

## 47th SESSION

Report  
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# Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2021-2024)

Committee on the Monitoring of the implementation of the European Charter of Local Self-Government and on the respect of Human Rights and the Rule of Law at local and regional levels (Monitoring Committee)

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## Summary

In this third periodic report, the Congress analyses key challenges and positive developments on the implementation in all member States of the European Charter of Local Self-Government and of electoral standards in local and regional elections. The data of this report emanate from the findings of Congress monitoring and election observation reports adopted in the period from 2021 to 2024, highlighting areas which require specific attention from central authorities. It is intended to serve as an early warning mechanism to detect negative developments and reinforce positive ones in order to prevent and counteract democratic backsliding at local and regional levels.

The reference period 2021-2024 was strongly impacted by the COVID-19 pandemic, the war of aggression of the Russian Federation against Ukraine, climate change and their related consequences, such as inter alia, internal displacement, inflation, cyberattacks, disinformation and interference. These events had ripple effects on the application of the Charter and on the elections at local and regional levels in all member States and challenged the trust of voters in their institutions and in representative democracy at all levels of government.

The report concludes that the recurring issues identified in the previous period from 2017 to 2020 remain unchanged or worsened during the period under review. For instance, the shortcomings in the implementation of Article 9 on financial resources at local level seem to have been aggravated by the

1. L: Chamber of Local Authorities / R: Chamber of Regions.  
EPP/CCE: European People's Party Group in the Congress.  
SOC/G/PD: Group of Socialists, Greens and Progressive Democrats.  
ILDG: Independent Liberal and Democratic Group.  
ECR: European Conservatives and Reformists Group.  
NR: Members not belonging to a political group of the Congress.

impact of multiple successive crises on the local financial situation. In addition to a worrying deterioration of campaigning environments, the report also unveils increasing instances of hate speech and both verbal and physical aggressions, embodying a concerning trend that locally elected representatives—especially mayors—must cope with. These developments are detrimental to local democracy as they challenge the conditions of office required for elected representatives to be able to freely exercise their local mandates (Article 7) and have a chilling effect on future candidates in elections.

At the same time, positive steps in the implementation of the Charter were noted, including the strengthening of participatory and consultation rights of associations of local and regional authorities as well as the adoption of measures aimed at enhancing citizen participation in local public affairs. On electoral matters, the report highlights progress made on the inclusivity of elections and on more professional and transparent electoral procedures.

Through devoting particular attention to the recurring issues and positive developments identified, the Congress calls upon the Council of Europe member States to fully implement all ratified provisions of the Charter and to conduct local and regional elections in accordance with European electoral standards. It also invites member States to systematically send invitations for the Congress to observe local and regional elections and to strengthen their cooperation with the Congress to achieve conformity with the Charter and electoral standards through more actively engaging in post-monitoring and post-electoral dialogues.

**RESOLUTION 505 (2024)<sup>2</sup>**

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

a. the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207);

b. The Reykjavík Declaration, adopted at the Fourth Summit of Heads of State and Government of the Council of Europe (Reykjavík, 16 and 17 May 2023), highlighting the need to support the essential role of multilevel governance in delivering the Organisation’s vision, including through the role of the Congress with respect to the implementation of the European Charter of Local Self-Government;

c. Chapter XVIII, XIX and XX of the Rules and Procedures of the Congress, respectively on the organisation of monitoring procedures, election observation missions, implementation of the post-monitoring/post-electoral political dialogue;

d. the Congress monitoring reports and recommendations on the implementation of the European Charter of Local Self-Government in the Council of Europe member States;

e. the reports and recommendations adopted by the Congress further to the observation of local and regional elections as well as reports, resolutions and recommendations on transversal issues in electoral matters;

f. Congress Resolution 467 (2021) “Recurring Issues Based on Assessments Resulting from Congress Monitoring and Election Observation Missions (Reference Period 2017-2020)”;

g. Congress Resolution 466 (2021) “Ensuring the respect of the European Charter of Local Self-Government in major crisis situations”;

h. Congress Resolution 413 (2017) on the comparative analysis of the implementation of the European Charter of Local Self-Government in 47-member States;

i. Congress Resolution 412 (2017) “Recurring issues based on assessments resulting from Congress monitoring and election observation missions (reference period 2010-2016)”;

2. The Congress notes that since the issuance of the previous periodic report in 2021, Europe has undergone significant political, economic and social upheavals driven by the COVID-19 crisis, the reception of migrants and refugees, climate change, the Russian Federation’s war of aggression against Ukraine, and subsequent challenges related to the cost of living and energy prices. They have reshaped the environment in which national, local and regional governments operate, profoundly impacting their resources and activities.

3. The Congress regrets that the recurring issues of compliance with the Charter highlighted in the previous report have persisted during the current review period, while some of them have been exacerbated by the effects of successive crises. These include inadequate financial resources available to local and regional authorities, a restricted scope of local self-government, and insufficient consultation processes.

4. In addition, local and regional elected representatives throughout Europe have increasingly encountered virulent online hate speech and disinformation, as well as physical and verbal aggressions, creating a hostile environment for the execution of their mandates. This pattern, particularly evident during elections, has become more pronounced in recent years, exerting paralysing effects on European democracies and political life at the local and regional levels.

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<sup>2</sup> Debated and adopted by the Congress on 16 October 2024 (see document CG(2024)47-20, explanatory memorandum), co-rapporteurs: Thibaut GUIGNARD, France (L, EPP/CCE) and Stewart DICKSON, United Kingdom (R, ILDG).

5. Similarly, on electoral matters, despite important efforts made by national authorities to ensure compliance with electoral standards, the Congress continues to highlight the relevance of the previously identified recurring issues regarding the inaccuracy of voters' lists, the misuse of administrative resources and official positions, the politicisation of the electoral administration, the low public confidence in electoral processes and the breaches to the principle of equal level playing field for all candidates.

6. At the same time, the Congress identified over the past few years emerging trends that increasingly impact local and regional elections, namely the deterioration of campaigning environments and the rise of foreign interference, while noting with satisfaction the overall progress made to improve the inclusivity of local and regional electoral processes in Europe.

7. Therefore, the Congress of Local and Regional Authorities of the Council of Europe:

a. invites the Monitoring Committee to continue preparing a review of recurring issues approximately every three years, based on assessments from Congress monitoring and election observation missions conducted during that period;

b. entrusts the Monitoring Committee with the task of expanding and intensifying its activities in the field of local and regional elections, in particular on election observation missions, post-electoral dialogue and fact-finding missions;

c. invites country rapporteurs to continue focusing on recurring issues when monitoring the implementation of the Charter, conducting election observation missions, and performing mid-term reviews of the Charter's implementation;

d. urges all relevant Congress bodies to further integrate the recurring issues into their activities, develop effective tools and policies to assist member States in addressing these challenges, and promote the dissemination of relevant good practices.

**RECOMMENDATION 518 (2024)<sup>3</sup>**

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

a. the European Charter of Local Self-Government (ETS No. 122) and its Additional Protocol on the right to participate in the affairs of a local authority (CETS No. 207);

b. The Reykjavík Declaration, adopted at the Fourth Summit of Heads of State and Government of the Council of Europe (Reykjavík, 16 and 17 May 2023), highlighting the need to support the essential role of multilevel governance in delivering the Organisation’s vision, including through the role of the Congress with respect to the implementation of the European Charter of Local Self-Government;

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

d. Chapter XVIII, XIX and XX of the Rules and Procedures of the Congress, respectively on the organisation of monitoring procedures, election observation missions, implementation of the post-monitoring/post-electoral political dialogue;

e. the Congress monitoring reports, resolutions and recommendations on the implementation of the European Charter of Local Self-Government in the Council of Europe member States;

f. the reports and recommendations adopted by the Congress further to the observation of local and regional elections as well as reports, resolutions and recommendations on transversal issues in electoral matters;

g. Congress recommendation 455 (2021) “Recurring Issues Based on Assessments Resulting from Congress Monitoring and Election Observation Missions (Reference Period 2017-2020);

h. Congress Recommendation 453 (2021) “Ensuring the respect of the European Charter of Local Self-Government in major crisis situations”;

i. Congress Recommendation 395 (2017) “Recurring issues based on assessments resulting from Congress monitoring and election observation missions (reference period 2010-2016)”.

2. The Congress notes that since the issuance of the previous periodic report in 2021, Europe has undergone significant political, economic and social upheavals driven by the COVID-19 crisis, the reception of migrants and refugees, climate change, the Russian Federation’s war of aggression against Ukraine, and subsequent challenges related to the cost of living and energy prices. They have reshaped the environment in which national, local and regional governments operate, profoundly impacting their resources and activities.

3. The Congress regrets that the recurring issues of compliance with the Charter highlighted in the previous report have persisted during the current review period, while some of them have been exacerbated by the effects of successive crises. These include inadequate financial resources available to local and regional authorities, a restricted scope of local self-government, and insufficient consultation processes.

4. Furthermore, the pattern of increasing instances of hate speech, disinformation, threats, both verbal and physical aggression directed against locally elected representatives – especially mayors – throughout Europe, particularly evident during elections, has become more pronounced in recent years and continues to pose significant challenges to the working conditions necessary to fulfil elected mandates and exercise local democracy. This trend may have a paralysing effect on political life at local and regional levels.

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<sup>3</sup> Debated and adopted by the Congress on 16 October 2024 (see document CG(2024)47-20, explanatory memorandum), co-rapporteurs: Thibaut GUIGNARD, France (L, EPP/CCE) and Stewart DICKSON, United Kingdom (R, ILDG).

5. The Congress also stresses that recurring issues in electoral matters continue to include the inaccuracy of voters lists, the misuse of administrative resources during electoral campaigns, the politicisation of the electoral administration at all levels, the decline in voters' confidence in electoral processes and the unequal playing field for candidates. Over the past several years, the Congress has identified increasingly problematic trends that impact local electoral processes, namely the deterioration of the campaigning environment and the rise in foreign interference, while noting with satisfaction the overall progress made to improve electoral procedures and the inclusivity of local and regional elections in Europe.

6. While election observation constitutes a widely accepted barometer of democratic development and a vital instrument to improve electoral processes, the Congress deplores the fact that many member States did not systematically invite it to observe local and regional elections over the reference period. More systematic invitations to the Congress to observe elections would allow it to fully fulfil its institutional mandate as guardian of local and regional democracy and to bring more regularly into focus best practices, progress and recurring issues observed across all member States.

7. The Congress highlights that the systematically identified shortcomings in the compliance with the Charter and European electoral standards can serve as early indicators of potential democratic erosion and increasing institutional fragility, which have already materialised in some parts of Europe.

8. In the light of the above, the Congress invites the Committee of Ministers to call on the national authorities of the member States to:

a. strengthen their efforts, in line with the Reykjavik Declaration, to fully implement the ratified provisions of the Charter, based on the Congress monitoring resolutions and recommendations, with particular emphasis on addressing the recurring issues identified by the Congress, specifically:

- i. make sure that subnational authorities have adequate and commensurate financial resources to fulfil their competencies and enhance local revenue-raising capacities to secure financial autonomy at the subnational level;
- ii. ensure the right of local authorities to be consulted in due time by the central government, on all matters directly affecting them, both in law and in practice, in line with Articles 4.6, 5 and 9.6 of the Charter;
- iii. refrain from re-centralising local competences, over-regulating, and disproportionate supervision and clearly divide competencies among various levels of government to enable local authorities to manage public affairs under their own responsibility and in the interest of the local population;
- iv. introduce measures to strengthen legal protection for mayors, including extending limitation periods and considering specific offenses for attacks or assaults on them while they are performing their duties;

b. conduct local and regional elections in accordance with European electoral standards and on the basis of the relevant Congress resolutions and recommendations and notably:

- i. pursue efforts to systematically update voters lists and guarantee their accuracy, as local and regional elections should reflect the will of the electorate actually residing in a specific community;
- ii. ensure an equal playing field for all candidates through dedicated party and campaign finance regulations, effective regulations and dissuasive sanctions to prevent the misuse of administrative resources and measures to enhance women and youth participation;
- iii. strengthen the professionalisation of the election administration and the transparency of its work, in order to further eliminate election day irregularities and to increase trust in electoral processes;

- iv. as a means to decrease polarisation, foster political pluralism by amplifying initiatives towards more inclusive electoral processes, preventing the deterioration of campaign conditions and increasing vigilance towards hate speech, disinformation and foreign interference in electoral processes;
- c. systematically send an invitation of the Congress to observe local and regional elections including early, repeat and partial elections, at the latest 60 days before the election day;
- d. enhance post-monitoring and post-electoral political dialogue with the Congress to develop roadmaps for fulfilling their commitments under the Charter and complying with European electoral standards;
- e. use the findings of the Congress monitoring and election observation reports as an early warning mechanism to prevent and resist democratic backsliding in Europe, recommending timely improvements to safeguard and strengthen democracy and good governance at all levels, in line with the Reykjavik Principles for Democracy;
- f. encourage member States which have not done so to sign and ratify the Additional Protocol to the Charter on the right to participate in the affairs of a local authority.

## EXPLANATORY MEMORANDUM

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## **1. MONITORING OF THE IMPLEMENTATION OF THE EUROPEAN CHARTER OF LOCAL SELF-GOVERNMENT**

### **A. INTRODUCTION**

1. In accordance with Congress Resolution 467/2021 every three years, the Congress Monitoring Committee prepares periodic reports that point out those provisions of the European Charter of Local Self-Government (hereinafter referred to as 'the Charter') which member States find most challenging to comply with. The periodic reports are based on the analysis of data from Congress country reports, recommendations, and resolutions adopted during the reported period following Congress monitoring, election observation missions, post-monitoring and fact-finding visits.

2. In addition to highlighting key recurring issues in the Charter's application by member States, the periodic reports also provide examples of good practice and positive developments, to encourage member states' efforts in fulfilling their obligations and commitments under the Charter. Furthermore, by regularly measuring the health of local democracy, the reports are intended to serve as an early warning mechanism to detect negative developments and recommend improvements to prevent and resist democratic backsliding in the European continent, in line with the decisions of the Reykjavík Summit of the Council of Europe.

3. This is the third periodic report prepared by the Monitoring Committee that provides a tri-annual analysis of performance of the Council of Europe member States in implementation of the Charter, covering the period from 2021 to 2024. The preparation of this report was greatly facilitated by the use of the Carta-Monitor, an online tool developed by the Congress to ensure a comparative analysis of the application of the Charter in countries, article-by-article.

4. The previous report was prepared based on assessments resulting from Congress monitoring and election observation missions carried out from 2017 to 2020. It identified the following recurring issues: inadequacy of financial resources available to local and regional authorities, the restricted definition, allocation, and exercise of local competences, and the lack of consultation and direct applicability of the Charter in domestic legal systems of the CoE member states. Furthermore, the previous report alerted that states have faced escalating challenges related to the implementation of Article 7 of the Charter on the conditions of office of local elected representatives, as an emerging issue of the Charter's application.

5. As for the direct applicability of the Charter, based on the conclusions from the monitoring reports adopted in the period under review, it should be positively mentioned that the legal order of most countries protects the rights of local authorities, although the degree of this protection varies across the jurisdictions. In most states, the protection is guaranteed by the Constitutional Courts, while in others it is provided at the level of administrative courts. There is still a need in some jurisdictions to ensure the direct applicability of the Charter.

6. The COVID-19 pandemic and the ensuing lockdown together with travel restrictions hindered the Congress' monitoring and election observation activities in 2020. Nevertheless, the Congress continued monitoring activities and observation of local and regional elections during the health crisis remotely and promptly resumed on-site activities in 2021, as soon as the situation permitted.

7. Since 2021, the Congress has monitored the application of the Charter in 31 member States and carried out 15 election observation missions.

## B. RECOMMENDATIONS/REPORTS ADOPTED IN 2021-2024

### 8. Monitoring, post-monitoring and fact-finding reports:

- **2024:**
  - Monitoring of the application of the European Charter of local Self Government in Finland
  - Monitoring of the application of the European Charter of local Self Government in Latvia
  - Monitoring of the application of the European Charter of local Self Government in Iceland
  - Monitoring of the application of the European Charter of local Self Government in Malta
  - Monitoring of the application of the European Charter of local Self Government in Croatia
  - [Recommendation 508 \(2024\)](#)
  - Monitoring of the application of the European Charter of local Self Government in France
  - [Recommendation 507 \(2024\)](#)
  - Monitoring of the application of the European Charter of local Self Government in Montenegro
  - [Recommendation 506 \(2024\)](#)
  - Monitoring of the application of the European Charter of local Self Government in Andorra
  - [Recommendation 505 \(2024\)](#)
  - Monitoring of the application of the European Charter of local Self Government in Norway
  - [Recommendation 504 \(2024\)](#)
  - Monitoring of the application of the European Charter of local Self Government in Italy
  - [Recommendation 503 \(2024\)](#)
  
- **2023:**
  - Monitoring of the application of the European Charter of Local Self-Government in Slovak Republic
  - [Recommendation 500 \(2023\)](#)
  - Monitoring of the application of the European Charter of local Self Government in Ireland
  - [Recommendation 499\(2023\)](#)
  - Monitoring of the application of the European Charter of Local-Self-government in Estonia
  - [Recommendation 496 \(2023\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Romania
  - [Recommendation 494\(2023\)](#)
  
- **2022:**
  - Monitoring of the application of the European Charter of Local Self-Government in Belgium
  - [Recommendation 487 \(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in the Czech Republic
  - [Recommendation 486\(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Sweden
  - [Recommendation 485\(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Denmark
  - [Recommendation 479\(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in the United Kingdom
  - [Recommendation 474\(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Türkiye
  - [Recommendation 471\(2022\)](#) + [Resolution 479\(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Luxembourg
  - [Recommendation 470\(2022\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Germany
  - [Recommendation 469\(2022\)](#)

- **2021:**
  - Monitoring of the application of the European Charter of Local Self-Government in Albania  
[Recommendation 468 \(2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Cyprus  
[Recommendation 467\(2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in North Macedonia  
[Recommendation 466 \(2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Spain  
[Recommendation 465 \(2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in the Netherlands  
[Recommendation 464 \(2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Azerbaijan  
[Recommendation \(461\)2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Bulgaria  
[Recommendation 460\(2021\)](#)
  - Monitoring of the application of the European Charter of Local Self-Government in Armenia  
[Recommendation 456\(2021\)](#)
  - Monitoring of the application of the European Charter of Self-Government in Hungary  
[Recommendation 451 \(2021\)](#)

### C. RECURRING ISSUES AND POSITIVE DEVELOPMENTS

#### Article 9. Financial resources of local authorities

##### Article 9 – Financial resources of local authorities

- 1 Local authorities shall be entitled, within national economic policy, to adequate financial resources of their own, of which they may dispose freely within the framework of their powers.
- 2 Local authorities' financial resources shall be commensurate with the responsibilities provided for by the constitution and the law.
- 3 Part at least of the financial resources of local authorities shall derive from local taxes and charges of which, within the limits of statute, they have the power to determine the rate.
- 4 The financial systems on which resources available to local authorities are based shall be of a sufficiently diversified and buoyant nature to enable them to keep pace as far as practically possible with the real evolution of the cost of carrying out their tasks.
- 5 The protection of financially weaker local authorities calls for the institution of financial equalisation procedures or equivalent measures which are designed to correct the effects of the unequal distribution of potential sources of finance and of the financial burden they must support. Such procedures or measures shall not diminish the discretion local authorities may exercise within their own sphere of responsibility.
- 6 Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.
- 7 As far as possible, grants to local authorities shall not be earmarked for the financing of specific projects. The provision of grants shall not remove the basic freedom of local authorities to exercise policy discretion within their own jurisdiction.

9. During the reporting period, Article 9 concerning local financial resources remained one of the most frequently violated provisions of the Charter, despite relatively few reservations by member countries.

10. Specifically, Articles 9.1 and 9.2 of the Charter, which respectively address the issue of "adequate" own local resources and the principle of commensurability between resources and tasks, are most commonly violated provisions. Financial autonomy, integral to the principle of local self-government and crucial for the capacity to exercise a wide range of responsibilities in the field of local public affairs, proves challenging to uphold in practice for a significant majority of member States, despite legal and sometimes constitutional guarantees of this principle in some of them. Even the states where financial autonomy is enshrined in law, often failed to secure local authorities' financial capacity to fulfil their functions adequately in practice. The inadequacy of financial resources at local level could often be linked with minimal own local resources, leading to either underperformance or disproportionate reliance on state transfers.

11. The onset of the health crisis exacerbated financial challenges for many local and regional authorities, hindering their ability to finance obligatory tasks and their own initiatives. Contributing factors included limited tax-raising powers at subnational level, mismatch between available local resources and expenditure priorities at the local level, and the necessity to fund centrally underfinanced delegated tasks from local budgets, leaving little room for local discretion. Moreover, despite local authorities' having tax-raising powers in most states, the low share of local "own" revenues derived from local taxes in certain countries further curtailed local financial autonomy, increasing subnational authorities' dependence on central grants and transfers.

12. An aging population and rising costs of healthcare and social services in some countries compounded financial strain, particularly for smaller municipalities struggling to provide high quality responses to population needs and balance their budgets.

13. The fragile financial situation at the local and regional levels in many European countries, identified in the previous reference period, has worsened as a result of the consequences of Russia's full-scale war of aggression against Ukraine as well as climate change-driven hazards. Many municipalities have been facing declining revenues along with rising expenditures driven by inflation, soaring energy prices, rising interest rates, and the urgent need to address citizens' needs in an unstable and unpredictable environment.

14. In many countries, financing provided by central governments to local and regional authorities often fell short of meeting the actual expenditure of carrying out delegated tasks. Consequently, also in time of crisis, several municipalities had to bear heavy task burdens without commensurate funding.

15. Disparities in the ability of municipalities to generate revenue persisted in several states, which impeded decentralisation initiatives, as well as prospects for economic growth and development.

16. Financial autonomy remained elusive in countries where municipalities had limited autonomy in setting tax rates and fees. Furthermore, some regional levels of government had no taxation powers altogether. The implementation of Article 9.3 was also hampered by the recentralisation of tax decision-making and insufficient fiscal decentralisation in some other states. Some municipalities had difficulties in collecting certain taxes, such as property tax, due to unreliable cadastral information from the state, which further negatively impacted local finances.

17. In addition, the Congress observed the trend in recentralisation of financial resources in some countries, with the governments' citing declining economy, the scarcity of public financial resources, or the need to use them more effectively as justification for this recentralisation, which resulted in even more decreased resources at local level, affecting local leeway. Furthermore, inadequate local financial means hindered many municipalities and regions from planning and executing essential investments, especially in critical areas like climate adaptation, demographic shifts, and technology development and digitalisation. Consequently, ensuring the sustainability of local financial resources became a primary concern across numerous countries.

18. While most central governments undertook measures to reduce the financial burden on local finances in a time of crises and risks posed to the stability of public finances at the local and national levels, some decisions inadvertently reduced local financial autonomy. For instance, education grants in one country did not accurately account for the actual cost of services, placing an additional financial burden on local authorities without offering adequate compensation.

19. Moreover, while the states have mostly attempted to compensate for the loss of local revenue directly or indirectly brought by crises through transfers, in certain instances, a growing dependence on earmarked transfers has diminished financial autonomy at the local level, turning local and regional authorities into « agents » for carrying out state-set priorities rather than exercising genuine self-government. The excessive reliance on earmarked grants or other restrictive measures has significantly curtailed the local authorities' freedom to exercise discretion concerning their expenditure priorities. In some countries, municipalities have had minimal leeway in determining spending priorities, especially when activities are financed through state transfers. This situation runs counter to the principles outlined in Article 9.7, which expressly advocates for unconditional, non-earmarked grants to the local and regional authorities.

20. In addition, inadequate and opaque criteria for distributing financial resources among local authorities persisted in some countries, exacerbating financial insufficiency and sometimes subjecting grants allocations to political interference.

21. While local resources were relatively diversified in most countries, their lack of adaptability to changing circumstances and the lack of regular indexation against inflation and adaptation to societal changes eroded local financial autonomy and did not meet the criteria of « buoyancy ».

22. Equalisation systems of several countries did not seem to correct the effects of the unequal distribution of potential sources of finance and the resultant financial burden on municipalities (in particular smaller or rural ones). Equalisation mechanisms in some countries lack transparency and predictability, perpetuating dependency of subnational government on state funding.

23. The Congress has identified the following as the most prominent issues pertaining to financial resources at the subnational level:

- Limited own resources of local authorities and their minimal share within local budgets,
- incommensurate/inadequate funding by the states of the cost of performance of delegated tasks;
- low level of local financial autonomy as a result of a strong dependence of municipalities on financial transfers from the State budget;
- lack of discretion for municipalities to define their spending priorities, in particular when the relevant activities are financed through the State transfers;
- increased financial dependency of local government budgets on state transfers, grants and subsidies;
- insufficient financial capacity of smaller municipalities to guarantee the high-quality performance of their functions;
- low share of municipal resources deriving from local taxes and charges;
- reduction in the share of tax revenue allocated to local authorities;
- lack of decision-making powers at local level regarding local taxes or fees;
- opacity and ambiguity characterising grant allocation procedures;
- the lack of diversification and buoyancy of subnational financial resources;
- imposition of stringent budgetary regulations impeding local self-governance;
- inefficacy of financial equalisation mechanisms in rectifying territorial disparities;
- restricted access to capital markets and stringent fiscal regulations.

24. In light of the foregoing, the Congress has formulated a series of recommendations to central governments, in order to address the identified issues, including:

- embedding principles of adequacy and commensurability of local financial resources within legislative frameworks,
- providing adequate financial resources for subnational authorities to enable regulation and managing a substantial share of public affairs under their own responsibility;
- guaranteeing that any transfer of competencies to subnational entities is accompanied by commensurate financial allocations;

- reducing the earmarking of grants and transfers to bolster subnational financial autonomy and sustainability;
- revising conditions governing local taxation and exploring avenues for revenue diversification;
- reconsidering the criteria underpinning equalisation systems to enhance efficacy in rectifying inequalities between the local government units for the benefit of financially weaker authorities;
- amending legislation to expand local taxation powers, thereby augmenting fiscal autonomy;
- increasing local and regional authorities' decision-making powers in fiscal matters to foster adaptability and financial autonomy ;
- raising fiscal capacity of local authorities to meet service delivery costs and bolster financial resilience;
- conducting periodic assessments of the financial implications of policies affecting local resources to ensure equitable compensation for revenue losses;
- standardising criteria for grant allocation to ensure equitable access for all municipalities;
- enhancing predictability, stability, and equity of intergovernmental transfer systems;
- implementing a consultative process for the indexation of state grants;
- modernising equalisation mechanisms;
- introducing measures to prevent excessive municipal indebtedness;
- strengthening state-local interaction on budgetary affairs through legislative review.

25. The analysis of Article 9.6 pertaining to budgetary consultations, a focal point of concern in Charter implementation, shall be further explored in the subsequent chapter of this report, dedicated to consultations.

### **Positive developments**

26. Notwithstanding efforts observed in several countries to address the financial difficulties faced by local and regional authorities, only three states fully complied with all the ratified provisions of Article 9 of the Charter in the reference period. Only in a few countries were local authorities able to maintain the good financial position they needed to exercise their share of powers in globally satisfying conditions.

27. The Congress welcomed some countries' efforts to conduct a series of reforms affecting municipal powers and local finances which have led to progress in this respect, increasing the revenues of ordinary regions and local authorities.

28. In addition, although the adequacy of subnational government resources has been at the centre of the perennial debate in many European countries, many local and regional authorities agree on the fact that positive lessons they have drawn from their experience of tackling the pandemics have equipped them with the right tools to increase resilience to external shocks and to be better prepared to tackle the multiple crises that followed.

### **Consultation of local authorities by higher levels of government**

#### **Article 4 of the Charter – Scope of local self-government**

- 6 Local authorities shall be consulted, insofar as possible, in due time and in an appropriate way in the planning and decision-making processes for all matters which concern them directly.

#### **Article 5 of the Charter – Protection of local authority boundaries**

Changes in local authority boundaries shall not be made without prior consultation of the local communities concerned, possibly by means of a referendum where this is permitted by statute.

#### **Article 9 of the Charter – Financial resources of local authorities**

- 6 Local authorities shall be consulted, in an appropriate manner, on the way in which redistributed resources are to be allocated to them.

29. In general terms, the right of local authorities to be consulted by higher levels of government, on all matters directly affecting them, continued to present challenges in many states. The articles on consultation, a key principle of the Charter, ranked among the most frequently violated provisions, closely following those of Article 9.

30. The main obstacle to compliance with the Charter's requirements on consultation in some countries stemmed from the absence of legally enshrined consultation procedures and formal mechanisms for communication between central, local, and regional authorities, as well as their respective associations. Despite being prescribed by law, the consultation process was not always timely or comprehensive, particularly with regard to financial matters, notably in times of crisis.

31. Political discretion played a significant role in influencing the dynamics of consultation in some countries, making it particularly challenging for local authorities aligned with opposition parties to engage effectively with the government. There remained concerns about the ineffectiveness of the consultation process as well as the perceived inadequacies of incorporating feedback from consultation into the ensuing laws or policies.

32. In some countries, too frequently, legislation affecting local self-government was passed without adequate consultation during emergencies, with the principle of necessity and urgency being used as justifications. Consequently, local authorities in some countries have expressed concerns about the expedited or fast-track adoption of legislative measures in cases when such urgent actions did not seem to be necessary.

33. Often, deficiencies in general consultation practices, leading to violations of Article 4.6, extended to consultation regarding the allocation of financial resources (Article 9.6), especially in times of austerity measures, initiatives to reduce deficits and financial reforms. It is evident that a more timely, pertinent, and substantive consultation process is still needed to empower subnational authorities, particularly for the judicious implementation of such reforms. In certain instances, weak consultation mechanisms concerning grants and tariffs led associations of local and regional authorities to address the Constitutional Court for a lack of adequate consultation.

34. While violations of Article 5 regarding consultation on local boundary changes were comparatively fewer, they attracted considerable attention during significant administrative-territorial reforms. There were cases when municipalities learned about amalgamation efforts through the media instead of being directly consulted, which undermined the reform process as a whole.

35. Overall, the Congress noted an increasing public demand for affected communities and residents to be more actively involved in the consultation process, which might be achieved by means of local referendums and other mechanisms of participation. It is equally important to raise awareness not only about the benefits of municipal mergers but also about the necessity for democratic, inclusive and participatory processes when carrying out administrative-territorial reforms.

36. Furthermore, acknowledging the multifaceted challenges such as climate change and digital transformation, which require multi-level governance, central authorities should view consultation as indispensable for designing and implementing effective mitigation and development policies.

37. Consequently, during the reporting period, several shortcomings in meeting the Charter's requirements on consultation were identified, including, but not limited to:

- the absence of institutionalised and legally guaranteed mechanisms for regular consultation between central and local governments on matters concerning the latter;
- lack of systematic formal consultation procedures concerning all matters relevant to subnational authorities;
- consultation mechanisms with national associations of local and regional authorities primarily serving as channels for dissemination of information rather than platforms for substantive discussion and negotiation;
- unsystematic and irregular consultation practices, often characterised by short deadlines that hinder local authorities' ability to provide meaningful feedback;

- unclear procedures for consulting local authorities regarding changes to local authority boundaries;
- short consultation deadlines, sometimes coinciding with public holidays, which undermine the effectiveness of the consultation process;
- limited involvement of associations in assessing the cost implications of the implementation of new legislation at the local level.

38. The main recommendations put forth by the Congress to enhance compliance with the aforementioned Articles of the Charter included, but were not restricted to:

- establishing a legal framework to formalise consultation of local and regional authorities and their associations on matters directly affecting them, thereby rendering the consultation process binding and systemic;
- codifying existing consultation mechanisms with local authorities into law;
- implementing genuine consultation mechanisms with associations representing local and regional authorities to foster dialogue and partnership on all relevant issues, including public finance, thereby recognising local and regional authorities as genuine partners in governance;
- establishing a permanent consultation mechanism at the ministerial level to systematically involve local authorities in consultations on draft legislation affecting them;
- ensuring consultation occurs in a timely manner and without exceptions not based on objective reasons (i.e. emergency) to enable local authorities and their associations to provide meaningful input to the process;
- strengthening consultation with local authorities at the federal level, particularly concerning decisions impacting social welfare or environmental protection, which can significantly affect the financial situation of counties and municipalities.

### **Positive developments**

39. While consultation remains a major recurring issue of non-compliance with the Charter, the Congress acknowledges that some countries have fostered a culture of consultation and collaborative partnership between central government and local authorities. They have institutionalised several consultation procedures on matters pertinent to local authorities and actively involved associations in the consultation process.

40. In certain countries where compliance with Article 5 was previously lacking during administrative-territorial reforms, there has been noticeable progress post-reform. In another country, a culture of consultation and close dialogue between the state and local authorities, facilitated by its small size and longstanding traditions, has enhanced direct contacts and interpersonal relationships.

41. The Congress welcomed the diverse range of consultation activities and inter-administrative agreements in some states, as well as the judicial oversight of these activities. Joint working groups have been established in some countries to exchange information and coordinate activities, particularly in decentralisation efforts, while continuous dialogue between the three levels of government, both in normal times and during emergencies, was maintained. In conclusion, the monitoring revealed that in several countries, the participatory and consultation rights of associations of local and regional authorities have generally been strengthened.



## Local and regional competences

### Article 3 of the Charter – Concept of local self-government

- 1 Local self-government denotes the right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

### Article 4 – Scope of local self-government

- 2 Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.
- 4 Powers given to local authorities shall normally be full and exclusive. They may not be undermined or limited by another, central or regional, authority except as provided for by the law.
- 5 Where powers are delegated to them by a central or regional authority, local authorities shall, insofar as possible, be allowed discretion in adapting their exercise to local conditions.

### Article 8 – Administrative supervision of local authorities' activities

- 3 Administrative supervision of local authorities shall be exercised in such a way as to ensure that the intervention of the controlling authority is kept in proportion to the importance of the interests which it is intended to protect.

42. The previous report has highlighted the re-centralisation tendencies in certain states and raised questions about the prospects of the deterioration of this situation in the wake of the pandemic. The analysis of the current situation shows that such recentralisation has indeed occurred in certain countries, with some important tasks, such as spatial planning, having been withdrawn from the local level contrary to the principle of subsidiarity. In some countries, local authorities continue to lack substantial powers, and have not benefited from any significant transfer of competences.

43. Municipal fragmentation hampered decentralisation efforts in some other countries. The Congress therefore recommended to provide continuous support for inter-municipal cooperation and various incentives for municipal mergers, which can foster decentralisation by enlarging the population and territory of new self-government units.

44. In addition, it appears that that some national authorities put emphasis on the efficiency of organising public services and tightened regulation on municipalities, which resulted in increased challenges to achieve a delicate balance of ensuring local self-government with the need to guarantee equality in public services, especially in the post-COVID time.

45. In general terms, during the review period, the focus of subnational authorities' concerns in several countries has shifted from the re-centralisation of competences to their overregulation by the central authorities, which appears to pose increasing challenges to local self-government today. Local and regional authorities throughout Europe are increasingly burdened by overregulation, which leads to bureaucratisation and additional costs and leaves little room for adapting the exercise of competences to local needs. Moreover, this trend has been observed even in those countries where local authorities have a strong status.

46. In some countries, subnational authorities additionally face an overload of tasks, despite managing a significant share of public affairs and enjoying a high level of financial autonomy. In other states, *ad-hoc* assignment of competencies without adequate funding allocation restricts the exercise of local powers.

47. Overlapping and fragmented responsibilities weaken the decision-making powers of local authorities in delivering public services. Many of them lack discretion in order to be able to adapt the performance of delegated powers to the needs of the local population.

48. The negative effects of overregulation and overlapping competences on local autonomy have been amplified by the disproportionate supervision, often based on dense and stringent legislation, which has been observed even in countries with high levels of local democracy. In one country, municipalities require authorisation from the central level for certain municipal functions, such as financing municipal capital projects. The system of appointing burgomasters in another country continues to run counter to Article 8.3 of the Charter, allowing disproportionate state intervention in local affairs.

49. In several cases, low financial autonomy and significant dependence on national funding, coupled with overregulation and disproportionate supervision, limited the effective performance of local self-government and led to violation of Article 3.1 of the Charter, even in countries where legislation was technically compliant with the Charter.

50. The Congress identified the following shortcomings in the implementation of the provisions of Articles 4, 3.1, and 8.3 of the Charter:

- lack of flexibility and discretion in the performance of the tasks assigned to municipalities by the central level, primarily as a result of excessive regulation and bureaucratisation;
- the recentralisation of local competencies, notably in critical areas such as spatial planning;
- extensive supervisory and directive powers of central state administration and line ministries over local self-government, constraining local authorities' autonomy and initiative;
- imprecisely defined distribution of powers and functions between municipalities and local executive authorities, along with unclear factual relations;
- limited scope of local self-government, with local councils lacking empowerment to regulate and manage a significant share of public affairs under their responsibility. Removal of some functions from local councils, contrary to the subsidiarity principle;
- unclear delineation of tasks and responsibilities between various levels of government, leading to overlaps and delegation of tasks to subnational authorities without sufficient discretion to adapt their performance to local conditions;
- persisting administrative tutelage over the activities and decisions of local authorities, enshrined in the Constitution and taking place in practice. State overregulation and interventionism in planning decisions constrain local authorities' capacity to exercise full and exclusive powers.

51. The Congress has put forward several recommendations aimed at addressing these recurring issues:

- undertake administrative simplification reforms to address excessive bureaucracy and over-regulation, granting local authorities more flexibility effectively implement their tasks and to adapt them to local conditions;
- avoid over-regulation in the delegation of powers to local and regional authorities so as to provide them with greater margin of manoeuvre in adapting the exercise of these powers to local conditions;
- clarify the distribution of competences among different levels of government to eliminate overlaps in responsibilities;
- review collaboration frameworks and task distribution between municipalities and regions in healthcare delivery, in consultation with associations of local and regional authorities, to enhance cooperation and strengthen the healthcare system;
- allocate more substantial powers to subnational authorities;
- ensure that tasks assigned to municipalities are accompanied by necessary funds for their execution and complying with legal provisions;
- advance decentralisation efforts, consolidate principles of local and regional self-government and explicitly enshrine the subsidiarity principle in legislation;
- resume decentralisation initiatives and pursue local self-government reforms in consultation with municipalities and their associations;
- ensure that local authorities can exercise their competences without ministerial approval;
- strengthen local self-government by avoiding overly dense and specific legislation;
- clarify the scope of state supervision over local authorities to keep it in proportion to the interests it intends to protect;
- revise legislation allowing for the dissolution of local representative bodies and dismissal of mayors or prefects without prior judicial review to conform with the principle of proportionality outlined in Article 8.3.

**Positive developments:**

52. Despite encountering challenges in fulfilling their obligations to ensure effective capacity at the local level, several governments have been commended by the Congress for their plans to deepen decentralisation and establish strategic initiatives aimed at reforming public administration.

53. The Congress welcomed solid progress in one country that implemented a decentralisation strategy, and devolved powers to the local level, notably in education, public health, and social services. In another state, extensive powers were transferred to counties and municipalities together with adequate financial resources, which enabled subnational authorities to effectively exercise these competencies.

**Article 7. Conditions of office**

## Article 7 – Conditions under which responsibilities at local level are exercised

1 The conditions of office of local elected representatives shall provide for free exercise of their functions.

2 They shall allow for appropriate financial compensation for expenses incurred in the exercise of the office in question as well as, where appropriate, compensation for loss of earnings or remuneration for work done and corresponding social welfare protection.

54. Overall, Article 7, concerning the conditions under which local elected representatives carry out their duties, was not among the most frequently violated provisions of the Charter during the reporting period.

55. However, the Congress has continued to observe that local elected representatives, particularly mayors, in several European countries are increasingly confronted with hate speech, threats, often through internet and social media, and undue pressures, and sometimes even physical attacks from members of society. This jeopardises their ability to perform their local duties and undermines the foundations of local democratic governance. Therefore, the security environment gives rise to concern and should be carefully monitored by central authorities in order to protect local office holders from personal aggression.

56. Given the pattern of increasing threats and aggressions faced by the mayors, particularly within the context of Covid-19 and Russia's ongoing war of aggression against Ukraine, the Congress extensively examined this issue in its report "Hate speech and fake news: the impact on working conditions of local and regional elected representatives" in 2022. The report highlights that hate speech and fake news which target local and regional politicians take various forms, including threats, harassment, abuse, and defamation and are usually intensified online. Online threats can escalate to physical attacks, thus creating toxic working environments for local elected representatives and disturbing societal cohesion in communities, which may have paralysing effects on local political life. Hate speech and fake news also undermine the freedom of expression, a fundamental value in democratic societies, enshrined in Article 10 of the European Convention on Human Rights. Therefore, national authorities must balance this freedom with the need to tackle hate speech and fake news, and also protect their victims, particularly elected representatives from vulnerable groups. In order to achieve this, the report proposes a series of recommendations, including but not limited to establishing comprehensive national strategies to counter hate speech and fake news directed towards local and regional politicians, revising relevant administrative, civil, and criminal legislation to counteract threats and violence against them, conducting effective investigations, tackling cybercrime, supporting local authorities' efforts through dialogue and co-operation, and providing them with necessary resources. The report also urges inclusive debates, public awareness-raising, promoting best practices, and development of technical tools to prevent the misuse of artificial intelligence to disseminate false information.

57. More specifically, the monitoring findings have confirmed a consistent pattern in one country over the past few years, wherein mayors and municipal councillors are suspended from office by state

authorities' decisions and replaced by non-elected officials when specific investigations, such as those related to terrorism or offenses committed in the discharge of their duties, are initiated against them.

58. This situation is unsatisfactory due to the systematic recourse to measures that, from the perspective of local democracy, should be of an extraordinary nature and should not undermine the democratic choice of citizens.

59. Additionally, locally elected officials have increasingly reported to the Congress difficulties in obtaining what they consider fair and appropriate financial remuneration in light of their growing responsibilities and workload. In some countries, these challenges have been exacerbated by a reduction in the number of local authorities or councillors, leading to an increased burden on the remaining officials.

60. Furthermore, the allowances for holding local public office and executive positions in some countries seem too low given the tight labour market and wage levels, which makes local elected office much less attractive and continues to have a distorting effect, depriving some social groups of the opportunity to engage in local politics solely for material reasons. It is not easy to involve young people, with children and families, in local politics, and often the representative positions are filled by retirees or public employees. In some cases, councillors have no legal right to leave from work for council meetings, which has turned out to restrict private-sector employees from running for office.

61. Complaints have also increased about polarisation in national politics, which seems to have a trickle-down effect at the local level, creating a similarly hostile political environment of distrust and tensions between local representatives of the ruling party and the opposition. In some countries, the central government retains a legal possibility to dissolve local elected bodies and dismiss mayors, which leaves the door open for political abuse. The combination of these factors results, in some cases, in a low level of interest in local politics as well as a low level of citizens' participation in local and regional elections.

62. In the monitoring recommendations addressed to the member states, the Congress has recommended several measures aimed at improving the conditions of office for local elected representatives and supporting and maintaining a safe and enabling environment in which local self-government can function free from hindrance, insecurity and violence:

- establish a clear and specific legislative framework governing the conditions of office for local elected representatives, particularly with regard to rules requiring private employers to grant elected officials "free time" to carry out local mandates;
- introduce measures to strengthen legal action and extend limitation periods to provide better protection under criminal law for mayors who are subject to attacks or assaults by members of the public when exercising their public duties. Consider introducing a specific type of offense for such cases;
- allocate fair and appropriate remuneration to elected officials of provinces and metropolitan cities;
- remove the possibility for the central administration to appoint mayors and aldermen and to dissolve communal councils;
- review legislation to define, in law, the conditions of office for local elected representatives, outlining their rights and obligations, and implementing adequate safeguards to ensure the free exercise of their duties, thus defining a more precise statute for local elected representatives;
- increase the level of allowances for holding local public office and executive positions to make them more attractive;
- cease the practice of suspending mayors without court decisions, making all possible efforts to reconcile the legitimate fight against terrorism with the requirements of local democratic life. Accordingly, use the technique of suspending mayors with the utmost caution and a restrictive approach, aiming to respect the presumption of innocence and the system of democratically elected representatives;
- ensure that candidates who were admitted to run in the elections and won them can effectively exercise their right to fulfil their mandate;
- specify the dismissal procedure of the chairs of municipalities for cases in which they can be removed from office.

## Positive developments

63. One country has set up a hotline in response to an increase in hate speech and attacks on local elected representatives. By contacting this hotline, local officials can report incidents of threats and aggressive behaviour and get guidance on how to address such situations.

64. Another country implemented several measures to enhance existing mechanisms for the protection of elected officials, among which the adoption of a national plan for preventing and combating violence against them. As a result, a centre for analysing and combating attacks on elected representatives was established to coordinate national-level efforts aimed at ensuring their security and supplementary legislation has been enacted to further strengthen their protection.

## Direct applicability of the Charter

65. In some countries, the Charter continues to be frequently relied upon in legal proceedings between the State and municipalities/regions and is extensively referred to in several rulings by the competent courts. However, the Constitutional Court's case law does not recognise the legal force of the Charter in a few states, depriving local and regional authorities of its protection.

66. As a result, the Congress has recommended reconsidering the legal force of the Charter to ensure that local authorities can benefit from its legal protection and introducing the right of local authorities to directly address Constitutional Courts whenever they consider that a law violates relevant constitutional provisions, the Charter, or both.

## D. CONCLUSIONS

67. Since the issuance of the previous periodic report in 2021, Europe has undergone significant political, economic, and social upheavals driven by the health crisis, the reception of migrants and refugees, climate change, Russia's war of aggression against Ukraine, and subsequent challenges related to the cost of living and energy prices. The operations and resources of national, local, and regional governments have been profoundly impacted by this dramatic change in the environment in which they function. It is now more important than ever for all levels of government to strengthen resilience, flexibility, and sustainability, while upholding human rights, the rule of law and democratic and accountable governance.

68. As highlighted in the preceding periodic report, prior to the COVID-19 pandemic and Russia's full-scale war of aggression against Ukraine, many countries already faced substantial shortcomings in implementing the provisions of the Charter concerning both the allocation of local competences and the adequacy of financial resources available to subnational authorities. These issues were driven, in some instances, by austerity measures and rationalisation programmes adopted at the national level to address the fallout from the financial crisis in Europe.

69. The recent successive crises have amplified the preexisting difficulties in the field of subnational finances. Despite being on the front lines to tackle the pandemic and contributing significantly to the recovery efforts, local and regional authorities have faced increasing financial challenges throughout Europe.

70. Although many central governments applied efforts to reduce the financial strain at the subnational level, some of them also recentralised financial resources, while often failing to adequately compensate local self-government for the rising costs of service delivery. Additionally, numerous states tightened control over the use of financial resources at the local level and increased regulation over both delegated tasks and local authorities' own competencies. While such measures were often justified by the need in financial optimisation and reaching uniformity in service delivery, they frequently infringed upon local self-government. In certain countries, the Congress recommended a comprehensive rather than piecemeal approach to reforming subnational government finances and cautioned against over-regulation to address these complex issues.

71. Moreover, difficulties in meeting the requirements of timely and meaningful consultation on all matters of interest to local and regional authorities continued to present challenges during and after

the pandemic. While communication between national and subnational authorities functioned effectively in some states, in others, the manner in which the Covid-19 crisis was dealt with by the central government strained this communication, resulting in damaged relationships and eroded trust. It is evident that greater efforts are further needed from most central authorities to foster a genuine culture of partnership and develop multilevel governance, crucial for addressing health, security, migration and climate challenges.

72. Furthermore, in the context of persistent political volatility and increasing polarisation at all levels of government in many member states, local and regional elected representatives increasingly face disinformation, hate speech, threats, verbal violence via social media, and physical attacks, which adversely affect their working conditions and capacity to fulfil local mandates and responsibilities. This has the potential to seriously disrupt political processes across all levels of government, aggravating existing challenges driven by tense social environments, financial difficulties, climate change and security concerns facing European democracies. The proliferation of hate speech and disinformation prompted the release of a specific Congress report<sup>4</sup> in 2022, underscoring the urgency of addressing this problem.

73. Despite the challenging and constantly evolving geopolitical circumstances, some countries have continued their decentralisation efforts and implemented reforms to strengthen local democracy and enhance citizen participation in local public affairs. Some of them better aligned national legislation and practices with the principles of the Charter, which resulted in general compliance of local self-government situations.

74. Furthermore, during the reference period, the Congress welcomed certain member States' adopting important measures to enhance local democracy, for example, the reintroduction of direct elections for governing bodies of provinces and metropolitan cities in Italy, Bulgaria's ratification of Article 7.2 of the Charter, the establishment of fully-fledged regional self-government in Sweden to enhance local democratic accountability in regional development, Czechia's effective use of technology to facilitate citizen participation in governance, and the exemplary implementation of Charter principles in Denmark. The Congress also welcomed the right of the Union of Municipalities of Montenegro to directly address the Constitutional Court, as a good practice to be replicated in other states. Notably, local and regional associations remain actively engaged across most countries.

75. Since 2021, two more countries – Italy and Portugal – have ratified the Additional Protocol to the Charter on the right to participate in the affairs of a local authority.

76. In conclusion, at the Reykjavik Summit in May 2023, the Heads of State and Government of the Council of Europe reaffirmed their support for multilevel governance to deliver the Organisation's vision, including through the Congress' role in Charter implementation. To contribute to the realisation of this commitment, the Congress will continue to closely monitor the Charter implementation through its monitoring and post-monitoring activities, with a focus on recurring issues. This will enable the anticipation of risks and serve as an early warning system for the Committee of Ministers regarding worrying trends in local democracy within member states, often indicative of possible democratic erosion and increased institutional fragility, already observed in some parts of Europe.

77. The monitoring recommendations of the Congress, along with the sharing of best practices in local self-government, will contribute to the timely adoption of measures and early response activities to counter democratic backsliding and fulfil the commitment to safeguarding and strengthening democracy and good governance at all levels throughout Europe, in line with the Reykjavik Principles for Democracy.

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4. Congress report "Hate speech and fake news: the impact on working conditions of local and regional elected representatives" at [https://search.coe.int/congress/pages/result\\_details.aspx?objectid=0900001680a8340b](https://search.coe.int/congress/pages/result_details.aspx?objectid=0900001680a8340b)

## 2. OBSERVATION OF LOCAL AND REGIONAL ELECTIONS IN COUNCIL OF EUROPE MEMBER STATES AND BEYOND

### A. INTRODUCTION

78. In the reference period, the Congress adopted 15 election observation reports and four reports on transversal matters related to local and regional elections. In the preceding report, five key issues related to local and regional elections were identified: accuracy of voters' lists, misuse of administrative resources, politicisation of the election administration, public confidence in electoral processes and equal level playing field for all candidates.

79. Due to national and international efforts, some member States have made significant progress on issues raised in Congress recommendations which constituted a welcome development. However, the five main recurring issues remained prominent during the reference period 2021-2024, as democratic backsliding at all levels of government seemed to deepen, despite some visible differences between member States. In addition, other worrying trends also came to the front in the reference period, which was marked by the COVID-19 pandemic and the war of aggression of the Russian Federation against Ukraine and their related consequences (cyberattacks, disinformation, interference, displaced persons, etc). These events had a major impact on elections at local and regional levels in all member States and have challenged participation and the trust of voters in representative democracy, including at subnational levels. As a reaction to such trends, the Heads of State and Government of the Council of Europe committed to strengthening democracy at all levels of government, in particular through free and fair elections in the Reykjavik Principles for Democracy, which were adopted in May 2023.

*Reykjavik Principles for Democracy (2023)*

*"Together we commit to the following Reykjavik Principles and will:*

*1. Actively enable and encourage democratic participation at national, regional and local levels through free and fair elections and to hold elections and referenda in accordance with international standards and take all appropriate measures against any interference in electoral systems and processes.*

*2. Elections are to be grounded in respect for relevant human rights standards, especially freedom of expression, freedom of assembly and freedom of association, including for the creation of political parties and associations in accordance with national and international standards".*

### B. RECOMMENDATIONS/REPORTS ADOPTED IN 2021-2024

#### A. Country-specific reports:

##### 2024:

*Republic of Moldova, Local elections, 5 November 2023*  
[Recommendation 509\(2024\)](#) – [CPL\(2024\)46-04](#)

##### 2023:

*Germany, Regional council and district assembly elections in Berlin, 12 February 2023*  
[Recommendation 489 \(2023\)](#) – [CG\(2023\)44](#)

*Slovenia, Local elections, 20 November 2022*  
[Recommendation 490 \(2023\)](#) – [CPL\(2023\)44-02](#)

*Bosnia and Herzegovina, Cantonal elections, 2 October 2022*  
[Recommendation 491 \(2023\)](#) – [CPR\(2023\)44-02](#)

*Albania, Local elections 14 May 2023*

[Recommendation 497 \(2023\)](#) – [CPL\(2023\)45-04](#)

*Armenia, Elections to the Council of Elders of the City of Yerevan, 17 September 2023*

[Recommendation 501\(2023\)](#) – [CPL\(2023\)45-02](#)

**2022:**

*Kingdom of Morocco, Municipal and regional elections, 8 September 2021*

[CG\(2022\)42-19](#)

*Denmark, Local and regional elections, 16 November 2021*

[Recommendation 475\(2022\)](#) – [CG\(2022\)42-17](#)

*Georgia, Local elections, 2 October 2021*

[Recommendation 477\(2022\)](#) – [CPL\(2022\)42-02](#)

*Armenia, Partial local elections, 5 December 2021*

[CPL\(2022\)42-04](#)

*Albania, Partial local elections, 6 March 2022*

[CPL\(2022\)43-03](#)

*Serbia, Partial local elections, 3 April 2022*

[Recommendation 482 \(2022\)](#) – [CPL\(2022\)43-02](#)

*Netherlands, Local elections, 16 March 2022*

[Recommendation 488 \(2022\)](#) – [CG\(2022\)43-19](#)

**2021:**

*Bosnia-Herzegovina, Local partial elections, 15 November 2020*

[CG-MON\(2021\)18-09](#)

*Bosnia-Herzegovina, Local elections in Mostar, 20 December 2020*

[CG-MON\(2021\)18-09](#)

**B. Transversal reports:**

**2022:**

Beyond elections: The use of deliberative methods in European municipalities and regions

[Recommendation 472 \(2022\)](#) - [Resolution 480 \(2022\)](#) - [CG\(2022\)42-12](#)

The situation of independent candidates and the opposition in local and regional elections

[Recommendation 476 \(2022\)](#) - [Resolution 482](#) - [CG\(2022\)42-13](#)

Resolution on the Revised Code of Good Practice on Referendums

[Resolution 484 \(2022\)](#) - [CG\(2022\)43-21](#)

**2021:**

Holding referendums at local level

[Recommendation 459 \(2021\)](#) - [Resolution 472 \(2021\)](#) - [CG\(2021\)40-11](#)



### C. RECURRING ISSUES AND POSITIVE DEVELOPMENTS

#### - Inaccuracy of voters lists and the right to vote at local and regional levels

80. The Congress' concern for the accuracy of voters lists in local and regional elections is rooted in the conviction that grassroots questions should be decided by the electorate actually living in a specific community. Therefore, the existence of a "genuine link" between the voters and the municipality/region where they cast a ballot should be established, as stated in the Congress Resolution 378 (2015). This genuine link, often a permanent residence, is paramount to ensure that local and regional elections reflect the will of the residents, in line with the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority.

81. However, as noted in the previous reference period, challenges related to the accuracy and probity of electoral registers were regularly observed during Congress election observation missions. Regardless of the voter registration system – passive or active -, the Congress has observed challenges with electoral registers in countries with very different electoral legislations and residency requirements. Voters lists are particularly prone to become substantial matters of controversies in highly polarised contexts. Inaccurate registers can be perceived, rightly or wrongly, as dictated by political interests to modify the composition of the local electorate. These jeopardise the trust of voters in the process and the results. Congress recommendations on these issues included to revise the legal provisions on residence requirements for voter registration, to continue efforts to further improve the accuracy of voters lists by deploying full audits or to support efforts to prevent fraudulent registration.

82. The issue of voters residing *de facto* abroad but registered as residents and voting on election day has challenged the representativeness of local elections in countries with large diasporas, as indicated in Congress Resolution 378 (2015). The presence of voters residing *de facto* abroad on electoral lists also causes challenges with regard to effective electoral management, the integrity and transparency of electoral processes and the prevention of fraud or manipulation. It can also lead to misleading turnout rates. Allegations of transportation of voters residing abroad, including from Roma communities, have also emerged in some member States.

83. Allegations of deceased and phantom voters included in registers or of hundreds of people fraudulently registered in one address have also been reported and witnessed during Congress missions. Depending on the context, manipulations of the registers may take various shapes, such as assigning voters to different polling stations/municipalities or registering security forces to vote in certain constituencies in order to change the traditional composition of the local electorate and thus achieve an undue advantage for certain competitors. Fraudulent registrations have also been organised at large scale in the occupied territories of Ukraine during pseudo local and regional elections and referendums in 2022, in clear violations of international electoral standards.

84. The question of the accuracy of electoral registers must also be understood in the framework of long-term challenges to the right to vote at local and regional levels. In some contexts, important numbers of voters remained disenfranchised due to restrictions related to disabilities, internal displacement, issues with registering as representatives of minorities or administrative hurdles (illiteracy, requirement to present ID cards or complex requirements regarding proofs of residence, etc).

85. Overall, lasting and proactive efforts are needed in order to systematically update and verify the actual permanent residence of voters, to remove deceased or phantom voters from the lists, to inform the voters on deadlines to register and to investigate and sanction fraudulent practices. This responsibility mainly lies with the election administration, but also with local and regional authorities in charge of population registers. It requires transparency, intensive efforts of the election administration between electoral periods and consensus-driven cross-party dialogue.

**Positive developments**

86. The Congress has been able to observe such efforts in countries where high numbers of deceased voters or non-residents were recorded on the registers (Albania, Bosnia-Herzegovina). The Congress also witnessed some legal initiatives to curb fraudulent voter migration (Republic of Moldova, Serbia). These efforts are welcome and contribute to restoring the trust of the voters. The drive for more transparency of the election administration on this matter observed in many member States is also a positive step forward.

87. Due to the importance of this issue for local and regional democracy, the Congress will continue bringing the inaccuracy of voters list to the attention of the authorities where such issues have been witnessed in its according recommendations to the member States and will work towards updating its 2015 thematic report on this matter.

*Congress Resolution 378 (2015): Electoral lists and voters residing de facto abroad*

*Additional Protocol on the right to participate in the affairs of a local authority*

*Code of Good Practice in Electoral Matters (Venice Commission) - the principle of universal suffrage*  
*This principle includes certain conditions with regard to the right to vote and to stand for elections such as age, nationality and residence requirements. Residence in this case means habitual residence. A length of residence requirement may be imposed on nationals solely for local and regional elections. The requisite period of residence should not exceed six months, a longer period may be required only to protect national minorities. The right to vote and to be elected may be accorded to citizens residing abroad.*

- **Misuse of administrative resources and official positions**

88. In local and regional elections, the Congress recognises that the links between incumbents, candidates, civil servants, public officials and voters are often significantly closer than in national elections and sometimes both at professional and personal levels, as pointed out in Congress Resolution 402 (2016). Many local and regional representatives combine electoral functions with community-specific ones, such as procurement and staff management. Therefore, the misuse of administrative or public resources is of particular relevance at local and regional levels, in particular during electoral campaigns. Election observation reports have noted a wide array of recurrent problems, ranging from early campaigning and pressure on public employees, to the use of facilities or funds, or to the display of campaign materials on public property. The Congress observed such issues in emerging democracies as well as in countries with long-standing democratic traditions. Indeed, in too many member States, the use of administrative resources is perceived as a normal campaigning tool and a customary benefit of incumbency. It is therefore widespread and often under-regulated or altogether unregulated.

89. In reality, the use of administrative resources unfairly benefits the incumbents and tilts the playing field in their favour, in particular when the campaign period is short. These actions challenge the electoral standards of neutrality, equality and fairness between candidates. The advantage tends to increase with the number of mandates, which keeps newcomers, in particular independents, women and youth, to stand in elections on the same grounds than long-term incumbents.

90. Over the reference period, in addition to misuse of administrative resources by local elected representatives and public officials, Congress election observation missions witnessed cases of misuse of official positions in local and regional elections. In many instances, the misuse of official positions contributed to further blurring the line between the State and the ruling party or coalition. It also often led to political campaigns being run at national level, to the detriment of local issues. Many presidents and ministers, while not running in local elections, have used their state positions, facilities, administrations, state-sponsored events and media coverage to the service of candidates, unduly tilting the balance. In some instances deplored by Congress election observation delegations, they conditioned awarding large grants or projects to a result favourable to their preferred candidate. This undue advantage often expanded to the media landscape at national level, where candidates were sometimes not treated impartially. In highly polarised environments, such advantages (official

positions, media and abuse of incumbency) often coalesced and amplified the benefits of local incumbency, in situations detrimental to local democracy.

91. Congress recommendations on this matter included to implement or to step up the effectiveness of existing legislation and regulations related to the misuse of public resources and to provide for timely investigations and dissuasive sanctions in case of violations.

### **Positive developments**

92. The Congress continued to observe numerous good practices to curb the misuse of public resources and most countries visited are now equipped with legal provisions to limit undue advantages (Albania, Republic of Moldova), but the implementation and oversight is sometimes still lacking. Good practice included some candidates being asked to resign from public office, ministers being asked to observe political silence, the number of mayoral mandates being capped, requesting more declarations of assets and/or measures to prevent the use of official information channels (e.g. social media pages, websites, publications, etc).

*Congress Resolution 402 (2016): The misuse of administrative resources during electoral processes and the role of local and regional elected representatives and public officials*

*Code of Good Practice in Electoral Matters (Venice Commission) – equality of opportunity*

*Equality of opportunity must be guaranteed for parties and candidates alike. This implies a neutral attitude by state authorities, in particular with regard to:*

- i. the election campaign;*
- ii. coverage by the media, in particular by the publicly owned media;*
- iii. public funding of parties and campaigns.*

### **- Politicisation of election administration**

93. While member States maintain a wide margin of appreciation for the administration of elections, professionalism, impartiality and transparency at all levels of electoral management are fundamental conditions for public trust and confidence in electoral processes and the results of elections. The Code of Good practice in Electoral Matters indicates that political parties should be included in the work of the election administration. At the same time, the Congress has observed many instances where the composition of the election administration was still perceived to favour the ruling party/coalition. In several instances, the Congress has referred to this issue at central or local levels during observation missions, questioning the full impartiality of election administrations in highly polarised contexts. This issue was particularly problematic on complaints and appeals, when witnessing inconsistent decision-making.

94. Election administrations have regulatory authority with regard to the most sensitive parts of the electoral process including voter and candidate registration. Their professionalism on election day also has a direct influence on the trust of voters in the electoral processes and on the wide acceptance of the results. While long-established democracies often rely on trust for the organisation of the vote, other countries with very confrontational politics, encounter difficulties to establish independent commissions. Furthermore, in member States with high levels of dependency between local administrations and the central state, the role of civil servants in administration can be sometimes perceived as not neutral enough. In other contexts, confrontations between representatives of ruling and opposition parties on electoral boards have sometimes made necessary the inclusion of more independent members (ex: judges, trusted civil servants, civil society) in order to solve political deadlocks and to reach a consensus.

95. Regardless of the system in place, the Congress regularly called for the depoliticisation of the work of the election administration to ensure trust in the process. Indeed, the Congress has observed instances of candidates being members of the election administration, of manoeuvring of the appointments and the trading of seats, of late dismissals or appointments and confrontations on election day. The Congress, further to observation missions, specifically recommended revising the modalities of appointment, withdrawal and dismissal of members of election commissions at all levels

and strengthening the professionalism of the election administration through additional (and sometimes compulsory) training. In parallel, gender balance in decision making positions remained negatively assessed in some of the elections observed.

96. Furthermore, the work of election administrations sometimes lacked in transparency. Political appointments or regular changes to the legal framework regulating the procedures and recruitment of the members of the administration did not contribute to reinforce public trust.

### **Positive developments**

97. The Congress has noted over the last four years that the drive to include new technologies in electoral processes has allowed election administrations throughout Europe to improve the transparency of their work on some key aspects of the process (Georgia, Albania, Armenia). Minutes, recordings or live streams of meetings, access to online voter registers or to financial reports of political parties, publications of the decisions on complaints and appeals have been assessed positively by many Congress observers and interlocutors met during missions. Efforts on the deployment of comprehensive and specific training curricula have also been observed by the Congress (Republic of Moldova, Georgia, Armenia). It also observed that, in member States with high levels of trust in elections, election administrations were also committed to increasing transparency of their work.

*Code of Good Practice in Electoral Matters (Venice Commission) – organisation of elections by an impartial body*

*Only transparency, impartiality and independence from politically motivated manipulation will ensure proper administration of the election process, from the pre-election period to the end of the processing of results. This is why independent, impartial electoral commissions must be set up from the national level to polling station level to ensure that elections are properly conducted, or at least remove serious suspicions of irregularity.*

#### **- Public trust in electoral processes and the stability of the legal framework**

98. Trust in electoral processes is directly related to the propensity of voters to form their opinion according to their convictions and the freedom to express this opinion on election day. Over the reference period, electoral corruption remained relatively limited and some positive steps were made by member States. The Congress recommended in some instances that safeguards already included in the legal framework be supplemented by in-depth investigations and dissuasive sanctions.

99. On the freedom of voters to form their own opinion, the state of local democracy remains still very much connected to the state of freedom of expression and of information at local and national levels. Impartial, evidence-based and balanced reporting allow voters to compare programmes and policies put forward by candidates but also to evaluate the work done during the last mandate. Unfortunately, Congress observers have noticed with concern a deterioration of the overall state of the media in many countries visited. In addition to favouring incumbent candidates or aligning editorial lines with political or business interests, the media in many countries visited suffered from decreasing resources and shrinking editorial autonomy. Intimidation and threats tended to target local journalists focusing on corruption cases or asking for accountability, in particular during electoral campaigns. In addition, the Congress observed in several instances the trend of political parties to refuse to appear on televised debates and to only provide pre-edited content or speeches. This practice is detrimental to local democracy as content cannot easily be factchecked and questions on local issues cannot be asked directly to the candidates. This trend was exacerbated by the use of social media during campaigns. Furthermore, regrettably for local democracy, Congress observers often witnessed campaigns run by national politicians (and/or on national topics) who did not address local challenges and priorities, in particular when national elections were held on the same day. Such situations challenged the possibility for voters to form an informed decision.

100. On the freedom of voters to express their opinion on election day, as during the precedent reference period, several Congress delegations observed – or were informed – of irregular and undue practices with the aim to distort the voters' will. Such practices included vote-buying, threats, pressure from the employer, abuse of assisted voting, gatherings and bussing of voters or other forms of

intimidation. Despite the difficulty for international observers to monitor such cases, the Congress delegations often found a lack of consistent investigations despite States' obligations to effectively prevent and punish those violations. Such practices have climaxed during the reporting period in the occupied territories of Ukraine where pseudo-elections and referendums were held in total disregard for international standards on this matter (Congress Recommendation 459 (2021)).

101. Stability of the electoral law is also widely understood as a key principle to ensure public trust in electoral processes. Unfortunately, throughout the reference period, some member States modified the rules of the game in the months leading to an election. If not based on a large consensus, last-minute changes are not only a source of confusion and hurdles for voters, candidates and the election administration alike, but they can be perceived as politically motivated. Voters can get the impression that their votes have little weight in the final results.

102. In a welcome development, the adoption of the Revised interpretative declaration of the Code of Good Practice in Electoral Matters of the Venice Commission on the stability of electoral law in June 2024 expanded the fundamental aspects to which the one-year principle is understood to apply to include rules that determine the right to vote and stand for election, the drawing of constituencies and distribution of seats, essential elements of the voting process, rules regarding the election administration or on election dispute resolution and access to the broadcast media.

103. At the same time, while election observation is widely considered as a barometer of democratic progress and a vital instrument to improve trust in electoral processes, it is regrettable that the institutional framework for election observation remained sometimes lacking, in particular in well-established democracies. The Congress observed restrictions on the right to observe elections, which are not in line with the Copenhagen Document and was also informed of unacceptable attacks on domestic observers. The position of domestic observers should be strengthened to contribute to broader efforts to limit electoral irregularities and fraud, including to monitor the use of new technologies in electoral processes. Positively, in 2022, the United Nations Special Rapporteurs for Human Rights Defenders and for the Right to Peaceful Assembly and Association explicitly recognised election observers, in particular nonpartisan citizen observers, as human rights defenders and called on member States to "enable independent and impartial election observation by all monitors, including from abroad."

104. At the same time, the Congress deplored that many member States did not systematically invite the Congress to observe local and regional elections over the reference period. This situation should be improved by the more systematic sending of invitations, allowing the Congress to fulfil its institutional mandate as the guardian of local and regional democracy and to bring more clearly into focus best practices, progress and recurring issues observed in all member States. Indeed, the Congress is committed to monitor electoral processes in all member States equally and consistently. It strongly valued receiving invitations from various member States (including for instance, the Kingdom of Morocco, Norway, Denmark and Germany) which showed a commitment to reflect on a country's own electoral practice.

105. Finally, trustworthy democratic processes are intrinsically linked to the respect for the rule of law, including at local and regional levels (law enforcement bodies, courts, etc). Indeed, Congress observers assessed that the conduct of efficient and independent judicial reviews when inaccuracies or errors were made was paramount to ensure the trust of the public in elections (as observed for instance, in Berlin). Timely investigations and dissuasive sanctions contributed to enhancing trust in the process. On the contrary, in the few instances observed, contradictory or inconsistent decisions on complaints and appeals tended to amplify doubts about the partiality of the administration.

### ***Positive developments***

106. Due to national and international efforts, the Congress observed a more professional approach to electoral procedures in many instances and noted the application of some useful practical arrangements to reduce electoral fraud on election day. For instance, measures were taken to ensure the secrecy of the vote through revising polling station set up, banning family and group voting or better regulating assisted voting (Albania, Armenia). In certain cases, the legal framework was strengthened to include stronger safeguards against vote buying, intimidation, bussing or directing of voters or gathering within a close perimeter of the polling stations (Georgia, Republic of Moldova). In

addition, as mentioned above, technological improvements have been perceived positively by voters as bringing some transparency and trust to the process, e.g. through the electronic identification of voters and/or the installation of webcams in polling stations (Albania, Armenia, Georgia, Republic of Moldova). The Congress also commended the high levels of trust of voters in countries in which the procedures are not impacted by polarisation (Denmark, Netherlands). As indicated in some Congress recommendations, adequate voter education still needs to be carried out so that voters are aware of their rights and are familiar with all voting procedures.

*Congress Recommendation 459 (2021): Holding referendums at local level*

*Code of Good Practice in Electoral Matters (Venice Commission) – the principle of free suffrage*

*This principle comprises two different aspects – free formation of the elector’s opinion and free expression of this opinion (the freedom of the voting procedure and the accurate assessment of the result). State authorities must observe neutrality (e.g. concerning media, billposting, demonstration rights, funding of parties and candidates) and have a number of positive obligations concerning candidatures, lists of candidates, national minorities etc.*

**- Equal level playing field for all candidates**

107. In its Recommendation 476 (2022), the Congress stressed the importance of fostering political pluralism during local and regional elections by promoting participation of independent candidates and by facilitating participation of candidates representing opposition views in general. This recommendation was adopted following the acknowledgment, that while independent candidates contribute to genuine political pluralism at the grassroot level, they often face administrative or legal impediments, which can lead to a shrinking space for political opposition as such.

108. This realisation emanated from the long-established Congress principle that all candidates should be able to stand in democratic elections on equal footing without pressure and discrimination, as prescribed by Article 3.2 of the European Charter of Local Self-Government and reiterated in Article 1 of the Additional protocol on the right to participate in the affairs of a local authority. In particular, all candidates should be subjected to the same regulations before, during and after the elections.

109. Regrettably, over the reference period, the Congress election observation delegations have witnessed unequal playing fields in legislation and in practice. In order to highlight the specific case of independent candidates, the Congress adopted a transversal report during this period, highlighting instances where independent or opposition candidates were not running on par with political/government party candidates, in the field, when submitting reports, in access to public funding and in the media. This issue is closely linked to the benefit of incumbency and misuse of administrative resources developed above. While administrative and legal requirements remained burdensome in some of the countries visited, the Congress welcomed the lowering of requirements in other elections (Republic of Moldova).

110. At the same time, the Congress also recommended in nearly all observations during the reference period to strengthen party and campaign finance legal frameworks and oversight in order to guarantee a more even playing field between candidates. Indeed, this aspect of electoral processes often remained insufficiently regulated to provide for equal conditions. When regulated, authorities sometimes failed to investigate breaches and/or sporadically sanctioned violations in a dissuasive and timely manner. While a variety of practices, regulations and funding caps cohabit in Europe, the Congress pointed out that unregulated money in grassroots politics may lead to undue influence and corruption. Depending on the context, Congress recommendations on this matter included to strengthen the regulatory framework or the oversight and control mechanisms on party and campaign finance, to introduce provisions on pre-electoral periods, to introduce or lower a cap for expenditures, to provide for timely investigations and to introduce rules regarding submission of interim finance reports.

111. Finally, Congress observers have often recommended to introduce measures to increase/strengthen women and youth participation in elections and during seat allocation. These recommendations aimed at reversing the effects that predominantly impact them when they stand for

elections. Indeed, the lower representation of women and youth in local and regional politics is not conducive to enhancing equal and active participation. A wide share of the population remains excluded from decision-making on matters that are closest to them. While many member States successfully experimented with gender quotas at local levels (50% in Albania, 40% in Bosnia and Herzegovina, the Republic of Moldova, and Slovenia, dedicated seats in the Kingdom of Morocco, alternating placement systems, etc), some member States have preferred to leave this responsibility to the political parties (Denmark, Germany). In such cases, progress observed during Congress missions remained limited. The Congress pointed out that international standards recognise positive obligations for States to ensure gender equality, in particular if gender equality is enshrined in a country's constitution. Therefore, the Congress recommended in several instances to strengthen the participation of women in local politics, in particular through the application of a 30% or higher gender quota.

### **Positive developments**

112. As indicated above, progress has been made on removing higher requirements for independent candidates and on the application of measures to strengthen the involvement of women in local politics. On the transparency and reporting on party and campaign finance, Congress observers some positive steps, as reflected in some GRECO reports, but political actors have sometimes found ways to circumvent the spending and reporting rules. At the same time, the Congress recognises that a fair balance must be found in order to avoid cumbersome and complex finance provisions, which may impose a heavy burden on smaller parties and independent candidates.

113. Due to the importance of this issue for local and regional democracy, the Congress will continue to bring this problem to the attention of the authorities in relevant recommendations to the member States and will work towards adopting a thematic report on party and campaign finance at local and regional levels after 2025.

*European Charter of Local Self-Government, Article 3.2.*

*"This right shall be exercised by councils and assemblies composed of members freely elected by secret ballot on the basis of a direct, equal, universal suffrage and which may possess executive organs responsible to them. This provision shall in no way affect recourse to assemblies of citizens, referendums or any other form of direct citizen participation where it is permitted by statute".*

*Congress Recommendation 476 (2022): The situation of independent candidates and the opposition in local and regional elections*

*Code of Good Practice in Electoral Matters (Venice Commission) – funding*

*Transparency operates at two levels. The first concerns campaign funds, the details of which must be set out in a special set of carefully maintained accounts. In the event of significant deviations from the norm or if the statutory expenditure ceilings are exceeded, the election must be annulled. The second level involves monitoring the financial status of elected representatives before and after their term in office. A commission in charge of financial transparency takes formal note of the elected representatives' statements as to their finances. The latter are confidential, but the records can, if necessary, be forwarded to the public prosecutor's office.*

### **- Emerging trends and matters of concern**

114. The issues mentioned above remained valid for the reference period 2021-2024, despite some noteworthy differences between member States. At the same time, the reference period saw the emergence of serious challenges, which the Congress will continue to monitor in the next reference period. Indeed, the COVID-19 pandemic and the war of aggression of the Russian Federation against Ukraine and their related consequences (cyberattacks, disinformation, interference, displaced persons, etc) have heavily impacted elections at local and regional levels in all member States. As many member States adopted state of emergency measures and decided to postpone local votes, the Congress "stressed that a minimum core of electoral principles have to be upheld at all times for elections, including at local and regional levels, to be meaningful and to enjoy the trust of the public in a democratic, pluralistic and accountable political environment" (Congress Recommendation 444 (2020)).

*Deterioration of the campaigning environment*

115. One of the emerging matters of concern related to the reference period 2021-2024 is the deterioration of the campaigning environment and the increased use of negative campaigning. While it is understood that election campaigns integrate a level of confrontational politics, Congress delegations noted with concern that the campaigning atmosphere in Europe, including at local and regional levels, has increasingly been marked by strong polarisation, hate speech, defamation or denigration or targeting of political opponents. Disinformation campaigns, amplified by new social media techniques, are also used during election campaigns to slander opponents. Congress delegations observed with concern in nearly all member States, including countries with consensus-based local politics, the worsening of hate speech and disinformation during electoral campaigns, predominantly online and on social media. Not only such strategies do not provide voters with programme-based grassroots campaigns, they also 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 (Congress Recommendation 478 (2022)).

116. Member States are often struggling to address disinformation and negative campaigning and encounter difficulties to find the right equilibrium between freedom of expression, defamation and sanctions. Indeed, many member States have some level of legal restrictions on freedom of expression, which may be acceptable, but can also lead to self-censorship and abuses and stifle free speech. On the other hand, while hate speech is usually expressly banned in national legislations, oversight and regulations of social media platforms remain difficult to enforce due to the nature of these platforms (anonymity, fast rhythm, foreign ownership, etc). Congress recommendations in election observation reports during the reference period included to introduce effective measures to fight hate speech and fake news online during election campaigns, also as a means to decrease polarisation and to establish effective sanctions and reduce timeframes for cases of hate speech.

*Foreign interference in local and regional electoral processes*

117. At the same time, based on its experience in observing elections, the Congress is aware that local and regional elections are not immune to foreign interference to distort the will of voters and to influence decision-making processes, as observed in some member States. In national elections, foreign interference in electoral processes is not a new phenomenon, but recent developments, including the expansion of new technologies, have permitted a sharp increase in the scale, scope and nature of such endeavours, with significant examples in (local and national) elections in the Republic of Moldova, Ukraine, France, the UK, Germany and elsewhere in Council of Europe member States. The ongoing war of aggression of the Russian Federation against Ukraine since 2022, further polarisation of the geopolitical landscape and the growing technical skills of some foreign actors have clearly contributed to a more unpredictable outcome of elections. In fact, local and regional elections are often perceived as a first step to gain access to some political legitimacy and responsibilities and therefore a good entry point for foreign interference in decision-making processes. Foreign interference in electoral processes is multifaceted, can be regulated or unregulated, carried out by state or non-state actors and often combines funding of competitors, electoral corruption, disinformation campaigns and cyberattacks to disrupt the digital infrastructures.

118. The year 2024 will constitute a key test for democratic systems at all levels of government, as many local and regional elections will be taking place, some of them alongside the European Parliament elections. Therefore, due to the quick rise of this challenge, the Congress will work towards adopting a timely thematic report on foreign interference in local and regional processes in 2025. While the use of artificial intelligence in electoral processes is also emerging as a challenge, it is too early to assess its impact on elections but the Congress will monitor AI-related developments in the next reference period.

*Positive development: the inclusivity of local and regional elections*

119. The Congress acknowledged in most election observations the efforts put in place by authorities to improve the participation of voters with disabilities in local and regional processes. Indeed, while the Congress often recommended to improve the accessibility of polling stations, it also recognised efforts put in place to prevent the abuse of assisted voting, to expand mobile ballot box voting, to



make ballot papers more readable (including in Braille) and to set up polling stations in a way to allow for voters to vote with as little assistance as possible. While the Congress believes that more could be done on this matter, including by removing suffrage restrictions and facilitating participation as candidates, these improvements are welcome and contribute to more inclusive electoral processes.

*Congress Recommendation 444 (2020): Local and regional elections in major crisis situations*

*Congress Recommendation 478 (2022) Hate speech and fake news: the impact on working conditions of local and regional elected representatives.*

*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.*

#### **D. CONCLUSIONS**

120. Over the current reporting period, the Congress has observed with satisfaction the progress made on electoral procedures on election day and on the transparency of the work of electoral administrations. It commended the efforts made in nearly all member States visited to improve the inclusivity of local and regional elections.

121. However, in the current context of backsliding of democracy at all levels of government, further efforts will be needed to ensure the five recurring issues identified during the 2021-2024 period will be more frontally addressed over the next reference period. Such efforts are fundamental to resist the erosion of the trust of voters in democratic processes and their local and regional authorities.

122. At the same time, the Congress notes the emergence of some potentially detrimental trends (deterioration of the campaigning environments, rise in foreign influence, challenges related to artificial intelligence, etc) that may impact local and regional elections in the future and it will carefully monitor these trends over the next period.

123. Finally, in order to fulfil its institutional mandate as the guardian of local and regional democracy and to bring more clearly into focus best practices in all member States, the Congress draws the authorities' attention on the need to receive more systematic invitations by all member States and for them to engage more actively in post-electoral activities. Only then will the Congress be able to truly monitor recurring issues and positive developments, in line with the Reykjavik Principles for Democracy.