

42nd SESSION

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42nd SESSION

The Russian Federation's war against Ukraine

Declaration 5 (2022)¹

The Congress of Local and Regional Authorities:

1. bearing in mind the Council of Europe Committee of Ministers' Resolutions CM/Res(2022)1 and CM/Res(2022)2;
2. bearing in mind United Nations General Assembly Resolution A/RES/ES-11/1 Aggression against Ukraine, adopted on 2 March 2022;
3. condemns in the strongest terms, the Russian Federation's war against Ukraine, which constitutes a blatant breach of international law and the Statute of the Council of Europe;
4. deplores the loss of life, human suffering and destruction caused by the Russian Federation's war against Ukraine which has resulted in an unprecedented number of refugees and internally displaced persons on the European continent, not seen since the Second World War;
5. calls on the Russian Federation to immediately and unconditionally cease its war in Ukraine, stop the bombing of civilian infrastructures and residential areas, ensure humanitarian corridors for safe evacuation of civilians, stop human rights and international humanitarian law violations, and withdraw its troops;
6. expresses its full and resolute support to Ukraine and its solidarity with its people who demonstrate admirable firmness and courage in defending their country;
7. condemns the illegal annexation of the Autonomous Republic of Crimea and the city of Sevastopol and the recognition by the Russian Federation of the Ukrainian oblasts of Donetsk and Luhansk as independent entities, and denounces attempts to establish a similar illegal entity in the Kherson oblast of Ukraine;
8. expresses its unwavering commitment to the independence, sovereignty and territorial integrity of Ukraine within its internationally recognised borders;
9. underlines the fundamental role of the Council of Europe, as an organisation founded in the aftermath of the Second World War, to defend human rights, democracy and the rule of law in Europe, and ensure the peaceful coexistence of nations in Europe;
10. recalls, in this respect, that the aim of the Council of Europe is to achieve a greater unity between its members for the purpose of safeguarding and realising the ideals and principles which are their common heritage and facilitating their economic and social progress;
11. stresses that the Russian Federation's war against Ukraine constitutes an attack on the principles and values of democracy, human rights and the rule of law which the Council of Europe stands for, promotes and defends;

¹. Debated and adopted by the Congress on 22 March 2022, 2nd Sitting, rapporteur: Leen VERBEEK, Netherlands (R, SOC/G/PD).

12. further stresses that the Russian Federation's war against Ukraine seriously undermines the capacity for local and regional authorities in Ukraine to operate and inflicts tremendous suffering on the Ukrainian people;

13. recognises the key role that local and regional authorities in Ukraine are playing in addressing the disastrous humanitarian consequences faced by citizens as a result of the Russian Federation's war against Ukraine;

14. condemns the intimidation, abduction and killing of Ukrainian local and regional elected representatives by the Russian forces;

15. calls for the immediate release of the abducted elected representatives;

16. underlines the role of the Congress in contributing to the aim and objectives of the Council of Europe and in building up local and regional democracy, the values of which are deeply rooted in the Ukrainian nation, identity and institutions;

17. welcomes the efforts of local and regional authorities of the member States of the Council of Europe and their associations in support for their Ukrainian counterparts and citizens;

18. calls for the Russian Federation to respect its obligations under international law including international humanitarian law.

The Congress stresses that democracy, multilevel governance and human rights are stronger than war, stands firmly by Ukraine and its people, and calls on all local and regional communities of Europe, and beyond, to stay united and determined in their solidarity and support for the Ukrainian nation, its people and its authorities.

Monitoring of the application of the European Charter of Local Self-Government in Germany

Recommendation 469 (2022)¹

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

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

b. Article 1, paragraph 3, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government;”

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

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. Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

f. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;

h. previous Congress Recommendation 320(2012) on the monitoring of the application of the European Charter of Local Self-Government in Germany;

i. the explanatory memorandum on the monitoring of the application of the European Charter of Local Self-Government in Germany;

j. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government adopted by the Congress Statutory Forum on 7 December 2020.

¹. Debated and adopted by the Congress on 22 March 2022, 1st sitting (see Document [CG\(2022\)42-16](#), explanatory memorandum), co-rapporteurs: Konstantinos KOUKAS, Greece (L, EPP/CCE) and Jani KOKKO, Finland (R, SOC/G/PD).

2. The Congress points out that:

a. Germany joined the Council of Europe on 13 July 1950, signed the European Charter of Local Self-Government (ETS No. 122, hereinafter "the Charter") on 15 October 1985 and ratified it without reservations on 17 May 1988. The Charter entered into force in Germany on 1 September 1988.

b. Germany has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207).

c. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in Germany in the light of the Charter. It instructed Konstantinos KOUKAS, Greece (L, EPP/CCE) and Jani KOKKO, Finland (R, SOC/G/PD), with the task of preparing and submitting to the Congress a report on monitoring the application of the European Charter of Local Self-Government in Germany.

d. The monitoring meetings took place remotely from 26 to 28 May 2021. On this occasion, the Congress delegation spoke with the representatives of various institutions at all levels of government. The detailed programme of the remote meetings is appended to the explanatory memorandum.

e. The co-rapporteurs wish to thank the Permanent Representation of Germany to the Council of Europe and all those whom they spoke during the remote meetings.

3. The Congress notes with satisfaction that in Germany:

a. there are high standards of local democracy and a sophisticated legal framework covering all aspects of local autonomy;

b. the level of judicial protection offered to local self-government and the rule of law can be labelled as paradigmatic;

c. local authorities enjoy a wide scope of responsibilities and a high level of organisational autonomy.

4. The Congress expresses its concerns on the following issues:

a. increasing needs in the social sector have reduced local authorities' financial autonomy;

b. counties' (*Kreise*) taxation powers remain poor, and their system of revenue needs to be further diversified and made more flexible;

c. standards and criteria for the implementation of the commensurability principle have yet to be adopted;

d. participation and consultation of associations of local authorities at the federal level is less systematic than at the *Länder* level due to the limits the federal system provides to direct consultation of local authorities;

e. several *Länder* have not introduced the power of counties to exercise their initiative in county matters that are not excluded from their competence (general competence).

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the authorities of Germany to:

a. ensure that local authorities have adequate financial means that allow them discretion in how to spend these resources;

b. revise the financial status of counties and extend their taxation powers to provide more diversification and flexibility to the system of counties' revenue while making sure that relevant taxes are not levied to the detriment of municipalities that are part of the counties; this would allow the declaration on article 9 para. 3 of the Charter to be withdrawn and the relevant scope of the Charter to be extended to all entities having direct political legitimacy;

- c. adopt concrete standards and criteria for the implementation of the commensurability principle in order to provide transparency in the whole financial calculation and planning process;
 - d. further strengthen participatory and consultation rights of associations of local authorities at the federal level by increasing the regularity of consultation;
 - e. consider introducing a general competence clause for local affairs at the county scale in the federal constitution and *Länder* legislations;
 - f. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (ETS No. 207).
6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the application of the European Charter of Local Self-Government in Germany and the accompanying explanatory memorandum in their activities relating to this member State.

Monitoring of the application of the European Charter of Local Self-Government in Luxembourg

Recommendation 470 (2022)¹

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

a. 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”;

b. Article 1, paragraph 3, of the Statutory Resolution CM/Res(2020)1, stipulating that “[t]he Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government”;

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. the Sustainable Development Goals (SDGs) of the United Nations Development Programme for 2030, particularly Goals 11 for sustainable cities and communities and 16 for peace, justice and strong institutions;

e. the Guidelines for civil participation in political decision making, adopted by the Committee of Ministers on 27 September 2017;

f. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;

g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities' activities, adopted on 4 April 2019;

h. the previous Congress recommendation on the monitoring of the European Charter of Local Self-Government in Luxembourg (Recommendation 380 (2015));

i. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Luxembourg;

j. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government adopted by the Congress Statutory Forum on 7 December 2020.

¹. Debated and approved by the Chamber of Local Authorities on 23 March 2022 and adopted by the Congress on 23 March 2022, 2nd sitting (see Document [CPL\(2022\)42-03](#), explanatory memorandum), co-rapporteurs: Marjorie CROVETTO, Monaco (L, NR) and Christine CHEVALLEY, Switzerland (R, ILDG).

2. The Congress points out that:

a. Luxembourg is one of the founding members of the Council of Europe, which it joined on 5 May 1949; Luxembourg signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”), all provisions included, on 15 October 1985 and ratified it on 18 March 1987. The Charter entered into force in Luxembourg on 1 September 1988;

b. Luxembourg has not signed the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

c. The Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereinafter: the “Monitoring Committee”) decided to examine the situation with regard to local democracy in Luxembourg in the light of the Charter. It entrusted Christina CHEVALLEY, Switzerland (L, ILDG) and Marjorie CROVETTO, Monaco (L, NR), with the task of preparing and submitting to the Congress a report on local democracy in Luxembourg;

d. In the course of the remote monitoring meetings, which were held on 6 and 7 October 2021, the Congress delegation exchanged views with representatives of various institutions at all levels of government. The programme of the meetings is appended to the explanatory memorandum;

e. The co-rapporteurs wish to thank the Permanent Representation of Luxembourg to the Council of Europe and all those whom they spoke to during these meetings.

3. The Congress notes with satisfaction that in Luxembourg:

a. the principle of local self-government, as laid down in the European Charter of Local Self-Government, is fully enshrined in the Constitution, recognised by the legislature and the courts and respected;

b. the legal protection of local self-government is fully complied with because local authorities can easily seek a judicial remedy if they consider themselves victims of an unlawful decision or consider that their interests have been damaged by a decision made by the State;

c. the Communal Law reform begun in 2020 is aimed *inter alia* at relaxing the administrative supervision of communes.

4. The Congress expresses concern, however, over the following points:

a. the delimitation of powers between the State and the communes remains unclear;

b. as the prior approval of the Minister of the Interior remains the rule in a certain number of cases, particularly with regard to staff recruitment, the creation of posts, the appointment of local government officers and also communal budgets, there are still forms of administrative supervision in place that do not comply with the Charter;

c. the free disposal of resources still seems to pose a problem despite the financial reform launched in 2017. Communal resources are not keeping pace with the rising cost of discharging local government functions;

d. the procedure for consulting local authorities on all matters concerning them directly, including with respect to their budgets, is not formally recognised in law;

e. the allowances for holding local public office and executive positions seem too low now given the tight labour market and wage levels in Luxembourg.

5. In the light of the above, the Congress recommends that the Committee of Ministers invite the authorities of Luxembourg to:

a. more clearly delimit the powers of the State and the communes so as to establish a framework within which communal self-government can be exercised and develop fully;

b. press ahead with the communal reform, not least in order to limit as far as possible the forms of administrative supervision of activities and persons which remain in place at local authority level, based on the principle that supervisory power should be exercised solely for the purpose of ensuring compliance with the law;

c. guarantee communes free disposal of resources, by granting them more freedom to decide on their spending in relation to their mandatory tasks, and ensure that communal resources increase in line with the cost of the tasks performed;

d. formally enshrine in law the procedure for government consultation of local authorities in order to better secure their right to be consulted on all matters which concern them directly;

e. increase the level of allowances for holding local public office and executive positions to make them a more attractive prospect;

f. carry out the constitutional review in keeping with the democratic principles enshrined in the Charter, i.e. in such a way as to ensure that the power to appoint mayors and aldermen and to dissolve the directly elected communal council is no longer vested in the central authorities (the Grand Duke or the government);

g. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207).

6. The Congress asks the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of the present recommendation on the monitoring of the European Charter of Local Self-Government in Luxembourg and its explanatory memorandum in their activities relating to this member State.

Monitoring of the application of the European Charter of Local Self-Government in Turkey

Recommendation 471 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. 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”;
 - b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government.”
 - c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;
 - d. the sustainable Development Goals (SDGs) 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. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;
 - f. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
 - g. Congress Recommendation 301 (2011) on the situation of local and regional democracy in Turkey;
 - h. Congress Resolution 416(2017) and Recommendation 397(2017) on the Fact-finding mission on the situation of local elected representatives in Turkey;
 - i. Congress Resolution 450(2019) and Recommendation 439(2019) Local elections in Turkey and mayoral re-run in Istanbul (31 March and 23 June 2019);
 - j. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Turkey;
 - k. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government adopted by the Congress Statutory Forum on 7 December 2020;
 - l. the European Commission for Democracy Through Law (Venice Commission) opinion on the Replacement of Elected Candidates and Mayors in Turkey (CDL-AD(2020)011).

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document CG(2022)42-14, explanatory memorandum), co-rapporteurs: Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and David ERAY, Switzerland (R, EPP/CCE).

2. The Congress points out that:

a. Turkey signed the European Charter of Local Self-Government (ETS No. 122, hereinafter "the Charter") on 21 November 1988 and ratified it on 9 December 1992, with entry into force on 1 April 1993. In the course of ratification, Turkey declared itself not bound by Articles 4.6, 6.1, 7.3, 8.3, 9.4, 9.6, 9.7, 10.2, 10.3, and 11;

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) first instructed Jakob WIENEN (Netherlands, EPP/CCE) as rapporteur on local democracy, and Yoomi RENSTRÖM (Sweden, SOC/G/PD) as rapporteur on regional democracy, to prepare and submit a report on the monitoring of the European Charter of Local Self-Government in Turkey to the Congress. A two-part visit to Turkey was carried out by the Congress delegation, which was assisted by Prof. Angel M. MORENO, President of the Group of Independent Experts on the Charter and the Congress secretariat.

c. The monitoring visit took place from 1 to 4 October 2019 (first part of the visit) and from 11 to 13 November 2019 (second part of the visit). The report was adopted by the Monitoring Committee in February 2020. The draft recommendation and resolution could not be adopted by the Congress session due to the Covid-19 pandemic. In the meantime, both rapporteurs have left the Congress. Therefore, the Monitoring Committee appointed Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and David ERAY, Switzerland (R, EPP/CCE) and instructed them to update the explanatory memorandum before its submission to the Congress at one of its sessions in 2022. To this end, a third part of the monitoring visit took place on 1 December 2021. In Turkey, the Congress delegations met representatives of various institutions at all levels of government as well as leaders of most relevant national parties, non-governmental organisations and foreign diplomatic representatives. The detailed programmes of three parts of the visit is appended to the report;

d. The co-rapporteurs wish to thank the Permanent Representation of the Republic of Turkey to the Council of Europe and all those whom they met during the visits for the information they provided and comments they made.

3. The Congress notes with satisfaction:

The impressive turnout in local elections (above 84% in 2019) in Turkey, which is one of the highest in the Council of Europe member States and shows a strong interest in local self-government among the citizens.

4. The Congress expresses its concerns in particular on the following issues:

a. The small progress in implementing Congress Recommendation 397(2017) on the Fact-finding mission on the situation of local elected representatives in Turkey. The government continues to suspend mayors when a criminal investigation is opened against them (Article 7.1), on the grounds of an overly broad definition of "terrorism" in the anti-terror legislation, and to replace them by non-elected officials (Article 3.2) thus seriously undermining the democratic choice of Turkish citizens and impeding the proper functioning of local democracy in Turkey;

b. The provincial electoral administration's refusal, in violation of the principle of fairness in elections, to grant to several candidates who won the mayoral elections in some municipalities located in the south-east of Turkey the required certificate of elections ("*mazbata*") which is a pre-requisite to entering the position of mayor (Article 3.2);

c. the governor's double function as a State agent and a chairman of the provincial executive committee which does not permit the necessary separation between the State and the local administration contrary to the spirit of the Charter (Article 3.2);

d. administrative tutelage over the activities and decisions of local authorities is still enshrined in the Constitution and applied in practice. The State overregulation and interventionism in planning decisions of local authorities take the form of the efficiency control over own tasks and responsibilities of local authorities and limit their capacity to enjoy full and exclusive powers (Articles 4.4, 8.2);

e. the lack of consultation of affected local authorities during the boundary changes enacted by legislation (Article 5) which also reflects the unsatisfactory level of communication and inter-governmental dialogue between the central government and local authorities in Turkey in general

f. local governments have a limited capacity to determine the rate of local taxes (Art. 9.3), and a substantial proportion of local revenues (more than half) still comes from the State budget which generally limits the financial autonomy enjoyed by local authorities;

g. local authorities in the southeast of the country face additional pressures in delivering basic services such as housing, food and sanitation due to an unprecedented influx of refugees and asylum seekers.

5. In light of the foregoing, the Congress requests that the Committee of Ministers invite the Turkish authorities to:

a. modify the definition of terrorism in the current anti-terror legislation, so that this concept is defined in a way not allowing for an overly broad interpretation and ensuring a strict governmental enforcement and respect of human rights and values of representative democracy;

b. stop the current practice of suspending mayors without court decisions, make all possible efforts to reconcile the legitimate fight against terrorism with the requirements of local democratic life and accordingly use the technique of the suspension of mayors with the greatest possible caution and restrictive approach, with the aim to respect the presumption of innocence and the system of democratically elected representatives;

c. discontinue the practice of appointing a governmental trustee in municipalities where the mayor has been suspended and modify the legal framework so that whenever a mayor is suspended, opportunity is given to the council to appoint an interim or acting mayor from among its members, in accordance with the possibility contained in the original version of the Municipality Law of 2005 (Art. 45) and until the procedural situation of the suspended mayor is clarified;

d. ensure that the candidates who were admitted to run in the elections and won them can effectively enjoy their right to carry out their mandate;

e. introduce the necessary legal amendments so that the Governor will no longer be *de jure* the Head of the Special Provincial Administration and the chairman of its executive committee, and to allow the general council of this local authority to appoint and dismiss the head and the chairman of the executive committee or, failing this, to make these positions elected directly by the people;

f. implement the constitutional principle of administrative tutelage at the lowest possible level of intensity, in the spirit of the Charter, to protect and ensure local autonomy and reduce supervision over local authorities, especially in the domain of finances, loans and planning;

g. reinforce consultation of local authorities, in particular in the case of amalgamations or changes in the local authorities' boundaries;

h. increase the proportion of own local revenues and enhance the regulatory and rate-setting power of local authorities in respect of their own taxes through fiscal decentralisation;

i. take measures in order to develop the internal auditing and financial controls of local authorities;

j. consider ratification of Articles 7.3, 9.4, 9.7, 10.3 since they are respected in practice;

k. take appropriate measures to encourage the involvement of women in local political life;

1. sign and ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (ETS No. 207).

6. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in Turkey and the explanatory memorandum in their activities relating to this member State.

42nd SESSION**Beyond elections: The use of deliberative methods in European municipalities and regions**

Recommendation 472 (2022)¹

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

- a. Article 3.2 of the European Charter of Local Self-Government (hereinafter “the Charter”);
- b. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, in particular Article 2.2.ii.a;
- c. the Priorities of the Congress 2021-2026, in particular Priority b: Democratic societies: quality of representative democracy and citizen participation;
- d. Congress Resolution 326 (2011) on Citizen participation at local and regional level in Europe;
- e. Congress Resolution 452 (2019) on the Revised Code of Good Practice for Civil Participation in the Decision-making Process;
- f. The United Nations Agenda 2030 for Sustainable Development, in particular Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

2. The Congress points out that:

- a. There has been a movement in recent years to innovate democracy and make it more resilient, especially in the face of increasing disenchantment with politics, electoral fatigue and declining confidence in the political system. The use of deliberative processes is part of this movement.
- b. For good governance at local and regional level and for citizens to have greater trust in the democratic process, it is essential that citizens have access to direct and qualitative consultation methods linked to the policy-making process.
- c. Representative democracy is the key mechanism whereby citizens can influence decision-making processes through universal suffrage. The push for deliberative methods is not aimed at replacing representative democracy in any way but is intended to be complementary, serving as a tool to enable local and regional representatives to effectively carry out the role to which they have been elected.

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document [CG\(2022\)42-12](#), explanatory memorandum), rapporteur: Karl-Heinz LAMBERTZ, Belgium (R, SOC/G/PD).

d. Deliberative methods are used as valuable complements in the preparatory phase of the decision-making process, directly involving citizens in setting the agenda regarding thorny issues that are important for citizens' everyday lives. There have been several successful examples where citizens' assemblies have been used, on a temporary or permanent basis, to deal with fundamental and divisive issues ranging from constitutional and electoral reform to social policy questions. Local and regional authorities can have a leading role in strengthening or institutionalising deliberative processes.

3. In the light of the above, the Congress calls on the Committee of Ministers to invite the respective national authorities of the member States of the Council of Europe to:

a. protect the right of citizens to participate in the affairs of a local authority and facilitate the exercise of this right;

b. promote policies of deliberative democracy at national, local and regional level;

c. assist in strengthening the deliberative process by making it permanent or institutionalised;

d. to this end, underpin local and regional capacities, including their financial capacities, and provide logistical and administrative assistance to devise and implement deliberative democracy mechanisms;

e. call on member States that have not yet done so, to sign and/or ratify the Additional Protocol on the right to participate in the affairs of a local authority.

4. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation and its explanatory memorandum in their activities relating to Council of Europe member States.

42nd SESSION**The future of youth in rural areas: responsibilities of local and regional authorities**

Recommendation 473 (2022)¹

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

1. Bearing in mind the 2003 Revised European Charter on the Participation of Young People in Local and Regional Life which called on local and regional authorities to pursue specific policies for youth in rural areas as well as the Congress Recommendation 224 on (2007) “Ensuring the continuity of social services in rural regions” and Recommendation 252 (2008) “Services of General Interest in Rural Areas, a key factor in territorial cohesion policies” ;
2. Taking note of Resolution CM/Res(2020)2 of the Committee of Ministers on the Council of Europe youth sector strategy 2030 and the work done by the youth sector of the Council of Europe and by the Advisory Council on Youth (CCJ), with whom the Congress regularly cooperates to promote youth participation;
3. Recalling the United Nations Youth Strategy which draws specific attention to the need to promote access to services for youth in rural areas and the current European Union Youth Strategy (2019-2027) which includes ‘Moving Rural Youth Forward’ as one of its goals, to ensure equality for young people in urban and rural settings;
4. Recalling the European Social Charter (ETS No 163) and the responsibility of local and regional authorities to promote and protect their citizens’ social rights, including those of young people living in rural areas;
5. Considering that population movements towards urban centres linked to economic development leave rural areas deserted and impact service delivery and that young people in rural areas have to face specific challenges linked to their geography, ranging from access to education, housing, digital connectivity and public services to community and well-being, social isolation and participation in political and public life;
6. Concerned about the lacunae in rural areas that are within local government mandate such as access to transport, employment, leisure, specialist support services, heightened visibility within their communities and the lack of awareness amongst young people of the services available to them;
7. Aware that both the financial crisis of 2008 which gave way to austerity policies upon rural areas and the COVID-19 pandemic and lockdowns which have affected Europe since early 2020 have also highlighted and exacerbated the issues young people face in rural communities;

¹. Debated and adopted by the Congress on 24 March 2022, 3rd sitting (see Document CG(2022)42-15, explanatory memorandum), co-rapporteurs James MOLONEY, Ireland (L, ILDG) , Aida JALILZADE, Azerbaijan (R, ECR).

8. Invites the member States of the Council of Europe to:

a. take measures at the national level to support local and regional policy makers in developing and implementing effective strategies and policies that support rural young people;

b. support young people in rural areas via national youth, employment and housing policies, recognising the specific needs of rural young people; and develop policies for the preservation of sustainable rural areas and for urban-rural complementarity which is fundamental for the economic and social cohesion of an entire territory;

c. ensure appropriate infrastructure in rural areas in order to provide equitable delivery of public services, data connectivity and housing opportunities for young people, noting that this support will be particularly important during recovery from the COVID-19 pandemic, which has left young people particularly disadvantaged in terms of current and future opportunities;

d. acknowledge the importance of youth engagement in protecting and safeguarding cultural heritage and protect rural traditions and develop measures to establish a positive image of rural areas, taking inspiration from the European Union Youth Strategy (2019-2027) Youth Goal #6 "Moving rural youth forward".

42nd SESSION**Monitoring of the application of the European Charter of Local Self-Government in the United Kingdom**Recommendation 474 (2022)¹

1. The Congress of Local and Regional Authorities of the Council of Europe refers to:
 - a. Article 2, paragraph 1.b, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, 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”;
 - b. Article 1, paragraph 3, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1 relating to the Congress, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government.”;
 - c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;
 - d. the Congress priorities set up for 2021-2026, in particular priority 6b that concerns the quality of representative democracy and citizen participation;
 - e. the 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;
 - f. Recommendation CM/Rec(2018)4 of the Committee of Ministers to member States on the participation of citizens in local public life, adopted on 21 March 2018;
 - g. Recommendation CM/Rec(2019)3 of the Committee of Ministers to member States on supervision of local authorities’ activities, adopted on 4 April 2019;
 - h. Recommendation 455(2021) Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2017-2020);
 - i. Congress Recommendation 353 (2014) on local and regional democracy in the UK;
 - j. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in the UK.

¹. Debated and adopted by the Congress on 24 March 2022, 3rd sitting (see Document CG(2022)42-18, explanatory memorandum), corapporteurs: Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and Magnus BERNTSSON, Sweden (R, EPP/CCE)

2. The Congress points out that:

a. The United Kingdom (UK) joined the Council of Europe on 5 May 1949, signed the European Charter of Local Self Government (ETS No. 122, hereinafter "the Charter") on 3 June 1997 and ratified it on 24 April 1998. It made a declaration to the effect that it intends to confine its scope to the following categories of authorities: in England, county councils, district councils and London borough councils and the Council of the Isles of Scilly; in Wales, to all councils constituted under Section 2 of the Local Government (Wales) Act 1994 and in Scotland, to all councils constituted under Section 2 of the Local Government (Scotland) Act 1994. The Charter entered into force in the UK on 1 August 1998;

b. The UK has signed but not ratified the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207);

c. The Committee on the Honouring of Obligations and Commitments by Member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) decided to examine the situation of local and regional democracy in the UK in the light of the Charter. It entrusted Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and Magnus BERNTSSON, Sweden (R, EPP/CCE), with the task of preparing and submitting to the Congress a report on the monitoring of the application of the European Charter of Local Self-Government in the UK;

d. The remote monitoring meetings took place from 21 to 23 June 2021. On this occasion, the Congress delegation met the representatives of various institutions at all levels of government. The detailed programme of the meetings is appended to the explanatory memorandum;

e. The UK being made up of four nations which retain territorial and cultural distinctions of their own, the recommendations will be addressed to the UK as a CoE member State, but the implementation thereof will be subject to the powers and responsibilities of the UK and of the devolved administrations of Scotland, Wales and Northern Ireland according to the distribution of competences regarding local government.

3. The co-rapporteurs wish to thank the Permanent Representation of the UK to the Council of Europe and all those whom they met during the visit.

4. The Congress notes with satisfaction that in the UK:

a. The adoption of the Cities and Local Government Devolution Act 2016 has empowered the Secretary of State to introduce directly elected mayors for English regions comprised of two or more councils;

b. The UK Government has committed to publishing a Levelling Up White Paper that would focus its new investment programmes on local partners and communities across the UK to face common challenges shared by them;

c. a legislative initiative has been taken by the Scottish Parliament to incorporate the European Charter of Local Self-Government into Scottish law.

5. The Congress notes, however, that several shortcomings raised in its Recommendation 353(2014) have yet to be addressed and expresses its concerns on the following issues:

a. the principle of local self-government is not explicitly recognised in the UK's domestic legislation to be fully respected in practice;

b. although local authorities have general competences set out in law, their capacity to perform local tasks effectively is limited in practice due to the overregulation that narrows local scope of action, a rather heavy supervision by higher-level authorities and significant local government dependence on national funding;

c. administrative supervision over local authorities' tasks is being exercised with regard to expediency and in practice does not always respect the principle of proportionality;

d. local authorities are limited in their ability to raise and spend financial resources freely and lack adequate and commensurate funding. Central government has significant oversight in how local authorities are funded and how these funds are spent, and the financial equalisation mechanism is not sufficiently transparent and predictable;

e. the practice of consultation on financial resources does not fully satisfy the requirements of Article 9.6 as regards the manner in which such consultation is conducted;

f. local authorities do not have a legal possibility to protect the right to local self-government to satisfy the requirements of Article 11 read in conjunction with Article 2.

6. the declaration made by the UK Government at the time of ratification of the Charter confining it to certain categories of local authorities has not been updated given present-day realities. The Charter does not apply to the Greater London Authority and local authorities in Northern Ireland. Considering the foregoing, the Congress requests that the Committee of Ministers invite the UK authorities to:

a. explore all possible legal venues in order to recognise the principle of local self-government in domestic law;

b. initiate a reform of the system of local government funding to bring the situation in conformity with Article 9. The reform should, *inter alia*, aim to incorporate the principles of adequacy and commensurability of local financial resources into law, ensure their application in practice, and provide more room to local authorities to decide on spending priorities;

c. enhance local authorities' fiscal capacity to allow the costs of service delivery to be met and render local authorities' finances more buoyant;

d. guarantee that consultation on local funding take place in a timely manner before a final decision is made and local authorities have sufficient time and possibilities to contribute meaningfully to the consultation process;

e. ensure that the administrative supervision over local authorities is limited to the control of legality that keeps the intervention in proportion to the importance of the interests that it intends to protect;

f. take appropriate legal measures to make the Charter a judicially enforceable legal instrument so that local authorities can have recourse to a judicial remedy in order to secure free exercise of their powers and respect for such principles of local self-government as provided in Article 11 read in conjunction with Article 2;

g. reconsider the UK declaration made on 14 April 1998 on the scope of the Charter in the light of the categories of authority currently in place and extend its application to the Greater London Authority and local authorities in Northern Ireland;

h. ratify the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority (CETS No. 207).

7. The Congress calls on the Committee of Ministers and the Parliamentary Assembly of the Council of Europe to take account of this recommendation on the monitoring of the European Charter of Local Self-Government in the UK and the accompanying explanatory memorandum in their activities relating to this member State.

42nd SESSION**Report on local and regional elections in Denmark
(16 November 2021)**

Recommendation 475 (2022)¹

1. Following the invitation by national associations of Danish regions and municipalities, dated 10 September 2021, to observe the local and regional elections scheduled for 16 November 2021 in Denmark, the Congress of Local and Regional Authorities refers to:

a. Article 1, paragraph 2 of the Committee of Ministers' Statutory Resolution CM/Res(2020)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Denmark on 3 February 1988;

c. Chapter XIX of the Rules and Procedures on the practical organisation of election observation missions;

2. The Congress reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and that observation of grassroots elections is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress welcomes the fact that despite the deteriorating situation related to Covid-19, the preparations for local and regional elections were conducted efficiently by a highly decentralised election administration.

4. The Congress observed generally well-administered, transparent and orderly elections with a high level of public trust in the electoral administration and high turnout which is the prime feature of the vivid democracy in Denmark.

5. At the same time, the Congress regrets that hate speech and fake news on the Internet had a negative affect on the overall tone of the election campaign.

6. The Congress is also concerned about the lack of transparency of the campaign finance resulting from the overall under-regulation of the party and campaign financing.

7. In light of the above, the Congress invites the authorities of Denmark in particular, to:

a. strengthen the regulatory framework ensuring transparency and accountability of campaign and party finances in line with pertinent GRECO recommendations, in particular with regard to non-anonymous party donations which are currently unlimited;

b. introduce legislative provisions for the accreditation of international election observers in order to formally acknowledge the role of independent election observation;

c. introduce effective measures to fight hate speech and fake news online during election campaigns;

¹. Debated and adopted by the Congress on 24 March 2022, 3rd sitting (see Document CG(2022)42-17, explanatory memorandum), rapporteur: Gunn Marit HELGESEN, Norway (R, EPP/CCE).

d. consider revising regulations regarding the involvement as poll workers of incumbents/candidates running in elections in Election Day procedures in their own polling station.

8. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this recommendation regarding the 2021 local and regional elections in Denmark and of the explanatory memorandum in their activities relating to this member State.

42nd SESSION

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

Recommendation 476 (2022)¹

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

- a. the European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);
- b. the International Covenant on Civil and Political Rights (ICCPR 1966) and the ICCPR General Comment No. 25 (1996);
- c. the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE Copenhagen Document 1990);
- d. Recommendation 375 (2015) of the Congress of Local and Regional Authorities on Criteria for standing in local and regional elections adopted on 26 March 2015;
- e. Recommendation 455 (2021) of the Congress of Local and Regional Authorities on Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2017-2020) adopted on 17 June 2021;
- f. the Venice Commission Code of Good Practice in Electoral Matters (2002);
- g. the Venice Commission and OSCE/ODIHR Joint Guidelines on Political Party Regulation (2020);
- h. the Priorities of the Congress for 2021-2026: Priority 6. b. Democratic societies: quality of representative democracy and citizen participation: The quality of democratic governance for the benefit of the citizen must be improved;
- i. UN Sustainable Development Goal 16: Peace, Justice and Strong Institutions; Target 16.7: Ensure responsive, inclusive, participatory and representative decision-making at all levels.

2. The Congress points out that:

a. with the overall nature of party politics changing, a number of European countries experience a rise of independent candidates running in local and regional elections. This trend has been accelerated by social media contributing to more candidate-centred campaigns, in particular during local and regional elections where independents have better chances to compete with political parties. The reduced importance of party machineries in campaigns coupled with an increasing personalisation of politics have placed independent candidates on a more equal footing with party candidates. As a result, independents become important game changers, destabilising existing patterns of political competition and boosting electoral turnout by filling gaps in representation;

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document [CG\(2022\)42-13](#), explanatory memorandum), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

b. this trend is conducive to political pluralism at the local and regional level, allowing a variety of political actors to seek and obtain elected mandates and promote a diversity of political viewpoints. In this sense, independents represent an important alternative to political parties by being a significant element of the political identity of territorial communities. The role of independent candidates is also vital in view of increasing disenchantment with party politics and lacking internal democracy within political parties. The proximity to local issues and lesser importance of ideological lines make independent candidates relevant political actors. Independents are an invaluable element of local and regional electoral races, contributing to genuine political pluralism on the grassroots level;

c. against this background, many Council of Europe Member States have adopted regulatory frameworks and electoral rules that provide for more possibilities for independents, especially in local and regional elections where the grassroots demand is strongest. This is in line with international standards which provide a framework for electoral participation of independent candidates. Yet, with increasing importance, independent candidates also face obstacles to their participation due to administrative or legal impediments affecting registration, campaigning, or access to the media. In some member States, the worsening situation of independents is part of the overall trend of shrinking space for political opposition as such. However, in accordance with international electoral standards, all candidates should be able to stand in elections according to the same conditions, without pressure and discrimination.

3. In light of the foregoing, the Congress invites the Committee of Ministers to call on member States to:

a. address the issue that independent candidates as well as candidates from the opposition in general often face undue impediments to their participation in local and regional elections at different stages of the electoral process, before elections, on election day and in the post-election period;

b. create conditions for independent candidates to run in local and regional elections on an equal basis with candidates from political parties, without undue obstacles and discrimination, by bringing the regulatory frameworks and electoral rules in line with existing international standards and best practices, in particular as defined by the Paragraph 7.5 of the 1990 OSCE Copenhagen Document and the Venice Commission Code of Good Practice in Electoral Matters;

c. explore ways 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.

4. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this recommendation and of the accompanying explanatory memorandum in their activities relating to member States.

42nd SESSION**Report on local elections in Georgia
(2 October 2021)**Recommendation 477 (2022)¹

1. Following the invitation by the authorities of Georgia, dated 3 August 2021, to observe local elections held in the country on 2 October 2021, the Congress of Local and Regional Authorities refers to:

a. Article 1, paragraph 2 of the Committee of Ministers' Statutory Resolution CM/Res (2020)1 on the Congress of Local and Regional Authorities of the Council of Europe;

b. the principles laid down in the European Charter of Local Self-Government (ETS No. 122) which was ratified by Georgia on 8 December 2004;

c. Chapter XIX of the Rules and Procedures on the practical organisation of election observation missions.

2. The Congress reiterates the fact that genuinely democratic local and regional elections are part of a process to establish and maintain democratic governance and that observation of grassroots elections is a key element in the Congress' role as guardian of democracy at local and regional level.

3. The Congress is pleased that, overall, the legal framework is conducive to holding democratic elections, although the election legislation remains unnecessarily complex and excessively regulates many aspects of the process.

4. It welcomes the fact that, in spite of controversies and highly polarised atmosphere during the election campaign, the Election Day was generally calm, orderly, transparent, and well organised, despite some local incidents and isolated irregularities.

5. At the same time, the Congress regrets that the local elections were marked by allegations of intimidation, vote-buying, pressure on candidates and voters, and an unlevel playing field, emanating from the dominance of the ruling party which largely benefited from the advantage of incumbency.

6. It is regrettable that due to the protracted political crisis the local elections were excessively focused upon national political issues, thus representing a missed opportunity for the local democracy in Georgia.

7. The Congress welcomes new regulations aimed to increase the number of women in local politics which were, however, not always applied by the political parties in line with the spirit of the law resulting in a reduced number of elected female candidates.

¹. Debated and approved by the Chamber of Local Authorities on 23 March 2022 and adopted by the Congress on 23 March 2022, 2nd sitting (see Document [CPL\(2022\)42-02](#), explanatory memorandum), rapporteur: David ERAY, Switzerland (R, EPP/CCE).

8. In light of the above, the Congress invites the authorities of Georgia, in particular, to:

a. adopt additional legislative measures and step-up the effectiveness of existing legal provisions to prevent misuse of administrative resources in order to ensure a level playing field in elections;

b. introduce effective measures to fight hate speech and fake news online as a means to decrease polarisation of election campaigns;

c. strengthen existing provisions to increase participation of women in local politics, and ensure their effective implementation;

d. consider introducing provisions to prevent the practice of representatives of election observation organisations acting, *de facto*, as party supporters;

e. strengthen the regulatory framework ensuring transparency and accountability of campaign finances.

9. The Congress calls on the Committee of Ministers, the Parliamentary Assembly and other relevant institutions of the Council of Europe to take account of this Recommendation regarding the 2021 local elections in Georgia and of the explanatory memorandum in their activities relating to this member State.

42nd SESSION

Verification of new members' credentials

Resolution 477 (2022)¹

The Congress,

1. In accordance with the provisions of Article 7 of the Congress Charter and Rule 6 of the Congress Rules and Procedures;
2. Recalling that 493 of the 592 members proposed by the authorities of the member States have already signed the Code of Conduct for Congress members and submitted the Declaration of Interests in accordance with the provisions of Rule 6 of the Rules and Procedures of the Congress;
3. Recalling that 20 seats are still vacant;
4. Recalling that the Russian Federation ceased to be a member of the Council of Europe in accordance with Article 8 of the Statute of the Council of Europe and Committee of Ministers Resolution CM/Res(2022)2;
5. Taking into account the opinion of the Bureau and of the rapporteurs responsible for the verification of the credentials of new members, concluding that the 46 proposed national delegations comply with the criteria of the Charter of the Congress of Local and Regional Authorities of the Council of Europe;
6. Approves the credentials of members of national delegations as set out in Document CG(2022)42-06 subject to the signature of the Code of Conduct and submission of the Declaration of Interests of Congress members;
7. 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;
8. Invites the authorities of the member States concerned to fill the vacant seats in accordance with the applicable provisions, as soon as possible.

¹. Debated and adopted by the Congress on 22 March 2022, 1st sitting (see Document [CG\(2022\)42-02](#)), co-rapporteurs: Xavier CADORET, France (L; SOC/G/PD) and Aleksandra MALETIC, Serbia (R,EPP/CCE).

42nd SESSION

Children and sustainable cities: guidelines and booklet for local and regional authorities

Resolution 478 (2022)¹

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

1. referring to *the [United Nation's 2030 Agenda for Sustainable Development](#)* adopted by all 193 UN member states, the implementation of which requires substantial input from local and regional authorities and the engagement and cooperation of citizens;
2. considering the [Strategic Framework of the Council of Europe to strengthen and enhance references and links between the activities of the Council of Europe](#) and specific sustainable development goals (SDGs);
3. referring to the [Council of Europe Strategy for the Rights of the Child \(2022-2027\)](#) and in particular to its strategic objective "Giving a voice to every child", which calls for the promotion of children's democratic engagement and their participation in decisions related to the environment at different levels of decision making;
4. bearing in mind the [Council of Europe Recommendation on the participation of children and young people under the age of 18](#) as well as [the Council of Europe Handbook on children's participation "Listen – Act – Change"](#), and acknowledging that hearing children's voices and taking their views into account is both a child's human right and an expression of democracy;
5. taking into account Congress priorities for 2021-2026 ([Resolution 465\(2021, para.6\)](#)), which regard localising SDGs as a pillar of Congress action, particularly in the fields of participation, environmental issues and reducing inequalities in cities and regions;
6. having produced a child-friendly booklet "How to make your town a better place", with input from children, explaining how children can contribute to making their cities more sustainable and how they can work with their local elected representatives for this purpose;
7. having prepared "Guidelines for Local and Regional Authorities on Sustainable Development and Child Participation" which explain how to use the booklet in localising SDGs and are designed to help local and regional authorities in involving children in the achievement of the SDGs;
8. invites local and regional authorities to use the booklet and guidelines to:
 - a. raise awareness and educate children on the SDGs and help them understand how they can contribute to the implementation of the SDGs in their towns and cities;
 - b. create spaces for all children to participate in implementing the SDGs and develop working methods that take into account their needs and capacities;

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document CG(2022)42-10, explanatory memorandum), rapporteur Brigitte van den BERG, Netherlands (L, ILDG).

- c. gather children's ideas on the realisation of the SDGs in their towns and regions and integrate their input and perspectives when designing and implementing sustainability policies and actions;
9. encourages the associations of local and regional authorities in member States to translate, diffuse and promote the booklet and the guidelines widely through their networks.

42nd SESSION**Monitoring of the application of the European Charter of Local Self-Government in Turkey**Resolution 479 (2022)¹

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

a. 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”;

b. Article 1, paragraph 2, of the Charter of the Congress of Local and Regional Authorities appended to Statutory Resolution CM/Res(2020)1, stipulating that “The Congress shall prepare on a regular basis country-by-country reports on the situation of local and regional democracy in all member States and in States which have applied to join the Council of Europe, and shall ensure the effective implementation of the principles of the European Charter of Local Self-Government.”

c. Chapter XVIII of the Rules and Procedures of the Congress on the organisation of monitoring procedures;

d. Congress Recommendation 301(2011) on the situation of local and regional democracy in Turkey;

e. Congress Resolution 416(2017) and Recommendation 397(2017) on the Fact-finding mission on the situation of local elected representatives in Turkey;

f. Congress Resolution 450(2019) and Recommendation 439(2019) on the Local elections in Turkey and mayoral re-run in Istanbul (31 March and 23 June 2019);

g. the explanatory memorandum on the monitoring of the European Charter of Local Self-Government in Turkey;

h. the contemporary commentary on the explanatory report to the European Charter of Local Self-Government adopted by the Congress Statutory Forum on 7 December 2020;

i. the European Commission for Democracy Through Law (Venice Commission) opinion on the Replacement of Elected Candidates and Mayors in Turkey (CDL-AD(2020)011).

2. The Congress points out that:

a. Turkey signed the European Charter of Local Self-Government (ETS No. 122, hereinafter “the Charter”) on 21 November 1988 and ratified it on 9 December 1992, with entry into force on 1 April 1993. In the course of ratification, Turkey declared itself not bound by Articles 4.6, 6.1, 7.3, 8.3, 9.4, 9.6, 9.7, 10.2, 10.3, 11;

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document CG(2022)42-14, explanatory memorandum), co-rapporteurs: Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and David ERAY, Switzerland (R, EPP/CCE).

b. The Committee on the Honouring of Obligations and Commitments by member States of the European Charter of Local Self-Government (hereinafter referred to as Monitoring Committee) instructed Mr Jakob WIENEN (Netherlands, EPP/CCE) as rapporteur on local democracy, and Ms Yoomi RENSTRÖM (Sweden, SOC/G/PD) as rapporteur on regional democracy, to prepare and submit a report on the monitoring of the European Charter of Local Self-Government in Turkey to the Congress. A two-part visit to Turkey was carried out by the Congress delegation, which was assisted by Prof. Angel M. MORENO, President of the Group of Independent Experts on the Charter and the Congress secretariat;

c. The monitoring visit took place from 1 to 4 October 2019 (first part of the visit) and from 11 to 13 November 2019 (second part of the visit). The report was adopted by the Monitoring Committee in February 2020. The draft recommendation and resolution could not be adopted by the Congress session due to the Covid-19 pandemic. In the meantime, both rapporteurs have left the Congress. Therefore, the Monitoring Committee appointed Vladimir PREBILIC, Slovenia (L, SOC/G/PD) and David ERAY, Switzerland (R, EPP/CCE) and instructed them to update the explanatory memorandum before its submission to the Congress at one of its sessions in 2022. To this end, a third part of the monitoring visit took place on 1 December 2021. In Turkey, the Congress delegations met representatives of various institutions at all levels of government as well as leaders of most relevant national parties, non-governmental organisations and foreign diplomatic representatives. The detailed programmes of the three parts of the visit are appended to the report;

d. The co-rapporteurs wish to thank the Permanent Representation of the Republic of Turkey to the Council of Europe and all those whom they met during the visits for the information they provided and comments they made;

3. The Congress reiterates that member States of the Council of Europe that have signed and ratified the Charter have undertaken to comply with its provisions.

4. The Congress expresses concern regarding:

a. the small progress in implementing Congress Recommendation 397(2017) on the Fact-finding mission on the situation of local elected representatives in Turkey. The government continues to suspend mayors when a criminal investigation is opened against them (Article 7.1), on the grounds of an overly broad definition of "terrorism" in the anti-terror legislation, and to replace them by non-elected officials (Article 3.2) thus seriously undermining the democratic choice of Turkish citizens and impeding the proper functioning of local democracy in Turkey;

b. the provincial electoral administration's refusal, in violation of the principle of fairness in elections, to grant to several candidates who won the mayoral elections in some municipalities located in the south-east of Turkey the required certificate of elections (*mazbata*) which is a pre-requisite to entering the position of mayor (Article 3.2);

c. the governor's double function as a State agent and a chairman of the provincial executive committee which does not permit the necessary separation between the State and the local administration contrary to the spirit of the Charter (Article 3.2);

d. administrative tutelage over the activities and decisions of local authorities is still enshrined in the Constitution and applied in practice. The State overregulation and interventionism in planning decisions of local authorities take the form of the efficiency control over own tasks and responsibilities of local authorities and limit their capacity to enjoy full and exclusive powers (Articles 4.4, 8.2);

e. the lack of consultation of affected local authorities during the boundary changes enacted by legislation (Article 5) which also reflects the unsatisfactory level of communication and inter-governmental dialogue between the central government and local authorities in Turkey in general;

f. local governments have a limited capacity to determine the rate of local taxes (Art. 9.3), and a substantial proportion of local revenues (more than half) still comes from the State budget which generally limits the financial autonomy enjoyed by local authorities;

g. local authorities in the southeast of the country face additional pressures in delivering basic services such as housing, food and sanitation due to an unprecedented influx of refugees and asylum seekers.

5. In light of the foregoing, the Congress:

a. undertakes to strengthen its political dialogue with the Turkish national authorities as well as with the national delegation to the Congress and the Union of Municipalities of Turkey (UMT) with the aim of improving the situation of local democracy in the country in light of the provisions of the Charter;

b. invites the rapporteurs to update the Monitoring Committee regularly during its meetings on the latest developments as regard local and regional government in Turkey, and in particular, as regard the shortcomings identified in the recommendation and its explanatory memorandum.

42nd SESSION

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

Resolution 480 (2022)¹

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

- a. Article 3.2 of the European Charter of Local Self-Government (hereinafter “the Charter”);
- b. the Additional Protocol to the European Charter of Local Self-Government on the right to participate in the affairs of a local authority, in particular Article 2.2.ii.a;
- c. the Priorities of the Congress 2021-2026, in particular Priority b: Democratic societies: quality of representative democracy and citizen participation;
- d. Congress Resolution 326 (2011) on Citizen participation at local and regional level in Europe;
- e. Congress Resolution 452 (2019) on the Revised Code of Good Practice for Civil Participation in the Decision-making Process;
- f. the United Nations Agenda 2030 for Sustainable Development, in particular Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels.

2. The Congress points out that:

- a. There has been a movement in recent years to innovate democracy and make it more resilient, especially in the face of increasing disenchantment with politics, electoral fatigue and declining confidence in the political system. The use of deliberative processes is part of this movement.
- b. For good governance at local and regional level and for citizens to have greater trust in the democratic process, it is essential that citizens have access to direct and qualitative consultation methods linked to the policy-making process.
- c. Representative democracy is the key mechanism whereby citizens can influence decision-making processes through universal suffrage. The push for deliberative methods is not aimed at replacing representative democracy in any way but is intended to be complementary, serving as a tool to enable local and regional representatives to effectively carry out the role to which they have been elected.

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document [CG\(2022\)42-12](#), explanatory memorandum), rapporteur: Karl-Heinz LAMBERTZ, Belgium (R, SOC/G/PD).

d. Deliberative methods are used as valuable complements in the preparatory phase of the decision-making process, directly involving citizens in setting the agenda regarding thorny issues that are important for citizens' everyday lives. There have been several successful examples where citizens' assemblies have been used, on a temporary or permanent basis, to deal with fundamental and divisive issues ranging from constitutional and electoral reform to social policy questions. Local and regional authorities can have a leading role in strengthening or institutionalising deliberative processes.

3. In the light of the above, the Congress calls on the local and regional authorities of Council of Europe member States to:

a. consider implementing deliberative methods at local and/or regional levels;

b. identify specific issues in their municipalities or regions where deliberative mechanisms could help the decision-making process;

c. carefully plan the whole process, with the involvement of independent experts, and allocate the necessary time for citizens' deliberations;

d. in particular, ensure equal and fair criteria for the selection of participants;

e. analyse the possibility of strengthening the deliberative process by making it permanent or institutionalised;

f. to this end, underpin local and regional capacities to bear the financial cost that may be linked to deliberative democracy processes;

g. ensure an effective follow-up to such forms of participation, for example, by undertaking to systematically vote on the proposals made by citizens during the deliberative process;

h. pay attention to the good practice principles of deliberative democracy as described in this report;

i. promote the sharing of best practices of deliberative democracy;

j. establish mechanisms to facilitate and evaluate citizen participation at local and regional levels;

k. report regularly to the Congress on citizen participation and deliberative democracy initiatives in their municipalities and regions.

4. The Congress calls on the local and regional authorities and their national associations to take account of this resolution and the accompanying explanatory memorandum, on this specific issue.

5. The Congress asks its Monitoring Committee to take the present resolution into account in the monitoring activities on the application of the Charter.

The future of youth in rural areas: responsibilities of local and regional authorities

Resolution 481 (2022)¹

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

1. Bearing in mind the 2003 Revised European Charter on the Participation of Young People in Local and Regional Life which called on local and regional authorities to pursue specific policies for youth in rural areas as well as Congress Recommendation 224 on (2007) “Ensuring the continuity of social services in rural regions” and Recommendation 252 (2008) “Services of General Interest in Rural Areas, a key factor in territorial cohesion policies”
2. Taking note of Resolution CM/Res(2020)2 of the Committee of Ministers on the Council of Europe youth sector strategy 2030 and the work done by the youth sector of the Council of Europe and by the Advisory Council on Youth (CCJ), with whom the Congress regularly cooperates to promote youth participation;
3. Recalling the United Nations Youth Strategy which identifies youth participation, access to education and health services, and economic empowerment in its priorities, and draws specific attention to the need to promote access to services for youth in rural areas;
4. Keeping in mind that UN Sustainable Development Goal SDG11 (Sustainable Cities and Communities) calls for the support of positive economic, social and environmental links between urban, peri-urban and rural areas and that by addressing the challenges faced by young people in rural areas, local and regional authorities can also contribute to achieving SDG3 (good health and well-being), SDG8 (decent work and economic growth), and SDG9 (industry, innovation and infrastructure);
5. Bearing in mind the current European Union Youth Strategy (2019-2027) which includes ‘Moving Rural Youth Forward’ as one of its goals, to ensure equality for young people in urban and rural settings;
6. Recalling the European Social Charter (ETS n° 163) and the responsibility of local and regional authorities to promote and protect their citizens’ social rights, including those of young people living in rural areas;
7. Taking note that population movements towards urban centres linked to economic development leave rural areas deserted and impact service delivery;
8. Considering that young people in rural areas have to face specific challenges linked to their geography, ranging from access to education, housing, digital connectivity and public services to community and well-being, social isolation and participation in political and public life;
9. Acknowledging the positive contribution of intergenerational links to social cohesion in rural communities and underlining that such an intergenerational exchange can also benefit urban youth;

¹. Debated and adopted by the Congress on 24 March 2022, 3rd sitting (see Document CG(2022)42-15, explanatory memorandum), co-rapporteurs James MOLONEY, Ireland (L, ILDG) , Aida JALILZADE, Azerbaijan (R, ECR).

10. Concerned about the lacunae in rural areas that are within local government mandate such as access to transport, employment, leisure, specialist support services, heightened visibility within their communities and the lack of awareness amongst young people of the services available to them;

11. Aware that both the financial crisis of 2008 which gave way to austerity policies upon rural areas and the COVID-19 pandemic and lockdowns which have affected Europe since early 2020 have also highlighted and exacerbated the issues young people face in rural communities;

12. Calls on local and regional authorities in member States to:

a. reflect and address in their policies the daily challenges experienced by rural young people, particularly in relation to education, public transport, health care, housing, employment, more quality jobs and digital connectivity, including place, person and evidence-based measures to develop young people's potential and provide better 'support to stay' for rural young people;

b. engage in dialogue and partnership with rural young people, their organisations and other NGOs to promote youth participation and develop skills for navigating youth transition to employment, to make sure that any revised and/or new policies that affect rural young people's lives are as relevant and effective as possible;

c. ensure the vitality and future of local democracy by actively encouraging and enabling young people in rural areas to participate in political and public life and in decision-making processes, by promoting youth participation via structures such as youth councils and by providing training, and to consider including representatives of youth councils in the executive committees of local government bodies ;

d. integrate an intersectional lens to their policy-making process regarding rural youth, to ensure the best representation possible of young women, youth from minorities, migrant communities and youth vulnerable groups which are part of rural youth;

e. provide financial and other support to youth organisations and other community-based organisations as part of local youth policy in order to stimulate social interaction and networking, thereby reducing social isolation amongst young people in rural areas, such as for example by providing community buildings and other places for young people to meet;

f. acknowledge the importance of youth engagement in protecting and safeguarding cultural heritage and protect rural traditions and develop measures to establish a positive image of rural areas, taking inspiration from the European Union Youth Strategy (2019-2027) Youth Goal #6 "Moving rural youth forward";

g. develop the means to ensure that young people from different backgrounds can be included in national and international youth projects, for instance by implementing programmes led by youth workers and via information campaigns targeting rural youth, to show them the available mobility opportunities;

h. take action for the preservation of sustainable rural areas which are fundamental for the economic and social cohesion of an entire territory as urban and rural wellbeing are directly interlinked and complementary, developing the scope of young people to use existing natural and human resources in a sustainable manner;

i. acknowledge the interdependence between urban and rural areas and the suburban areas connecting them which have a specific role to play in developing urban-rural relationships that will facilitate not only youth transition to the job market but also contribute to improving their health and well-being;

j. encourage regional authorities and associations of both local and regional authorities in member States to actively support rural municipalities in order to improve access to transport, careers advice, leisure, specialist support services, and heightened visibility within their communities and the lack of awareness amongst young people of the services available to them.

42nd SESSION**The situation of independent candidates and the opposition in local and regional elections**

Resolution 482 (2022)¹

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

a. the European Charter of Local Self-Government (ETS No. 122, 1985) and its Additional Protocol on the right to participate in the affairs of a local authority (ETS No. 207, 2009);

b. the International Covenant on Civil and Political Rights (ICCPR 1966) and the ICCPR General Comment No. 25 (1996);

c. the Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (OSCE Copenhagen Document 1990);

d. Recommendation 375 (2015) of the Congress of Local and Regional Authorities on Criteria for standing in local and regional elections adopted on 26 March 2015;

e. Recommendation 455 (2021) of the Congress of Local and Regional Authorities on Recurring issues based on assessments resulting from Congress monitoring of the European Charter of Local Self-Government and election observation missions (reference period 2017-2020) adopted on 17 June 2021;

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

g. the Venice Commission and OSCE/ODIHR Joint Guidelines on Political Party Regulation (2020);

h. the Priorities of the Congress for 2021-2026: Priority 6. b. Democratic societies: quality of representative democracy and citizen participation: The quality of democratic governance for the benefit of the citizen must be improved;

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

2. The Congress points out that:

a. with the overall nature of party politics changing, a number of European countries experience a rise of independent candidates running in local and regional elections. This trend has been accelerated by social media contributing to more candidate-centred campaigns, in particular during local and regional elections where independents have better chances to compete with political parties. The reduced importance of party machineries in campaigns coupled with an increasing personalisation of politics have placed independent candidates on a more equal footing with party candidates. As a result, independents become important game changers, destabilising existing patterns of political competition and boosting electoral turnout by filling gaps in representation;

¹. Debated and adopted by the Congress on 23 March 2022, 2nd sitting (see Document [CG\(2022\)42-13](#), explanatory memorandum), rapporteur: Vladimir PREBILIC, Slovenia (L, SOC/G/PD).

b. this trend is conducive to political pluralism at the local and regional level, allowing a variety of political actors to seek and obtain elected mandates and promote a diversity of political viewpoints. In this sense, independents represent an important alternative to political parties by being a significant element of the political identity of territorial communities. The role of independent candidates is also vital in view of increasing disenchantment with party politics and lacking internal democracy within political parties. The proximity to local issues and lesser importance of ideological lines make independent candidates relevant political actors. Independents are an invaluable element of local and regional electoral races, contributing to genuine political pluralism on the grassroots level;

c. against this background, many Council of Europe Member States have adopted regulatory frameworks and electoral rules that provide for more possibilities for independents, especially in local and regional elections where the grassroots demand is strongest. This is in line with international standards which provide a framework for electoral participation of independent candidates. Yet, with increasing importance, independent candidates also face obstacles to their participation due to administrative or legal impediments affecting registration, campaigning, or access to the media. In some member States, the worsening situation of independents is part of the overall trend of shrinking space for political opposition as such. However, in accordance with international electoral standards, all candidates should be able to stand in elections according to the same conditions, without pressure and discrimination.

3. In light of the foregoing, the Congress invites local and regional authorities in Council of Europe member States to:

a. address the issue that independent candidates as well as candidates from the opposition in general often face undue impediments to their participation in local and regional elections at different stages of the electoral process, before elections, on election day and in the post-election period;

b. promote electoral participation by independent candidates in local and regional elections on equal basis with candidates from political parties, without undue obstacles and discrimination, in line with existing international standards and best practices, in particular as defined by the Paragraph 7.5 of the 1990 OSCE Copenhagen Document and the Venice Commission Code of Good Practice in Electoral Matters;

c. explore ways 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; more specifically:

i. facilitate candidate registration of independent candidates where this competence lies with local and regional authorities;

ii. contribute to creating equal conditions for campaigning in the interest of a fair competition between independents and party candidates;

iii. ensure that the freedom of assembly is respected with regard to all contestants in elections.

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