

# THE CONGRESS OF LOCAL AND REGIONAL AUTHORITIES

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## Resolution 482 (2022)<sup>1</sup>

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

1. The Congress of Local and Regional Authorities of the Council of Europe (hereinafter “the Congress”) 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 (CETS No. 207, 2009);

*b.* the United Nations 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 Conference on Security and Cooperation of Europe (CSCE) (Organization for Security and Co-operation in Europe (OSCE) Copenhagen Document 1990);

*d.* Recommendation 375 (2015) of the Congress on criteria for standing in local and regional elections, adopted on 26 March 2015;

*e.* Recommendation 455 (2021) of the Congress 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 European Commission for Democracy through Law (Venice Commission) Code of Good Practice in Electoral Matters (2002);

*g.* the Venice Commission and OSCE Office for Democratic Institutions and Human Rights (ODIHR) Guidelines on political party regulation (2020);

*h.* the Congress priorities for 2021-2026 (Resolution 465 (2021)), in particular priority 6.*b* that concerns the quality of representative democracy and citizen participation;

*i.* Goal 16 of the Sustainable Development Goals (SDGs) of the United Nations 2030 Agenda for Sustainable Development on peace, justice and strong institutions, and its objective to “[e]nsure responsive, inclusive, participatory and representative decision making at all levels”.

2. The Congress points out that:

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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).

*a.* with the overall nature of party politics changing, a number of European countries are experiencing 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, independent candidates become important game changers, destabilising existing patterns of political competition and boosting electoral turnout by filling gaps in representation;

*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, independent candidates represent an important alternative to political parties by being a significant element of the political identity of territorial communities. Their role is also vital in view of increasing disenchantment with party politics and the lack of internal democracy within political parties. Their proximity to local issues and the lesser importance of ideological lines make independent candidates relevant political actors. They are an invaluable element of local and regional electoral races, contributing to genuine political pluralism at 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 independent candidates, 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 independent candidates 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 the 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 an 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, and, 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 the guidelines included in the explanatory memorandum accompanying this resolution, as well as other relevant standards when observing local and regional elections in the member States.