

STATUTORY FORUM

Local and regional elections in major crisis situations

Resolution 455 (2020) ¹

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

- a. The International Covenant on Civil and Political Rights (ICCPR) (1966);
- b. The International Covenant on Economic, Social and Cultural Rights (ICESCR) (1966);
- c. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) (1950);
- d. The Statutory Resolution CM/RES(2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers;
- e. 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);
- f. The Venice Commission Code of Good Practice in Electoral Matters, Opinion 190(2002);
- g. The Information Document of the Council of Europe Secretary General “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis: A toolkit for member States” (2020);
- h. The Venice Commission report on Respect for Democracy, Human Rights and the Rule of Law during States of Emergency (2020);
- i. Recommendation 419(2018) of the Congress of Local and Regional Authorities on Voting rights at local level as an element of successful long-term integration of migrants and IDPs in Europe’s municipalities and regions adopted on 6 November 2018.

2. The Congress refers to the COVID-19 pandemic as a perfect example of crisis situation that shows the difficulties states and electoral authorities may be confronted with regarding the decision to hold or postpone elections, at all levels of government, in the face of risks to the life, health and security of the population. It acknowledges that not all electoral standards can be kept in major crisis situations including pandemics, natural disasters or armed conflicts. However, it stresses that a minimum core of electoral principles have to be upheld at all times for elections, including at local and regional level, to be meaningful and to enjoy the trust of the public in a democratic, pluralistic and accountable political environment.

¹ Discussion and adoption by the Statutory Forum on 28 September 2020 (see document CG-FORUM(2020)01-05, explanatory memorandum), rapporteurs: Stewart DICKSON, United Kingdom (R, ILDG) and Jos WIENEN, Netherlands (L, EPP/CCE).

3. Against this background, the Congress points to the role of election observation as an internationally recognised barometer for the assessment of the democratic development of a country. Having been granted the mandate to observe elections at the grassroots' level, it recalls the importance of this confidence-building measure within the set of statutory Congress activities which entails, in particular, the possibility to maintain a platform for dialogue with domestic authorities and to exchange with civil society, media representatives and domestic observers.

4. At the same time, the Congress recognises that major crisis situations may require also a "default strategy" as regards its core activities.

5. In the light of the foregoing, the Congress:

a. tasks its relevant bodies with developing an alternative strategy for on-site election observation as regards the rapid response to invitations from Council of Europe member States to observe grassroots' elections during major crisis situations while maintaining the integrity of the environment (protection of the health and life of election observers, ensuring safety, respecting domestic rules and mitigating measures in place in the countries holding elections as well as in the countries of origin of the Congress election observers);

b. underlines that any alternative strategy for on-site election observation will be of a temporary nature only during the duration of a major crisis and is no substitute for a fully-fledged election observation mission in the frame of the statutory activities of the Congress.

6. On the basis of this initial report, the Congress commits itself to continued co-operation with the Committee of Ministers, the Parliamentary Assembly and the Venice Commission as well as with international partner organisations in order to collect, compare and evaluate good practice examples related to elections during the COVID-19 crisis in view of further recommendations with regard to the local and regional level of government.