

**40th SESSION**  
**Second part**

## Holding referendums at local level

Recommendation 459 (2021)<sup>1</sup>

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

*a.* 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);

*b.* the Convention on the Participation of Foreigners in Public Life at Local Level (ETS No. 144, 1992);

*c.* Recommendation 1704 (2005) of the Parliamentary Assembly of the Council of Europe on Referendums: towards good practices in Europe;

*d.* Resolution 2251 (2019) of the Parliamentary Assembly of the Council of Europe on Europe on Updating guidelines to ensure fair referendums in Council of Europe member States;

*e.* the Venice Commission Code of Good Practice in Electoral Matters (2002);

*f.* The Venice Commission's Revised Guidelines on the Holding of Referendums (2020);

*g.* the Priorities of the Congress for 2017-2020 and also the new priorities for 2021-2026 which put a great emphasis on promoting an increased and active participation of citizens in local and regional life in order to improve local democracy in the Council of Europe member States;

*h.* UN Sustainable Development Goal 16: Peace, Justice and Strong Institutions; Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

2. The Congress points out that:

*a.* referendums have increasingly been used as a tool of direct democratic involvement for resolving issues which are of fundamental importance for peoples' lives. In this context, referendums can become a point of controversy due to the potentially divisive nature of their questions and the problems that may occur over the respective referendum campaign;

*b.* although national referendums have nowadays attracted much attention, it is in fact the local referendums that are most widespread in the Council of Europe member States. Yet, local referendums are essential for sounding out the citizens' will on concrete issues that directly affect their everyday lives;

<sup>1</sup> Debated and adopted by the Congress on 16 June 2021, 2nd sitting (see Document CG(2021)40-11, explanatory report), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

c. bearing this in mind, effective guidelines are needed for member States to use local referendums responsibly in the framework which is in line with Council of Europe standards, most notably the European Charter of Local Self-government, as well as with the international standards and best practices.

3. In light of the foregoing and against the background of principles and standards anchored in the European electoral heritage, the Congress invites the Committee of Minister to call on member States to:

a. implement existing guidelines and good practices regarding the holding of referendums, in particular as defined by the Venice Commission in the Code of Good Practice in Electoral Matters and in the Revised Guidelines on the Holding of Referendums, at the national level and, when applicable, also to the local level;

b. make more use of citizens' assemblies and similar deliberative democracy tools to accompany the holding of local referendums in order to alleviate tensions and enhance citizens' informed decisions;

c. by analogy with the provisions on participation in local elections as contained in the Convention on the Participation of Foreigners in Public Life at Local Level, to grant the right to vote in local referendums to foreigners who have been residing legally in their country for a period of five years.

4. The Congress commits itself to taking into consideration guidelines included in the explanatory memorandum as well as other relevant standards when observing local referendums in the member States.