the positive, and in some ways exemplary, implementation of the principles enshrined in the Charter;

b. the wide range of responsibilities of the municipalities and the role they play in the Danish welfare system;

c. the culture of consultation and loyal collaboration between central government and local authorities.

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

a. the division of competences between regions and municipalities as regards the delivery of health services has become increasingly challenging in recent years and requires specific consideration by all levels of government;

b. even though Denmark has good practices of citizen participation in local public affairs, it has not signed nor ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of Denmark to:

a. revisit the framework of collaboration and the distribution of tasks between municipalities and regions on the delivery of health services, in consultation with associations of local and regional authorities, with the aim of improving cooperation and increasing the robustness of the healthcare system;

b. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in the Denmark and the accompanying explanatory memorandum in their activities relating to this member State.

43rd SESSION

Smart cities and regions – prospects for a human rights-based governance approach

Recommendation 480 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. the Priorities of the Congress 2021-2026, in particular Priority 6.e. Digitalisation and artificial intelligence, Priority 6.d. Environmental issues and climate action; Priority 6.c. Reducing inequalities in the field;
 - b. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (2012);
 - c. Congress Recommendation 448(2020) on Developing urban-rural interplay (2020);
 - d. Congress Recommendation 424(2018) on Transparency and open government;
 - e. Congress Recommendation 398(2017) on Open data for better public services;
 - f. Congress Recommendation 274(2009) on E-democracy: opportunities and risks for local authorities;
 - g. Congress Recommendation 263(2009) on Digital divide and e-inclusion in the regions;
 - h. the Council of Europe Human Rights Commissioner's Recommendation "Unboxing Artificial Intelligence: 10 steps to protect Human Rights (2019);
 - i. the OECD Council Recommendation on Artificial Intelligence (2019);
 - j. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular SDG 3: Ensure healthy lives and promote well-being for all ages; SDG 9: Build resilient infrastructure, promote sustainable industrialization, and foster innovation; SDG 10: Reduce inequality within and among countries; SDG 11: Makes cities and human settlements inclusive, safe, resilient, and sustainable; SDG 12: Ensure sustainable consumption and production patterns; SDG 13: Take urgent action to combat climate change and its impacts; and SDG 16: Promote just, peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

¹ Debated and adopted by the Congress on 25 October 2022, 1st Sitting (see Document CG(2022)43-13, explanatory memorandum), co-rapporteurs: Anthony BUCHANAN, United-Kingdom (L, NR) and Jan MARKINK, Netherlands (R, ILDG).

2. The Congress points out that:

a. Cities and regions across Europe and beyond are gradually introducing smart technologies to improve human well-being and public services. The ever-increasing amounts and types of data available represent an opportunity for local and regional authorities, but also for national authorities to better implement, adapt and monitor policies.

b. Smart technologies, especially those equipped with artificial intelligence, can present risks and challenges in terms of human rights, democracy, governance and citizen participation. Issues concerning data protection, and control, transparency and accountability are at the forefront of concerns. International and national legal obligations are being adopted or discussed to ensure the respect of fundamental freedoms in the design and use of information and communication technologies (ICTs).

c. In addition to a robust legal framework, national investments in infrastructures, training and awareness raising campaigns are necessary to ensure a fair deployment of solutions without creating two-speed territories and people. Uneven distribution of smart solutions can contribute to deepen the digital divide among urban and rural areas and for vulnerable groups of population and can further reinforce social and economic inequality and discrimination.

d. Smart technologies should be used as a tool to serve human rights, democracy and sustainable development, mitigating potential risks and maximising their benefits for all. Unregulated use of smart technologies may have an adverse effect on human rights and democracy. By resorting to digital technologies, local and regional authorities are key actors to achieve national sustainable development goals. These tools can be used to improve the quality of local and regional democracy, public services, pollution control, energy efficiency and mobility for more human-centred and sustainable cities and regions.

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

a. empower local and regional authorities to develop and implement strategies for human centred and sustainable cities and regions, responding to communities' needs and expectations, developing multistakeholder and interagency cooperation, systematically providing the necessary funds, training and human resources;

b. support legally and with capacity building systematic assessment of compliance of new technologies and Artificial Intelligence tools with human rights, democracy and sustainable development goals at local and regional levels;

c. develop and implement measures to bridge the digital divide, by providing sufficient funds, training and support to both employees of public administration and citizens, including first-time young users, elders, inhabitants of remote areas, people with disabilities and other marginalised groups;

d. develop and implement measures for human centred and challenge-based innovation with active involvement of communities and through public-private partnerships, supporting investments in new sustainable technology at local and regional levels;

e. enhance protection of individuals in the processing of personal data and strengthen cybersecurity in line with international standards and best practices by adopting a robust legal framework; and ratifying the Protocol amending the Convention for the Protection of Individuals with Regard to Automatic Processing of Personal Data as well as the Convention on Cybercrime and its additional protocols;

f. adopt open government and open data standards and support their implementation at local and regional levels; support the development and use of open-source software;

g. embed human rights and sustainability into procurement standards and systems focusing on economic, social and environmental outcomes and promoting e-procurement, transparency and integrity;

h. invest in broadband, mobile and Wi-Fi infrastructures to support fair and affordable access to smart solutions in urban, rural and remote areas;

i. establish support mechanisms for local and regional authorities confronted with cyberattacks and ransomwares permanently or temporarily disrupting delivery of public services, including training and a helpline;

j. promote and foster exchange of experiences on successful digital initiatives to reinforce local and regional democracy and sustainable development.

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 (Document CG(2022)43-13) in their activities relating to Council of Europe member States.

43rd SESSION

Reception of women and children refugees in Europe's cities and regions

Recommendation 481(2022)¹

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

a. its Resolution 411(2017), outlining the key role local and regional authorities play in the reception and integration of migrants, refugees and asylum-seekers;

b. the explanatory memorandum on the reception of women and children refugees in Europe's towns and regions (CG(2022)43-14) which follows a visit that took place in Poland on 4 and 5 July 2022;

c. the UN Global Compact on Refugees, which underlines that local authorities and other local actors are often first responders to large-scale refugee situations, and among the actors that experience the most significant impact over the medium term;

d. the United Nations Agenda Sustainable Development Goals (SDGs), in particular SDG 5 "Gender equality", SDG 10 "Reduced inequalities" and its target 10.7 "Facilitate orderly, safe and responsible migration", as well as SDG 16 "Peace, justice and strong institutions" and its target 16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children";

e. Recommendation CM/Rec(2022)17 of the Committee of Ministers on protecting the rights of migrant, refugee and asylum seeking women and girls, stating that "additional efforts should be made to assess the prevention and protection gaps that arise from insufficient implementation, information about and monitoring of existing laws and policies as regards migrant, refugee and asylum-seeking women and girls";

f. the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) and the Council of Europe Strategy for the Rights of the Child (2022-2027);

g. the reports by the Special Representative of the Secretary General on Migration and Refugees of her fact-finding missions to the Slovak Republic (SG/Inf(2022)24), to the Czech Republic (SG/Inf(2022)25), to Poland (SG/Inf(2022)30) and to the Republic of Moldova (SG/Inf(2022)33).

2. The Congress notes with concern that:

a. women and children face additional situations of vulnerability during the migration experience which should be addressed as an essential component of human rights protection;

¹ Debated and adopted by the Congress on 25 October 2022, 1st Sitting (see Document CG(2022)43-14, explanatory memorandum), co-rapporteurs Annika VAIKLA, Estonia (L, ILDG) and Bernd VÖHRINGER, Germany (L, EPP/CCE).

b. in particular in times of mass arrival, local and regional authorities are in need of significant additional resources to respond to the needs and vulnerabilities of women and children refugees and asylum-seekers while also continuing to carry out the responsibilities they have toward their local community;

c. better collection of disaggregated and gendered data and the sharing of such data between different levels of government is needed to understand general trends in migration and to identify individual vulnerabilities from an intersectional perspective. This will also enable receiving authorities to anticipate and adapt their reception infrastructure to the specific needs of women and children refugees;

d. relocation of refugees and asylum-seekers away from over-burdened urban centres to rural areas may impact women refugees and asylum-seekers disproportionately, in particular in areas with limited access to housing, employment and public transportation.

3. The Congress calls on the Committee of Ministers to invite the respective national authorities of the member States to the Council of Europe to:

a. cooperate with local and regional authorities and their associations to establish a coherent reception policy that integrates a gender and child-rights perspective and to develop the necessary legal framework, funding and capacities to address the situations of vulnerability women and children refugees and asylum-seekers face;

b. set up clear and transparent funding mechanisms that allow local and regional authorities to provide quality reception, accommodation, education and healthcare for women and children refugees and asylum-seekers;

c. cooperate with local and regional authorities for the collection and sharing of disaggregated data regarding women and children refugees and asylum-seekers arriving in their communities in order for the necessary protection measures and adaptations to be made in a timely manner;

d. facilitate the sustainable distribution of migrants and refugees across their territory, by continuing to support the development of rural and peri-urban areas, in particular with regard to transport, housing and employment, and in line with Congress Recommendations 448(2020) on developing urban-rural interplay and 481(2022) on the future of rural youth.

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 contained in Document CG(2022)43-14 explanatory memorandum in their activities on this issue relating to Council of Europe member States.

43rd SESSION**Partial local elections in Belgrade and several other municipalities in Serbia (3 April 2022)**Recommendation 482 (2022)¹

1. Following the invitation by the authorities of the Republic of Serbia, dated 18 February 2022, to observe partial local elections held in the country on 3 April 2022, the Congress of Local and Regional Authorities refers to:

a. Article 1, paragraph 2 of the Committee of Ministers' Statutory Resolution CM/Res (2020)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 Serbia on 6 September 2007;

c. Chapter XIX of the Rules and Procedures on the practical organisation of election observation missions.

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

3. The Congress acknowledges that, overall, the legal framework is conducive to holding democratic elections, and that recent amendments have addressed some long-standing issues, despite being adopted shortly before the elections which is contrary to the Venice Commission Code of Good Practice in Electoral Matters.

4. The Congress welcomes the fact that the Election Day was generally calm and transparent, despite some notable incidents and procedural inconsistencies.

5. The Congress regrets that the campaign was highly polarised and marred by recurring allegations of misuse of administrative resources, vote-buying, uneven access to the media and pressures on voters and public-sector employees.

6. The Congress reiterates that the concurring organisation of presidential, parliamentary and local elections poses considerable challenges to the electoral administration, contributes to excessively focusing the campaign upon national political issues and should therefore be reconsidered by the authorities in the future.

7. In light of the above, the Congress invites the authorities of Serbia, in particular, to:

a. step-up the effectiveness of existing legal provisions to prevent misuse of administrative resources and vote-buying to ensure a level playing field for all candidates and to strengthen trust in electoral processes;

¹ Approved by the Chamber of Local Authorities on 26 October 2022 and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CPL(2022)43-02, explanatory memorandum), rapporteur: Carla DEJONGHE, Belgium (R, ILDG).

- b.* further strengthen the regulatory framework ensuring transparency and accountability of campaign finances, including oversight and investigation powers of the Anti-Corruption Agency;
 - c.* address issues pertaining to breaches of the secrecy of the vote by revising provisions on polling station set-up, such as improving polling booths design, and taking measures to limit overcrowding and family voting;
 - d.* consider granting members of the extended composition of polling boards the status of accredited observers and to revise provisions to render training on electoral procedures systematic for all members of the election administration to ensure professionalism and impartiality in electoral management;
 - e.* continue efforts to further improve the accuracy of voter lists by deploying a full audit of the Unified Voters Register and deleting 'phantom' voters or deceased voters;
 - f.* fully implement existing media legislation including oversight and enforcement powers of bodies responsible for media monitoring, to ensure equal access of all political subjects to the media, and to undertake measures to protect freedom of the media and limit the spread of disinformation and hate speech;
 - g.* improve accessibility of polling stations to support participation of voters with impaired mobility or other disabilities.
8. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this recommendation regarding the 2022 partial local elections in Serbia and of the explanatory memorandum in their activities relating to this member State.

43rd SESSION**Regional identities: promoting dialogue and diversity in unity**

Recommendation 483 (2022)¹

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

a. the Priorities of the Congress 2021-2026, in particular Priority b: Democratic societies: quality of representative democracy and citizen participation, paragraph 66; and Priority c: Cohesive societies: Reducing inequalities in the field, paragraph 70;

b. Article 3 and 4 of the European Charter of Local Self-Government (hereinafter “the Charter”);

c. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, notably Article 2.2.ii.a and c;

d. Congress Recommendation 441, on the Use of languages by local and regional authorities;

e. Congress Recommendation 385 (2016) on Autonomy and borders in an evolving Europe;

f. Congress Recommendation 346, on Regions and territories with special status in Europe;

g. Congress Recommendation 278 (2009) on Regions with legislative powers: towards multi-level governance;

h. Congress Recommendation 250 (2008) on The need for regional cultural identity;

i. the Council of Europe Reference Framework for Regional Democracy;

j. the United Nations Agenda 2030 for Sustainable Development, in particular Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all, Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable and Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

2. The Congress points out that:

a. The notion of regional identities is complex and multifaceted, with different forms and manifestations in theory and in practice.

¹ Approved by the Chamber of Regions on 26 October 2022 and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CPR(2022)43-02, explanatory memorandum), rapporteur: Karl-Heinz LAMBERTZ, Belgium (R, SOC/G/PD).

b. Regional identities represent a source of orientation, wealth and inspiration.

c. The respect for and protection of regional identities goes hand in hand with the effective respect and protection of individual rights and freedoms for all.

d. People with distinct regional identities rightly claim certain rights, in particular the right to participate adequately in democratic decision making and the right to inclusive societies, to be consulted and to be informed, at least concerning matters directly affecting them, the right to equality and non-discrimination, the right to use and teach regional languages, the right to practice religion and culture, and the right to free expression, assembly and association.

e. Regional identities may also lead to tensions which need to be addressed peacefully and through dialogue.

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

a. ensure that multiple identities in particular regional and national are approached positively, as mutually enriching not mutually exclusive to ensure peaceful living together in unity and diversity;

b. embrace and accommodate regional identities and ensure their respect in line with requirements of relevant international standards and best practices;

c. prepare and analyse a typology of tensions and provide suitable mechanisms and tools to peacefully prevent and resolve regional tensions, considering procedural and substantive aspects, the geographical scale, causes and claims as well as the temporal scale;

d. consider examining all the regional claims, including the most far-reaching such as territorial boundaries and territorial change to find adequate solutions;

e. take measures to involve the relevant actors in solving the regional tensions, including the legislative, executive and judicial bodies, ombudspersons as well as relevant national, regional and local actors, private actors, special committees or arbitrators;

f. create and foster forms of political representation, consultation and cooperation as well as participation of regional identities, considering their institutionalisation through Constitution or law;

g. design electoral systems so as to best account for regional identities;

h. promote cross border inter-regional cooperation as a useful means to solve regional tensions;

i. sign and ratify the relevant international instruments in particular the Framework Convention for the Protection of National Minorities, the European Charter for Regional or Minority Languages, and the European Outline Convention on Transfrontier Co-operation between Territorial Communities or Authorities and its protocols.

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 (Document CPR(2022)43-02) in their activities relating to Council of Europe member States.

43rd SESSION**A FUNDAMENTAL RIGHT TO THE ENVIRONMENT: A MATTER FOR LOCAL AND REGIONAL AUTHORITIES*****Towards a green reading of the European Charter of Local Self-Government***

Recommendation 484 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) refers to:
 - a. The Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights’ relevant case-law regarding the environment;
 - b. The European Social Charter (revised) (ETS No. 163, 1996);
 - c. The European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
 - d. The European Landscape Convention (ETS No. 176, 2000);
 - e. The Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, 1979);
 - f. the United Nations Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus, 1998);
 - g. Final Declaration by the Committee of Ministers on Environmental Protection and Human Rights, adopted on 27 February 2020;
 - h. Congress Resolution 465 (2021) on the 2021-2026 Priorities of the Congress of Local and Regional Authorities, in particular as regards the priorities on environmental issues and climate action in cities and regions and on reducing inequalities;
 - i. Congress Recommendation 362 (2014) on Adequate financial resources for local authorities;
 - j. Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, adopted on 27 September 2022;
 - k. Recommendation CM/Rec(2011)11 of the Committee of Ministers to member States on the funding by higher-level authorities of new competences for local authorities;

¹ Debated and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CG(2022)43-15, explanatory memorandum), co-rapporteurs: Belinda GOTTARDI, Italy (L, SOC/G/PD) and Levan ZHORZHOLIANI, Georgia (R, NR).

l. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, particularly Goal 3 for good health and well-being, Goal 6 for clean water and sanitation, Goal 7 for affordable and clean energy, Goal 11 for sustainable cities and communities, Goal 13 for climate action, Goal 14 for life below water, Goal 15 for life on land, Goal 16 for promoting peaceful and inclusive societies for sustainable development and Goal 17 for partnership for the goals.

2. The Congress points out that:

a. The deterioration of the environment, climate change, pollution and loss of biodiversity are posing a serious risk to the fundamental rights, including the right to life, health, quality private and family life or home in various communities across the world. The survival of humankind is under threat due to escalating climate crises and its consequences.

b. Effective multi-level governance, adopting a human rights-based approach to the protection of the environment and sustainable development and delivering a resilient and sustainable ecosystem is therefore a shared responsibility of local, regional and national authorities, both governments and parliaments, for future generations.

c. Citizens and NGOs worldwide have been requesting from governments at all levels more ambitious climate change mitigation measures and policies that comply with human rights principles and obligations. Climate change litigation is becoming a feature of both domestic and international courts.

d. The recognition of the right to a safe and sustainable environment as a human right is increasingly manifesting itself in international and domestic law. Many States have already recognised and committed to the right to a healthy environment in their domestic legislation. Even though the European Convention on Human Rights does not explicitly enshrine the right to a healthy environment as such, the European Court of Human Rights has interpreted the Convention in a “green” or ecological way when developing its case-law in environmental matters.

e. Local and regional authorities have expressly attributed competences in environment-related policy fields, which means they can take specific steps and measures to tackle the climate crises and contribute to sustainable development. They therefore bear their share of responsibility in meeting the States’ obligations and commitments under multilateral instruments and agreements on human rights and the environment.

f. Since we cannot conceive of good local governance without due consideration of environmental issues, there is a need of a “green” interpretation and implementation of the Charter, that is, in a way to create enabling conditions for subnational authorities to respond effectively to climate change challenges and progress towards achieving internationally agreed global environmental goals and commitments to the SDGs. There is also a need to strengthen the right of local authorities to participate in environmental decision making, by acknowledging this right in an additional protocol to the Charter.

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

a. adopt a “green” approach towards reading and implementing the Charter under the angle of environmental protection, notably by empowering local authorities to react to environmental issues arising in their communities, in line with the subsidiarity principle, and providing them with adequate financial resources. This would acknowledge the critical role of local and regional authorities in responding to environmental and climate change challenges, especially in urban areas, based on human rights principles;

b. increase efforts to engage local and regional authorities in environmental decision making through effective consultation in line with the requirements of the Charter to ensure a coordinated, comprehensive and urgent response to global climate crises;

c. improve awareness raising on the need to integrate climate change measures into their local policies as well as strengthen local and regional institutional capacity to devise and implement effective strategies and policies of climate change mitigation, adaptation and impact reduction on the basis of a sustainable model of development;

d. take all appropriate measures to support subnational authorities in implementing their obligations stemming from multi-lateral environmental agreements and progressing towards internationally agreed Sustainable Development Goals. Where necessary, take targeted action to support those local and regional authorities most vulnerable to pollution, environmental degradation or insecurity related to disasters;

e. sign and ratify, for countries who have not yet done so, the Additional Protocol on the right to participate in the affairs of a local authority to protect and facilitate the exercise by citizens of their participatory rights on environmental matters and sustainable development.

4. The Congress also invites the Committee of Ministers to ask the European Committee on Democracy and Governance (CDDG) and/or another appropriate body of the Council of Europe to draw up, in consultation with the Congress, an additional protocol to the Charter that would seek to enhance the right and capacities of subnational authorities to respond effectively to the environmental challenges and to this end, in particular, legally acknowledge their right to be duly consulted and participate in environmental decision making.

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

43rd SESSION**Monitoring of the application of the European Charter of Local Self-Government in Sweden**

Recommendation 485 (2022) ¹

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 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. Article 1, paragraph 3, 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 “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 the effective implementation of the principles of the European Charter of Local Self-Government”;
- c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;
- d. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;
- e. Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;
- f. 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;
- g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
- h. the previous Congress Recommendation 357(2014) on the monitoring of the European Charter of Local Self-Government in Sweden;
- i. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Sweden (Document CG(2022)43-12) ;
- j. the contemporary commentary by the Congress on the explanatory report to the European Charter of Local Self-Government (CG-FORUM(2020)02-05), adopted by the Statutory Forum on 7 December 2020.

¹ Debated and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document [CG\(2022\)43-12](#), explanatory memorandum), co-rapporteurs: Harald BERGMANN, Netherlands (L, ILDG) and Matija KOVAC, Serbia (R, EPP/CCE).

2. The Congress points out that:

a. Self Government (ETS No. 122, hereinafter "the Charter") on 4 October 1988 and ratified it with reservations on 29 August 1989. In accordance with Article 13 of the Charter, Sweden made a declaration that it intends to confine the scope of application to the following local and regional authorities: municipalities (Kommuner) and county councils (Landstings). The Charter entered into force in Sweden on 1 December 1989;

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in Sweden in the light of the Charter. It instructed Harald BERGMANN, Netherlands (L, ILDG) and Matija KOVAC, Serbia (R, EPP/CCE) with the task of preparing and submitting to the Congress a report on monitoring the application of the Charter in Sweden;

c. The monitoring visit took place from 5 to 7 April 2022. During the visit, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

d. The co-rapporteurs wish to thank the Permanent Representation of Sweden to the Council of Europe and all those whom they met during the visit.

3. The Congress notes with satisfaction that in Sweden:

a. local and regional self-governments manage one of the highest shares of public affairs in Europe and enjoy one of the highest levels of financial autonomy;

b. the high levels of turnout in local and regional elections as well as the comparatively high percentage of women in elected positions reflect a high level of trust in democratic institutions;

c. the establishment in 2019 of fully-fledged regional self-governments which have the responsibility for regional development, increases clarity as well as local democratic accountability of the regional growth work;

d. the implementation of proportionality review and the practice of granting local and regional authorities a leeway of initiative make a formal introduction of the subsidiarity principle not necessary within the Swedish context.

4. The Congress expresses its concerns regarding the following issues:

a. in some cases, new obligations are imposed by the state on municipalities and regions without granting sufficient space for discretion (mainly due to detailed regulations);

b. a lack of systematic formal consultation procedures on all matters that concern subnational authorities, that would be in line with the requirements of the Charter and relevant Congress resolutions and recommendations;

c. there is a shift in the division of roles between state governance and local/regional self-government, at the cost of the latter, due to new rules and guidelines, methods and instruments of governance launched by the state;

d. the non-Indexation of grants in times of rising inflation, climate and societal change.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of Sweden to:

a. grant local and regional authorities sufficient space for discretion, whenever new obligations are imposed on them;

b. establish formal consultation procedures that would include all matters of concern to subnational authorities, and would match the requirements of the Charter;

c. refrain from by-passing local authorities through new methods and instruments of governance and policy implementation and find, instead, ways for their inclusion in these new governance and policy implementation arrangements;

d. introduce an elaborated system of indexation for state grants, following appropriate consultation procedures.

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in Sweden and the accompanying explanatory memorandum in their activities relating to this member State.

43rd SESSION

Monitoring of the application of the European Charter of Local Self-Government in the Czech Republic

Recommendation 486 (2022)¹

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 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. Article 1, paragraph 3, 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 “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 the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the Congress priorities set up for 2021-2026, in particular priority 6b that concerns the quality of representative democracy and citizen participation;

e. the Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;

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. [Recommendation CM/Rec\(2019\)3](#) of the Committee of Ministers to member States on supervision of local authorities' activities, adopted on 4 April 2019;

i. The previous Congress recommendation 319 (2012) on the monitoring of the European Charter of Local Self-Government in the Czech Republic [[Recommendation 319\(2012\)](#)].

j. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in the Czech Republic [CG(2022)43-17].

k. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government [[CG-FORUM\(2020\)02-05](#)] adopted by the Congress Statutory Forum on 7 December 2020.

¹. debated and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document [CG\(2022\)43-17](#), explanatory memorandum), co-rapporteurs: Viorel FURDUI, Republic of Moldova (L, ILDG) and Jani KOKKO, Finland (R, SOC/G/PD).

2. The Congress points out that:

a. The Czech Republic joined the Council of Europe on 30 June 1993, signed the European Charter of Local Self Government (ETS No. 122, hereinafter "the Charter") on 28 May 1998 and ratified it on 7 May 1999. The Charter entered into force in respect of the Czech Republic on 1 September 1999. The Czech Republic does not consider itself bound by Article 4, paragraph 5; Article 6, paragraph 2; Article 7, paragraph 2; Article 9, paragraphs 3, 5 and 6 of the Charter.

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as the Monitoring Committee) decided to examine the situation of local and regional democracy in the Czech Republic in the light of the Charter. It instructed Mr Viorel FURDUI (Republic of Moldova, ILDG) and Mr Jani KOKKO, Finland (R, SOC/G/PD), with the task of preparing and submitting to the Congress a report on the implementation of the Charter in the Czech Republic

c. The monitoring visit took place from 2-4 March 2022. The Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the monitoring visit is appended to the explanatory memorandum.

d. The co-rapporteurs wish to thank the Permanent Representation of the Czech Republic to the Council of Europe and all those with whom they had exchanges during the monitoring visit.

3. The Congress notes with satisfaction that in the Czech Republic:

a. The system of local democracy is functioning well, and the principles of the Charter are reflected in the political and administrative processes.

b. The Czech legal order protects the rights of self-governing authorities and facilitates citizens' participation in local affairs.

c. Many positive developments have taken place since the previous monitoring visit. These include simplification of the system of territorial division of the Czech Republic (2020); strategic development of the public administration system; an increase in the share of taxes for municipalities and regions; effective use of technology and clarification of the system for remunerating local elected officials.

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

a. High dependence on central financing, particularly by the regions and frequently, a mismatch between the funding provided and the actual cost of implementing delegated tasks.

b. The fragmented nature of the local government structures characterised by many small municipalities with limited administrative capacity and financial resources.

c. Diversification and buoyancy of subnational finances is affected by municipalities' limited options for new sources of funding and the bounded potential for establishing and increasing local taxes.

d. Although the system of consultation with local and regional authorities and their associations is functional, it would benefit from enhancing their involvement in decision-making processes for all matters that concern them directly.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of the Czech Republic to:

a. ensure that any transfer of competences to subnational authorities is guaranteed by adequate financial resources and reduce earmarking of grants and transfers to increase subnational financial autonomy;

b. further develop and support inter-municipal cooperation to address the effects of fragmentation on municipalities' administrative and financial circumstances. Meanwhile, implement plans to increase access to training opportunities for local government officials and provide developmental, administrative and technical support for smaller municipalities;

c. based on consultation with local and regional authorities and their associations, explore opportunities to diversify subnational income sources, by, for example, enabling greater fiscal autonomy at the subnational level, in order to strengthen subnational capacity to adapt to new circumstances and various needs;

d. strengthen the participatory and consultation rights of associations of local and regional authorities, in particular on parliamentary proposals and on emergency legislation which impacts on local self-government;

e. progress plans to ratify provisions of the Charter (Articles 4.5, 6.2, 7.2). by which the Czech Republic is not currently bound but complies with in practice;

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

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in the Czech Republic and the accompanying explanatory memorandum in their activities relating to this member State.

43rd SESSION**Monitoring of the Application of the European Charter of Local Self-Government in Belgium**

Recommendation 487 (2022)¹

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 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. Article 1, paragraph 3, 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 “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 the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. The Contemporary commentary by the Congress on the explanatory report to the European Charter of Local Self-Government adopted by the Statutory Forum on 7 December 2020;

e. The Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice and strong institutions;

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. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities, adopted on 4 April 2019;

i. The previous Congress recommendation on the monitoring of the European Charter of Local Self-Government in Belgium (Recommendation 366 (2014));

j. The explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Belgium;

¹. Debated and adopted by the Congress on 27 October 2022, 3rd Sitting (see Document [CG\(2022\)43-16](#), explanatory memorandum), co-rapporteurs: Matthias GYSIN, Switzerland (L, ILDG) and Magnus BERTSSON, Sweden (R, EPP/CCE).

2. The Congress points out that:

a. The Kingdom of Belgium joined the Council of Europe on 5 May 1949, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter "the Charter") on 15 October 1985 and ratified it with reservations on 25 August 2004. The Charter entered into force in the Kingdom of Belgium on 1 December 2004;

b.

c. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in the Kingdom of Belgium in the light of the Charter. It instructed Mr Gysin and Mr Berntsson with the task of preparing and submitting to the Congress a report on monitoring the application of the Charter in Belgium;

d. The monitoring visit took place in two parts: the first part was carried out from 8 to 11 March 2022; the second part from 9 to 12 May 2022. During the visit, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the visit is appended to the explanatory memorandum;

e. The co-rapporteurs wish to thank the Permanent Representation of the Kingdom of Belgium to the Council of Europe and all those whom they met during the visit;

f. The rapporteurs, aware of the specificity of the constitutional structure of Belgium as a federal country, in which there is no longer a national policy on local government, underline that the commitments entered into under the European Charter of Local Self-Government legally bind the Kingdom of Belgium, but it is also and primarily the responsibility of the three regions (Brussels-Capital Region, Flanders and Wallonia), and the German speaking community to ensure the Charter's implementation according to the distribution of competences regarding local government. The recommendations will therefore be addressed to the Kingdom of Belgium as a member State of the Council of Europe, but the implementation thereof will also be a matter for the regions and the German speaking community.

3. The Congress notes with satisfaction that in Belgium:

a. the devolution of the matter of local authorities to the regions has not produced negative results for the local authorities and the regions have enhanced local autonomy;

b. the overall situation of local self-government is assessed in good terms and most ratified provisions of the Charter are respected.

4. The Congress expresses its concerns on the following issues:

a. The little progress achieved in the matter of the appointment of the burgomaster by the regional government in Flanders as well as in the implementation of Congress Recommendations 258 (2008) and 409 (2017). The system of the appointment of burgomaster that is in force in Flanders remains in breach of Article 8.3 of the Charter;

b. the lack of dialogue and consultation between the federal and the local levels on governmental decisions or initiatives that have a direct or indirect impact in the area of local authorities;

c. the lack of an official, structured and systematic consultation process between the government of Brussels-Capital Region and the local authorities;

d. the uncertainty regarding the future of the provinces as the level of provincial responsibility has been reduced (especially in Flanders), their social and institutional relevance is decreasing, and their existence is openly questioned by many;

- e. the absence of local referendum with regard to mergers of municipalities, both in Flanders and in Wallonia;
- f. the lack of freedom of some local authorities to recognise and pay their employees for high performance, given the rigidity of the relevant regulations.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the Belgian authorities:

a. at the federal and regional levels:

- i. to take advantage of the incoming Seventh Reform of the State in order to introduce into the Belgian Constitution the principle of local self-government in a more explicit manner or alternatively, amend the existing regional legislation on local government in order to explicitly introduce the principle of local self-government;
- ii. to set up at the federal level a bilateral body composed of representatives of the state and representatives of local authorities, or at least a structural concertation, for an institutional dialogue and consultation on matters that concern the Belgian municipalities, in particular in the area of employment law negotiations for local police officers, firefighters and other local government employees that are paid by municipalities;
- iii. to complete the ongoing procedures to ratify the Additional Protocol to the Charter and take necessary steps to ratify Article 9.7 of the Charter, which is applied in practice.

b. overall, at the regional level:

- i. to clarify the question of the future of provinces by including a strategic vision on this matter in relevant policies;
- ii. to amend the legislation to make local referendums compulsory or adopt the corresponding policy statement to hold local referendums on mergers in the municipalities concerned;
- iii. to enlarge the freedom of local authorities in the area of human resources, so that they have more leeway to incentivise their employees and reward high performance.

- *in particular, in Flanders Region:*

- to amend the current legal process for the appointment of burgomasters, with the aim of abolishing the appointment of burgomasters by the regional executive, so as to establish an automatic appointment by the local council or regulate by law in a clearer and restrictive manner the grounds on which a refusal decision may be adopted by the said government and implement the provisions of Congress Recommendation 258 (2008) and Recommendation 409 (2017).
- to translate into a circular to be updated, when necessary, the case law of the Council of State in the matter of the right of the French-speaking residents to have access to local official documents in the language they wish for a period of four years after submitting a formal declaration, in the *faciliteitengemeenten*.

- *in the Brussels-Capital Region:*
 - to set up a permanent bilateral body composed of representatives of the regions and representatives of local authorities, for a permanent and stable institutional dialogue and consultation.
- *in Wallonia and the German-speaking Community:*
 - to clarify the allocation of the respective responsibilities of the Walloon Region and those of the German-speaking Community, as regards the municipalities in the territory of the said community.

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in the Kingdom of Belgium and the accompanying explanatory memorandum in their activities relating to this member State.

43rd SESSION

Municipal elections in the Netherlands (16 March 2022)Recommendation 488 (2022)¹

1. Following the invitation from the Minister of Foreign Affairs of the Kingdom of the Netherlands, received on 17 November 2021, to observe the municipal elections scheduled for 16 March 2022, the Congress of Local and Regional Authorities refers to:

a. Article 1, paragraph 2 of the Committee of Ministers' Statutory Resolution CM/Res(2020)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 the Kingdom of the Netherlands on 20 March 1991;

c. Chapter XIX of the Rules and Procedures on the practical organisation of election observation missions.

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

3. The Congress delegation observed generally well-administered, transparent and orderly elections with a high degree of public trust in elections and high inclusiveness of the electoral process in the country.

4. At the same time, the Congress regrets that several longstanding issues regarding democratic elections in the Netherlands remain unaddressed, in particular the under-regulated campaign finance environment, proxy voting and the lack of elections for mayors.

5. The Congress is also concerned about the spread of fake news and hate speech on the internet during the election campaign which contributes to the polarisation of the society before and after elections.

6. In light of the above, the Congress invites the authorities of the Netherlands to:

a. strengthen the regulatory framework ensuring transparency and accountability of campaign and party finances on the local level;

b. reconsider the universal use of proxy voting in view of possible risks to electoral integrity, particularly for vulnerable groups of voters, and examine introducing other alternatives for permanent use, such as early or postal voting;

c. introduce effective measures to fight hate speech and fake news online during election campaigns;

¹ Adopted by the Congress on 27 October 2022, 3rd sitting (see Document [CG\(2022\)43-19](#), explanatory memorandum), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

d. replace the appointment of mayors by democratic elections in order to ensure the citizens' right to participate in the conduct of local public affairs and comply with fundamental principles of democracy.

7. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this recommendation regarding the 2022 municipal elections in the Netherlands and of the explanatory memorandum in their activities relating to this member State.

Verification of new members' credentials

Resolution 483 (2022)¹

The Congress,

1. in accordance with the provisions of Article 7 of the Congress Charter and Rule 6 of the Congress Rules and Procedures;
2. noting that 490 of the 581 members proposed by the authorities of the member States have signed the Code of Conduct of Congress members and submitted the Declaration of Interests in accordance with the provisions of Rule 6 of the Rules and Procedures of the Congress;
3. noting that 31 seats are still vacant;
4. taking into account the opinion of the Bureau and of the rapporteurs responsible for the verification of the credentials of new members concluding that the 46 proposed national delegations comply with the criteria of the Charter of the Congress of Local and Regional Authorities of the Council of Europe;
5. approves the credentials of members of national delegations as set out in Document CG(2022)43-04 subject to signature of the Code of Conduct of Congress members and submission of the Declaration of Interests by those concerned;
6. calls on those members who have not yet done so to proceed without delay to sign the Code of Conduct of Congress members and the Declaration of Interests;
7. invites the authorities of the member States concerned to fill the vacant seats in accordance with the applicable provisions, as soon as possible.

¹ Discussed and adopted by the Congress on 25 October 2022, 1st Sitting (see Document [CG\(2022\)43-02](#)), Co-rapporteurs: Xavier CADORET, France (L, SOC/G/PD) and Aleksandra MALETIC, Serbia (R,EPP/CCE).

43rd SESSION

Revised Code of Good Practice on Referendums (adopted by the Council for Democratic Elections and the Venice Commission)

Resolution 484 (2022)¹

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

a. the European Charter on Local Self-Government (ETS No. 122), and in particular to its preamble, “[c]onsidering that the right of citizens to participate in the conduct of public affairs is one of the democratic principles that are shared by all member States of the Council of Europe”, and to its Article 3;

b. the Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207);

c. Recommendation Rec(2001)19 of the Committee of Ministers on the participation of citizens in local public life;

d. Congress Resolution 235 (2007) on the Code of Good Practice on Referendums (adopted by the Council for Democratic Elections and the Venice Commission);

e. Congress Recommendation 459(2021) and Resolution 472(2021) on Holding referendums at local level.

2. The Congress, as an assembly bringing together democratically elected representatives of local and regional authorities, devotes particular attention to the active participation of all citizens in public life and to the promotion of this participation through various means, in order to improve local democracy in the Council of Europe member States.

3. The Congress welcomes the revision of the Code of Good Practice on Referendums, as approved by the Council for Democratic Elections at its 73rd Meeting and adopted by the Venice Commission at the 131st Plenary Session, in the same way as it commends the revised guidelines adopted by the Venice Commission at its 124th online Plenary Session.

4. It recalls that, like any other electoral process, referendums, and their respective campaigns, must be carried out in conformity with democratic principles and Council of Europe standards, as well as with internationally recognised standards and best practices.

5. The Congress is convinced that referendums, whether at national, local or regional level, constitute one of the main instruments of direct democracy giving citizens the possibility to take part in political decision making of fundamental importance to their everyday lives. It underlines that local referendums are the most widespread in the Council of Europe member States and are increasingly used as a tool to assess directly the citizens’ will on concrete issues.

6. The Congress points to the complementarity with the standards established by the Venice Commission of its report on “Holding referendums at local level” and the corresponding recommendation and resolution, adopted at its 40th Session (second part). The Congress takes note that, while general rules and standards apply to all referendums, regardless of these being held at national, regional or local level, certain specificities persist at the local level, such as limitations regarding voters residing abroad, campaign regulations and the administration of referendums.

¹ Submitted for adoption by tacit procedure by the Congress on 25 October 2022, 1st Sitting (see Document [CG\(2022\)43-21](#), explanatory memorandum), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

7. The Congress underlines the value of the instruments drawn up by the Venice Commission, in particular the Code of Good Practice in Electoral Matters, approved by the Congress in 2003. It reiterates its willingness to pursue co-operation with the Venice Commission and its bodies with a view to further developing, implementing and promoting international electoral standards in the field of local and regional elections.

8. It endorses the revised Code of Good Practice on Referendums, as adopted by the Venice Commission at its 131st Plenary Session and encourages the local and regional authorities of Council of Europe member States to take it into account in their activities.

43rd SESSION**Hate speech and fake news: the impact on working conditions of local and regional elected representatives**

Resolution 485 (2022) ¹

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

a. the priorities of the Congress 2021-2026, in particular Priority a: Effective local and regional responses to public health crises, Priority b: Democratic societies: quality of representative democracy and citizen participation, and Priority e: Digitalisation and artificial intelligence in the local context ;

b. the European Charter of Local Self-Government (hereinafter “the Charter”);

c. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority;

d. Congress Resolution 394 (2015) on “E-media: game changer for local and regional politicians”;

e. Parliamentary Assembly of the Council of Europe Resolutions 2326 (2020) “Democracy hacked? How to respond?” and 2255 (2019) “Public service media in the context of disinformation and propaganda”;

f. the European Convention on Human Rights and related case-law of the European Court of Human Rights;

g. the United Nations Sustainable Development Goals (SDG) in particular SDG 11: Sustainable Cities and Communities and SDG 16: Peace, Justice and Strong Institutions;

h. the European Commission versus Racism and Intolerance General Policy Recommendation No.15 (2015) on Combating Hate Speech;

i. Recommendation CM/Rec(2022)16 of the Committee of Ministers to member States on combating hate speech.

2. The Congress points out that:

a. Online hate speech and fake news are negative phenomena that are on the rise in the context of Covid-19 and affects all levels of government. All Council of Europe member States have experienced the worrying increase of intolerant and virulent speech and actions, both online and offline, as the Covid-19 pandemic, wide-spread polarisation and the war of the Russian Federation against Ukraine have exacerbated tensions.

¹ Debated and adopted by the Congress on 25 October 2022, 1st Sitting (see Document CG(2022)43-11, explanatory memorandum), co-rapporteurs: Wilma DELISSEN VAN TONGERLO, Netherlands (L, ILDG) and Kristoffer TAMSONS, Sweden (R, EPP/CCE).

b. Hate speech and fake news are multifaceted and can be initiated by various groups for, inter alia, political, economic, personal and even conspiracy-related reasons. These are putting lives at risk and make handling of the crisis situations, and by extension of any political decision that may generate discontent, even more challenging to local and regional authorities. Hate speech and fake news faced by local and regional politicians can take diverse forms online and offline, such as threats, harassment, abuse, physical and verbal violence and defamation and have various impacts on the working conditions of targeted individuals, in particular those from vulnerable groups.

c. Notwithstanding the fact that there are many opportunities offered by social media to elected representatives, European local and regional politicians have increasingly been exposed to virulent online hate campaigns and disinformation, especially during election campaigns which have progressively moved to the online space because of the Covid-19 pandemic. In the online sphere, where dissemination is amplified and legal obligations often blurred, hate speech and fake news spread faster and through fast-evolving channels and social media platforms. These can durably impact the personal and professional lives of politicians and their families. Online threats by disgruntled citizens can easily turn into physical attacks.

d. As a result, hate speech and fake news have a paralysing effect on European democracies and political life at local and regional levels, as fear may lead potential candidates to refrain from running for political mandates or even resign from the ones they hold, eventually disturbing societal cohesion and weakening democratic participation. Legal remedies have so far had a very limited impact on the rise of online hate speech and fake news.

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

a. promote specialisation within local and regional authorities, at the level of national associations and law enforcement authorities on hate speech and fake news to ensure interagency cooperation, coordination, advice and support, including reporting, on these matters;

b. provide training and guidance to local and regional elected representatives on how to identify, tackle and prevent hate speech and fake news;

c. monitor hate speech and fake news, their trends, manifestations and effects on local and regional elected representatives; conduct regular risk assessments and update consequently the relevant local and regional policies;

d. ensure that local and regional elected representatives are adequately equipped and advised to ensure their physical and mental safety; consider setting a 24h emergency number;

e. provide advice to local and regional representatives on the use of different communication tools, including social media platforms, contributing to openness and transparency in decision-making and adequate access to information;

f. promote guidelines for local and regional elected representatives and the media, in particular to support prevention of disinformation and hate speech and to promote transparency and open government;

g. support public participatory and deliberative mechanisms, such as neighbourhood forums or local area committees, facilitating interactions and links between local and regional elected representatives and communities they serve;

h. take measures to raise awareness on trends, effects and remedies of hate speech and fake news among local and regional elected representatives and the general public;

i. share best practices nationally and internationally on countering hate speech and fake news.

4. The Congress calls on local and regional authorities and their national associations to take account of this resolution and the accompanying explanatory memorandum (Document CG(2022)43-11) in their respective activities.

5. The Congress calls on the Congress statutory bodies, such as the Congress committees, to take account of this resolution and the accompanying explanatory memorandum (Document CG(2022)43-11) in their respective activities.

43rd SESSION

Smart cities and regions – prospects for a human rights-based governance approach

Resolution 486 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. the Priorities of the Congress 2021-2026, in particular Priority 6.e. Digitalisation and artificial intelligence, Priority 6.d. Environmental issues and climate action; Priority 6.c. Reducing inequalities in the field;
 - b. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (2012);
 - c. Congress Resolution 458 (2020) on Developing urban-rural interplay;
 - d. Congress Resolution 435 (2018) on Transparency and open government;
 - e. Congress Resolution 417(2017) on Open data for better public services;
 - f. Congress Resolution 290 (2009) on E-democracy: opportunities and risks for local authorities;
 - g. Congress Resolution 282 (2009) on Digital divide and e-inclusion in the regions;
 - h. the Council of Europe Human Rights Commissioner's Recommendation "Unboxing Artificial Intelligence: 10 steps to protect Human Rights (2019);
 - i. the OECD Council Recommendation on Artificial Intelligence (2019);
 - j. the United Nations Sustainable Development Goals (SDG) in particular SDG 3: Ensure healthy lives and promote well-being for all ages; SDG 9: Build resilient infrastructure, promote sustainable industrialisation, and foster innovation; SDG 10: Reduce inequality within and among countries; SDG 11: Make cities and human settlements inclusive, safe resilient, and sustainable; SDG 12: Ensure sustainable consumption and production patterns; SDG 13: Take urgent action to combat climate change and its impacts; and SDG 16: Promote just, peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

¹ Debated and adopted by the Congress on 25 October 2022, 1st Sitting (see Document CG(2022)43-13, explanatory memorandum), co-rapporteurs: Anthony BUCHANAN, United-Kingdom (L, NR) and Jan MARKINK, Netherlands (R, ILDG).

2. The Congress points out that:

a. Cities and regions across Europe and beyond are gradually introducing smart technologies to improve human well-being and public service delivery. The ever-increasing amounts and types of data available represent an important opportunity for local and regional governance.

b. Smart cities and regions, especially those equipped with artificial intelligence, can present risks and challenges in terms of human rights, democracy, governance and citizen participation. Issues concerning data protection, and control, transparency and accountability are at the forefront of concerns. Smart initiatives can also deepen digital divide among urban and rural areas and for vulnerable groups of population and reinforce social and economic inequality and discrimination.

c. Smart technologies should be used as a tool to serve human rights, democracy and sustainable development, mitigating potential risks and maximising their benefits for all. They should be used to improve the quality of local and regional democracy, public services, pollution control, energy efficiency and mobility for more human-centred and sustainable cities and regions.

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

a. promote a strategic vision and pro-active policies at local and regional levels to use smart technologies for more human centred and sustainable cities and regions, responding to communities' needs and expectations;

b. foster inclusive initiatives to reinforce local and regional democracy and to promote digital equity and access to affordable Internet and technology, providing sufficient digital literacy training, support and advice to both employees and citizens;

c. introduce systematic assessments of compliance of new technologies with human rights, democracy and sustainable development goals before they are deployed, including risk identification and suitable mitigation measures;

d. ensure continuous evaluation and oversight of the use of new technologies, paying special attention to artificial intelligence tools;

e. take measures to protect individuals in the processing of personal data and to improve cybersecurity in line with international standards and best practices; ensure that users maintain control over their data; consider a distributed data architecture to secure sensitive databases;

f. pay particular attention to the behaviours of end-users, keeping in mind potential difficulties they may face, in particular for first-time users, people with disabilities and impairments and vulnerable groups, establish clear mitigation strategies and maintain in-person support and procedures;

g. integrate sustainability and climate neutral targets in designing and implementing smart solutions in particular concerning energy, water, waste, building and mobility;

h. foster innovation and investment in new sustainable technology at local and regional levels to support the completion of the SDGs;

i. develop peer-to-peer cooperation and exchange of best practices on digitalisation and artificial intelligence between cities and regions in Europe.

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 (Document CG(2022)43-13) on this issue.

5. The Congress asks its statutory bodies, such as its committees, to take into account the present resolution in the framework of their respective activities.

43rd SESSION

Reception of women and children refugees in Europe's cities and regions

Resolution 487 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. its Resolution 411(2017), outlining the key role local and regional authorities play in the reception and integration of migrants, refugees and asylum-seekers;
 - b. the explanatory memorandum on the reception of women and children refugees in Europe's towns and regions (CG(2022)43-14) which follows a visit that took place in Poland on 4 and 5 July 2022;
 - c. the UN Global Compact on Refugees, which underlines that local authorities and other local actors are often first responders to large-scale refugee situations, and among the actors that experience the most significant impact over the medium term;
 - d. the United Nations Agenda Sustainable Development Goals (SDGs), in particular SDG 5 "Gender equality", SDG 10 "Reduced inequalities" and its target 10.7 "Facilitate orderly, safe and responsible migration", as well as SDG 16 "Peace, justice and strong institutions" and its target 16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children";
 - e. Recommendation CM/Rec(2022)17 of the Committee of Ministers on protecting the rights of migrant, refugee and asylum seeking women and girls, stating that "additional efforts should be made to assess the prevention and protection gaps that arise from insufficient implementation, information about and monitoring of existing laws and policies as regards migrant, refugee and asylum-seeking women and girls";
 - f. the Council of Europe Action Plan on Protecting Vulnerable Persons in the Context of Migration and Asylum in Europe (2021-2025) and the Council of Europe Strategy for the Rights of the Child (2022-2027);
 - g. the reports by the Special Representative of the Secretary General on Migration and Refugees of her fact-finding missions to the Slovak Republic (SG/Inf(2022)24), to the Czech Republic (SG/Inf(2022)25), to Poland (SG/Inf(2022)30) and to the Republic of Moldova (SG/Inf(2022)33).
2. The Congress notes with concern that:
 - a. women and children face additional situations of vulnerability during the migration experience which should be addressed as an essential component of human rights protection;
 - b. women and children refugees and asylum-seekers are at increased risk of gender-based and other violence, trafficking and discrimination both in their country of origin and in the receiving country, as well as on their journey;

¹ Debated and adopted by the Congress on 25 October 2022, 1st Sitting (see Document CG(2022)43-14, explanatory memorandum), co-rapporteurs Annika VAIKLA, Estonia (L, ILDG) and Bernd VÖHRINGER, Germany (L, EPP/CCE).

c. mass reception accommodations, while sometimes indispensable in times of crisis, are often not appropriate for nor adapted to the needs of women and children refugees;

d. women and children refugees and asylum-seekers have specific needs with regard to education, healthcare, housing and employment that are not always sufficiently taken into account due to a lack of awareness and consideration of the gender and child-rights perspective when developing relevant policies;

e. local and regional authorities alone do not have the capacity to ensure the long-term protection of women and children refugees and asylum-seekers and that increased multilevel cooperation and involvement of civil society organisations are crucial for the protection of their human rights.

3. The Congress calls on local and regional authorities in member States to:

a. assess and take into account the specific and individual vulnerabilities and needs of women and children refugees and asylum-seekers through an intersectional lens when developing reception and integration policies;

b. cooperate with central governments to develop the necessary legal framework, funding and capacities to address the risks women and children refugees and asylum-seekers face;

c. work with national associations of local and regional authorities, as well as international networks of cities and regions to share good practices on the reception of women and children, to develop burden-sharing mechanisms and for advocacy purposes;

d. recognise civil society organisations as valuable actors in developing gender-sensitive and child-friendly reception policies and create appropriate platforms with local stakeholders involved in the reception and service delivery to women and children refugees and asylum-seekers;

e. protect women and children refugees and asylum-seekers from violence, exploitation and trafficking by providing information and helplines and by developing screening mechanisms to identify victims, in cooperation with national authorities and civil society organisations;

f. ensure that, when absolutely necessary, the stay of women and children in mass accommodation is kept as short as possible, providing avenues for their participation in the daily operations of reception centres they reside in and access to staff trained in human rights, gender equality and gender-based violence;

g. develop criteria for the allocation of refugees and asylum-seekers to types of accommodations considering vulnerability, demographic structure and health conditions and develop mechanisms to moderate between refugees and asylum-seekers, landlords and neighbours;

h. provide women and children refugees and asylum-seekers with effective access to quality, age- and gender-sensitive health services, encompassing in particular mental, sexual and reproductive health care;

i. ensure that children are offered education and extra-curricular activities, planning information and training for educational staff in this regard and provide avenues for children who have been outside of the educational system to receive further, age-appropriate education or training.

4. The Congress commits to supporting the implementation of this resolution and the protection of women and children refugees and asylum-seekers through its co-operation activities within the framework of the relevant Council of Europe Action Plans.

43rd SESSION

Regional identities: promoting dialogue and diversity in unity

Resolution 488 (2022)¹

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

- a. the Priorities of the Congress 2021-2026, in particular Priority b: Democratic societies: quality of representative democracy and citizen participation, paragraph 66; and Priority c: Cohesive societies: Reducing inequalities in the field, paragraph 70;
- b. Articles 3 and 4 of the European Charter of Local Self-Government (hereinafter “the Charter”);
- c. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, notably Article 2.2.ii.a and c;
- d. Congress Resolution 453 (2019) on the Use of languages by local and regional authorities;
- e. Congress Resolution 398 (2016) on Autonomy and borders in an evolving Europe;
- f. Congress Resolution 361 (2013) on Regions and territories with special status in Europe;
- g. Congress Resolution 268 (2008) on the Need for regional cultural identity;
- h. the Council of Europe Reference Framework for Regional Democracy;
- i. the United Nations Agenda 2030 for Sustainable Development, in particular Goal 4: Ensure inclusive and equitable quality education and promote lifelong learning opportunities for all; Goal 11: Make cities and human settlements inclusive, safe, resilient and sustainable and Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

2. The Congress points out that:

- a. The notion of regional identities is complex and multifaceted, with different forms and manifestations in theory and in practice.
- b. Regional identities represent a source of orientation, wealth and inspiration.
- c. The respect for and protection of regional identities goes hand in hand with the effective respect and protection of individual rights and freedoms for all.

¹ Approved by the Chamber of Regions on 26 October 2022 and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CPR(2022)43-02, explanatory memorandum), rapporteur: Karl-Heinz LAMBERTZ, Belgium (R, SOC/G/PD).

d. People with distinct regional identities rightly claim certain rights, in particular the right to participate adequately in democratic decision making and the right to inclusive societies, to be consulted and to be informed, at least concerning matters directly affecting them, the right to equality and non-discrimination, the right to use and teach regional languages, the right to practice religion and culture, and the right to free expression, assembly and association.

e. Regional identities may also lead to tensions which need to be addressed peacefully and through dialogue.

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

a. establish and develop a culture of dialogue with the national authorities and between regional/local authorities and, where relevant, other actors, in order to respect, protect and promote regional identities and to resolve openly and constructively all issues and claims in the spirit of living together in unity and diversity;

b. strive to find a balanced equilibrium between the need to accommodate and foster regional identities and reduce and prevent detrimental rifts between different regional identities and with the national identity;

c. establish and analyse existing and potential tensions and provide suitable mechanisms and tools to peacefully prevent and resolve regional tensions, considering procedural and substantive aspects, the geographical scale, causes and claims as well as the temporal scale;

d. develop forms of political representation, consultation and cooperation as well as effective participation of regional identities;

e. develop cross border inter-regional cooperation to solve regional tensions.

4. The Congress calls on local and regional authorities and their national associations to take account of this resolution and the accompanying explanatory memorandum on this issue (Document CPR(2022)43-02).

5. The Congress asks its statutory bodies, such as its committees, to take into account the present resolution in the framework of their respective activities.

43rd SESSION

A FUNDAMENTAL RIGHT TO THE ENVIRONMENT: A MATTER FOR LOCAL AND REGIONAL AUTHORITIES

Towards a green reading of the European Charter of Local Self-Government

Resolution 489 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) refers to:
 - a. The Convention for the Protection of Human Rights and Fundamental Freedoms and the European Court of Human Rights’ relevant case-law regarding the environment;
 - b. The European Social Charter (revised) (ETS No. 163, 1996);
 - c. The European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
 - d. The European Landscape Convention (ETS No. 176, 2000);
 - e. The Convention on the Conservation of European Wildlife and Natural Habitats (ETS No. 104, 1979);
 - f. the United Nations Convention on Access to Information, Public Participation in Decision Making and Access to Justice in Environmental Matters (Aarhus, 1998);
 - g. Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, adopted on 27 September 2022;
 - h. the final Declaration by the Committee of Ministers on Environmental Protection and Human Rights, adopted on 27 February 2020;
 - i. Congress Resolution 465 (2021) “2021-2026 Priorities of the Congress of Local and Regional Authorities”, in particular as regards the priorities on environmental issues and climate action in cities and regions and on reducing inequalities;
 - j. Congress Resolution 490 (2022) “The Human Rights Handbook for local and regional authorities on the environment and sustainable development”;
 - k. Congress Resolution 452 (2019) on the Revised Code of Good Practice for Civil Participation in the Decision-making Process;

¹ Debated and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CG(2022)43-15, explanatory memorandum), co-rapporteurs: Belinda GOTTARDI, Italy (L, SOC/G/PD) and Levan ZHORZHOLIANI, Georgia (R, NR).

l. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, particularly Goal 3 for good health and well-being, Goal 6 for clean water and sanitation, Goal 7 for affordable and clean energy, Goal 11 for sustainable cities and communities, Goal 13 for climate action, Goal 14 for life below water, Goal 15 for life on land, Goal 16 for promoting peaceful and inclusive societies for sustainable development and Goal 17 for partnership for the goals.

2. The Congress points out that:

a. The deterioration of the environment, climate change, pollution and loss of biodiversity are posing a serious risk to the fundamental rights, including the right to life, health, quality private and family life or home in various communities across the world. Human beings are dependent on a healthy and safe environment for their survival.

b. Adopting a human rights-based approach to the protection of the environment and sustainable development and delivering a resilient and sustainable ecosystem is a shared responsibility of local, regional and national authorities, both governments and parliaments, for future generations.

c. The recognition of the right to a safe and sustainable environment as a human right is increasingly manifesting itself in international and domestic law, notwithstanding the absence of an international treaty that would enshrine this right. Some countries have incorporated the right to a healthy environment in their constitutions. The European Court of Human Rights has interpreted in a “green” or ecological way some articles of the European Convention on Human Rights.

d. Climate change litigation initiated by citizens and NGOs, notably against laws, regulations or policies adopted at the central or federal level or, on the contrary, the relevant authorities’ inaction or lack of action in the climate change sector, is becoming a feature of both domestic and international courts.

e. Local and regional authorities have an essential role to play, both in urban and rural areas, in the efforts to tackle the climate crises, as they are closest to the citizens and are best able to respond to local problems.

f. Local and regional authorities have expressly attributed competences in this policy field, which means they can take specific steps and measures to protect the environment. As public authorities, they also bear their share of responsibility in meeting environmental obligations under international environmental and human rights law and member States’ commitments to the SDGs.

g. In addition, finding solutions to the climate crisis and building resilience to climate impacts can only be achieved through successful local and regional initiatives for sustainability and green transition with strong citizen participation.

3. The Congress acknowledges that:

a. Good local governance goes hand in hand with effective consideration of environmental protection and the fight against global warming, areas in which local and regional authorities have certain competences.

b. There is also a need to strengthen the right of local authorities to participate in environmental decision making, by legally acknowledging this right in an additional protocol to the Charter.

4. In the light of the above, the Congress calls on the local and regional authorities of Council of Europe member States to:

a. further address climate change and environmental protection, within the limits of their competences, while adopting a human rights-based approach to climate change mitigation and adaptation efforts at subnational level;

b. strengthen participation of citizens in environmental decision making at subnational level, by actively involving them in planning, devising and implementing relevant local policies and regulations and by ensuring proper access to environmental information in subnational governments' possession. Ensure representative participation of a wide range of stakeholders in the consultation process to make it responsive, inclusive and effective;

c. enhance intermunicipal and interregional cooperation to combat climate change and its impacts and ensure sustainable, resilient and inclusive livelihoods;

d. join or adhere to national or international networks and associations active in environmental rights protection and fighting the climate crises;

e. get involved in the preparation and implementation of the domestic action plans to achieve the SDGs commitments.

5. The Congress also asks:

a. its statutory bodies to contribute to the elaboration of a draft additional protocol to the Charter, pending the decision of the Committee of Ministers, with the aim of acknowledging and strengthening the right of local authorities to participate in decision making on environmental issues and climate change;

b. its Monitoring Committee to pay special attention to the role of local government in upholding environmental rights and tackling climate change in its country-specific monitoring reports on the application of the Charter in Council of Europe member States;

c. to organise a Congress conference on environmental rights and climate change at local level in the near future.

43rd SESSION**Human Rights Handbook for local and regional authorities
Environment and sustainable development**

Resolution 490 (2022)¹

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. Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, adopted on 27 September 2022;
 - c. final Declaration by the Presidency of the Committee of Ministers on Environmental Protection and Human Rights, adopted on 27 February 2020;
 - d. Congress priorities for 2021-2026, in particular on environmental issues and climate action in cities and regions and on reducing inequalities;
 - e. Congress Resolution 427 (2018) “Promoting human rights at local and regional level”;
 - f. 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”;
 - g. Congress Resolution 296 (2010) Revised and Recommendation 280 (2010) Revised on the “Role of local and regional authorities in the implementation of human rights”;
 - h. the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development, particularly Goal 3 for good health and well-being, Goal 6 for clean water and sanitation, Goal 7 for affordable and clean energy, Goal 11 for sustainable cities and communities, Goal 13 for climate action, Goal 14 for life below water, Goal 15 for life on land and Goal 17 for partnerships for the goals;
 - i. United Nations General Assembly Resolution 76/300 “The human right to a clean, healthy and sustainable environment”, adopted on 28 July 2022;
 - j. the third volume of the Human Rights Handbook for local and regional authorities.

¹ Debated and adopted by the Congress on 26 October 2022, 2nd Sitting (see Document CG(2022)43-20, explanatory memorandum), rapporteur: Harald BERGMANN, the Netherlands (L, ILDG).

2. The Congress:

a. emphasises that environmental degradation and climate change pose pressing and serious threats to survival of humankind, and a safe and healthy environment is a precondition for the enjoyment of human rights;

b. acknowledges that adopting climate change mitigation and adaptation policies and measures that comply with human rights principles is a shared responsibility of all levels of government for the benefit of present and future generations;

c. stresses the crucial role of subnational authorities and their contribution to preserving the environment and combating climate change from the standpoint of their obligations to protect Human Rights.

3. The Congress, determined to assist local and regional authorities and their administrations in protecting environment and human rights and responding to the threats posed by climate change and unsustainable development:

a. endorses the third volume of the Human Rights Handbook on environment and sustainable development as part of its global effort to promote a human rights-based approach to grassroots' policy making and contribute to localising the Sustainable Development Goals;

b. invites local and regional authorities and their administrations in the Council of Europe member States and the States with which the Organisation carries out co-operation activities to disseminate, promote and use this Handbook in their local and regional policies;

c. decides to examine which type of international instrument would help to enhance national authorities' commitment to raise subnational authorities' awareness about their role in addressing climate change and its impacts, protecting environmental rights and promoting sustainable development.

d. asks its Monitoring Committee, in co-operation with other Congress bodies and relevant bodies of the Council of Europe, to prepare the fourth volume of the Human Rights Handbook for local and regional authorities on Artificial Intelligence.