

**40th SESSION**  
**First part-session**

## Adopted texts

### Recommendations

- Recommendation 453* Ensuring the respect of the European Charter of Local Self-Government in major crisis situations
- Recommendation 454* Budget of the Congress for 2022-2023

### Resolutions

- Resolution 464* Verification of new members' credentials
- Resolution 465* 2021-2026 Priorities of the Congress of Local and Regional Authorities
- Resolution 466* Ensuring the respect of the European Charter of Local Self-Government in major crisis situations



**40th SESSION****Ensuring the respect of the European Charter of Local Self-Government in major crisis situations**

Recommendation 453 (2021)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe refers, in particular, to:
  - a. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR 1950);
  - b. The Statutory Resolution CM/RES (2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers;
  - c. The European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
  - d. Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice, and strong institutions;
  - e. The Information Document of the Council of Europe Secretary General “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis: A toolkit for member States” (2020);
  - f. The Venice Commission report on Respect for Democracy, Human Rights and the Rule of Law during States of Emergency (2020);
  - g. Congress Recommendation 444 (2020) “Local and regional elections in major crisis situations”;
  - h. Congress Recommendation 455 (2021) “Recurring issues based on assessments resulting from Congress monitoring and election observation missions (reference period 2017-2020)”.
2. The Congress considers the COVID-19 pandemic as a major crisis situation which has put the exercise of local democracy under much more constraints and pressure than in normal times. Although the pandemic effects differ across regions and municipalities, globally, it brought about significant and diverse challenges to local authorities in Council of Europe member States, in particular in the areas of public health, delivery of social services and economic activities, while accelerating, in some cases, the pre-existing trend towards centralisation.

<sup>1</sup> Debated and adopted by the Congress on 24 March 2021, 2nd sitting (see Document [CG\(2021\)40-07final](#), explanatory memorandum), co-rapporteurs: Leendert VERBEEK, Netherlands (R, SOC/G/PD) and Robert-Csongor GRÜMAN, Romania (R, EPP/CCE).

3. The Congress acknowledges that the situations of severe crisis may, in some cases, require the introduction of uniform measures throughout a country. However, this should be enacted within the limits of the constitutional distribution of powers and in a manner that preserves the valuable role of local authorities. Therefore, crisis-related centralisation can only be temporary and may not undermine, even during the time of emergency, local autonomy which has made an important contribution to the fight against COVID-19.

4. It therefore reiterates that the principles and standards of local democracy enshrined in the European Charter of Local Self-Government ratified by all 47 Council of Europe member States shall be upheld at all times of crisis to safeguard local democracy and ensure local self-government resilience and sustainability.

5. In light of the foregoing, the Congress invites the Committee of Ministers to encourage the respective authorities of Council of Europe member States to:

*a.* consider in their crisis-management and recovery policies the differential impact of the COVID-19 pandemic on local governments by placing a particular focus on those hit hardest by the crisis. Recovery and crisis prevention plans should be (re)designed in effective consultation with local authorities. This will ensure local ownership of policies needed for their successful implementation at grassroots' level in the common interest of all levels of government and citizens;

*b.* make sure that the short-term centralisation which was applied in some cases to speed up and simplify decision-making, is only a temporary measure, and avoid the long-term centralisation of competences and the related financial resources. The decisions on continuation or discontinuation of crisis-related centralisation should be measured against the principles of necessity, proportionality, and temporariness;

*c.* continue to support local authorities in their efforts to tackle the public health, societal and economic challenges posed by COVID-19. This can be achieved through allocating to local authorities adequate financial resources to fulfil their new functions, refraining from excessive supervision, ensuring coordination and systematic information on national and regional measures, exchanging good and bad practices in crisis management both within and across national borders, supporting intermunicipal cooperation;

*d.* seek to increase local authorities' own revenues and diversify local revenue sources to make municipalities crisis-proof and make sure that the conditions of financial transfers give local authorities leeway to determine their own spending priorities;

*e.* promote public participation online as complementary to more traditional forms of citizens participation in local affairs while respecting the principle of equality regarding internet access;

*f.* pursue their cooperation and strengthen the political dialogue with the Congress to improve local and regional democracy through the application of the Charter, and make use of the Congress hub on the COVID-19 to share good practices of responses at local and regional levels in times of major crisis.

## Budget of the Congress for 2022-2023

Recommendation 454 (2021)<sup>1</sup>

The Congress of Local and Regional Authorities of the Council of Europe,

1. reaffirming its institutional role as the voice of local and regional authorities of the member States of the Council of Europe and as the guardian of the European Charter of Local Self-Government (ECLSG) to which all 47 member States are Party, and its responsibility for promoting and fostering the implementation of Council of Europe common standards for local self-government and regional democracy in Europe;
2. recalling that the Congress Charter provides that compliance with the ECLSG by the Parties shall be monitored regularly and that since 2014 the monitoring work has increased steadily giving place to significant backlog further increased by the delays resulting from the current pandemic situation;
3. referring to the regular exchanges of views between the President and the Secretary General of the Congress with the Committee of Ministers, and welcoming the support and appreciation expressed by member States and the Committee of Ministers for the results achieved and reforms undertaken by the Congress;
4. recalling the successive budget cuts that the Congress has sustained over the years and the acknowledgement and understanding by member States of the risks that further budget cuts would entail for its statutory activities, post-monitoring, thematic and co-operation activities, which are tailored to member States' demands and interests;
5. further recalling that the Congress has been obliged to cut activities including those allowing it to address the challenges identified in the Secretary General's annual reports on the situation of democracy, human rights and the rule of law and the priorities of the respective chairmanships of the Committee of Ministers;
6. stressing that since 2010 the Congress has steadily contributed to the Organisation's efficiency savings and sustained operational and staff budgetary reductions proportionately higher than its share of the Ordinary Budget of the Council of Europe;
7. recalling its reiterated requests for its share of the Council of Europe's budget to be increased again towards 3% in order to ensure a budgetary envelope which would enable the Congress to fully deliver with regard to the Council of Europe's priorities;
8. recalling that the Congress' actual share of the Ordinary Budget has dropped over 13% since 2010 from 2.92% in 2010 to 2.53% in 2020 and its staff has been reduced by over 19% from 47 to 38 including two frozen posts;

<sup>1</sup> Debated and adopted by the Congress on 24 March 2021, 1st sitting (see Document CG(2021)40-06), co-rapporteurs: Anna MAGYAR, Hungary (R, EPP/CCE) and Barbara TOCE, Italy (L, SOC/G/PD).

9. recalling its successive reforms in 2010, 2015, 2018 and 2019 and its willingness to contribute to the overall efforts of the Organisation;

10. welcoming the decision of the Committee of Ministers to apply the adjustment for inflation in the current biennium and stressing the need to maintain it for the next one for the sake of maintaining the Organisation's capacity to deliver and respond to the new challenges as well as to its statutory tasks;

11. acknowledging the solution found for financing interpretation and translation into the Congress working languages: German, Italian and Russian;

12. Calls on the Committee of Ministers to:

*a.* acknowledge the results achieved and the efforts made by the Congress in increasing its efficiency of the Congress despite a reduced budgetary allocation and significant restrictions in the human resources made available to it;

*b.* ensure, through its regular political dialogue with the Congress, consistency between the priorities identified by the Congress and its budgetary allocations in order to achieve critical mass and a real impact;

*c.* consider how best make use of the political and operational capacities of the Congress and its Secretariat to focus and concentrate all activities of the Council of Europe targeting local and regional authorities and their political representatives;

*d.* encourage member States to make voluntary contributions for concrete operational activities and second officials to the Congress Secretariat;

*e.* include the Congress monitoring of the ECLSG in the exceptional measures scheme to address the delays resulting from the Covid-19 health crisis;

*f.* allocate an operational budget and human resources to the Congress for the biennium 2022-2023 commensurate with the requirements of its institutional functioning as well as of its statutory, institutional, monitoring, thematic, consultative and advisory tasks to enable the Congress to implement the priorities identified for the current mandate;

*g.* agree to gradually return to a share of 3% of the Ordinary Budget without which the Congress can simply not fulfil its mandate or deliver what is entrusted with and expected to;

*h.* take into account the adjustment of inflation for the next biennium in order to maintain the Council of Europe a capable actor in the fields of democracy, human rights and the rule of law, and enable all its organs and structures to deliver in the interest of the citizens of the 47 member States; and

*i.* invite the Secretary General of the Council of Europe to include in the draft programme and budget for the biennium 2022-2023 a budgetary envelope for the Congress which will fully recognise its contribution to the Council of Europe priorities as a monitoring body and the pan-European promoter of territorial democracy, that encourages devolution and debates and exchanges of good practices among local and regional elected peers on our societies' major topical issues.

## APPENDIX

**Table 1 - Evolution of human resources within the Congress Secretariat**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020
Posts	42	41	39	37	37	37	37	37	37*	37*	37*
Positions	5	5	5	5	5	4	2	2	1	1	1
Total	47	46	44	42	42	41	39	39	38	38	38

(\*) including 2 frozen posts.

**Table 2 - Evolution of the Congress operational budget°**

	2010	2011	2012*	2013*	2014*	2015*	2016*	2017*	2018**	2019*	2020*
CoE	218 337 900	217 017 900	240 016 900	243 970 300	244 095 200	245 067 600	259 915 400	260 090 500	244 477 300	244 477 300	254 845 600
Congress	6 384 400	6 311 900	6 996 900	6 726 100	6 696 500	6 891 400	7 126 400	7 113 300	6 201 500	6 201 500	6 442 000
% Share Cong	2,92	2,91	2,92	2,76	2,74	2,81	2,74	2,73	2,54	2,54	2,53
% unspend Cong	2,88	1,98	0,74	2,31	3,23	1,13	2,81	1,74	2,67	0,53	7,73

(°) Figures of Council of Europe and Congress budget, as approved. % underspent Congress as adjusted.

(\*) including allocations to the Pension Fund as from 2012.

(\*\*) adjusted following cessation of Turkey's major contributor status.





## 40th SESSION

### Verification of new members' credentials

Resolution 464 (2021)<sup>1</sup>

The Congress,

1. Taking into account the renewal of the national delegations for a five-year mandate from March 2021 to March 2026,
2. In accordance with the provisions of Article 7 of the Congress Charter and Rule 6 of the Congress Rules and Procedures,
3. Welcoming the fact that many member States have taken the opportunity offered by the revised Charter adopted in January 2020, and the revised Rules and Procedures adopted in October 2019, to allocate their members to chambers according to their territorial structures,
4. Recalling that 498 of the 622 members proposed by the authorities of the member States have already signed the Code of Conduct for Congress members and the Declaration of Interests in accordance with the provisions of Rule 6 of the Rules and Procedures of the Congress,
5. Regretting that the Portuguese authorities were unable to submit a delegation that met the criteria of the Charter and the Rules and Procedures of the Congress,
6. Recalling that 12 seats remained vacant in the proposed delegations, and that 124 proposed members have not yet signed the Code of Conduct and Declaration of Interests of Congress members in accordance with Rule 6 of the Congress Rules and Procedures,
7. Taking into account the opinion of the rapporteurs responsible for the verification of the credentials of new members, concluding that the 46 proposed national delegations as set out in Document CG40(2021)13 comply with the criteria of the Charter of the Congress of Local and Regional Authorities of the Council of Europe,
8. Taking into account the decision of the Bureau of the Congress of 12 February 2021 approving the proposed delegations for the 2021-2026 term of mandate, and agreeing to submit them for ratification to the Congress on 23 March 2021 at the opening of its 40th Session subject to the signature of the Code of Conduct and Declaration of Interests of Congress members,
9. Approves the credentials of members of national delegations as set out in Document CG40(2021)13<sup>2</sup> subject to the signature of the Code of Conduct and Declaration of Interests of Congress members,

<sup>1</sup> Debated and adopted by the Congress on 23 March 2021, 1st sitting (see Document CG(2021)40-02), co-rapporteurs: Harald SONDEREGGER, Austria (R, EPP/CCE) and Barbara TOCE, Italy (L, SOC/G/PD) .

<sup>2</sup> Due to its size, the appendix to this resolution is not reproduced here. It is available online.

10. Invites those members who have not yet done so to proceed without delay to sign the Code of Conduct and the Declaration of Interests of Congress members in accordance with the provisions of Rule 6 of the Rules and Procedures of the Congress,

11. Invites the authorities of the member States concerned to fill the vacant seats in accordance with the applicable provisions, as soon as possible.

## 2021-2026 Priorities of the Congress of Local and Regional Authorities

Resolution 465 (2021)<sup>1</sup>

1. The Congress of Local and Regional Authorities represents the 150.000 local and regional communities and their elected officials in the Council of Europe's member States, ensuring their voices and concerns are reflected in the Organisation's activities aimed at promoting and defending democracy, the rule of law and human rights at all levels.
2. At the beginning of each new mandate the Congress draws up an overall framework for its future work and activities, providing a direction and defining priority areas to fulfil its core missions. This reflection is based on consultation of its members and of the national and European associations of local and regional authorities.
3. The Congress determines the main issues to be addressed and opportunities to be explored and defines the strategic orientations of its work to address the evolving problems and challenges facing local and regional authorities.
4. It also takes into account the priorities of the Secretary General and the Committee of Ministers of the Council of Europe – including the priorities of its rotating presidency - as well as that of its member States - and refers to the UN 2030 Agenda for Sustainable Development, as part of the wider Council of Europe contribution to achieving the Sustainable Development Goals.
5. For its priorities for 2021-2026 the Congress has decided to enshrine as its core mission the monitoring of local and regional democracy, the observation of local and regional elections, substantial thematic contributions to address current, future but also persisting challenges and the implementation of co-operation programmes in specific member States.
6. Regarding its thematic priorities, the Congress will focus on:
  - a. Effective local and regional responses to public health crises
  - b. The quality of representative democracy and citizen participation
  - c. Reducing inequalities in the field
  - d. Environmental issues and climate action in cities and regions
  - e. Digitalisation and artificial intelligence in the local context.
7. The Congress adopts the proposed priorities for 2021-2026, as appended, which will be implemented through its statutory meetings, the working programmes of its chambers and committees as well as its cooperation activities and instructs its Bureau to oversee their implementation.

---

<sup>1</sup> Debated and adopted by the Congress on 23 March 2021, 1st sitting (see Document CG(2021)40-05), co-rapporteurs: Gunn Marit HELGESEN, Norway (R, EPP/CCE), and Xavier CADORET, France (L SOC/G/PD).

## **APPENDIX: Priorities 2021-2026**

### **I. Congress objectives: Ensuring the proper functioning of local and regional democracy and addressing major societal challenges**

#### **The Council of Europe, an international platform for exchange and devising standards based on common values**

1. Since its creation in 1949, the Council of Europe has been the major architect of post-war democratic developments in the larger Europe. It contributed to the creation of a continent-wide system based on solid institutions of democratic governance, mechanisms for the protection of human rights and a common space where the rule of law applies. It has also played a key role in building pluralistic and cohesive societies and replaced conflict with international cooperation and multilateralism.
2. Over the years, the Council of Europe has advanced respect for fundamental rights, democracy, and the rule of law in Europe. When celebrating the 70th anniversary of the Council of Europe in October 2019, President Macron shared his firm conviction that it is at the Council of Europe that the divisions of the European continent can be healed because it is the place where European consciousness is formed and debated.
3. In May 2019, at the 129<sup>th</sup> Ministerial session of the Committee of Ministers in Helsinki, the Foreign Ministers of the member States reaffirmed the importance of the Organisation as a unique platform for dialogue and co-operation. They defined the future priority areas for the Organisation being combating trafficking in human beings, guaranteeing freedom of expression online and offline, developing a legal framework for artificial intelligence, addressing increasing inequality, racism, xenophobia, hate speech and discrimination, addressing the challenges arising from global migration, reinforcing social rights, promoting equality between women and men and fighting violence against women and domestic violence.
4. When the COVID-19 pandemic stroke the world early 2020, the Secretary General of the Council of Europe issued a Toolkit for member States designed to help ensure that measures taken by them during this crisis remained proportional to the threat posed by the spread of the virus and were limited in time. She stated that in this emergency, it was all the more important to achieve greater unity between member States, to foster international co-operation and to uphold the rights and responsibilities of all members of society. She also called to draw lessons from the pandemic crisis and enhance preparedness for addressing health concerns based on common principles and best practices.
5. In the Athens declaration resulting from the 130<sup>th</sup> ministerial session of the Committee of Ministers in November 2020, under the Greek Presidency, the Foreign Affairs Ministers of the member States expressed the renewed commitment to European unity and multilateral co-operation and greater solidarity among nations. They stressed the need to safeguard the right to health for all and other social and economic rights, such as the rights to social protection, education and safe and healthy working conditions, on the basis of inclusiveness, non-discrimination and gender equality. The Congress welcomed the clear commitment to multilateralism and multi-level governance as the appropriate response to threats and challenges to modern societies.
6. The German Presidency of the Committee of Ministers going from November 2020 to May 2021, set as one of its priorities to strengthen the Council of Europe as a standard-setter and uphold human rights, democracy and the rule of law, shaping the future and bringing the Council of Europe closer to the people.
7. In January 2021, the Secretary General of the Council of Europe presented her strategic views for the Organisation. This framework outlines concrete deliverables and proposals and considerations for change and reforms, aimed at ensuring a greater sustainability and predictability of the Council of Europe's activities and work, especially in the light of the current and forthcoming post-pandemic challenges.

#### **Democratic societies under pressure**

8. In recent years, the common values and standards that form the basis of European societies have been challenged on multiple fronts. Public debate has hardened and links between public institutions and citizens have become more tense – especially given the adverse effects of fake news and the spread of disinformation

as well as populism, the rise of extremism, mistrust shown to politicians and institutions and abstentionism in elections. The forms and degree of these developments vary considerably from one country to another, but the European political landscape as a whole remains marked by persistent questions about the ability of democratic systems to meet the expectations of the population.

9. Profound territorial and societal transformations have been witnessed also, to varying degrees depending on the country, marked in particular by rural desertification, progressive urbanisation, ageing of population, increase in precariousness but also by the impact of globalisation, environmental challenges, the transformation of production and administrative tools and the development of new technologies linked to artificial intelligence.

10. Above all, the outbreak of the COVID-19 pandemic in 2020 has caused a major sanitary, social, economic, and political crisis at different levels, in many countries thus amplifying the territorial and social divide. It has been causing death, immense suffering and increased hardship for all citizens but strikes even harder the most vulnerable and marginalised, bringing to the fore the need for more solidarity within societies. The COVID-19 pandemic will have significant consequences for societies over the long term which will have to be addressed.

### **Local and regional authorities as major actors for change**

11. The Congress of Local and Regional Authorities grew out of the conviction that the intergovernmental and inter-parliamentary co-operation required a local and regional dimension to cover all levels of democratic governance. The establishment of the “Congress of Local and Regional Authorities” within the Council of Europe in 1994 gave local and regional authorities a forum to have their say in the process of European integration.

12. In the preamble to the European Charter of Local Self-Government, adopted by the Council of Europe in 1985, national governments recognised the role played by local democracy in building pluralist and cohesive societies by establishing local democracy as one of the main foundations of any democratic system.

13. This recognition of the importance of local democracy and the decision to strengthen the local and regional dimension of the European democratic model were not only visionary but are, today, essential at a time when European societies are facing new major challenges.

14. The COVID-19 pandemic has brought to the fore the need for more effective co-operation and coordinated action both among and within countries, this means the need for multilateral co-operation and multi-level governance. In the Athens Declaration of November 2020, the Foreign Ministers of the member States recognise that the current crisis has clearly revealed this need.

15. Multilateralism and multi-level governance complement each other in the interest of the people. Active vertical and horizontal cooperation, coordination, and consultation between all levels of government increase the quality of decisions taken and allow greater flexibility in coping with emergencies as they are better suited to providing solutions tailored to specific needs.

16. A strong and efficient system of multi-level governance in which every level is equipped with proper competences, means, resources and a climate of trust and interaction enables a country to better respond to an emergency situation.

17. Through their action and proximity on the ground, local and regional authorities are the best placed to promote territorial cohesion, sustainable local development and solutions tailored to the specific needs of the communities, based on a strong territorial approach of national and European policies as well as interaction and interdependence between the population, the democratic institutions and the national associations.

18. It is therefore essential for central authorities to rely on local and regional governments to mitigate the sanitary, social and economic problems caused by emergency situations, to reduce tensions within populations and with their political leaders and to revive the citizens’ confidence in institutions, thus ensuring the democratic stability of European societies.

19. In times of crisis in particular, as shown during the COVID-19 pandemic, local and regional elected representatives are at the frontline to deliver basic and emergency services, find adequate solutions to specific challenges, relay and implement national policies and coordinate their action with other levels of

government and other partners across all sectors of society. They will also be key actors in bolstering the economic recovery and social revival in the aftermath.

20. The current pandemic has shown that in extraordinary circumstances local self-government and regional democracy should not be restricted but rather be part of an optimal solution.

21. A crisis like this one provides an opportunity to bring about a better sharing of responsibilities between the different levels of power. It highlights the need for consultation, concertation, coordination and complementarity, the need for a continuum between the different levels of governance. To this end, it is essential to consider territorial democracy and local and regional self-government as an essential pillar of the democratic system.

## **II. Congress statutory missions and means for action: monitoring, election observation, cooperation programmes, practical tools, and networking**

22. The Congress is a political assembly composed of elected representatives of local and regional authorities from the whole of Europe except Belarus. It ensures local and regional representation at European level as well as its active involvement in the Council of Europe's work. It acts as consultative organ, facilitator, advisor and monitoring body and works in close co-operation, on the one hand with the national associations of local and regional authorities, and, on the other hand, with the European organisations representing local and regional authorities.

23. Through its political, legal, and field activities, the Congress contributes to increasing the quality of democracy close to the citizens. It will continue to exercise the statutory missions entrusted to him by the Committee of Ministers - monitoring of local and regional democracy and observation of local and regional elections - as well as its cooperation activities in the field by all the means and tools at its disposal and it will also adapt to political and societal developments in member States as well as to the priorities arising therefrom for the member States and for the Council of Europe.

24. The Congress will in particular keep the COVID-19 pandemic and its aftermath as transversal feature of its activities, following thereby the call of the Council of Europe Secretary General to refocus the Organisation's programmes and activities in order to promote coordinated responses, to exchange good practice, and together to learn the lessons of the crisis in the quest for a quicker recovery.

25. The Athens declaration, the Congress contribution to the 130th ministerial session of the Committee of Ministers as well as the tools and guidelines defined by the Council of Europe will furthermore serve as guiding threads.

26. The UN Agenda for Sustainable Development will continue to be a useful framework for Congress' action and its core mission. Through its political message and its work, the Congress will further contribute to the fulfilment of the Sustainable Development Goals (SDGs) and to their localisation, i.e. their realisation at local and regional level.

27. In this respect it will continue to foster the proper functioning of democratic institutions based on transparency and accountability, the development of citizen participation - raising awareness about global citizenship - the cohesion of societies and the fight against discrimination, inequality and extremism, thus aiming to restore citizens' trust in the democratic system and its authorities.

28. It will in particular support local and regional authorities in implementing the SDGs and promote the balance between the three dimensions of sustainable development: social, economic, and environmental. These dimensions are mutually reinforcing and lay the foundation for a just, sustainable, and environmentally friendly society. It will take initiatives to promote behavioural change in this regard and will in particular contribute to disseminating information and best practices between European countries and regional and local governments.

29. Following the adoption of the Congress' priorities in March 2021, its Chambers of Local Authorities and of Regions and its three committees, the Monitoring Committee, the Governance Committee and the Current Affairs Committee, will translate them into concrete activities in their work programmes.

30. In the mandate 2021-2026, the Congress will further convey the message that local and regional authorities play an essential role in building fairer democratic societies by and for all citizens, as they are at the forefront in assessing the population's needs and contributing to the development and implementation of policies that are innovative and adapted to their specific environment.

**a. Monitoring the European Charter of Local Self-Government**

31. The Congress' added value is best expressed in its monitoring of the *European Charter of Local Self-Government*, which binds all 47 Council of Europe member States to respect the rights and responsibilities of local authorities and to work towards the implementation of the principle of *subsidiarity* or shared democracy.

32. Through its monitoring mechanism, the Congress assesses the application of the Charter in domestic law and works to improve compliance with the Charter's provisions, thus advancing local and regional democratic self-government and decentralisation - the core missions of the Congress.

33. The Charter contains a hard core of fundamental principles as well as optional provisions and it seeks to reconcile the diversity of local authority structures in the member States with these principles. The Congress will strive, in the framework of its political dialogue with member States, to encourage governments and parliaments to ratify and implement all the provisions of the Charter.

34. The final objective is to achieve "100% Charter coverage over 100% of European territory". This shall be done by working on one hand, with member States, which have made reservations or declarations at the time of the ratification, and, on the other hand, by a mapping of the territories where the Charter is not applied and concrete action to reduce their number.

35. In the course of its monitoring work the Congress is observing moves or trends towards recentralisation and reducing financial autonomy of local and regional authorities especially in times of crisis. The lessons learned from the COVID-19 pandemic and its aftermath as well as inspiring examples of actions on the ground by municipalities, regions and institutional partners will be used by the Congress to further support decentralisation and the development of subnational levels.

36. They will also serve to ensure that the swift or exceptional measures or restrictions on individual freedoms taken in response to a crisis do not undermine the foundations of a functioning local and regional democracy and are timebound, respect human rights and are rooted in democratic decisions reached in a transparent and responsible process where information is available to citizens.

## **b. Observing local and regional elections**

37. The right of citizens to exercise their democratic choice through universal, equal, free, secret, and direct suffrage is an internationally recognised fundamental right as well as the basis for political participation at territorial level. Such right is enshrined in the *Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority*, already ratified by 20 member States (as of February 2021).

38. During its observation missions, the Congress assesses whether planning and conduct of local and regional elections adhere to legal provisions and best practice in this matter. The observation activities will continue to be one of the Congress' priorities of action, thus ensuring that the standards for holding democratic local and regional elections are respected.

39. During the COVID-19 pandemic, local and regional elections had sometimes to be postponed as holding them seemed incompatible with the conditions at hand. The Congress prepared a report on local and regional elections in major crisis situations like the COVID-19 pandemic. This report collects examples of best practices and provides guidelines on balancing the rights to life, health and security of election participants on the one hand, with protecting the right to political participation and related freedoms on the other hand, while recommending that a minimum core of electoral principles have to be upheld at all times for elections. The Congress will continue this work in particular to help member States to better prepare for such situations of emergencies in the future.

40. The questioning of democracy coupled with declining public trust in traditional politics will also be reflected in the Congress' work in the field of elections through, for example, the fight against corruption and clientelism and the selection and funding of candidates as well as the re-orientation on new issues such as the use of referendums in the local context and the conditions of independent candidates running in local and regional elections

41. In addition to the country-specific election observation reports, the Congress will follow up issues and challenges identified in the strategy it has developed over the past years to better address election-related problems that reoccur across the Council of Europe countries such as the quality of voters' lists, misuse of administrative resources during electoral campaigns or voting rights of migrants and internally displaced persons on the local level, against the backdrop of the population movements in Europe.

## **c. Implementing co-operation activities in the field**

42. Thanks to the expertise and experience of its members, the Congress can offer local and regional authorities and their associations assistance and the means to acquire new skills and know-how and to strengthen their institutional capacities as well as their consultation procedures with national governments. Its aim is to establish close co-operation and lasting relations with and between the various national associations in member States and to help them defend the rights of local and regional authorities.

43. The co-operation programmes complement the statutory activities of the Congress. They link the recommendations and resolutions adopted at the plenary sessions with the situation on the ground and are based on the monitoring of the European Charter of Local Self-Government and a subsequent political dialogue with the national authorities.

44. The Congress will continue to provide its expertise and assistance in the field in advancing decentralisation, establishing dialogue between central and territorial authorities, fostering transparent local and regional governance based on citizen participation, building capacities of local and regional elected representatives and strengthening their associations to enable them to better fulfil their functions and responsibilities in the system of state governance.

45. These activities will be pursued within the framework of the Council of Europe action plans and the Congress' own post-monitoring road maps signed with individual member States, as well as within the framework of specific partnerships, such as the Neighbourhood Partnerships with Southern Mediterranean countries.



#### **d. Further developing practical tools, networks, and synergies**

46. The Congress has developed numerous tools, publications, and practical guides for use by its members and all local and regional authorities, to assist and support them in their daily work. This work of compiling and developing practical tools will be continued. Existing collections such as the series of Human Rights handbooks will be developed and further promoted.

47. The Congress also aims to bring together local and regional elected representatives from all 47 Council of Europe member States to enable them to work together or carry out joint projects. These networks will be energised and further developed.

48. Furthermore, the Congress will continue developing its partnerships, institutional co-operation, and co-operation with civil society, among others, through regular exchanges of views, the signature of cooperation agreements and the organisation of common activities.

49. It will in particular explore and develop further synergies with its institutional partners inside the Council of Europe, in particular with the Committee of Ministers, the Parliamentary Assembly, the Secretary General, the Commissioner for Human Rights and the Conference of International non-governmental Organisations as well as with the Commission of Democracy Through Law (Venice Commission) and the North-South Centre.

50. **Outside the Council of Europe, the Congress has close relations with national and European associations** of local and regional authorities, **which will be further developed in this new mandate.** National associations play an essential role in promoting local and regional democracy which is very important for the work of the Congress. In this respect, they are the natural partners of the Congress in the field.

51. European associations and networks of local and regional authorities work for better governance and defend local and regional democracy at European scale. The Assembly of European Regions (AER), the Council of European Municipalities and Regions (CEMR), the Conference of European Regional Legislative Assemblies (CALRE), EUROCITIES, the Conference of Peripheral Maritime Regions (CPMR), the Assembly of European Border Regions (AEBR) and PLATFORMA join forces in this respect and will continue to be full-fledged partners of the Congress.

52. The European Committee of the Regions and the Congress maintain close co-operation and working relations, both at the political level and the level of the respective secretariats, based on a Cooperation Agreement. Co-operation will be further steered by the Congress/CoR High-Level Group based on common objectives and activities for reinforcing local and regional democracy, decentralisation and self-government in Europe. The Euro-Mediterranean Regional and Local Assembly (ARLEM) and the Conference of Regional and Local Authorities of the Eastern Partnership (CORLEAP) are valuable fora established by the European Committee of the Regions, in which the Congress also actively co-operates.

53. The Congress will join forces with all these partners to implement its priorities and to ensure impact of its political and operational work.

### **III. The Congress thematic priorities 2021-2026: responses to new challenges**

54. In its thematic work programmes, the Congress will focus in particular on five areas: **effective responses to public health crisis, quality of democracy, inequalities in society, environmental issues, and digital revolution.**

**a. Resilient societies: effective local and regional responses to public health crises**

***The effectiveness of responses to overcome the COVID-19 crisis or any emergency or health crisis and its consequences and to better prepare for future such crisis or emergencies depends on the right balance and interaction between centralised and decentralised capacities within the systems of multi-level governance.***

55. The COVID-19 pandemic has triggered the huge global crisis, and although countries around the world have responded with unprecedented action, the crisis is far from over and it will have a significant impact on societies in the long term. Governments at all levels must act together to beat the pandemic and secure a strong, resilient, green, and inclusive recovery.

56. The policy responses to this crisis need to be adapted to the local realities, to the needs and opportunities of the communities. Local and regional authorities are the level of governance closest to the citizens and have a good understanding of the challenges facing their communities and how the specific dynamics of a crisis are impacting upon them. This makes their role essential.

57. The pandemic has revealed, among others, the need for measures and policies to safeguard social and economic rights such as equal access to health care, housing and education, in particular for the most vulnerable and marginalised ones and to preserve businesses and jobs. The first players in the field of implementing this solidarity are the elected representatives in local and regional authorities and the civil servants under their authority.

58. The Congress will continue to collect inspiring examples of grassroots action from municipalities, regions and the institutional partners and organise exchanges of views on the management of the pandemic in Europe's cities and regions and the functioning of local and regional democracy in times of crisis. Based on this work, the Congress will produce reports, recommendations, and practical tools to help managing the COVID-19 pandemic and its devastating consequences, as well as future crises and support societies and communities in becoming stronger and more resilient in facing emergency situations.

59. In line with the Council of Europe's Committee of Ministers and Secretary General, identifying and analysing mistakes and lessons learned to prepare adequate and proportionate responses for the future and help at all levels to social, economic and democratic recovery of local and regional communities will be a transversal feature of the Congress work in the coming years.

**b. Democratic societies: quality of representative democracy and citizen participation**

***The quality of democratic governance for the benefit of the citizen must be improved***

60. Representative democracy allows citizens to express their will through elected representatives to whom they delegate their powers to defend their interests, represent them in Parliaments and assemblies, pass the laws and eventually control the governments.

61. The system operates if it is based on respect and trust between the people and its representatives and if it includes effective checks and balances such as the right of choice, free, fair and periodic elections, separation of government powers, respect of the rule of law, open political competition, independent media among others. And representative democracy needs to be complemented with elements of direct democracy.

62. More transparency and participative local democracy engaging single citizens, civil society and the business community can indeed help finding optimal local responses to the current challenges.

63. Mayors and local councillors play a vital role in promoting the principles of representative democracy at the local level and shared values within their communities. Aside from the role prescribed in the legislation, it is upon them to implement innovative approaches developing the complementarity between representative and participatory democracy in full respect of the principles of ethical governance, accountability, transparency, and greater solidarity in public policies.

64. New ways of democracy such as social media, online participation, informal groups, and petitions challenge formal decision making. The COVID-19 pandemic also has posed enormous challenges to democracy and decision-making. The provision of correct information to all citizens, and democratic decision-

making in accordance with the rule of law in a crisis and in emergency conditions must be ensured. New forms of participation have a central role to play in these circumstances.

65. The Congress will continue to support the local elected representative in carrying out their daily tasks and helping to reduce the difficulties associated with the exercise of their mandates. It will thus continue to closely follow the issue of local elected representatives facing pressure, coming under undue legal, financial, psychological, and physical pressure from central governments, majority parties or members of their communities.

66. While doing this, the Congress will also ensure that citizens are at the heart of public action and it will continue to actively promote the decentralisation of powers and the granting of adequate means and funding that make the action possible at the level closest to the citizen.

67. The involvement of young people and the participation of citizens in decision-making and governance at the local and regional level, with innovative models of democratic participation, through elections, public deliberation, local think tanks or platforms, civil society initiatives or other tools, will be horizontal features of the work of the Congress in the coming years.

68. The further development of the “rejuvenating politics” strategy which the Congress started in 2014, will be part of this process in order to support young people to become politically active and build their capacities to become part of the decision and policy making at local and regional level. The Congress will thus continue to invite youth delegates from member States to participate in its sessions and the work of its committees, gradually involving them more and more in its decision-making processes.

### **c. Cohesive societies: reducing inequalities in the field**

***Development gaps within territories and communities must be bridged and social and economic fractures overcome.***

69. While the living conditions in Europe have substantially improved since the establishment of the Council of Europe, according to the OECD<sup>2</sup> however, “income inequality has been growing in most wealthy countries in recent decades, raising questions about the stability and sustainability of our social and economic systems (...) A widening divide threatens not only the social but also the political stability of our societies.” Furthermore, «the problem of inequalities extends to health, gender, education, skills, and opportunities, such as the digital divide. These inequalities are fracturing societies, hurting economies, and undermining democracies “(3). The sanitary, social and economic crisis caused by the COVID-19 pandemic has worsened this situation in many countries.

70. The role of local authorities is more important than ever in this context. By implementing innovative policies, they can help building more resilient and inclusive cities and regions, have a positive impact on reducing social and economic inequalities and discrimination as well as reinforcing participation and trust on the ground. Fair redistribution, equitable opportunities and more interaction between the different areas will be key to the successful transformation of societies.

71. The Congress will continue its work in this respect, in line with the UN Sustainable Development Goals – in particular goals 11 (make cities inclusive, safe, resilient and sustainable), 16 (promote just, peaceful and inclusive societies) and 17 (revitalise the global partnership for sustainable development). It will, among others, further raise awareness on the respect of human rights at the local level, fight corruption and promote transparency, fight discrimination, radicalisation and exclusion, promote inclusion of vulnerable groups such as Roma, promote gender equality, fight violence against women and children, contribute to the empowerment of women and youth as well as the reduction of the divide between rural and urban areas and between central and peripheral regions in particular border regions.

72. It will implement at the local level all Council of Europe action and campaigns in these areas and promote the development of networks of cities and regions having the same objectives.

---

<sup>2</sup> UNDERSTANDING THE SOCIO-ECONOMIC DIVIDE IN EUROPE – January 2017 – OECD Centre for opportunity and equality

<sup>3</sup> Remarks by Angel Gurría, OECD Secretary-General, 25 August 2019

#### **d. Sustainable societies: environmental issues and climate action in cities and regions**

***Living conditions in cities and regions must be radically improved by implementing innovative local policies that respect the environment and address the climate change issues.***

73. Climate change, pollution, extinction of species, loss of biodiversity and the overall degradation of the earth's ecosystems present a pressing, inter-related and profound challenge to the way of life in societies and will drastically affect cities, municipalities and regions in the future. Over the past years, it has been widely recognised that the right to live in a sustainable, healthy, and safe environment is one of the crucial aspects of fundamental human rights and freedoms.

74. The Congress is convinced that environmental protection is part of good governance, whether it is implemented at international, national or subnational level, and, in this regards all possible actors must be considered as key actors and participate in the decision-making processes.

75. Good governance, environmental protection – including climate justice and security - and human rights are linked by a relationship of interdependence: a safe, clean and healthy environment is essential for the enjoyment of human rights, and the exercise of human rights is vital to the protection of the environment. This is a matter of democracy, human rights and rule of law, the core mission of the Congress and the Council of Europe.

76. Local and regional elected representatives need to prepare for and adapt to the environmental and social impacts of climate change. They are in a unique position to tackle climate emergency, promote sustainable development and implement policies and actions which they can shape policy to fit local environment and needs. They are well placed to ensure that resources are being targeted to their environmental and climate as well as their circular economy action.

77. Based on the work accomplished during the past years, the Congress will thus further develop activities linked to the specific responsibilities of local and regional authorities, regarding local responses to environmental and climate challenges. Such responses will call for a strategic approach carried out through education, awareness raising, building resilience and capacity for adaptation on a wide range of issues, such as transport, recycling, water and waste management, production and consumption of local products, building and tourism. This means developing relevant local and regional policies and action plans, as well as fostering changes in attitudes and behaviour, and in the lifestyle in general.

78. In the framework of the work undertaken within the Council of Europe, according to the Sustainable Development Goals and taking into account the EU Green Deal Strategy, the Congress will contribute among others to the standard setting on the right to a safe and healthy environment as a fundamental human right and to the implementation of such work at the local and regional level.

#### **e. Digital societies: digitalisation and artificial intelligence in the local context**

***The digital revolution is changing the face of democracy and must be put at the service of democracy***

79. The digitalisation drives huge changes in all sectors of activity and in the future, its developments such as Artificial Intelligence, in particular, are likely to have a considerable impact on the life of the citizens and the functioning of societies. They will, for example, influence the way public authorities are constituted - during elections for example -, the way citizens are involved in decisions and the way public authority is exercised.

80. Digitalisation and the use of AI in public management can make administration more efficient and inclusive, and it can promote better information and political participation. AI can be used for example to extend knowledge of the public on democratic systems as well as provide means for direct participation.

81. The COVID-19 pandemic has profoundly changed lifestyles and territorial interplay. It has shown that in situation of crisis, the development of digital tools can help finding new forms of communication and public services management. Improvement of the IT-infrastructure can among others play a key role in ensuring equivalent living conditions in urban and rural territories.

82. While the impact of digitalisation can indeed be very positive, it also presents many risks of abuses. The problems of manipulation of public opinion through cyber-soldiers and robots, for example, remain a

challenge for democratic societies. The improvement of digital capabilities requires investments in education and high-level expertise. It requires above all a sound and proportionate regulatory framework, to ensure respect of human rights and democracy.

83. The Congress will support the development of digitalisation in the local and regional communities with ethical, legal, reliable, and controlled technologies that considers democratic security and the protection of personal data. The issue of collecting data to trace and monitor citizens in the face of a pandemic is relevant in this regard and needs to be addressed.

84. The Congress' work will aim at seizing fully the opportunities offered by new technologies – from making cities and regions “smart” and digitalising local economy to using them for information and dialogue tools for better inclusion and participation of citizens - while protecting the freedom, integrity and, in general, the fundamental rights of the citizens.

85. The Council of Europe has a unique position as a platform for intergovernmental co-operation capable of setting standards for the development and use of artificial intelligence, in accordance with human rights, democracy and the rule of law. The Congress will participate in the work carried out in this field within the Council of Europe and contribute to its implementation at local and regional level.



40th SESSION

## Ensuring the respect of the European Charter of Local Self-Government in major crisis situations

Resolution 466 (2021)<sup>1</sup>

1. The Congress of Local and Regional Authorities of the Council of Europe refers, in particular, to:
  - a. The European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR 1950);
  - b. The Statutory Resolution CM/RES (2020)1 relating to the Congress of Local and Regional Authorities of the Council of Europe and the revised Charter appended thereto, adopted by the Committee of Ministers;
  - c. The European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
  - d. Sustainable Development Goals (SDG) of the United Nations 2030 Agenda for Sustainable Development, in particular Goals 11 on sustainable cities and communities and 16 on peace, justice, and strong institutions;
  - e. The Information Document of the Council of Europe Secretary General “Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis: A toolkit for member States” (2020);
  - f. The Venice Commission report on Respect for Democracy, Human Rights and the Rule of Law during States of Emergency (2020);
  - g. Congress Resolution 455 (2020) “Local and regional elections in major crisis situations”.
  - h. Congress Resolution 467 (2021) “Recurring issues based on assessments resulting from Congress monitoring and election observation missions (reference period 2017-2020)”
  - i. Congress Bureau decision of 12 February 2021 on the adoption of the Monitoring Committee work plan for 2021-2022.
2. The Congress considers the COVID-19 pandemic as a major crisis situation which has put the exercise of local democracy under much more constraints and pressure than in normal times. Local authorities have been at the frontline of managing this crisis. Although the pandemic effects differ across regions and municipalities, globally, it brought about significant and diverse challenges to local authorities in Council of Europe member States, in particular in the areas of public health, delivery of social services and economic activities, while accelerating, in some cases, the pre-existing trend towards centralisation.

<sup>1</sup> Debated and adopted by the Congress on 24 March 2021, 2nd sitting (see Document [CG\(2021\)40-07final](#) explanatory memorandum), co-rapporteurs: Leendert VERBEEK, Netherlands (R, SOC/G/PD) and Robert-Csongor GRÜMAN, Romania (R, EPP/CCE).

3. The coronavirus pandemic has also aggravated the recurring issues of the Charter's implementation which the Congress has repeatedly warned of for a long time. The sanitary crisis has put many local authorities in an even more difficult financial situation, compounded by a decline in their own revenue and rising public expenses. Often, the transfer of new crisis-related responsibilities to local level was rushed through without appropriate consultation and matching financial resources and went hand in hand with tighter administrative supervision. It is to be expected that the adoption of economic recovery packages across Europe will have a negative impact on the financial situation of local authorities in the medium and long-term perspective.

4. The Congress stresses that the pandemic revealed the need for a more effective multilateral co-operation and multi-level governance which should be pursued in compliance with the principles set out in the Charter. In the digitalisation and "on-line democracy" triggered by COVID-19 may also lie an opportunity to increase transparency and citizens' participation in the local political process provided that all changes in this area respect basic democratic principles of equality and inclusiveness and comply with the Additional Protocol to the Charter on the right to participate in the affairs of a local authority.

5. In light of the foregoing, the Congress underlines that the implementation of the commitments and responsibilities that Council of Europe members have undertaken pursuant to the Charter and its Additional Protocol becomes even more important in times of major crisis, such as the COVID-19 pandemic, to preserve local democracy and ensure local self-government resilience and sustainability.

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

*a.* encourages the Monitoring Committee to pursue its statutory mission of monitoring of the implementation of the European Charter of Local Self-Government in Council of Europe member States in order to ensure a high level of sustainable local democracy in accordance with the provisions of the Charter, including in times of major crisis;

*b.* asks the Monitoring Committee to carry out the monitoring of the application of the Charter remotely and develop other alternative strategies to on-site monitoring as exceptional measures necessitated by the COVID-19 sanitary crisis;

*c.* underlines, at the same time, that carrying out monitoring activities remotely and implementing any other alternative strategies to on-site monitoring must be temporary and applied only during the time of crisis. They must not become a substitute to standard on-site monitoring procedures in the frame of the Congress statutory activities.