

The Bureau of the Congress

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9 June 2022

## **New terms of reference for committee activities (01-04/2022)**

Action required : for decision

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<sup>1</sup> This document is classified confidential until it has been examined by the Bureau of the Congress

<b>TERMS OF REFERENCE 1/2022/GOV</b>		<b>Governance Committee</b>		
REPORT <input checked="" type="checkbox"/> EVENT <input type="checkbox"/>		October 2022 (43rd Session) – CHAMBER OF REGIONS		
<b>TOPIC: Regional identities: promoting dialogue and diversity in unity</b>				
<b>Political objective (and specific local or regional dimension)</b>	<b>Relevance to the political priorities of the Council of Europe, the Congress and its committees</b>	<b>Proposed follow up</b>	<b>Timeline (appointment rapporteur, debate in committee, possible hearing, approval by committee, etc)</b>	<b>Implementation requirements (expert, missions, interpretation, Secretariat involvement, etc)</b>
<p>Experience shows that only dialogue and negotiation, with a shared desire to make progress, can resolve crises between nation states and regions.</p> <p>Strong and dynamic regional identities are a crucial element, both for a region’s development and vitality, and for the development of European integration as a whole.</p> <p>Europe’s strength lies in the fact that it protects the identities both of regions and of nations</p> <p>This report will examine how the different forms of political dialogue between Europe’s regions and national governments are evolving and providing new opportunities to address some of the</p>	<p><u>UN Sustainable Development Goals</u></p> <p>3 “Good health and well-being” (includes identity)</p> <p>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.</p> <p>The <b>Reference Framework for Regional Democracy</b>” aims at enhancing regional democracy, promoting political and territorial stability and fostering good governance responsive to citizens.</p> <p>The <u><a href="#">Congress Priorities 2021-2026-</a></u></p>	<p>Dissemination of the materials to national, local and regional electoral authorities of the States concerned.</p> <p>Presentation to associations of local and regional authorities.</p> <p>Follow-up and report to the Bureau and Governance Committee on the Committee of Ministers' response to the Recommendation.</p>	<p>Draft Terms of Reference to be submitted for approval to the Governance Committee on 17 March 2020. Nomination of Karl-Heinz LAMBERTZ, Belgium (R, SOC/G/PD) as rapporteur.</p>	<p>Expert: Prof. Belser, Group of Independent Experts of the Congress</p>
			<p>Approval of Terms of Reference by the Bureau, 9 June 2020.</p> <p>Up-date of Terms of Reference taken note of by the Governance Committee on 22 March 2022.</p>	<p>Translation of the</p> <ul style="list-style-type: none"> <li>- draft Explanatory Memorandum;</li> <li>- draft recommendation and resolution;</li> <li>- other related documents for the preparation of the Report.</li> </ul>

<p>regional tensions that continue to challenge Europe's political representatives.</p> <p>It will explore the need for mechanisms of regular consultation between central and regional authorities, in line with the principle of consultations enshrined in the European Charter of Local Self-Government as well as political and legal conflict settlement schemes.</p> <p>This report will be a follow-up to:</p> <ul style="list-style-type: none"> <li>- Autonomy and borders in an evolving Europe (2016)</li> <li>- Trends in regionalization in Council of Europe member States (2015)</li> <li>- Regions with legislative powers: towards multi-level governance – (2009)</li> <li>- Good governance: a key factor for the sustainable economic development of regions (2009)</li> <li>- The need for regional cultural identity (2008)</li> </ul>	<p><b>b. Democratic societies: quality of representative democracy and citizen participation</b></p> <p><i>The quality of democratic governance for the benefit of the citizen must be improved</i></p> <p>66. ... the Congress will also ensure that citizens are at the heart of public action and it will continue to actively promote the decentralisation of powers and the granting of adequate means and funding that make the action possible at the level closest to the citizen.</p> <p><b>c. Cohesive societies: Reducing inequalities in the field</b></p> <p>70. The role of local authorities is more important than ever in this context. By implementing innovative policies, they can help building more resilient and inclusive cities and regions, have a positive impact on reducing social and economic inequalities and discrimination as well as reinforcing participation and trust on the ground. Fair redistribution, equitable opportunities and more interaction between the different areas will be key to the successful transformation of societies.</p>		<p>Approval of the terms of reference by the Bureau in June 2022.</p> <p>Outline report examined by the committee in October 2020.</p> <p>Debate and approval of the preliminary draft report, resolution and recommendation at the Governance Committee meeting, 4 July 2022.</p> <p>Adoption of the preliminary draft report, resolution and recommendation at the 43rd Congress Session in October 2022.</p>	
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**TERMS OF REFERENCE 2/2022/GOV****Governance Committee**REPORT  EVENT 

October 2022 (43rdSession)

Expert: Ralf-Martin SOE

Rapporteurs: Jan MARKINK, Netherlands (R, ILDG) and Tony BUCHANAN, United-Kingdom (L, NPA)

**TOPIC: Citizen-centred smart cities and smart regions in compliance with human rights and fundamental freedoms**

<b>Political objective (and specific local or regional dimension)</b>	<b>Relevance to the political priorities of the Council of Europe, the Congress and its Committees</b>	<b>Proposed follow up</b>	<b>Time line</b> (Terms of Reference, Rapporteur, decisions by the Committee, adoption by the Congress, co-operation with other institutions etc.)	<b>Implementation requirements</b> (expert, missions, interpretation, Secretariat involvement, etc.)
In the digital area, the advances of the last decades have fundamentally transformed societies by providing new tools for communication, information consumption, public administration, education and many other aspects of our daily lives. Cities and regions across Europe are gradually introducing new technologies, including artificial intelligence tools, for the purpose of delivering a wide range of public services. The ever-increasing amounts and types of data available represent a huge opportunity for territorial authorities to better address the	Congress 2021-2026 priorities, Priority e: Digitalisation and Artificial Intelligence in the local context. Congress resolutions and reports: - Resolution 290 and Recommendation 274 (2009) on "E-democracy: opportunities and risks for local authorities";	Dissemination of the materials to national, local and regional electoral authorities of the States concerned.  Presentation to associations of local and regional authorities.  Follow-up and report to the Bureau and Governance Committee on the Committee of	Draft Terms of Reference submitted for approval to the Governance Committee on 22 March 2022.  Approval of the terms of reference by the Bureau in June 2022.  Outline report examined by Committee.	Expert: Ralf-Martin SOE – contract prepared and signed.  Draft report by expert submitted early February 2022.

<p>needs of citizens by detecting patterns or trends and to facilitate the transition towards more resilient and sustainable cities and regions.</p> <p>The importance of digital technologies grew even more with the ongoing COVID 19 pandemic. Many administrative procedures and the provision of certain services have been simplified and digitised by local and regional authorities in a record-time. Meetings of local and regional assemblies have often been organised fully or partly online, with frequent e-voting and online participation of citizens. Teleworking was imposed on large areas of the population.</p> <p>However, concerns are being raised on the potential negative impact of these AI applications on citizens of cities and regions, and the society in general. Data privacy breaches, discrimination by algorithms, the advent of a surveillance society, the weakening of human agency, information distortion and digital divide, electoral interference, cyber attacks, digital exclusion are just some of the concrete concerns that are regularly being expressed by local and regional politicians who often feel overwhelmed by the fast pace of innovation. Besides, many smart cities and smart regions initiatives are led by big businesses which may promise hi-tech generic solutions to all local challenges without knowing the context and needs of the citizens, which question the fundamentals of local democracy.</p>	<ul style="list-style-type: none"> <li>- Resolution 394 (2015) on “E-media: game changer for local and regional politicians”;</li> <li>- Resolution 417 and Recommendation 398 (2017) on “Open Data for better public services delivery” (2017);</li> <li>- Report on “Transparency and Open Government” (2018);</li> </ul> <p>2018 Budapest CEE e-Dem and e-Gov Days 2018 on Smart Cities.</p> <p>Relevant Council of Europe documents in the field of artificial intelligence, in particular “Possible elements of a legal framework on artificial intelligence, based on the Council of Europe's standards on human rights, democracy and the rule of law” (prepared by CAHAI) and future documents to be prepared by CAI.</p> <ul style="list-style-type: none"> <li>- Work of the European Committee on Democracy and Governance (CDDG)</li> </ul> <p>United Nations Sustainable Development Goals:</p> <ul style="list-style-type: none"> <li>• SDG number 9: Build resilient infrastructure,</li> </ul>	<p>Ministers' response to the Recommendation.</p>	<p>Debate and approval of the preliminary draft report, resolution (and possible recommendation) at the Governance Committee meeting, 4 July 2022.</p> <p>Adoption of preliminary draft report, resolution (and possible recommendation) at the 43rd Session in October 2022.</p>	<p>Translation of the:</p> <ul style="list-style-type: none"> <li>- draft explanatory Memorandum;</li> <li>- draft recommendation and possible resolution;</li> <li>- other related documents for the preparation of the report.</li> </ul>
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<p>Local and regional authorities need to ensure e-solutions are people-centred and in line with Council of Europe standards in the field of fundamental rights and democracy. Territorial authorities must ensure that the activities are carried out in a democratically responsible and purposeful manner. This means that human factors and democratic values of new technologies need to be reasserted and smart cities and smart regions must remain cities and regions for all.</p> <p>Against this general background, the report will clarify the core concepts of smart cities and regions. The report will present some examples of smart city/smart regions-initiatives and lessons learned from our member States to underline the added value of the implementation of smart technologies for improved service efficiency and better quality of life at the local and regional level.</p> <p>The report will raise related pitfalls and risks, although harder to gauge. It will also emphasise the fact that the fast-paced digitalisation induced by the pandemic has deepened the social divide and isolated even more vulnerable people, and especially those without access to technologies.</p> <p>Finally, the report will suggest ways to ensure that the implementation of these solutions is democratic and ethically, ecologically and financially sustainable. It will show how some cities and regions in Council of Europe member States are adapting smart technologies to improve the lives of their citizens. It will examine the impact of advanced technology on political life at the territorial level, to find solutions to today's challenges and by so doing, enhance the quality of local and regional democracy with a</p>	<p>promote inclusive and sustainable industrialization and foster innovation.</p> <ul style="list-style-type: none"> <li>• SDG number 11: Make cities and human settlements inclusive, safe, resilient and sustainable.</li> <li>• SDG number 12: Ensure sustainable consumption and production patterns.</li> </ul>			
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<p>special focus on the revitalisation of grassroots democracy through increased citizen participation and inclusion.</p> <p>Consequently, the main focus will be on the following questions:</p> <ul style="list-style-type: none"><li>• What opportunities do the smart technologies provide for local and regional authorities?</li><li>• What are the risks and challenges related to some of these technologies and how can we tackle them?</li><li>• Is COVID-19 a game changer for the further development of smart cities and regions?</li><li>• How can we ensure that smart cities and regions remain focused on democratic values?</li></ul>				
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<b>TERMS OF REFERENCE 3/2022/GOV</b>	<b>Governance Committee</b>
REPORT <input checked="" type="checkbox"/> EVENT <input type="checkbox"/>	October 2022 (43rdSession)

**TOPIC: Impact of hate speech and fake news on the working conditions of local and regional elected representatives**

Political objective	Relevance to the political priorities of the Council of Europe and the Congress	Proposed follow up	Timeline (Terms of Reference, Rapporteur, decisions by the Committee, adoption by the Congress, co-operation with other institutions etc.)	Implementation requirements (expert, missions, interpretation, Secretariat involvement, etc.)
<p>Online hate speech and fake news are negative phenomena on rise in the contexts of COVID 19. Also, the European societies are increasingly confronted with the new generation of hybrid and information wars, including disinformation campaigns and cyberattacks. Notwithstanding the fact that there are many opportunities offered by social media to politicians at all levels of government, allowing for easily accessible and low-threshold communication with citizens – in recent years, local and regional politicians, throughout Europe, have increasingly been exposed to online hate and disinformation.</p> <p>On the other hand, freedom of expression is a fundamental right, as enshrined in Article 10 of the European Charter of Fundamental rights.</p>	<p>2021-2026 Priorities of the Congress of Local and Regional Authorities:</p> <p>Priority 6.a. Effective local and regional responses to public health crises.</p> <p>Priority 6.b. The quality of representative democracy and citizen participation.</p> <p>Priority 6.e. Digitalisation and artificial intelligence in the local context.</p> <p>PACE Resolution 2326 (2020) “Democracy hacked? How to respond?”</p> <p>PACE Resolution 2255 (2019)</p>	<p>Dissemination of the materials to national, local and regional authorities of the member States.</p> <p>Presentation to associations of local and regional authorities.</p> <p>Follow-up and report to the Bureau and Governance Committee on the Committee of Ministers' response to the Recommendation.</p> <p>Provided that funds are available, preparation of information events.</p> <p>Design of targeted cooperation activities on major findings of the inter-university study, for example regarding awareness raising and</p>	<p>Draft Terms of Reference to be submitted for approval to the Governance Committee.</p> <p>Appointment of Rapporteurs by the Governance Committee (22 March 2022) and exchange of views: Wilma DELISSEN VAN TONGERLO, Netherlands (L, ILDG) and Kristoffer TAMSONS, Sweden (R, PPE/CCE)</p> <p>Approval of terms of reference by the Bureau (June 2022).</p> <p>Finalisation of the expert’s</p>	<p>Preparation of the expert contract.</p> <p>Translation of:</p> <ul style="list-style-type: none"> <li>- draft Explanatory Memorandum;</li> <li>- draft Resolution/ Recommendation;</li> <li>- other related documents for the preparation of the Report.</li> </ul> <p>Rapporteur and expert:</p> <ul style="list-style-type: none"> <li>- travel and subsistence to present the texts at internal and external meetings;</li> </ul>

<p>Navigating the grey area between respecting freedom of expression and curbing hate speech and fake news can be quite difficult, as the jurisprudence of the ECHR can attest. The relationship between digital disinformation and freedom of expression under Article 10</p> <p>of the European Convention on Human Rights (ECHR), as interpreted by the European Court of Human Rights (ECtHR) should then be considered. The ECHR case-law clarifies how the regulation of digital disinformation, fake news and hate speech can be squared with freedom of expression, in order to provide urgently needed legal guidance in this area.</p> <p>Hate speech and fake news faced by local and regional politicians take diverse forms and have various impacts on working conditions of targeted individuals. Online threats by disgruntled citizens can turn easily into physical attacks, as has been illustrated by the tragic death of the Mayor of Gdansk, Paweł Adamowicz, in 2019 or the assassination attempt on the Mayor of Cologne, Henriette Reker, in 2015.</p> <p>The Covid-19 pandemic has exacerbated the negative impacts of hate speech and fake news and made it even more virulent for local and regional politicians, especially during election campaigns which have increasingly moved to the online space. The impact of</p>	<p>“Public service media in the context of disinformation and propaganda”</p> <p>Congress Resolution 435 and Recommendation 424 (2018) on “Transparency and Open Government”,</p> <p>Congress Resolution 417 and Recommendation 398 (2017) on “Open Data for better public services delivery”,</p> <p>Congress Resolution 394 (2015) on “E-media: game changer for local and regional politicians”,</p> <p>ECRI General Policy Recommendation n°15 on Combating Hate Speech, adopted on 8 December 2015</p> <p>Congress Resolution 290 and Recommendation 274 (2009) on “E-democracy: opportunities and risks for local authorities”</p> <p>Recommendation R (97) 20 (1997) of the Committee of Ministers to Member States on “Hate Speech”</p> <p>European Charter of fundamental rights, Article 10 - Freedom of thought, conscience and religion and related ECHR jurisprudence.</p>	<p>support of local and regional authorities with regard to IT-literacy.</p>	<p>contribution to the Report.</p> <p>Debate and adoption of the preliminary draft report and approval of the preliminary draft resolution and recommendation at the Governance Committee meeting, 4 July 2022.</p>	<p>- Secretariat missions.</p>
			<p>Presentation and adoption of draft resolution and recommendation at the 43<sup>rd</sup> Congress Session in October 2022.</p>	

<p>hate speech and fake news cannot be underestimated in the current context, as it is putting lives at risk and makes managing of the health crisis even more challenging to the local and regional authorities in charge.</p> <p>As a result, hate speech and fake news have a paralysing effect on our democracies and political life on local and regional level. This negative trend creates a toxic atmosphere of fear and confusion among local and regional politicians as well as among citizens of municipalities and regions which disturbs societal cohesion.</p> <p>At the same time, the concrete impacts of hate speech and fake news on working conditions of local and regional politicians still remain under-researched.</p> <p>Better awareness of this negative phenomena is a pre-condition for tackling this issue effectively.</p> <p>Against this backdrop, the Congress started cooperation with international researchers and contributed to a pilot study. The findings of the inter-university research project exploring the impact of fake news and hate speech on the daily work of elected representatives in European municipalities and regions will provide a valuable input on ways to detect fake news and hate speech and devise effective remedies against online misinformation and verbal attacks against local and regional politicians.</p> <p>The study will nurture the proposed report which will, based on experiences from local and regional politicians across</p>	<p>United Nations Sustainable Development Goals:</p> <p>SDG 11: Sustainable Cities and Communities</p> <p>SDG 16: Peace, Justice and Strong Institutions</p> <p>In particular SDG 16, target 10:"to ensure public access to information and protect fundamental freedoms, in accordance with national legislation and international agreements"</p>			
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<p>member States, find common patterns as well as differences in order to assess the real magnitude of this crisis. The report will in particular enable to identify the right tools and strategies to tackle online hate speech and fake news.</p>				
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<b>TERMS OF REFERENCE 4/2022/GOV</b>		<b>Governance Committee</b>		
REPORT <input checked="" type="checkbox"/> EVENT <input type="checkbox"/>		March 2023 (44th Session)		
<b>TOPIC: Revision of the “European Urban Charter II – Manifesto for a new urbanity”</b>				
<b>Political objective</b>	<b>Relevance to the political priorities of the Council of Europe and the Congress</b>	<b>Proposed follow up</b>	<b>Timeline</b> (Terms of Reference, Rapporteur, decisions by the Committee, adoption by the Congress, co-operation with other institutions etc.)	<b>Implementation requirements</b> (expert, missions, interpretation, Secretariat involvement, etc.)
<p>The first European Urban Charter, adopted by the Congress in 1992 was a ground-breaking step for Europe and marked a key stage in the necessary recognition of the urban phenomenon in the development of our societies. The European Urban Charter II – Manifesto for a new urbanity, adopted in May 2008, complemented and updated the original Congress contribution and proposed a new approach to urban living, urging European countries to build sustainable towns and cities.</p> <p>Since then, urban living has been going through a series of transformations linked to the development of smart cities, deepening social inequalities, ageing populations and last but not least, the quickening pace of climate change.</p> <p>More recently, urban living conditions in Europe underwent major changes and adaptations dictated by the Covid 19 sanitary crisis. In Europe, towns and</p>	<p>2021-2026 <a href="#">Priorities of the Congress of Local and Regional Authorities</a>, Resolution 465 (2021):</p> <p>Priority 6.a. Effective local and regional responses to public health crises.</p> <p>Priority 6.b. The quality of representative democracy and citizen participation.</p> <p>Priority 6.c.: Reducing inequalities in the field</p> <p>Priority 6.d.: Environmental issues and climate action in cities and regions</p> <p>Priority 6.e. Digitalisation and artificial</p>	<p>Dissemination of the materials to national, local and regional authorities of the member States.</p> <p>Presentation to associations of local and regional authorities.</p> <p>Follow-up and report to the Bureau and Governance Committee on the Committee of Ministers' response to the Recommendation.</p> <p>Provided that funds are available, preparation of information events.</p>	<p>Draft Terms of Reference to be submitted for approval to the Governance Committee (22 March 2022).</p> <p>Approval of terms of reference by the Bureau in June 2022</p> <p>Appointment of Rapporteurs by the Governance Committee and exchange of views</p> <p>Finalisation of the expert's contribution to the Report.</p> <p>Debate and approval of the preliminary draft report, resolution and</p>	<p>Preparation of the expert contract.</p> <p>Translation of:</p> <ul style="list-style-type: none"> <li>- draft Explanatory Memorandum;</li> <li>- draft Resolution/ Recommendation;</li> <li>- other related documents for the preparation of the Report.</li> </ul> <p>Rapporteur and expert:</p> <ul style="list-style-type: none"> <li>- travel and subsistence to present the texts at internal and external meetings;</li> <li>- Secretariat missions.</li> </ul>

<p>cities were at the forefront of the response and were required to rapidly adapt to the pandemic while efficiently delivering basic public services and preventing further spread of the virus. It impacted the way local authorities dealt with national authorities but also the way they envisioned transportation, health, education, participation and elections. It also reaffirmed the need for even more sustainable towns and cities across Europe. They managed to rise to the challenge and often to use this crisis as an opportunity to review their efforts to create more cohesive societies and to further engage urban citizens.</p>	<p>intelligence in the local context.</p>		<p>recommendation at the Governance Committee meeting.</p>	
<p>During the meeting of the Chamber of Local Authorities of the 41st Session of the Congress (Oct 2021), Congress members discussed post-Covid cities and towns and argued that more developments have occurred since the adoption of the European Charter II in 2008 than in the first 15 years between the adoption of the first Charter and its revision (1992-2008). During the Plenary session, Congress members also discussed the post-covid recovery with OECD Deputy Secretary General and Appointed Governor of the Council of Europe Development Bank.</p>	<p>PACE Resolution and Recommendation (2022), <a href="#">Beating Covid-19 with public health measures</a></p> <p>Congress Resolution 467 and Recommendation 455(2021), <a href="#">Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions</a></p>		<p>Presentation and adoption of preliminary draft report, resolution and recommendation at the Congress 44<sup>th</sup> Session.</p>	
<p>In line with the 2021-2026 Congress Priorities, it is therefore necessary to further update the European Urban Charter in light of these new developments and the post-pandemic context. This revision will attempt to propose common ways and principles for</p>	<p>Congress Resolution 466 and Recommendation 453 (2021), <a href="#">Ensuring the respect of the European Charter of Local Self-Government in major crisis situations</a></p> <p>European Union (2021) – <a href="#">Ljubljana Agreement, Urban Agenda for the EU, the Next Generation</a>, Informal Meeting of Ministers Responsible for Urban Matters,</p>	<p>Congress Statutory Forum Resolution 461(2020), <a href="#">Human Rights Handbook for local and regional authorities</a></p>		

<p>towns and cities to meet the new and considerable challenges of urban societies and will put forward ideas for an updated approach to urban life. This would also enable to tie the idea of urbanity, as it is today, with the Congress priorities, adopted for the coming years until 2026, of promoting resilient, democratic, cohesive, sustainable and digital societies. As driving forces for local and regional development; towns and cities, in their diversity, will remain an asset for our societies facing unprecedented challenges.</p> <p>It will be an invitation for all those involved in urban development to review their practice and to further implement the principles of ethical governance, sustainable development and solidarity already included in the European Declaration of Urban Rights and the European Urban Charter II.</p> <p>The proposed report will find common patterns and principles among member States. It will review the 20 original Urban rights and the update of 2008 while emphasising on the upcoming challenges.</p>	<p>Council of Europe, <a href="#">Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis Toolkit</a> (2020)</p> <p>European Union (2020), <a href="#">New Leipzig Charter – the transformative power of cities for the common good</a></p> <p>European Union (2020), <a href="#">Territorial Agenda 2030 of the European Union</a></p> <p>Congress of Local and Regional Authorities - <a href="#">Manifesto for a new urbanity – European Urban Charter II</a> (2008)</p> <p>Congress Recommendation 188 (2006) on good governance in European metropolitan areas.</p> <p>European Union, Charter of European Cities and Towns towards Sustainability, <a href="#">Aalborg Charter</a> (1994) and <a href="#">Aalborg Commitments</a> (2004)</p>			
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	<p>Council of Europe's Standing Conference on Local and Regional Authorities of Europe (CLRAE)-European Declaration of Urban Rights (1992)</p> <p>UN Habitat, The <a href="#">New Urban Agenda</a> (2017)</p> <p>United Nations Sustainable Development Goals 11: Make cities and human settlements inclusive, safe, resilient and sustainable.</p> <p>(see also, SDGs 7; 8; 9; 10, 12, 13 and 16).</p>			
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